

Request for Forensic Evaluation

This form must be completed by the person requesting a forensic evaluation pursuant to §19.2-169.1 or §19.2-169.5.

In addition, upon issuance of the order, the Commonwealth Attorney and defense counsel must forward documents to the assigned evaluator pursuant to §19.2-169.1 or §19.2-169.5 **within 96 hours**. More details are on the reverse.

Defendant: _____ **Case Number:** _____

Defense Attorney: _____

Email Address: _____ **Phone Number:** _____

Commonwealth Atty: _____ **Phone Number:** _____

Interpreter: YES NO **Language:** _____

☐ **COMPETENCY EVALUATION (§19.2-169.1)**

Facts supporting request: (at least one must be checked)

The defendant...

- ☐ appears to lack adequate understanding of the judicial system/legal situation.
- ☐ appears to lack the capacity to assist his/her attorney.

☐ **SANITY EVALUATION (§19.2-169.5)**

Facts supporting request: (at least one must be checked)

The defendant...

- ☐ has a history of serious mental illness.
- ☐ was prescribed psychiatric medication(s) at the time of the offense.

As a result of mental illness, it appears that the defendant...

- ☐ did not know that what he/she was doing was wrong.
- ☐ did not understand what he/she was doing at the time of the offense.
- ☐ could not control his/her actions at the time of the offense.

These facts do NOT support a successful insanity defense:

- The defendant was intoxicated at the time of the offense.
- The defendant has a seizure disorder, but no other psychiatric illness.

If either of the above is true, please explain what other evidence leads you to believe that an insanity defense is viable.

Briefly describe the reason for this request in your own words. You may attach any confidential information in a sealed envelope.

Competency/Sanity Evaluation Procedure

When a Competency and/or Sanity Motion has been granted, the Clerk's Office – Administrative Division will confirm the availability of an independent evaluator and assign the case accordingly so an order can be signed. Once this order is signed, the Clerk's Office will notify counsel of the name and contact information for the assigned doctor. If an email address is provided, a copy of the order will be provided via secure email.

Pursuant to §19.2-169.1 and/or §19.2-169.5, defense counsel and the Commonwealth Attorney must forward certain documents to the evaluator within 96 HOURS of the issuance of the order.

Competency (§19.2-169.1)

The Commonwealth Attorney must provide: (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; (iv) a summary of the reasons for the evaluation request, as well as any other information deemed relevant to the evaluation.

The Defense Attorney must provide: Any available psychiatric records and other information deemed relevant to the evaluation.

Sanity (§19.2-169.5)

The party making the motion must provide: (i) a copy of the warrant or indictment; (ii) the names and addresses of the Commonwealth's Attorney, the defendant's attorney, and the judge ordering the evaluation; (iii) information about the alleged crime, including statements by the defendant made to police and transcripts of preliminary hearings, if any; (iv) a summary of the reasons for the evaluation request; (v) any available psychiatric, psychological, medical or social records that are deemed relevant; and (vi) a copy of defendant's criminal record, to the extent reasonably available.

Once the evaluator receives these documents, they will perform the evaluation. For a Competency Evaluation **only**, they will send a copy of the evaluation to the Court, defense counsel, and the Commonwealth Attorney.

*Please Note - the report and any additional paperwork will be sealed pursuant to 32.1-27, **except** for distribution pursuant to 19.2-169.1 to the Defense Attorney and Commonwealth's Attorney, and to the Community Services Board under 32.1-123 1:03(12).*

Additional Information/Questions

Please direct any questions regarding this procedure to:

Theresa De la O, Supervising Deputy Clerk –

Judges' Chambers Phone Number: 703-246-4374

Email: Theresa.Delao@fairfaxcounty.gov

Fax: 703-246-6188