

FORENSIC EVALUATOR POLICIES AND PROCEDURES



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

(Revised May 23, 2025)

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1) PC 1369 APPONTMENT FOR COMPETENCY EVALUATION

- a) Following the declaration of a doubt as to a defendant's competence, the Court shall suspend criminal proceedings and appoint a licensed psychologist, psychiatrist, or any other expert the court may deem appropriate (hereinafter "evaluator") to examine the defendant. Appointments will be made from the list of approved evaluators¹.
- b) The appointing judge will issue an Order Appointing Doctor(s) for an Examination of the Defendant (Form CR-169 for Misdemeanors Form CR-167 for Felonies), hereinafter ("Appointment Order") appointing the evaluator. The most current version of the forms is available on the Court's website <https://www.sanmateo.courts.ca.gov>. The order will include:
 - i) The defendant's date of birth, contact information and case number.
 - ii) The date the report is due.
 - iii) The defendant's custody status at the time of appointment.
 - iv) Whether the defendant requires an interpreter.
 - v) Information about how to submit the completed report.
 - vi) Contact information for the attorneys of record and the appointing judge's department.
- c) The Appointment Order will be transmitted via email to the evaluator with the criminal complaint and police report(s).

2) COMPETENCY EVALUATION REPORTS

- a) The evaluator has discretion over the format of the report, but reports must include all elements delineated in Penal Code 1369(a)(2) et seq. These elements include:
 - i) An evaluation of the defendant's mental health disorder, if any.
 - ii) An evaluation of the defendant's ability or inability to understand the nature of the criminal proceedings.
 - iii) An evaluation of the defendant's ability to assist counsel in the conduct of a defense in a rational manner.
 - iv) An evaluation of whether the defendant has the capacity to consent to antipsychotic medication.
- b) If the defendant requires an interpreter, it is the evaluator's responsibility to contact the Court Interpreter division at courtinterpreter@sanmateocourt.org and make the request. In the email, the evaluator should identify the following:
 - i) Language needed
 - ii) Reason for the request (court-ordered forensic evaluation)
 - iii) Date and time of the evaluation
 - iv) Location of the evaluation

¹ Evaluators must satisfy California Penal Code section 1369(h)(1)

- (1) If it is a telehealth evaluation, contact the Collaborative Courts team at collabcourts@sanmateocourt.org to get a unique Zoom link that allows for interpretation.
- v) Case information (case number and defendant's name)
- vi) Evaluator's contact information
- c) If a licensed psychologist examines the defendant and opines that the defendant has the capacity to consent to antipsychotic medication, their opinion shall be based on whether the defendant has a mental disorder that is typically known to benefit from that treatment.
- d) If a psychiatrist examines the defendant and opines that treatment with antipsychotic medication may be appropriate, the psychiatrist shall inform the court of their opinion as to the likely or potential side effects of the medication, the expected efficacy of the medication and possible alternative treatments.
- e) An evaluation of whether the defendant lacks the capacity to make decisions regarding antipsychotic medication and an overall opinion as to the defendant's competency based on the evaluator's conclusions. If in the opinion of the evaluator, the defendant is unable to understand the nature of criminal proceedings or is unable to assist counsel in the conduct of a defense as a result of a mental disorder, the defendant is incompetent to stand trial.
- f) An evaluation of whether the defendant meets eligibility for Mental Health Diversion pursuant to [PC 1369\(b\)\(1\)\(D\)](#). This evaluation will only be ordered by the court at the request of defense counsel.

3) OTHER TYPES OF EVALUATION

- a) Not Guilty by Reason of Insanity (PC 1026/1027)
 - i) Following the entry of a plea of not guilty by reason of insanity, the court will appoint two psychiatrists or psychologists to determine whether the defendant was incapable of knowing or understanding the nature and quality of their criminal act or that their act was morally or legally wrong.
 - ii) The evaluator has discretion over the format of the report, but reports must include all elements delineated in Penal Code 1027(b) These elements include:
 - (1) Psychological history of the defendant.
 - (2) The facts surrounding the commission of the acts forming the basis for the present charge used by the psychiatrist or psychologist in making his or her examination of the defendant.
 - (3) The present psychological or psychiatric symptoms of the defendant.
 - (4) The substance abuse history of the defendant.
 - (5) The substance use history of the defendant on the day of the offense.
 - (6) A review of the police report for the offense.
 - (7) Any other credible and relevant material reasonably necessary to describe the facts of the offense

- iii) The evaluator may be called to testify and is subject to legal objections as to competency, bias and qualifications.
- b) PC 288.1 Evaluation
 - i) This report is ordered whenever the Court determines that a child under the age of 14 was the victim of sexual abuse.
 - ii) The evaluator has discretion over the format of the report. Reports must include the evaluator's opinion as to the mental condition of that person and whether or not the defendant presents a danger to the safety, health or welfare of others and if the defendant is amenable to treatment.
- c) Cognitive Testing
 - i) The Court may order supplemental cognitive testing after reviewing a competency report, but prior to making a ruling as to competency. The evaluator has discretion to determine what forms of cognitive testing are necessary as well as the format of the report. Please see Appendix A for details regarding remuneration for cognitive testing.

