9-514. Order on motion for a competency evaluation.

[For use with [~~Rule~~] Rules 5-602.1 and 7-507.1 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ DISTRICT COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

No. _____

v.

_____, Defendant.

ORDER ON [TRANSFER] [MOTION]
FOR COMPETENCY EVALUATION

[ ] This matter comes before the Court upon transfer from the [magistrate] [municipal] court after a finding of a reasonable belief that the defendant may not be competent to stand trial. The defendant [ ] is [ ] is not in custody.

OR

[ ] The Court, having considered the motion for competency evaluation [and the response in opposition] [and after a hearing] and being otherwise fully advised in the premises, FINDS and CONCLUDES:

[ ] The motion is well-taken and is GRANTED because there is a reasonable belief that the defendant may not be [~~not~~] competent to stand trial based upon the following:

[ ] The facts alleged in the motion for a competency evaluation;

[ ] The court's observations of the defendant, described as follows: _____
_____
_____
_____; and

[ ] Other: _____
_____
_____
_____.

[ ] The motion is not well-taken and is DENIED.

(*Complete the following only if the case has been transferred or the motion is GRANTED*)

The Court therefore ORDERS the following:

1. A competency evaluation shall be performed by _____.

2. The evaluation shall be completed and a written report shall be filed with the court within thirty (30) days of the filing of this order. If the evaluator cannot complete the evaluation within thirty (30) days, the evaluator shall notify the court and counsel in writing.

3. The report filed under Paragraph 2 of this order shall include the following:

(a) a description of the procedures, tests, and techniques used by the evaluator;

(b) a clear statement of the evaluator's clinical findings and opinions about the defendant's competency; and if the expert's opinion is that the defendant is not competent, then the expert shall further provide an opinion as to whether the defendant satisfies the criteria for involuntary, inpatient civil commitment in accordance with the Mental Health and Developmental Disabilities Code or involuntary treatment in an Assisted Outpatient Treatment program;

(c) a description of the sources of information and the factual basis for the evaluator's clinical findings and opinions, provided that the report shall not include information or opinions concerning the defendant's mental condition at the time of the alleged crime or any statements made by the defendant regarding the alleged crime or any other crime; and

(d) the reasoning by which the evaluator utilized the information to reach the clinical findings and opinions.

4. Any party who objects to the conclusion set forth in the report filed under Paragraph 2 of this order shall file that party's objections in writing within seven (7) days of the filing of the report.

5. The parties shall return to court for a hearing on the question of the defendant's competency on _____ (*date not to exceed the timelines set forth in Rule 5-602.1(I)(1)(b) NMRA or Rule 7-507.1(C)(4) NMRA*) at _____ (*time*), unless the court, upon its own motion or upon the motion of the parties, rules at an earlier time on the defendant's competency without a hearing.

(*Optional*)

6. [ ] The defendant is indigent and the costs of the competency evaluation shall be paid using public funds.

[~~6.~~] 7. The court has considered the defendant's conditions of release and orders the following:

[ ] The defendant's conditions of release shall continue until further order of the court; or

[ ] A hearing to set or review the defendant's conditions of release shall be held on _____ (*date*).

[~~7.~~] 8. Other:

_____
_____
_____
_____.

IT IS SO ORDERED.

_____
District Court

_____
Attorney for the State

_____
Attorney for [~~the defendant~~] Defendant

[Approved by Supreme Court Order No. 18-8300-023, effective for all cases filed on or after February 1, 2019; as provisionally amended by Supreme Court Order No. S-1-RCR-2025-00143, effective for all cases pending or filed on or after September 30, 2025; as provisionally amended by Supreme Court Order No. S-1-RCR-2025-00163, effective for all cases pending or filed on or after October 6, 2025; provisional amendments approved as amended by Supreme Court Order No. S-1-RCR-2026-00200, effective for all cases pending or filed on or after December 31, 2026.]