

THE STATE OF TEXAS

V.

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IN THE \_\_\_\_\_

COURT OF

FORT BEND COUNTY, TEXAS

ORDER FOR COMPETENCY EVALUATION

TEX. CODE CRIM. PROC. ARTS. 46B.022, 46B.024, 46B.025, 46B.026

Having considered the Motion for a Competency Examination, by

- The Court, on its own motion,
The State of Texas by and through an Assistant Fort Bend County District Attorney,
The Attorney for the Defendant,

The Court FINDS that sufficient evidence exists to suggest that the Defendant may be incompetent to stand trial. Accordingly, the Court appoints (check one):

Dr. M. Connie Almeida, or another licensed psychologist employed by or contracted with Fort Bend County Behavioral Health Services, (281)-238-3079, who meets Tex. Code Crim. Proc. art. 46B.022 criteria, to examine the defendant and to file a written report with the court in accordance with Chapter 46B, of the code of criminal procedure, considering the factors listed in Tex. Code Crim. Proc. Art. 46B.024/.025, and other issues he or she determines relevant. This court order is to be faxed to BHS Court Orders at 281-238-3250 or emailed to BHSCourtOrders@fortbendcountytexas.gov.

OR

\_\_\_\_\_, Telephone # \_\_\_\_\_, a disinterested psychologist or psychiatrist, licensed in the State of Texas and meeting Tex. Code Crim. Proc. qualifications as an expert experienced and qualified in mental health and intellectual disability, to examine the defendant and to file a written report with the court in accordance with Chapter 46B/46C of the code of criminal procedure, considering the factors listed in Tex. Code Crim. Proc. Art. 46B.024/.025, and other issues he or she determines relevant. The Court further authorizes the payment of a reasonable and allowable expert fee pursuant to Tex. Code Crim. Proc. art. 46B.027/46C.106, not to exceed \_\_\_\_\_, save upon further Order from this Court.

The Court Orders the examiner in this case to examine Defendant and to prepare a written report in accordance with Tex. Code Crim. Proc. Art. 46B.025, and submit it to this Court within thirty (30) days of the date of this order, Tex. Code Crim. Proc. Arts. 46B.026. The Court further Orders the expert to consider the factors listed in Tex. Code Crim. Proc. Art. 46B.024, and other issues he or she determines relevant.

It is hereby further ordered that any medical records concerning the defendant, maintained in any form, electronic or written, which may be in the custody of any health care provider, clinic, or hospital be made available to the examiner upon request and presentation of this order. This order is issued pursuant to 45 CFR 164.512(e)(1)(i), Health Insurance Portability and Accountability Act which authorizes covered entities to disclose protected health information in the course of any judicial or administrative proceeding when responding to and order of the Court.

(If the defendant is on bail/bond)

- The Court Finds Defendant is free on bail, and Orders Defendant to submit to an examination conducted by the disinterested expert, no later than \_\_\_\_\_. The Court further ORDERS the disinterested expert to immediately notify the Court orally or in writing if Defendant fails to appear or submit to an examination.
The Defendant is Ordered to contact the office of the designated expert at \_\_\_\_\_ within three (3) days of the signing of this order and schedule an appointment for this court-ordered evaluation. Signed on

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

Judge Presiding