

Cause No. C1-CR_____

THE STATE OF TEXAS § IN THE COUNTY COURT
VS. § AT LAW NUMBER _____
_____ § TRAVIS COUNTY, TEXAS

MOTION TO HAVE DEFENDANT EXAMINED FOR COMPETENCY

Comes now _____, attorney for the defendant, _____ in the above entitled and numbered cause and files this motion to have the Defendant examined for competency to stand trial and would show the Court the following:

I

Information has come to the attention of said attorney, which raises the question of whether the Defendant is mentally competent to stand trial at this time.

II

Therefore the Defendant, through counsel, prays that this Court appoint a disinterested expert experienced and qualified in mental health and mental retardation to examine the defendant. That said examiner file a written report as required by law stating his/her opinion whether the Defendant is competent to stand trial at this time.

ATTORNEY FOR THE DEFENDANT
Printed Name: _____
Bar Number: _____
Address: _____
City, State, Zip: _____
Phone: _____
Fax: _____

Cause No. _____

THE STATE OF TEXAS § IN THE COUNTY COURT
VS. § AT LAW NUMBER _____
_____ § TRAVIS COUNTY, TEXAS

ORDER TO EXAMINE THE DEFENDANT REGARDING COMPETENCY

The above named Defendant is charge with the offense of _____.
The Defendant's competency to stand trial having been questioned, the Court
determines evidence exists to support a finding of incompetency to stand trial and
appoints _____, a psychiatric expert, and
ORDERS the expert to examine the Defendant, report to the Court on the
Defendant's competency or incompetency and if necessary, testify in Court
concerning the exam and findings.

The Court further **ORDERS** the expert to use the attached competency evaluation
form provided by the Texas Correctional Office on Offenders with Medical or
Mental Impairments and address each element contained therein and to provide the
report to the Court, the State's attorney and the defense attorney not later than 30
days after the signing of this order.

All other proceedings concerning the Defendant are stayed until the issue of
competency has been resolved.

DATE SIGNED

PRESIDING JUDGE

FAX

PHONE

COMPETENCY EVALUATION FORM

County:

TRAVIS

Cause #:

Evaluator Information:

Name:

Address:

Phone Number:

Qualifications of Examining Expert:

Medical License #:

Certifications:

Other Credentials:

Met Continuing Medical Education Requirements?

Name of Defendant:

Date of Evaluation:

Date of Report:

Specific Issue(s) Referred for Evaluation:

I explained:

_____ Purpose of the evaluation

_____ Persons to whom the report is to be provided

_____ Limits on confidentiality

Procedures, Techniques and Tests Used in the Evaluation:

Finding(s):

Competency

- _____ Competent to Stand Trial
- _____ Incompetent to Stand Trial
- _____ Unable to form opinion because:

Diagnosis:

- _____ This is an individual with mental illness and the diagnosis is:
- _____ This is a person with mental retardation

Clinical Observations, Findings and Opinions:

*Mental Status Examination: Noted impairment in the following areas
(Please check all that apply)*

- _____ Appearance
- _____ Attitude
- _____ Speech
- _____ Mood
- _____ Affect
- _____ Thought Process
- _____ Thought Content
- _____ Cognition

Areas of Competency:

(Please describe in detail any deficits in the defendant's capacity during criminal proceedings in the following areas, as substantiated by mental status exam elements noted above, and the exact nature of the deficits resulting from mental illness or mental retardation).

Rationally understand the charges and potential consequences of the pending proceedings:

Disclose to counsel pertinent facts, events and states of mind:

Engage in a reasoned choice of legal strategies and options:

Understand the adversarial nature of the proceedings:

Exhibit appropriate courtroom behavior:

Testify:

Capacity to engage with counsel:

Medication

Current medications:

Impact of medication on defendant's appearance, demeanor or ability to participate in the proceedings:

Are medications necessary to attain or maintain competency?

Are the medications likely to restore the defendant to competency in the foreseeable future?

What are your recommendations with regard to treatment options?

Other Comments:

Signed