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

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

**§**

**v.** **§**

**§**

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

**DETERMINATION OF INCOMPETENCY**

**AND ORDER OF INPATIENT COMMITMENT**

On the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ 202\_\_, came on to be heard, pursuant to Chapter 46B of the Code of Criminal Procedure the above numbered and styled cause for a determination of whether the Defendant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is presently incompetent to stand trial. The Defendant appeared through their attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and the State appeared through her Assistant County/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 a competency evaluation on file with the Court from **Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ph.D.,** a competent and qualified mental health professional. Both parties’ counsel agreed and stipulated to the opinions and conclusions stated in the Competency Evaluation of Dr.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Ph.D. dated\_\_\_\_\_\_\_\_\_\_\_\_\_\_. There being no objection, the Court admitted into evidence Dr. \_\_\_\_\_\_\_\_\_\_\_\_\_’s Competency Evaluation (Sealed Exhibit A contained in the Court’s file) stating that the Defendant is at this time incompetent to stand trial. In accordance with Texas Code of Criminal Procedure, Article 46B.005, all matters of fact and law were submitted to the Court as neither party’s counsel requested a jury trial and neither party’s counsel opposed a finding of incompetency. Furthermore, the Court determined that a trial was not necessary to determine incompetency.

I.

After having considered the evidence presented, including the competency evaluation, the Court finds by a preponderance of the evidence that the Defendant is incompetent to stand trial. The Court further finds that with proper treatment and care, the Defendant may attain competency and obtain:

1. Sufficient ability to consult with their attorney with a reasonable degree of rational understanding.
2. A rational as well as factual understanding of the proceedings against them.

II.

It is further found that Defendant is charged with the ***misdemeanor offense*** of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

III.

IT IS THEREFORE ORDERED, that the Sheriff of \_\_\_\_\_\_\_\_ County transport the Defendant to a state mental health facility designated by the Texas Health and Human Services Commission, under Texas Code of Criminal Procedure, Article 46B.073(c), for appropriate treatment, to be returned to \_\_\_\_\_\_\_\_\_ County upon completion of the 60-day commitment period.

APPROVED AS TO SUBSTANCE AND FORM:

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

Attorney for the State Attorney for

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

Signed this \_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 202\_\_.

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

Criminal Court Magistrate

\_\_\_\_\_\_\_\_ County, Texas