

_____ Court of Washington
County of _____

_____,
Plaintiff

vs.

_____,
Defendant

DOB: _____

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. 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 him/herself; and/or

assist in his/her 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 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 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 at _____ 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

 Attorney for the Defendant

Print Name: _____

Print Name: _____

WSBA No. _____

WSBA No. _____