

CAUSE NO. _____

THE STATE OF TEXAS

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IN THE DISTRICT COURT

443RD JUDICIAL DISTRICT

vs.

ELLIS COUNTY, TEXAS

**ORDER TO EXAMINE THE DEFENDANT
REGARDING COMPETENCY**

On this day the issue of the competency of the defendant, _____, to stand trial being raised, the Court on the motion of the attorney for the defendant to appoint disinterested experts experienced and qualified in mental health or intellectual disability to examine the defendant with regard to his or her competency to stand trial; and the Court having determined that a private psychiatrist or psychologist should be appointed;

It is Therefore Ordered and Decreed that _____, a practicing psychiatrist or psychologist, is hereby appointed to examine the defendant provided the examiner is qualified as required by Article 46B.022 Code of Criminal Procedure. If the examiner is not so qualified, no examination should be conducted, and the examiner shall only make a report of such status to the Court.

The examiner is advised that the defendant is charged with the offense of _____, alleged to have been committed on or about _____, and that the legal meaning of incompetency to stand trial is whether or not the defendant has sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding, or a rational as well as factual understanding of the proceedings against him or her.

The examiner shall consider, in addition to other issues determined relevant by the expert:

- (1) The capacity of the defendant during criminal proceedings to (A) rationally understand the charges against the defendant and the potential consequences of the pending criminal proceedings; (B) disclose to counsel pertinent facts, events, and states of mind; (C) engage in a reasoned choice of legal strategies and options; (D) understand the adversarial nature of criminal proceedings; (E) exhibit appropriate courtroom behavior; and (F) testify;
- (2) As supported by current indications and the defendant's personal history, whether the defendant (A) is a person with mental illness; or (B) is a person with an intellectual disability;
- (3) Whether the identified condition has lasted or is expected to last continuously for at least one year;
- (4) The degree of impairment resulting from the mental illness or intellectual disability, if existent, and the specific impact on the defendant's capacity to engage with counsel in a reasonable and rational manner; and
- (5) If the defendant is taking psychoactive or other medication: (A) whether the medication is necessary to maintain the defendant's competency; and (B) the effect, if any, of the medication on the defendant's appearance, demeanor, or

ability to participate in the proceedings.

The examiner shall report in writing to this Court within 30 days from this date, and must comply with the report's requirements listed in Article 46B.025 Code of Criminal Procedure. A copy of the report is to be delivered to the attorney representing the State and the attorney representing the defendant. The report shall state an opinion on the defendant's competency or incompetency to stand trial or explain why the examiner is unable to state such an opinion. The report shall also: (1) identify and address specific issues referred to the examiner for evaluation; (2) document that the examiner explained to the defendant the purpose of the evaluation, the persons to whom a report on the evaluation is provided, and the limits on rules of confidentiality applying to the relationship between the examiner and the defendant; (3) in specific terms, describe procedure, technique, or test, and the conclusion reached; and (4) state the examiner's clinical observations, findings, and opinions on each specific issue referred to the examiner by the court, state the specific criteria supporting the examiner's diagnosis, and state specifically any issues on which the examiner could not provide an opinion.

If in the opinion of the examiner, the defendant is incompetent to stand trial, the report shall include (1) the symptoms, exact nature, severity, and expected duration of the deficits resulting from the defendant's mental illness or intellectual disability, if any, and the impact of the identified condition on the factors listed in Article 46B.024 Code of Criminal Procedure; (2) an estimate of the period needed to restore the defendant's competency, including whether the defendant is likely to be restored to competency in the foreseeable future; and (3) prospective treatment options, if any appropriate for the defendant, including whether the Defendant is likely to be restored to competency in the foreseeable future through outpatient competency restoration program.

Each report shall be prefaced with a statement by the examiner, if accurate, that the examiner meets or exceeds all requirements of Article 46B.022 subparagraphs (a) and (b) Code of Criminal Procedure.

The Court Auditor of Ellis County shall pay the reasonable and necessary fees charged by said psychologist for said examination and report upon Order of the Court.

SIGNED the _____ day of _____, 2025.

JUDGE PRESIDING