

*General Sessions Order following Blair Hearing on Defendant's Competency To Stand Trial
Finding Defendant Not Competent, but Likely to Become Competent
§44-23-430(3)*

STATE OF SOUTH CAROLINA) **IN THE COURT OF GENERAL SESSIONS**
 COUNTY OF _____) Indictment No(s): _____
) A/Warrant No(s): _____
)
 The State of South Carolina,) **FINDING OF PRESENT LACK OF**
) **COMPETENCE TO STAND TRIAL**
) **BUT LIKELY TO BECOME COMPETENT**
) **WITH TREATMENT**
)
)
) **ORDER OF COMMITMENT UP TO SIXTY DAYS**
)
 _____)
 Defendant.)

This matter is before me pursuant to S.C. Code Ann. §44-23-430 (2018) for a hearing on the issue of Defendant’s competence to stand trial.

Defendant is charged with _____ . Pursuant to a previous Court order, Defendant’s competence to stand trial has been evaluated. In a report dated _____, the examiners found that Defendant is not currently competent to stand trial, but is likely with treatment to become competent in the foreseeable future. The report was statutorily admitted into evidence pursuant to S.C. Code Ann. § 44-23-420(C), and a copy of the report is attached hereto.

Based upon the examiner’s report, I find that the Defendant is currently incompetent to stand trial for the reasons set forth in S.C. Code Ann. §44-23-410, but likely to become competent in the foreseeable future.

THEREFORE IT IS ORDERED that Defendant be hospitalized through the South Carolina Department of Mental Health (SCDMH) pursuant to S.C. Code Ann. §44-

23-430(3) for up to sixty (60) days for observation and treatment in an effort to restore Defendant's competence to stand trial.

IT IS FURTHER ORDERED (choose one):

The Defendant shall be immediately taken into custody by the Sheriff, and the Sheriff's office is hereby authorized and required to transport Defendant to the facility designated by SCDMH following confirmation that a treatment bed is available.

OR

The Defendant has received an order of bond and is in compliance with the order and therefore shall be released from custody, subject to continued compliance with the conditions of the bond, until notified that a treatment bed is available at the facility designated by SCDMH.

IT IS FURTHER ORDERED that examiners shall re-examine Defendant's capacity to stand trial following the period of hospitalization and treatment and subsequently render a report to the Court, Solicitor, and defense counsel. Thereafter, upon motion by a party, this Court shall determine whether Defendant is at that time competent to stand trial, or whether final judicial commitment proceedings commenced by the Solicitor pursuant to S. C. Code Ann. § 44-17-510 et. seq. are appropriate.

FILING, SERVICE, AND TRANSMITTAL OF THIS ORDER. It is the responsibility of the Solicitor to file and serve this order as outlined herein. After being signed by the Court, the original order must be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, **within five (5) business days**, a certified copy of this order must be served upon the examining agency at the address listed below. To expedite the agency's ability to implement this order and

prepare for legal proceedings, the Solicitor is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency:

Information for Service of Order on Agency

Department of Mental Health

Forensic Evaluation Service Paralegal
S.C. Department of Mental Health
CBHS Forensic Center
7901 Farrow Road
Columbia, SC 29203-3220
(803)935-5540 (Phone)
(803)935-5544 (Fax)
Email: FES-PARALEGAL@SCDMH.ORG

IT IS SO ORDERED.

Date: _____

Presiding Judge

Judicial Circuit

Solicitor's name: _____
Telephone: _____
Email: _____

Defense Counsel: _____
Telephone: _____
Email: _____