

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

State of Oregon _____

Plaintiff

v.

Case No: _____

**ORDER FINDING
DEFENDANT UNFIT TO
PROCEED WITH NO
SUBSTANTIAL PROBABILITY
TO GAIN OR REGAIN
FITNESS IN THE
FORESEEABLE FUTURE**

Defendant _____

(ORS 161.367)

This matter came before the Court on _____ for a hearing concerning Defendant's fitness to proceed pursuant to ORS 161.367.

Defendant appeared (in person or remotely) / did not appear, represented by counsel (name/ bar number) _____.

The State appeared through (name/ bar number) _____.

Based on the Court's review and consideration of (*check all that apply*):

- a report from a local community mental health program (CMHP), dated _____
- a report of a certified evaluator, dated _____
- the court's inquiry and observation of Defendant at the hearing
- statements from counsel
- witness testimony from State's witnesses
- witness testimony from Defendant's witnesses
- stipulation of parties that Defendant is unfit to proceed with no substantial probability to gain or regain fitness in the foreseeable future
- other information provided:

THE COURT FINDS that Defendant lacks fitness to proceed and there is no substantial probability that Defendant, in the foreseeable future, will gain or regain the capacity to stand trial.

THE COURT ORDERS (*check all that apply*):

- Defendant's discharge and commitment to OSH will be terminated upon transport after notice from OSH that Defendant is ready for discharge. Transport to be provided as follows:
 - sheriff's office in _____ County to return Defendant to custody for the Court to determine the next action
 - CMHP in _____ County to transport Defendant to:
 - other:

- requirement for Defendant to engage in community restoration services is terminated
- all charges against Defendant to be dismissed in a separate judgment
- concurrently with this order the court will commence commitment proceedings under ORS 426.070 to 426.170, 426.701, or 427.235 to 427.290
- concurrently with this order the court will commence protective proceedings under ORS chapter 125

NOTICE OF FIREARMS PROHIBITION

The court has found that Defendant is not currently able to move forward with their criminal case due to a qualifying mental disorder. As a result, federal law prohibits Defendant from having or buying firearms (guns or ammunition). The Oregon Judicial Department reports the prohibition on Defendant from buying firearms and ammunition to the Oregon State Police.

<input type="checkbox"/> Prepared by the Court	<input type="checkbox"/> Submitted by attorney for: <input type="checkbox"/> Defendant <input type="checkbox"/> State Printed Name _____ Signature _____ OSB # _____
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Judge Signature:
