**Kitsap County District Court, State of Washington**

|  |  |
| --- | --- |
| STATE OF WASHINGTON,Plaintiff,v.**ENTER DEFENDANT NAME**,Defendant. | NO. Enter Case#**Order Dismissing Misdemeanor Charges – Defendant Not Eligible for Competency Restoration Treatment****Clerk’s action required: Para 9** |

The court conducted a hearing on the Defendant’s competency to proceed and the Defendant’s eligibility for competency restoration treatment. The court considered:

[ ]  the report of the competency Evaluator who is a “professional person” as defined in RCW 10.77.010.

**Findings of Fact and Conclusions of Law**

**1.** **Non-Serious Offense**. The Defendant is charged with nonfelony crime(s), and none of these charges are serious offenses as defined in RCW 10.77.092.

**2.** **Competency to Stand Trial**. The court finds by a preponderance of the evidence that, as a result of mental disease or defect, the Defendant lacks the capacity to:

[ ]  Understand the nature of the proceedings against himself or herself.

[ ]  Assist in his or her own defense.

Accordingly, the Defendant is not competent to stand trial.

**3.** **Competency Restoration Treatment**. The Defendant is not eligible for competency restoration treatment.

**4**. **Civil Commitment Evaluation**. The competency Evaluator’s report included an opinion that a Designated Crisis Responder (DCR) (formerly DMHP) [ ]  should [ ]  should not evaluate the Defendant for civil commitment under 71.05 RCW.

**Orders**

**5. Dismissal Without Prejudice**. This case is dismissed without prejudice.

**6. Custodial Status.**

[ ]  **Release.** The defendant is immediately released from custody on this case. Any custody orders on any other cases remain unaffected by this order.

**[ ]  Detain.** The Defendant is detained in custody for a sufficient time to allow the DCR to evaluate the Defendant and consider initial detention proceedings under RCW Ch. 71.05.

This court determined that “sufficient time” for purposes of this order expires on       (72 hours not including weekends and holidays) at 11:00 am.

The Defendant shall be released from custody in this case upon the earlier of (a) being evaluated by the DCR, or (b) the date and time specified above.

**8. [ ]  Interpreter.** The Defendant requires the services of an interpreter in the following language:      .

**9.** A copy of this order shall be forwarded to the Kitsap County Jail at courtofficer@co.kitsap.wa.us , and Kitsap Mental Health at crt@kmhs.org by the clerk of the court.

Dated and Filed Calendar Date. [ ]  The court approves the agreement of the parties to conduct this proceeding by video conference.

 [ ]  Done in open court in the presence of the defendant.



 Judge