

\_\_\_\_\_ **Court of Washington, County of** \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff  
vs.  
\_\_\_\_\_,  
Defendant  
DOB: \_\_\_\_\_

Case No.  
**Order Dismissing Nonserious Nonfelony  
Charges – Order to Release or Detain  
(ORDSMIN, ORDSMWO)**  
 Clerk's Action Required: 1

*Use this form when the defendant is not eligible for competency restoration treatment.*

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.
- Other \_\_\_\_\_

**Findings of Fact and Conclusions of Law:**

- 1. Nonserious Offense.** The defendant is charged with the nonfelony crime/s which is/are not serious offense/s as defined in RCW 10.77.092.
  - The defendant **does have** a history of one or more violent acts as defined in RCW 10.77.010. The defendant shall immediately surrender any concealed pistol licenses and the defendant may not possess a firearm unless the defendant's right to do so is restored by a court of record. The *Notice of Ineligibility to Possess a Firearm* is filed separately. **(ORDSMIN)**
  - The defendant **does not have** a history of one or more violent acts. **(ORDSMWO)**
- 2. Incompetency.** 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 themselves; and/or
  - assist in their own defense.

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)  should  should not evaluate the defendant for civil commitment under ch. 71.05 RCW.

**The Court 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.

Or

**Detain.** The defendant is detained in custody to allow the DCR to evaluate the defendant and consider initial detention proceedings under ch. 71.05 RCW. This court determined that "sufficient time" for purposes of this order expires at *(time)*

\_\_\_\_\_ a.m./p.m. on *(date)* \_\_\_\_\_.

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

7. **Other:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dated: \_\_\_\_\_

**Judge**

Print Name: \_\_\_\_\_

Approved as to form

Approved as to form

\_\_\_\_\_  
 Deputy Prosecuting Attorney  
 Print Name: \_\_\_\_\_  
 WSBA No. \_\_\_\_\_

\_\_\_\_\_  
 Attorney for Defendant  
 Print Name: \_\_\_\_\_  
 WSBA No. \_\_\_\_\_