**Court of Washington**

**County of**

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| ,  Plaintiff,  vs.  ,  Defendant. | No.  **Order Striking Nonfelony Revocation Proceedings Due to Defendant’s Lack of Competency and Immediately Releasing or Detaining Defendant**  **(RCW 10.77.088(2))**  (**ORSK**)  (Optional use) |

The court has 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 him/her or to assist in his/her 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.

Any custody orders on any other cases are to remain unaffected by this order.

**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 a.m./p.m. on .

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.

Any custody orders on any other cases are to remain unaffected by this order.

**2. Interpreter.** The defendant requires the services of an interpreter in the following language: .

**3. Other Orders:**

**Dated**

**Judge**

Agreed  Agreed

Approved as to form  Approved as to form

Deputy Prosecuting Attorney Attorney for the Defendant

WSBA No. WSBA No. .