

IN THE SEVENTH JUDICIAL DISTRICT
District Court, Douglas County, Kansas

State of Kansas,

Plaintiff,

Case No. 2024-CR-000567

vs.

Division 4

John Jones,

Defendant.

ORDER FOR COMPETENCY EVALUATION AND TREATMENT

Local with Placement as Needed

(Pursuant to K.S.A. 22-3303)

NOW, on this ____ day of April, 2024, the above-captioned matter comes on for hearing.

The State of Kansas appears by and through _____, Assistant District Attorney. The Defendant appears in person and by counsel, _____.

The Court, after reviewing the file, receiving the evidence, hearing the statements and arguments of counsel, and being otherwise fully and duly advised, finds and concludes:

1. That the Defendant herein has pending criminal:

_____ Misdemeanor Offense(s) OR _____ Felony Offense(s); or

_____ Both Felony AND Misdemeanor Offense(s).

2. Defendant is found to not be competent to stand trial and therefore these proceedings must be stayed so that the below orders to attempt restoration to competency may proceed.

3. Pursuant to K.S.A. 22-3303 and review of the relevant facts, the Court finds it appropriate that, for this Defendant, competency evaluation and restorative treatment can be conducted on an outpatient basis, at an appropriate state, county, or private institution or facility as follows (“Treatment Location”):

Douglas County Jail or on pretrial release;

4. Pursuant to K.S.A. 22-3303 and review of the relevant facts, the Court finds that competency evaluation and restorative treatment can be conducted on an outpatient basis

by Bert Nash Community Mental Health Center (“Bert Nash”); that Bert Nash has sufficient resources, staffing and space to conduct the evaluation and treatment and that, if ordered to be completed at the Douglas County Jail, the Court is informed that the Sheriff agrees the appropriate physical and care capabilities exist for such services to be completed while in custody.

**IT IS THEREFORE BY THE COURT, CONSIDERED, ORDERED, ADJUDGED
AND DECREED:**

A. The Defendant is ordered to submit to competency evaluation and treatment as ordered above for a period not to exceed 90 days pursuant to K.S.A. 22-3303, and amendments thereto, to be completed by Bert Nash.

B. The competency evaluation and treatment shall be conducted by Bert Nash at the specified Treatment Location.

C. The competency evaluation and treatment can be conducted either by in-person or by use of available electronic means. Pursuant to K.S.A. 22-3303, not later than 90 days from the date of this Order, unless terminated as provided below, Bert Nash shall certify to the Court whether the Defendant has attained competency or has a substantial probability of attaining competency to stand trial in the foreseeable future.

D. If at any point Bert Nash determines that the Defendant’s mental health conditions or behavior warrant terminating outpatient treatment services and commencing evaluation and treatment on an inpatient basis, Bert Nash will provide a report to the court within 10 days after the outpatient treatment is terminated pursuant to K.S.A. 22-3303(d)(1).

- 1) Such report shall certify the date that outpatient treatment was terminated and the reason inpatient evaluation and treatment services are recommended.
- 2) A copy of such report shall be provided to the Chief Medical Officer of the State Security Hospital and to the District Attorney and to Defendant’s counsel.

- 3) Bert Nash will provide all documentation requested by the State Security Hospital or its agent for examination and coordination to determine the appropriate inpatient setting for evaluation and treatment.
- 4) If outpatient treatment is terminated, the State Security Hospital will coordinate with the administrative head or law enforcement official in charge of the Douglas County Jail, defense counsel, or relevant party to schedule admission and arrange for transportation of the Defendant to inpatient hospitalization and for inpatient competency evaluation and treatment. The court will issue any warrants required if the Defendant fails to appear.
- 5) Pursuant to K.S.A. 22-3303, within 90 days from the date of admission, the State Security Hospital shall certify in writing to the Court whether the Defendant has attained competency or has a substantial probability of attaining competency to stand trial in the foreseeable future.
- 6) A review hearing shall be held in this Court at ____ am/pm on _____, ____, 2024
OR ____ No hearing presently scheduled.

IT IS FURTHER ORDERED that a copy of this Order shall be provided to the Secretary of the Kansas Department for Aging and Disability Services by facsimile machine transmission to 785-296-0767 or email to KDADS.LegalLiaison@ks.gov.

IT IS SO ORDERED.

This Order is effective as of the date and time shown on the electronic file stamp.

DISTRICT COURT JUDGE