

**IN THE SUPERIOR COURT OF BULLOCH COUNTY  
STATE OF GEORGIA**

**STATE OF GEORGIA**

**CASE NO:**

v.

,

**Defendant.**

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**ORDER ON DEFENDANT'S PLEA OF MENTAL INCOMPETENCY TO  
STAND TRIAL & MOTION FOR TRANSFER TO DBHDD**

The Court, after due consideration and after hearing from the State and the defense, through counsel, on Defendant's *Special Plea of Incompetency to Stand Trial and Motion to Transfer to DBHDD*, the plea of Mental Incompetency to Stand Trial is sustained. The Court therefore **ORDERS AS FOLLOWS:**

1. Defendant shall be now delivered by the sheriff, or the sheriff's lawful deputy, to the Department of Behavioral Health and Developmental Disabilities (hereinafter "DBHDD"), as provided by O.C.G.A. § 17-7-130. DBHDD shall evaluate Defendant within 90 days of admission to their facility to determine whether the defendant is presently mentally incompetent to stand trial, and if so, whether there is a substantial probability that the defendant will attain mental competency to stand trial in the foreseeable future. DBHDD shall then report its findings to the Court;
2. If DBHDD finds that the defendant is mentally incompetent to stand trial but there is a substantial probability that the defendant will attain competency in the foreseeable future, the defendant will remain hospitalized for an additional period not to exceed nine (9) months. However, if DBHDD recommends that further treatment toward restoration can occur in the community and the defendant has been charged with a nonviolent offense, the Court may hold a hearing to determine whether the defendant meets the criteria of O.C.G.A. § 17-6-1 for release to the community.

**IT IS FURTHER ORDERED** that at such time as it is determined that Defendant is capable of understanding the nature and object of the proceedings, comprehends his or her own condition in reference to such proceedings, and is capable of rendering to

counsel assistance in providing a proper defense, DBHDD shall immediately report that finding to the Court. Further, if Defendant is in a DBHDD facility, he/she shall be delivered from DBHDD to the sheriff of this county, or the sheriff's lawful deputy, with transportation costs to be borne by the county.

IT IS FURTHER ORDERED that, should it be determined that recovery of the defendant's legal mental competency to stand trial is not expected at any time in the foreseeable future, DBHDD shall report that finding to the Court.

IT IS FURTHER ORDERED that defense counsel shall, within 10 days of the filing of this Order, submit a copy of this Order to the Department of Behavioral Health and Developmental Disabilities.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Hon.  
Superior Court Judge  
Ogeechee Judicial Circuit

Prepared by:  
Defense Counsel Name  
Contact Information

cc: ADA  
Defense counsel  
DBHDD  
Sheriff's Office