

_____ Court of Washington, County of _____

_____,
Plaintiff,
vs.
_____,
Defendant.

Case No.

**Order Striking Non-Felony Post-
Disposition Revocation Proceedings Due
to Defendant's Lack of Competency and
Immediately Releasing or Detaining
Defendant**

(ORSK)

(Optional use)

The court conducted a hearing on the defendant's competency to proceed with a revocation hearing related to an alleged failure to comply with conditions of sentence. After reviewing the evidence presented by the parties and other records in the case, the court finds the following facts, and issues the following orders:

Findings of Fact.

The court finds by a preponderance of the evidence that the defendant (i) lacks the capacity to understand the nature of the proceedings against them or to assist in their own defense as a result of mental disease or defect; and (ii) is not competent to proceed with the revocation hearing, pursuant to RCW 10.77.010 and 10.77.050.

Orders

1. **Strike Hearing.** Due to the defendant's incompetency, the court strikes, without prejudice, the revocation hearing alleging a failure to comply with conditions of sentence.

Strike and Immediately Release. The competency evaluator **did not recommend** that the designated crisis responder (DCR) evaluate the defendant and consider initial detention proceedings under ch. 71.05 RCW.

The defendant shall be released from custody on this case immediately.

Strike and Temporarily Detain. The competency evaluator recommended that the DCR evaluate the defendant and consider initial detention proceedings under ch. 71.05 RCW. The court finds that it is appropriate to allow the DCR to evaluate the defendant and consider initial detention proceedings under ch. 71.05 RCW.

The defendant is to be detained in custody for a sufficient time to allow the DCR to evaluate the defendant and consider initial detention proceedings under ch. 71.05 RCW. The court has determined that "sufficient time" for purposes of this order will expire 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.

2. **Interpreter.** The defendant requires the services of an interpreter in the following language: _____.
3. **Stay of Proceedings.** The case is at the post-sentencing stage. Jurisdiction is tolled. RCW 10.77.050; *State v. Campbell*, 95 Wn.2d 954, 957 (1981); *State v. Marquette*, 146 Wn.2d 124, 131-32 (2002).
4. Any custody orders on any other cases are to remain unaffected by this order.
5. **Other Orders:** _____

Dated: _____

Judge

Approved as to form

Approved as to form

Deputy Prosecuting Attorney
WSBA No. _____

Attorney for Defendant
WSBA No. _____