IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL DISTRICT

OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CAUSE NO(S).\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ORDER FOR MENTAL EVALUATION AND TREATMENT

This cause having come before the Court on issues regarding the potential mental status of the Defendant, who is charged with Capital Murder, and the Court, in accordance with all applicable laws and rules, does hereby find that there is reasonable ground to believe that the Defendant is incompetent to stand trial, has raised or may raise an Insanity Defense, and/or may have an intellectual disability and does therefore order in accordance with MRCrP 12.2 that Defendant undergo a mental evaluation by any psychiatrist or psychologist who has been certified to complete Capital Murder evaluations by the Mississippi Department of Mental Health.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the Defendant, \_\_\_\_\_\_\_\_\_\_\_\_, be given a mental evaluation at the earliest possible date, for the purpose of evaluating,

(a) Whether or not Defendant is mentally competent to stand trial or will likely become so within the foreseeable future;

(b) To describe his mental state at the time of the alleged offense(s) with respect to his ability to know the nature and quality of his alleged acts and to know the difference between right and wrong in relation to his alleged acts at that time;

(c) Any mitigating circumstances; especially whether the offense with which the defendant is charged was committed while he was under the influence of extreme mental or emotional disturbance; and whether his capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law was substantially impaired; and

(d) Whether he is intellectually disabled as defined in Atkins v. Virginia, 536 U.S. 304, 122 S. Ct. 2242, 153 L.Ed. 2d 335 (2002), and Chase v State, 873. So. 2d 1013 (Miss. 2004).

IT IS ORDERED that a written report on all issues referenced in this order be issued in compliance with MRCrP 12.3(c) and furnished to the Circuit Clerk, or if the Circuit Clerk does not yet have this case docketed then to this Court, for provision to the Court and counsel in accordance with MRCrP 12.4(a), and to MSH Forensic Services. To the extent deemed medically or psychologically necessary in order to formulate opinions on the issues in question, the Mississippi State Hospital is authorized to admit the Defendant and conduct the necessary investigation, evaluation, treatment, testing, and evaluation processes in accordance with MRCrP 12.3, if such can be reasonably accommodated. If and while the defendant is at the Mississippi State Hospital for such purposes, the Defendant is to receive and undergo any and all medically and psychologically necessary treatment, testing, and evaluation processes, whether the Defendant shall consent to such or not, and authorization for such is hereby specifically given and confirmed.

IT IS FURTHER ORDERED that any medical, psychiatric, psychological, educational, dependency/addiction, and employment privileges of the Defendant are waived to the extent necessary to fulfill the purposes and directives of this order, and any and all records of the Defendant that may be potentially relevant to the evaluation of Defendant are hereby ordered and directed to be obtained, released, and provided to the staff of Forensic Services of Mississippi State Hospital at Whitfield or such other facility or evaluator as may be designated or allowed by the Court, to aid and assist in said evaluation and/or treatment of the defendant.

IT IS FURTHER ORDERED that counsel and jail officials shall promptly prepare and furnish to the evaluating professional (and/or their staff) the following:

1. A copy of this order and any and all related motion(s), exhibit(s) and materials;
2. Information concerning the alleged crime(s), including: Available Discovery Materials, such as Indictment; name(s) of the charge(s); date(s); accounts of the alleged crime(s) including investigators' report(s); arrest report(s); any statements made by witnesses, victims, and Defendant; and all relevant medical/psychiatric/psychological records, and all educational and Court (including Youth Court) and employment records;
3. A copy of the report and file of any psychiatric/psychological expert providing any previous opinion or evaluation of the Defendant;

(4) A statement from a jail representative describing the Defendant's behavior in jail, and copies of any and all jail records relating to behavior, status, incidents, treatment, and medication during Defendant’s period of incarceration;

(5) A copy of the Defendant's prior local arrest record and N.C.I.C. or F.B.I. Identification report;

(6) Names and contact information of at least two family members, teachers/employers, and/or friends who may provide a more detailed personal and social history of the Defendant.

IT IS FURTHER ORDERED that the Sheriff or his lawful Deputy shall transport the Defendant, upon notification and direction from Whitfield or the assigned evaluator as may be utilized, for all purposes related to this order, with all expenses related to this evaluation and transport to be borne by the Treasury of this County. The agreed upon rate for this evaluation is $250 per hour for a certified psychologist and $300 per hour for a certified psychiatrist.

SO ORDERED, this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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

Circuit Court Judge

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

Attorney for the Defense

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District Attorney