The State of Ohio,

Plaintiff,

vs. Case No. {{ case\_number }}

{{ defendant.first\_name }} {{ defendant.last\_name }}

Defendant. **Assigned to: Judge {{ judicial\_officer.last\_name }}**

**ENTRY & ORDER FOLLOWING COMPETENCY EXAMINATION**

{% if competency\_decision == ‘Found Competent’ %}Pursuant to R.C. 2945.38, the Court finds that the Defendant in the above-styled case is presently competent to stand trial. Defendant is presently capable of understanding the nature and objective of the proceedings against them and of presently assisting in their defense. This finding is based upon the written report prepared and filed under seal by the examiner in accordance with R.C. 2945.371(H)(3). The parties have stipulated to the contents of the report, stipulated the report be admitted into evidence, and stipulated that Defendant is competent to stand trial.

It is therefore ordered that Defendant shall be proceeded against as provided by law.

This case is hereby scheduled for a **Final Pretrial on {{ final\_pretrial.date }},** at **{{ final\_pretrial.time }},** and a **Jury** **Trial on {{ jury\_trial.date }}** at **8:15 AM**, in **{{ jury\_trial.location }}** {% elif competency\_decision == ‘Found Competent - Not Insane’ %} Pursuant to R.C. 2945.371(H)(4), the Court finds that the Defendant in the above-styled case did understand the wrongfulness of their actions at the time of the offense and can stand trial. This finding is based upon the written report prepared and file under seal by the examiner in accordance with R.C. 2945.371(H)(4). The parties have stipulated to the contents of the report, stipulated the report be admitted into evidence, and stipulated that Defendant understood the wrongfulness of their actions at the time of the offense and can stand trial.

It is therefore ordered that Defendant shall be proceeded against as provided by law.

This case is hereby scheduled for a **Final Pretrial on {{ final\_pretrial.date }},** at **{{ final\_pretrial.time }},** and a **Jury** **Trial on {{ jury\_trial.date }}** at **8:15 AM**, in **{{ jury\_trial.location }}.**{% elif competency\_decision == ‘Not Competent - Restorable’ %}Pursuant to R.C. 2945.38, the Court finds that the Defendant in the above-styled case is presently incompetent to stand trial. Defendant’s present mental condition renders them incapable of understanding the nature and objective of the proceedings against them or of presently assisting in their defense.

In determining the place of commitment, the Court considered the extent to which Defendant is a danger to themselves and to others, the need for security, the availability of housing and supportive services, including outpatient mental health services in the community, and the type of crime involved. The Court also considered the recommendation made in the report from Forum Ohio, which indicated that **{{ treatment\_type }}** treatment was the least restrictive option that is consistent with treatment goals. As applicable, Twin Valley Behavioral Healthcare shall administer, in accordance with accepted medical standards, all treatment and medication necessary. Pursuant to R.C. 2945.38(C), Defendant shall not be required to undergo treatment under this order for longer than 60 days.

The Court further finds that there is a substantial possibility that Defendant will become competent to stand trial within the time allotted if provided a course of treatment. It is, therefore, ordered that Defendant undergo **{{ treatment\_type }}** treatment through the Twin Valley Behavioral Healthcare Outpatient Competency Restoration Program pursuant to R.C. 2945.38(B)(1)(a)(v)(II) because Defendant has been charged with a misdemeanor that is not an offense of violence. It is further ordered that Twin Valley Behavioral Healthcare file a written report with this Court pursuant to R.C. 2945.38(F) at one of the filing times, whichever is sooner:

* Whenever it is believed that Defendant is competent to stand trial.
* Whenever it is believed that there is not a substantial probability that Defendant will become competent to stand trial, or
* Ten days before expiration of the maximum time during which this order may be in effect. {% elif competency\_decision == ‘Not Competent - Not Restorable’ %}

Pursuant to R.C. 2945.38, the Court finds that the Defendant in the above-styled case is presently incompetent to stand trial. Defendant’s present mental condition renders them incapable of understanding the nature and objective of the proceedings against them or of presently assisting in their defense. This finding is based upon the written report prepared and filed under seal by the examiner in accordance with R.C. 2945.37 and admitted into evidence at the hearing on the competence of Defendant conducted pursuant to R.C. 2945.37 and/or the parties’ stipulation that the Court adhere to the finding in the report.

The Court further finds that there is not a substantial probability that Defendant will become competent to stand trial within the time allotted by law, even if provided a course of treatment.

This case is hereby dismissed. {% if defendant\_in\_jail == ‘Yes’ %}**The Delaware County Jail is hereby ordered to discharge the defendant forthwith.** {% endif %}{% elif competency\_decision == ‘Not Restored to Competency - Dismiss’ %}This matter came on for hearing on {{ plea\_trial\_date }}, Defendant being present before the Court and represented by counsel and the State of Ohio being represented by the prosecuting attorney.

The question of Defendant’s competence to stand trial having been previously raised, Defendant was referred to Forum Ohio for evaluation pursuant to R.C. 2945.371. The written report of this examination has been filed under seal with the Court and copies of the same provided to the prosecuting attorney and defense counsel. The Court having found Defendant incompetent to proceed, ordered Defendant to undergo restoration treatment through Twin Valley Behavioral Healthcare.

A subsequent report has been received from Twin Valley Behavioral Healthcare regarding the Defendant’s competency to stand trial and filed under seal. On consideration of the report and other evidence before the Court, the Court finds that Defendant remains not capable of understanding the nature and objective of the proceedings against them and is not capable of presently assisting in their defense.

Furthermore, the Court now finds there is not a substantial probability that Defendant will become competent to stand trial within the time allotted by law. Pursuant to R.C. 2945.38, it is ordered that this case is dismissed. {% if defendant\_in\_jail == ‘Yes’ %}**The Delaware County Jail is hereby ordered to discharge the defendant forthwith.** {% endif %}{% endif %}

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{{ judicial\_officer.officer\_type }} {{ judicial\_officer.first\_name }} {{ judicial\_officer.last\_name }}

Copies served by Dep. Clerk \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the following date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to:

Prosecutor’s Office: PS OM EM; Defendant’s Attorney: PS OM EM; Defendant: PS OM EM;