**CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**THE STATE OF TEXAS**  **§** **IN THE \_\_\_\_\_\_\_\_\_ COURT OF**

**§**

**V.** **§**

**§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** **§** **\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

**ORDER FOR EXTENDED INPATIENT MENTAL HEALTH SERVICES**

On the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ 202\_\_, came on to be heard, pursuant to Chapter 46B of the Texas Code of Criminal Procedure and §574.035 of the Texas Health and Safety Code the above numbered and styled cause for a determination of whether the Defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is presently incompetent to stand trial, has a mental illness, and meets the criteria for court-ordered extended inpatient mental health services.

The Court has previously found that the Defendant is incompetent to stand trial. The Defendant was admitted to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for treatment and evaluation. The Court was notified by the administrator of the facility that the Defendant is not yet competent and that further commitment pursuant to Article 46B.102 is indicated at this time. The Defendant appeared through their attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and the State appeared through her Assistant District Attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant’s personal appearance and right to a jury and jury finding was waived by the Defendant’s attorney after review by counsel and/or consultation and approval with the Defendant.

Both sides announced ready, and there being two Physician’s Certificates of Medical Examination for Mental Illness on file with the Court from **Dr. \_\_\_\_\_\_\_\_\_\_\_\_, M.D.** and **Dr. \_\_\_\_\_\_\_\_\_\_\_, M.D**., both of whom practice psychiatric medicine for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and a competency evaluation by Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ph.D., a competent and qualified mental health professional. Both parties agreed and stipulated to the opinions and conclusions stated in the Certificate of Medical Examination for Mental Illness of Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, M.D. dated\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Certificate of Medical Examination for Mental Illness of Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_, M.D. dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the Trial Competency Evaluation of Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_. The Court admitted into evidence the doctors’ certificates (Sealed Exhibits A and B contained in the Court’s file) and the competency evaluation (Sealed Exhibit C contained in the Court’s file). All matters of fact and law were submitted to the Court.

I.

After having considered the evidence presented, including the certificates of medical examination for mental illness and competency evaluation, the Court finds that the Defendant had been previously declared incompetent to stand trial and remains incompetent to stand trial as of today’s date.

II.

Further, in accordance with the Texas Code of Criminal Procedure, Article 46B.102 and the Texas Health & Safety Code §574.035, upon the submission and consideration of the requisite physician’s reports and stipulated evidence, the Court finds by clear and convincing evidence that:

1. The Defendant is a person with mental illness;
2. As a result of the mental illness, the Defendant:
   1. Is likely to cause serious harm to themselves;
   2. Is likely to cause serious harm to others; or
   3. Is:
3. Suffering severe and abnormal mental, emotional, or physical distress;
4. Experiencing substantial mental or physical deterioration of the Defendant’s ability to function independently, which is exhibited by the Defendant’s inability, except for reasons of indigence, to provide for the Defendant’s basic needs, including food, clothing, health, or safety;
5. Unable to make a rational and informed decision as to whether or not to submit to treatment;
6. The Defendant’s condition is expected to continue for more than 90 days; and
7. The Defendant has received court-ordered mental health services under Health & Safety Code Subchapter C or under Chapter 46B, Code of Criminal Procedure, for a total of at least 60 consecutive days during the preceding 12 months.

III.

It is further found that Defendant is charged with the felony offense of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the Defendant is incarcerated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

IV.

Pursuant to these findings shown by clear and convincing evidence, it is hereby ORDERED, ADJUDGED AND DECREED that the Defendant remain in the custody of the TEXAS HEATH AND HMAN SERVICES COMMISSION, STATE HOSPITAL SECTION, for a period of time not to exceed 12 months.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the DIRECTOR OF THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION, STATE HOSPITAL SECTION, or their designee, place the Defendant in an appropriate facility of the State Hospital Section in order that they may receive proper mental health services determined by the DIRECTOR OF THE TEXAS HEALTH AND HUAN SERVICES COMMISSION, STATE HOSPITAL SECTION, or their designee.

AGREED AS TO FORM AND CONTENT:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant District Attorney Attorney for Defendant

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State Bar No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State Bar No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CRIMINAL COURT MAGISTRATE