

___ DIVISION

STATE OF ARKANSAS

V. CASE NO. _____

_____/_____/_____
Full name of Defendant Date of Birth Sex Race

Offense(s) Charged & Code Numbers

1) _____ 2) _____
3) _____ 4) _____

Prosecutor Name, Address Defense Atty Name, Address Defendant's Custody Status:
Arrest Tracking # _____

___ In Custody

Ph: _____
Fax: _____
___ On Bond/ROR

ORDER FOR MENTAL HEALTH EVALUATION OF DEFENDANT PER A.C.A. S 5-2-305

For one or more reasons stated in Ark. Code Ann. Section 5-2-0305(a)(1)(A)-(D), this Court orders:

1. That subject to the provision in Ark. Code Ann. S 5-2-305 all further proceedings in the prosecution shall be immediately suspended.
2. Upon suspension of further proceedings in the prosecution: (Check the appropriate box below as ordered)
 - A. ___ The defendant shall undergo examination and observation by one(1) or more qualified psychiatrists or qualified psychologists: (name, address, and phone number of psychiatrist or psychologist)
 - B. ___ The following qualified psychiatrist or psychiatrists not practicing within the Arkansas State Hospital are hereby appointed to make an examination and report on the mental condition if the defendant: (name, address, and phone number of psychiatrist or psychologist)
 - C. ___ he director of the Division of Behavioral Health Services, Department of Human Services shall determine who shall examine and report upon the mental condition of the defendant.

DBHS Forensic Coordinator Phone (501) 686-9174
Arkansas State Hospital Fax# (501) 686-9182
4313 West Markham Street
Little Rock, AR 72205

The Director of the Division of Behavioral Health Services or the director's designee shall determine the location of the forensic evaluation.

3. The examination shall be for a period not exceeding thirty (30) days, or such longer period as the director or the director's designee determines to be necessary to the purpose.
4. The prosecuting attorney shall provide to the examiner any information relevant to the evaluation, including, but not limited to:
 - A. The names and addresses of all attorneys involved in the matter;
 - B. Information about the alleged offense; and
 - C. Any information about the defendant's background that is deemed relevant to the examination, including the criminal history of the defendant.

5. The attorney for the defendant shall provide any available information to the evaluation, including, but not limited to: (Check below if ordered)
- A. ___ Psychiatric records
 - B. ___ Medical records;
 - C. ___ Records pertaining to treatment of the defendant for substance or alcohol abuse
 - D. ___ Other
6. All public agencies are hereby ordered to make all existing medical and pertinent records available for inspection and copying to the examiners and counsel.
7. The examiner shall provide a report to this Court which shall include the following: (Check boxes G or H below if ordered)
- A. A description of the nature of the examination;
 - B. A substantial diagnosis in the terminology of the American Psychiatric Association's current edition of the Diagnostic and Statistical Manual;
 - C. An opinion on whether or not the defendant, as a consequence of mental disease or defect, lacks the capacity to understand the proceedings against him or her and to assist effectively in his or her own defense;
 - D. A description of any evidence that the defendant is feigning signs and symptoms of mental disease or defect;
 - E. A separate explanation of the signs and symptoms of mental disease or defect that led to the opinion on the presence of mental disease or defect;
 - F. A separate explanation of the evidence which supports the opinion of the examiner on the capacity of the defendant to understand the proceedings against him or her and the defendant's capacity to assist in his or her own defense.

If ordered by the court, the examiner's report shall include the following opinions (check if ordered)

- G. ___ An opinion as to the extent, if any, to which the capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was impaired at the time of the conduct alleged. This opinion shall also include a description of the reasoning used by the examiner to support the opinion.
 - H. ___ An opinion as to the capacity of the defendant to have the culpable mental state that is required to establish and element of the offense charged. This opinion shall include a description of the reasoning used by the examiner to support the opinion.
8. The examiner's report may include a separate explanation reasonably serving to clarify the diagnosis or the examiner's opinion.
9. If the examination cannot be conducted because of unwillingness of the defendant to participate therein, the report shall so state and shall include, of possible, an opinion as to whether such unwillingness of the defendant is the result of mental disease or defect.
10. The person designated to perform the evaluation shall file the report of the examination with the clerk of the court, and the clerk of the court shall mail a copy to the defense attorney and prosecuting attorney.
11. If the examination is made impossible by the unavailability of the defendant, the unknown whereabouts of the defendant, the defendant's refusal to be scheduled for an evaluation or the defendant's failure to appear for a scheduled evaluation, the examiner's duty to examine the defendant pursuant to this order shall be terminated upon receipt of a letter from the examiner reciting said circumstances. The examiner shall send copies of the letter to the prosecutor, defendant's attorney, and clerk of the court. The court may re-order an evaluation for a later date.

IT IS SO ORDERED

Date

Circuit Court Judge