

CASE NO. _____

THE STATE OF TEXAS

§ IN THE _____ COURT

v.

§
§ OF

§
§ FORT BEND COUNTY, TEXAS

**MOTION FOR COMPETENCY EXAMINATION
TEX. CRIM. PROC. ART. 46B.021, 46B.022**

- 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,

has reason to believe Defendant is suffering from a mental impairment such that he/she does not have a rational or factual knowledge of the proceedings against him/her, or that he /she is unable to consult with his/her attorney with a reasonable degree of rational understanding. This motion is based on the following behaviors:

(Check all that apply)

- Disturbed perceptions*, e.g. talking to persons who are not present, or reports of hearing voices, including commands to harm self or others.
- Disturbed and/or bizarre thoughts and beliefs*, e.g.(including for example only) belief that others are following him/her; grandiose beliefs such as having great sums of monies, or contacts with celebrities..
- Disturbed and intense feelings*, e.g. of rage, sadness or depression
- Disturbed communications*, e.g. inability to communicate intelligibly about the events leading to arrest.
- Lack of understanding*, e.g. of criminal proceedings.
- Difficulty assisting counsel*
- Intellectual Developmental Disabilities*, e.g. intellectual/developmental delays, Autism, Down Syndrome, etc.
- Other:* _____

***Required: (Check one)**

- I have records regarding the defendant’s history that are pertinent to the requested evaluation and I will make them available to the examiner.
- I do not have records available regarding the defendant’s history.

Therefore,

- The State of Texas by and through an Assistant Fort Bend County District Attorney,
- The Attorney for the Defendant,

prays that this Court will issue an order permitting a competency examination by a disinterested mental health expert who can examine the defendant and report to the Court on the competency or incompetency of the defendant and testify as may be required to assist the Court in such a determination. Counsel further moves the Court to authorize the payment of an allowable expert fee pursuant to Tex. Code Crim. Proc. art. 26.05, Section (f), for the purpose stated herein.

Respectfully submitted this the _____ day of _____, 20 .

Attorney for Defendant/State of Texas