

CONDITIONAL ORDER OF RELEASE OF MENTALLY INCOMPETENT DEFENDANT

Case Number

IN THE CIRCUIT COURT OF _____, ALABAMA
(Name of County)

STATE OF ALABAMA v. _____, Defendant

In this cause, defendant having been found to be incompetent to stand trial due to mental disease or defect and further that: [Please check one]:

- 1. There is *no substantial probability* that the defendant will become competent within a reasonable time *and* that any risk of harm threatened by the defendant's release, either to himself or herself or to others, has been sufficiently minimized or abated by ongoing treatment or therapy; or
- 2. There is a *substantial probability* that defendant will be restored to competency within a reasonable period *and* defendant's release will pose no threat of substantial harm to himself or herself or to others; or
- 3. The parties have stipulated to the release of the defendant.

IT IS HEREBY ORDERED that the defendant be conditionally released upon the following conditions:

1. The defendant shall submit to therapy and treatment designed to restore the defendant to competency within a reasonable period and (where applicable, to minimize or abate any risk of harm threatened by the defendant being at large), specifically _____
2. The defendant shall report to the court on (date) _____ at _____m. (not to exceed 6 months from date of release) or annually thereafter and at such other times as the court may direct; and
3. the defendant shall appear to answer and to submit to the orders and processes of this court; and
4. The defendant shall refrain from committing any criminal offense; and
5. The defendant shall not depart from the State of Alabama without leave of this court; and
6. The defendant shall promptly notify the court of any change of address; and
7. _____, who is responsible for the defendant's therapy and treatment shall submit original written reports on the defendant's status to the clerk of court under seal, within ninety-one (91) days of release and every ninety-one (91) days thereafter, and a copy of such reports shall be provided to the circuit judge, the defendant's attorney and the district attorney; and, upon further order of the court, to others having a proper interest therein.
8. The defendant shall execute an appearance bond in the amount of \$ _____; and/or
9. The defendant shall remain in the custody of _____ who has agreed to supervise the defendant; and/or
10. _____

[Any other condition(s) which the court deems reasonably necessary.]

This conditional release may be subsequently modified by the court; the conditional release may be revoked by the court at any time upon violation of any condition of release, upon a finding by the court that the defendant is mentally ill or has a mental defect and, as a consequence, poses a real and present threat of substantial harm to himself or herself or to others.

_____ Date

_____ Circuit Judge

Rule 11.6(c)(2)(i)(i) and (3)(ii), Rule 11.6(d)&(f) Ala.R.Crim.P.