

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

State of West Virginia,

v.

Case No.:

\_\_\_\_\_,  
Defendant

**ORDER FOR FORENSIC PSYCHIATRY EVALUATION OF COMPETENCY TO  
STAND TRIAL AND CRIMINAL RESPONSIBILITY**

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, came the State of West Virginia, by and through its counsel, \_\_\_\_\_, Prosecuting Attorney, and the defendant, by and through defense counsel, \_\_\_\_\_, pursuant to the motion of \_\_\_\_\_.

This Court, pursuant to W. Va. Code § 27-6A-1(a), having heard the arguments of counsel does hereby ORDER an evaluation of the defendant by a psychiatrist of the West Virginia University School of Medicine Department of Behavioral Health and Psychiatry (Ryan Finkenbine, MD, or Christi Cooper-Lehki, DO, or Tom Adamski, MD, or Cheryl Hill, MD, and/or associates), to offer an opinion regarding the defendant's competency to stand trial and criminal responsibility for the crime(s) charged. The defendant has been charged with the following: \_\_\_\_\_  
alleged to have occurred on or about \_\_\_\_\_

If it is the evaluator's opinion that the defendant is not competent to stand trial then no opinion regarding criminal responsibility shall be offered.

The Court further ORDERS that the forensic evaluation shall be conducted pursuant to W. Va. Code § 27-6A-1(a) at a place and time mutually arranged upon by the defendant and the evaluator. The Court further ORDERS the defendant to appear at the site and place as arranged. If the defendant is to be transported from a county or regional jail where he or she is held, the Court further ORDERS the Sheriff of \_\_\_\_\_ County or the Regional Jail to transport defendant to and from the mutually agreed upon site.

The Court further ORDERS the evaluator provide a report of their opinions to the Clerk of the Circuit Court for distribution to this Court and the attorneys of record.

The Court further ORDERS that the attorney for the State shall ensure the following reports and records be sent to the evaluator prior to defendant's scheduled evaluation: (1) a copy of the complete criminal investigation report and list of the evidence collected, (2) a copy of any probation office reports available, (3) a copy of the record of any and all medical and psychiatric treatment rendered to the defendant while in custody, (4) a copy of any previous social, psychiatric or psychological evaluations.

The Court further ORDERS that, upon receipt of an original invoice and a court order with a raised seal of the Clerk of this Court, the West Virginia Department of Health and Human Resources' Office of Behavioral Health Services shall pay for the evaluations pursuant to W. Va. Trial Court Rules, Rule 35.05. The original invoices and the court order shall be forwarded to the Assistant Director of the Office of Behavioral

Health Services at 350 Capitol Street, Room 350, Charleston, West Virginia, 25301.

The Court ORDERS the Clerk of the Court to forward copies of this Order to the counsel of record and the evaluator.

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Prosecuting Attorney  
Address

Telephone:  
Fax:  
Bar ID #

\_\_\_\_\_  
Counsel for Defendant  
Address

Telephone:  
Fax:  
Bar ID#