FORM 29 - FELONY OR GROSS MISDEMEANOR FINDINGS OF FACT; ORDER INCLUDING PETITION FOR JUDICIAL COMMITMENT OF A DEFENDANT FOUND INCOMPETENT TO PROCEEDTO TRIAL, PURSUANT TO RULE 20.01, SUBDS. 4 AND 5

STATE OF MINNESOTA   DISTRICT COURT
COUNTY OF _____   _____ JUDICIAL DISTRICT

_____,
           Plaintiff,

vs.

_____,
           Defendant.

FELONY OR GROSS MISDEMEANOR FINDINGS OF FACT; ORDER INCLUDING PETITION FOR JUDICIAL COMMITMENT OF A DEFENDANT FOUND INCOMPETENT TO PROCEED TO TRIAL PURSUAN TO RULE 20.01, SUBDS. 4 AND 5

District Court File No. ____

This matter came on for hearing before the Court, the Honorable _____, District Judge presiding. _____, Assistant County Attorney, appeared for the State. The Defendant appeared in person and was represented by Attorney _____.

This Court finds that based on all the files, records, and proceedings in this case: The Defendant is mentally ill or mentally deficient so as to be incapable of understanding the criminal proceedings or participating in the defense; there is reason to believe the Defendant may be mentally ill or deficient and that proceedings should be commenced under the Minnesota Hospitalization and Commitment Act.

Pursuant to the Minnesota Hospitalization and Commitment Act, this Court represents that:
1. Defendant was born _____, 19___, at _____.
2. Defendant resides at _____, Minnesota.
3. Defendant's spouse and nearest kindred are:
   (Name)   (Relationship)   (Age)   (Address)

_____
_____
_____

4. Defendant (is) (is not) a Veteran.
5. Defendant is believed to be (mentally ill) (mentally deficient) because

_____
_____
_____

6. Defendant is further believed to be (mentally ill) (mentally deficient), as evidenced by the physician's statement furnished herewith.

7. The Court has been unable to procure a physician's statement because

_____

_____

8. Defendant is presently at _____

_____

9. Defendant was last committed to the State Hospital at _____, Minnesota, by the _____ Probate Court on or about _____, 19___, and has received psychiatric treatment at the following hospitals: _____

_____

_____

10. Defendant has been under the care of Dr. _____ whose office address is:

_____

_____

_____

This Court orders that:
  a. The prosecuting attorney shall immediately:
      1. Deliver a copy of these Findings of Fact, and Order Including Petition for Judicial Commitment to the county welfare department.
      2. File these Findings of Fact and Order Including Petition for Judicial Commitment in the probate court.
      3. Request the probate court to immediately issue such orders as may be necessary to provide for the examination of the proposed patient.
      4. Cause to be delivered to the sheriff any order of the probate court directing the sheriff to transport the proposed patient to a designated hospital or other place for the purpose of an examination prior to the hearing on the petition for judicial commitment.
  b. The sheriff shall immediately transport the proposed patient to a designated hospital or other place as directed by any order of the probate court.
  c. The prosecuting attorney shall appear and represent the petitioner at the commitment hearing.
  d. The criminal proceedings are continued pending the commitment and other determinations.
  e. If Defendant is committed, the head of the institution or designated place to which the Defendant is committed shall review the mental condition of the Defendant within 60 days from the date of the commitment order and report in writing to this District Court on the Defendant's mental condition with an opinion as to the Defendant's competency to proceed with the criminal case, and as to the need of the Defendant for further institutional care and treatment. Thereafter, if the commitment is continued, the head of the institution or designated place shall report to this District Court at least once every six months.

f. If Defendant is committed, the criminal proceedings are continued in accordance with Rule 20.01, Subd. 4(2) of the Minnesota Rules of Criminal Procedure.

g. If Defendant is not committed, the sheriff shall immediately cause the Defendant to be brought before this court.

h. Bail or other conditions of release as to the criminal proceedings are continued.

Dated: _____   _____
                                                          District Court Judge

(Effective for criminal actions commenced or arrests made after 12 o'clock midnight January 1, 1990.)