

STATE OF ALABAMA,

* IN THE DISTRICT COURT OF

PLAINTIFF

FILED

* LEE COUNTY, ALABAMA

APR 24 2008

CASE NO. DC-08- 547.00, 547.01, 547.02

IN OFFICE
CORINNE T. HURST
CIRCUIT CLERK

VS.

COURTNEY LOCKHART,

DEFENDANT

*

ORDER FOR OUTPATIENT EVALUATION OF COMPETENCY TO STAND TRIAL AND MENTAL STATE AT THE TIME OF THE OFFENSE

WHEREAS, the above named Defendant is before the Court, having been charged with the offense (s) of Capital Murder and whereas the Court has received information indicating that the Defendant may lack sufficient present ability to assist in his or her defense, by consulting with counsel, with a reasonable degree of rational understanding of the facts and the legal proceedings against the Defendant (motion for examination having been filed by L. JOEL COLLINS), and the Court finding reasonable grounds exist to question the Defendant's competency, to-wit: and whereas the defendant, through his/her attorney, L. JOEL COLLINS, has timely filed notice pursuant to Rule 15, Alabama Rules of Criminal Procedure, of his/her intent to pursue a special plea of not guilty by reason of mental disease or defect or not guilty and not guilty by reason of mental disease or defect,

IT IS HEREBY ORDERED that:

1. The Defendant shall undergo examination on an out-patient basis by a psychologist or psychiatrist under contract with or employed by the Alabama Department of Mental Health and Mental Retardation to conduct a clinical evaluation as to whether the Defendant has sufficient present ability to assist in his or her defense, by consulting with counsel, with a reasonable degree of rational understanding of the facts and the legal proceedings against the Defendant and as to the Defendant's mental state at the time of the alleged offense(s);
2. If the Defendant is in custody, the party having custody of the Defendant shall make

the Defendant available at such times and locations as required by the Alabama Department of Mental Health and Mental Retardation, and, where necessary, the Sheriff's Department shall be responsible for the custody, care and transportation of the Defendant during the out-patient visit. If the Defendant is not in custody, appearance at the out-patient evaluation shall be considered a condition of bond;

3. The District Attorney shall make available to the examining psychologist or psychiatrist information concerning the nature and circumstances of the offense(s) charged, as well as to prior criminal history of the Defendant; the Defense Attorney may provide information to assist the examining psychologist or psychiatrist in the evaluation of the Defendant's mental condition, including records of prior psychiatric treatment. All information provided to the psychologist or psychiatrist pursuant to the order shall be protected from discovery according to Rule 16, Alabama Rules of Criminal Procedure;

4. Upon completion of the clinical examination, a written report shall be forwarded to the District Judge, the Defendant's Attorney, the District Attorney and upon further order of the Court, to other having a proper interest therein. The original written report shall be filed with the Clerk of Court, under seal, and shall include the following information:

a. Whether the Defendant has sufficient present ability to assist in his or her defense, by consulting with counsel, with a reasonable degree of rational understanding of the facts and the legal proceedings against the Defendant;

b. If the opinion is that the Defendant is incompetent, the report shall also state the opinion of the psychologist or psychiatrist as to:

i. The condition causing the Defendant's incompetency and the nature thereof;

ii. The treatment required for the Defendant to attain competency;

1. The most appropriate form and place of treatment, in view of the

Defendants therapeutic needs and potential danger to himself or herself, or to

others, and an explanation of appropriate treatment alternatives;

iii. The likelihood of the Defendant's attaining competency under treatment and the probable duration of the treatment; and

iv. The availability of the various types of acceptable treatment in the local geographic area, specifying the agencies or the settings in which the treatment might be obtained and whether the treatment would be available on an out-patient basis; and

v. N/A

List here such other matters that the Court deems appropriate.

5. The written report shall further address:

a. The mental condition of the Defendant at the time of the alleged offense(s); If the opinion is that the Defendant suffered from a mental disease or defect at the time of the alleged offense(s), the report shall state the relations, if any, of such mental disease or defect to the alleged offense(s); and

b. A copy of said order shall be faxed to the Department of Mental Health to Dr. King to assist in the expedition of this evaluation.

N/A

List here such other matters that the Court deems appropriate.

ORDERED, this the 24th day of April, 2008.



JUDGE, DISTRICT COURT OF
LEE COUNTY, ALABAMA