**ORDER: INCOMPETENT DEFENDANT, NOT RESTORABLE**

Commonwealth of Virginia VA. CODE §§ 19.2-169.3

Case No. .................................................................................................

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COURT NAME AND ADDRESS

Commonwealth of Virginia v.....................................................................................................................................................

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The Court having previously ordered treatment to restore trial competence, pursuant to Virginia Code § 19.2-169.2, received a report based upon evaluation after a period of treatment.

After reviewing the report, the Court finds that the Defendant is incompetent to stand trial, and that the Defendant is likely to remain incompetent for the foreseeable future.

Based upon the recommendation in the report submitted, the Court order that the Defendant be

\_\_\_\_\_\_\_\_\_\_ released

\_\_\_\_\_\_\_\_\_\_ reviewed for commitment pursuant to Article 5 (§ [37.2-814](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+37.2-814) et seq.) of Chapter 8 of Title 37.2

\_\_\_\_\_\_\_\_\_\_ reviewed for certification pursuant to § [37.2-806](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+37.2-806).

\_\_\_\_\_\_\_\_\_\_ reviewed for commitment pursuant to Chapter 9 (§ [37.2-900](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+37.2-900) et seq.) of Title 37.2 due to the fact that the defendant has been charged with a sexually violent offense, as defined in § [37.2-900](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+37.2-900)

The charge(s) against the Defendant is/are hereby

\_\_\_\_\_\_\_\_\_\_ dismissed

\_\_\_\_\_\_\_\_\_\_ nolle prosequi

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 DATE

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 JUDGE