

<input checked="" type="checkbox"/> District Court <input type="checkbox"/> County Court Boulder County, Colorado Court Address: 1777 6 th St. Boulder, CO	<p style="text-align: right; color: blue;">DATE FILED: September 7, 2021 2:31 PM</p> <hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: 2021CR497 Division: 13 Courtroom: G
ORDER FOR EVALUATION OF IN-CUSTODY DEFENDANT	

On September 7, 2021, Defense Counsel raised the question of the above-named defendant's competency to proceed.

This Court has made a preliminary finding of competency incompetency, and [party] objected on [date] to such finding.

--OR--

This Court has insufficient information to make a preliminary finding concerning competency or incompetency.

Accordingly, **IT IS ORDERED THAT:**

1. The Colorado Department of Human Services (CDHS) will perform an evaluation of the defendant and to submit a report regarding competency to proceed. The Office of Behavior Health (OBH) Court Services Department will coordinate this evaluation.
2. The District Attorney's Office is ordered to provide the Colorado Mental Health Institute at Pueblo (CMHIP) with all "collateral materials" within 24 hours of this Order and shall file a Certificate of service of the materials provided..
3. The evaluation shall be performed as follows [check only one]:

Jail-Custody Evaluation: The evaluation is to be performed in the place where the defendant is now in custody. The defendant is presently in custody at Boulder County Jail.

CDHS-Custody Evaluation: The defendant is ordered placed in the custody of the Colorado Mental Health Institute at Pueblo for the time necessary to conduct the evaluation, based on the following criteria found at section 16-8.5-105(1)(b) [check all that apply]:

CDHS has recommended to the court, after consultation with the defendant and review of any clinical or collateral materials, that conducting the competency evaluation on an inpatient basis is clinically appropriate.

The Court has found that an inpatient evaluation is necessary because an inadequate competency evaluation and report has been completed or two or more conflicting competency evaluations and reports have been completed.

The Court has found that extraordinary circumstances relating to the case or the defendant make conducting the competency evaluation on an inpatient basis necessary and appropriate.

The Sheriff is ordered to transport the defendant to the facility identified by OBH within 3 of days of receiving notice from OBH that the facility is ready to admit the defendant . The Sheriff further ordered to return the defendant to the county jail where the defendant was being held promptly, but no later than 72 hours, after notification by OBH that the competency evaluation has been completed. OBH shall notify the court, and the court liaison if one is appointed, that OBH is returning the defendant to the custody of the jail.

“Hold and Wait” Evaluation: The evaluation is to be performed by CDHS at CMHIP or a location identified by CDHS. The Sheriff is ordered to retain custody of the defendant and ordered to transport the defendant to the agreed upon location for the evaluation, and to provide copies of all jail and medical records requested by CMHIP/CDHS, at or before the time of the scheduled evaluation. The Sheriff will remain at the location of the evaluation until the evaluator has completed the evaluation, after which the Sheriff will return the defendant to the jail or other facility where the defendant is being held.

4. The Sheriff is ordered to provide CDHS and its competency evaluator access to and copies of the jail records, including medical and mental health records.
5. This matter is set for Competency Review Hearing on 9/30/2021. CDHS is ordered to provide the Court with the evaluation report within 21 days of today's date.

Date: September 7, 2021

Judge Magistrate

CERTIFICATE OF SERVICE

I certify that on 9/7/2021, I provided copies of this *Order for Evaluation of In-Custody Defendant* to the following:

County Sheriff: Hand-Delivered, E-filed, or Mailed to:
sheriffjailmentalhealthunit@bouldercounty.org; plevett@bouldercounty.org;

Colorado Mental Health Institute at Pueblo: e-mailed to: courtservices@state.co.us;

District Attorney: Hand-Delivered, E-filed, or Mailed to: Michael Dougherty, Ken Kupfner, Adam Kendall

Defense Counsel: Hand-Delivered, E-filed, or Mailed to: Kathryn Herold, Daniel King, Samuel Dunn

Bridges Program/Court Liaison: Hand-Delivered, E-filed, or Mailed to:

County Attorney: Hand-Delivered, E-filed, or Mailed to:

Other: _____: Hand-Delivered, E-filed, or Mailed to:

Elizabeth Roflrock

Clerk
