**Two doctors have found Defendant competent: NRS 178.420**

* When there is no challenge requested:
* There being no challenge Pursuant to NRS 178.420, I find the defendant competent to proceed to adjudication pursuant to Doctors' \_\_\_\_ and \_\_\_\_\_ and finding the defendant competent pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him / her and is able to assist counsel in his / her defense"

**Two doctors have found Defendant incompetent: NRS 178.425**

* Pursuant to NRS 178.425, I find the defendant incompetent to proceed based upon Doctors' \_\_\_\_\_\_\_\_and \_\_\_\_\_\_\_\_\_findings and remand the defendant to the custody of the sheriff for transport to Lakes Crossing or Stein for further treatment and restoration to competency."
* Add the sentencing range of the charge(s) to the order as well as the current CTS as of the date of the order.

**Misdemeanor Diversion NRS 178.425**

Pursuant to NRS 178.425, Defendant REMANDED to Rawson Neal for participation in the Misdemeanor Diversion Program. COURT FURTHER ORDERED, matter SET for Status Check.

Explain being discharged to RN- to follow up with out- patient care. State has agreed to dismiss your case. I will sign transport order.

**Incompetent without Probability NRS 178.461**

**Findings of Incompetent with Civil Commitment or Release**

The COURT FINDS the Defendant is still incompetent to stand trial; that there is no substantial probability that the Defendant will attain competency to stand trial in the foreseeable future; that the Defendant is at this time a danger to him / herself or to society and therefore, pursuant to NRS 178.460(4)(d)

I am ordering that the Defendant shall remain in the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee for a period of not more than ten (10) days, or until such time as a petition is filed within that ten (10) day period to commit the Defendant pursuant to NRS 433A.200;

and that if, within ten (10) days, a petition is not filed to commit the Defendant pursuant to NRS 433A.200 the Defendant shall be released from custody, and FURTHER ORDERING pursuant to NRS 178.425(5), that the criminal proceedings against the Defendant are DISMISSED WITHOUT PREJUDICE.

**Incompetent at Lakes or Stein RECOMMITTED TO CONTINUE TREATMENT NRS178.425**

I am finding that the Defendant is still incompetent to stand trial; that there is substantial probability that the Defendant will attain competency to stand trial in the foreseeable future;

that the Defendant is at this time a danger to him / herself or to society and therefore, pursuant to NRS 178.425 that the Defendant be readmitted into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee for further evaluation, care, and treatment and that Defendant shall be recommitted and remanded, together with a copy of this Order to the custody of the Administrator of the Division of Public Health and Human Services or his or her designee.

Additionally it is ordered that the Administrator of the Division of Public Health and Human Services or his or her designee, shall, pursuant to NRS 178.450, conduct periodic evaluations of the Defendant to determine his future ability to attain competence and then report in writing to this Court, the Clark County District Attorney, and Defendant's counsel whether, in his opinion, the Defendant is of sufficient mentality to be able to assist his counsel in the defense interposed upon trial,

Finally it is FURTHER ORDERED that the Defendant, is to be held in the custody of the Administrator of the Division of Public Health and Human Services or his or her designee, until the Court orders his release or until he is returned for trial as provided in NRS 178.450 to NRS 178.465,

**Calvin Evidence: For defendants who refuse to cooperate with evaluations**

The conviction of an accused while he is legally incompetent violates due process .”

An accurate competency evaluation is therefore critical to avoiding a violation of the defendant's constitutional rights.

Accuracy is best served when the district court and any appointed experts consider a wide scope of relevant evidence at every stage of the competency proceeding, including initial doubts as to the defendant's competency, the experts' evaluation, and the hearing after the evaluation.

Pursuant to NRS 178.415(3) the court shall also permit counsel to introduce other evidence including additional independent competency evaluations, the defendant’s behavior, demeanor in the court, refusal to come to court, refusals to participate in competency evaluations, and defense counsel’s concerns including the ability to aid and assist. (*Calvin* and *Drope*).

In *Drope v Missouri*, United States Supreme Court has noted that “evidence of a defendant's irrational behavior, his demeanor at trial, and any prior medical opinion on competence to stand trial” are relevant factors in assessing competency.

The Nevada Supreme Court noted in *Calvin v State*, that defense Counsel's expressed doubt about her client's competency is also relevant, given her “close contact” with the defendant.

**FINDINGS**

                Upon review of (….. list the items reviewed by the court) the court is finding that substantial evidence exists upon which the court is basing the following finding. ….

**Competent.**

                Is there a challenge?

                                If not, read the 178.420 language.

                                If there is, set a hearing.

**Incompetent**.

                Read the 178.425 language and refer def to custody of The Division.

**NRS 178.461 Hearing**

The court notes that pursuant to NRS 178.461{2) the state timely motioned for Commitment pursuant to 178.461 and requested a comprehensive risk assessment determining if the defendant has a mental disorder, is a danger to themselves or others and if the level of dangerousness requires placement at a forensic facility.

The charges against the defendant were dismissed 1.28.22

The Division provided the comprehensive risk assessment to the court and to the parties. Pursuant to NRS 178.461 a hearing was held.

Based on the comprehensive risk assessment submitted by the Division, the court is finding as follows: The defendant has a mental disorder.

The defendant is a danger to himself or others.

That the defendant's dangerousness is such that he/she requires placement at a forensic facility.

The court finds that defendant is charged with an A felony.

· I am granting the state's request for commitment pursuant to NRS 178.461.

I am remanding defendant to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee to be kept under observation until the person is eligible for conditional release pursuant to NRS 178.461 or until the maximum length of commitment has expired.