

9-514. Order on motion for a competency evaluation.

[For use with Rule 5-602.1 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ DISTRICT COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v. _____ No. _____

_____, Defendant.

**ORDER ON [TRANSFER] [MOTION]
FOR COMPETENCY EVALUATION**

[] This matter comes before the Court upon transfer from the [magistrate] [municipal] court after a finding of a reasonable belief that the defendant may not be competent to stand trial. The defendant [] is [] is not in custody.

OR

[] The Court, having considered the motion for competency evaluation [and the response in opposition] [and after a hearing] and being otherwise fully advised in the premises, FINDS and CONCLUDES:

[] The motion is well-taken and is GRANTED because there is a reasonable belief that the defendant may not be not competent to stand trial based upon the following:

[] The facts alleged in the motion for a competency evaluation;

[] The court's observations of the defendant, described as follows: _____
_____; and

[] Other: _____

_____.

[] The motion is not well-taken and is DENIED.

(Complete the following only if the case has been transferred or the motion is GRANTED)

The Court therefore ORDERS the following:

1. A competency evaluation shall be performed by _____.
2. The evaluation shall be completed and a written report shall be filed with the court within thirty (30) days of the filing of this order.
3. The report filed under Paragraph 2 of this order shall include the following:
 - (a) a description of the procedures, tests, and techniques used by the evaluator;
 - (b) a clear statement of the evaluator's clinical findings and opinions about the defendant's competency;
 - (c) a description of the sources of information and the factual basis for the evaluator's clinical findings and opinions, provided that the report shall not include information or opinions concerning the defendant's mental condition at the time of the alleged crime or any statements made by the defendant regarding the alleged crime or any other crime; and
 - (d) the reasoning by which the evaluator utilized the information to reach the clinical findings and opinions.
4. Any party who objects to the conclusion set forth in the report filed under Paragraph 2 of this order shall file that party's objections in writing within seven (7) days of the filing of the report.
5. The parties shall return to court for a hearing on the question of the defendant's competency on _____ (date—not to exceed forty-five (45) days from the date of this order) at _____ (time), unless the court, upon its own motion or upon the motion of the parties, rules at an earlier time on the defendant's competency without a hearing.

(Optional)

6. The court has considered the defendant's conditions of release and orders the following:
 The defendant's conditions of release shall continue until further order of the court; or
 A hearing to set or review the defendant's conditions of release shall be held on _____ (date).
7. Other: _____

_____.

IT IS SO ORDERED.

District Court

Attorney for the State

Attorney for the defendant

[Approved by Supreme Court Order No. 18-8300-023, effective for all cases filed on or after February 1, 2019.]