

**ORDER FOR OUT-PATIENT EVALUATION
OF DEFENDANT'S MENTAL STATE AT
THE TIME OF THE OFFENSE ONLY**

Case Number

IN THE CIRCUIT COURT OF _____, ALABAMA
(Name of County)

STATE OF ALABAMA v. _____ Defendant

WHEREAS, the above-named defendant is before the court, having been charged with the offense(s) of _____;

and whereas the defendant, through his/her attorney, _____, has timely filed a 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 psychiatrist or psychologist under contract with or employed by the Alabama Department of Mental Health and Mental Retardation to conduct a clinical evaluation pertaining to the defendant's mental state at the time of the alleged offense(s);

(2) If the defendant is in custody, the person who has 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;

(3) The district attorney shall make available to the examining psychologist/psychiatrist information concerning the nature and circumstances of the offense(s) charged, as well as the prior criminal history of the defendant. The defense attorney may provide such information as may be in his/her possession to assist the examining psychiatrist/psychologist 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 this order shall be protected from discovery according to Rule 16, Alabama Rules of Criminal Procedure;

(4) Upon completion of the clinical examination, copies of the written report shall be forwarded to the circuit judge, the defendant's attorney, the district attorney, and, upon further order of the court, to others having a proper interest therein. The original written report shall be filed with the clerk of court, under seal, and shall contain the following information:

- (a) The mental condition of the defendant at the time of the alleged offense(s);
- (b) If it is the opinion of the psychologist or psychiatrist that at the time of the alleged offense(s), the defendant suffered from a mental disease or defect, the relation, if any, of such mental disease or defect to the alleged offense(s).
- (c) _____

(List here such other matters the court deems appropriate)

(5) Further criminal proceedings against the defendant are hereby continued generally until such time as the court receives a report from the Alabama Department of Mental Health and Mental Retardation. Provided, however, such continuation does not include bond hearings, grand jury hearings, or preliminary hearings, all of which may be conducted as necessary.

ORDERED this the _____ day of _____, _____.

Circuit Judge

**Rule 11.2(a)(1) and (a)(2), Ala.R.Crim.P.
Rule 11.3(b)(3) and (c), Ala.R.Crim.P.**