

SAMPLE FORM 43.
ORDER OF PROBABLE CAUSE

State of Alabama

v.

Defendant

Case Number

STATE OF ALABAMA

In the _____ Court of
_____ County

This matter submitted to the Court (the defendant having been found not guilty by reason of mental disease or defect or not guilty and not guilty by reason of mental disease or defect), to determine whether there is probable cause to believe that the defendant is mentally ill, and, as a consequence of such mental illness, whether the defendant's being at large poses a real and present threat of substantial harm to the defendant and/or to others.

[1] The Court, after consideration of the record in this cause and other evidence offered, finds that there is probable cause to believe that the defendant is mentally ill and that the defendant's being at large poses a real and present threat of substantial harm to the defendant and/or to others.

It is, therefore, ORDERED and ADJUDGED that, pending final hearing, the defendant shall forthwith be

(A) confined for examination and treatment in the [insert appropriate facility].

(B) released upon the following conditions: _____

It is further ORDERED that final hearing in this matter to determine whether the defendant shall be involuntarily committed shall be held on _____, 19____ at _____ o'clock ____M. [Note: This hearing must be held within seven (7) days unless continued by the Court (up to thirty [30] days) for good cause shown.]

[2] The Court, after consideration of the record in this cause and other evidence offered, finds that no probable cause exists to believe that the defendant is mentally ill and that the defendant's being at large poses a real and present threat of substantial harm to the defendant and/or to others.

IT IS HEREBY ORDERED that the defendant shall forthwith be released from custody.

Date

Judge