*Phone*

Offense(s)

and Findings:

The defendant has been charged in File No. \_\_\_\_\_\_\_\_\_\_ with a criminal offense in Mecklenburg County and has been found incapable of proceeding to trial under G.S. 15A-1002. The Court considered the opinion of \_\_\_\_\_\_\_\_\_\_\_\_\_ (name of forensic evaluator) in the report dated \_\_\_\_\_\_\_\_\_\_\_ (list date of report) as evidence of incapacity to proceed. A copy of the evaluator’s report is attached.

Based on the evidence presented, the Court finds that there are reasonable grounds to believe that the defendant probably has a mental illness and may benefit from community-based capacity restoration treatment.

ORDERS:

To the SHERIFF of Mecklenburg County:

If the above-named defendant is in your custody, the Court ORDERS you to transport the defendant to the Community Capacity Restoration Program during normal business hours and following coordination with the Program. The Court further ORDERS that you deliver a copy of the forensic evaluation report(s) referenced in the Findings above, by the forensic evaluator’s name above, to the restoration program. The Court Orders the defendant to participate in the program for examination and treatment until further order of this Court.

To the RESPONDENT:

If the above-named defendant is not in custody, they shall report to the Community Based Capacity Restoration Program on the date and time provided by the Program. The Court Orders the defendant to participate in the program for examination and treatment until further order of this Court.

To COMMUNITY BASED CAPACITY RESTORATION PROGRAM provider:

Remember criminal charges are still pending against the defendant. If the defendant fails to adequately attend and participate in treatment, you shall notify this Court in writing. Status updates shall be provided monthly while the defendant is in the Program, which are to be provided to defense counsel, district attorney, and the Court. Further, you must examine, or cause to have examined, the defendant to determine whether the defendant has gained the capacity to proceed to trial prior to releasing the defendant from the program. Whenever there is a change in the defendant's capacity to proceed, a copy of the report, pursuant to G.S. 15A-1002, will be provided to defense counsel, district attorney, and the Court.

To DISTRICT ATTORNEY:

Provide charging documents and all relevant and available discovery materials to the Community Based Capacity Restoration Program.

To DEFENSE COUNSEL:

Provide all current and prior capacity evaluations, treatment records, and collateral contacts.

**JUDGMENT/ORDER OR**

**OTHER DISPOSITION**

**STATE VERSUS**

*Name Of Defendant*

*Race*

*Sex*

*Date Of Birth*

*Attorney For State*

*Attorney For Defendant*

*Crt Rptr Initials*

*Def. Found*

*Not Indigent*

*Def. Waived*

*Attorney*

*Attorney*

*Denied*

*Appointed*

*Retained*

**SIGNATURE OF JUDGE**

**STATE OF NORTH CAROLINA**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County

*File No.*

In The General Court Of Justice

District

Superior Court Division

*Date*

*Name Of Presiding Judge (type or print)*

*Signature Of Presiding Judge*

**NOTE:**

*The AOC-CR-645 (Optional Form For Criminal Judgment (District Court)) and*

*other criminal judgment forms are available for use in district court cases. For*

*superior court cases, other criminal judgment forms are available for use.*