4) INABILITY TO ACCEPT APPOINTMENT

- a) In the event the appointed evaluator is unable to accept appointment, they must notify the court within two business days of receiving the Appointment Order.

5) SUBMISSION OF REPORTS

- a) All evaluation reports must be submitted to the Court on or before the date specified in the Appointment Order. The reports should be submitted according to the process specified in the Appointment Order.

6) REMUNERATION OF EVALUATORS

- a) Remuneration for evaluations will be in accordance with the rate schedule attached as Appendix A.

7) TESTIMONY CANCELLATIONS

- a) The Court may cancel the testimony of an evaluator who was summoned to testify in a proceeding with five or more business days' notice. If testimony is cancelled with less than five business days' notice, the Court will compensate the evaluator in the amount they would have been paid to testify (full day or half day) in accordance with the rate schedule attached as Appendix A.

8) INVOICING THE COURT FOR EXPENSES

- a) Once an evaluation has been submitted to the Court, the evaluator may claim expenses in accordance with the rate schedule attached as Appendix A.
- b) If an evaluation requires more time than covered by the rate schedule, the evaluator may seek prior approval from the Court to claim fees in excess of the rate schedule. To

claim additional fees, the evaluator is required to complete Form CR-168 and submit it to the judge who ordered the evaluation for approval. The CR-168 form is available on the Court's website.

- c) Claims should be submitted via email attachment to the Collaborative Courts Unit email address collabcourts@sanmateocourt.org. Attachments in PDF format are preferred.
- d) Expense claims should include the following information:
 - i) The defendant's name and court case number(s)
 - ii) The dates of the appointment and submission of the report.
 - iii) The duration of the evaluation, including time interviewing the client, reviewing collateral materials, scoring assessments, and interpreting psychological tests (if applicable), and writing the report.
 - iv) The time spent in court testifying (if applicable).
 - v) Whether the defendant was a non-English speaker.

9) EVALUATIONS IN THE JAIL

- a) San Mateo County operates two adult jail facilities:
 - Maguire Correctional Facility
300 Bradford St.
Redwood City, CA 94063

 - Maple Street Correctional Center
1300 Maple St.
Redwood City, CA 94063
- b) All evaluators are expected to obtain jail clearance through the San Mateo County Sheriff's Office. The Jail Clearance Request Application can be found at:
<https://www.smcsheriff.com/jail-clearance-request-application>.
- c) When coordinating a visit to the jail, evaluators should contact Correctional Health Services to arrange access to a defendant's jail records. Correctional Health Services can assist in eliciting cooperation from the defendant and preparing them for evaluation. Arrangements can be made by contacting the Behavioral Health Unit by phone at 650.599.1739 or email hs_ch_cft@smcgov.org.
- d) Jail record requests should be directed to ch_medical_records@smcgov.org.
- e) There are four time slots per week during which the jail will ensure adequate staffing to facilitate forensic evaluations. Evaluators may attempt evaluations outside of these times but the jail cannot guarantee staffing will be adequate to facilitate the evaluation. The four time slots are:
 - i) Sundays 2:00pm-4:00pm
 - ii) Mondays 1:00pm-4:00pm
 - iii) Tuesdays 9:00am-12:00pm
 - iv) Wednesdays 1:00pm-4:00pm

10) EVALUATIONS IN THE COMMUNITY

- a) Typically, it is the responsibility of the evaluator to make arrangements to conduct evaluations of out of custody defendants. However, the Court can offer support in the following ways upon request:
 - i) Working with counsel to locate the defendant or obtain contact information.
 - ii) Scheduling a time, location, and access to technology for an evaluation to be conducted at a court location.
 - iii) Arranging interpretation services for the evaluation.
 - iv) Coordinating with social workers or conservators familiar with the defendant's case.

11) REMOTE EVALUATIONS

- a) Interviews may be conducted remotely when possible, provided the individual circumstances of the case do not necessitate an in-person evaluation.
- b) To set up an evaluation with an in-custody defendant, please contact Correctional Program Services at sheriffs_programservices@smcgov.org.

APPENDIX A: FORENSIC EVALUATION FEE SCHEDULE

Effective April 1, 2023, a new flat rate fee schedule for all court ordered evaluations or testimony is as follows:

PC 1369 Initial examination with written report or memo	\$825.00
PC 1369 Second or later attempted examination with written report or memo	\$500.00
PC 1026 Not Guilty by Reason of Insanity Pleas	\$750.00
PC 288.1 Evaluation with written report	\$750.00
Mental Health Diversion Assessment Rate Enhancement*	\$150.00
Differential for non-English speaking defendant**	\$125.00
Testimony—one half day	\$250.00
Testimony—full day	\$450.00
Compensation for trial preparation in addition to the rate for testimony when required to testify before the court. This includes time spent meeting with defense or prosecution in preparation for testimony.	\$90/hour (maximum of 4 hours)
Cognitive Testing	\$900.00

*Pursuant to PC 1369(b)(1)(D) defense counsel may request a defendant be evaluated for mental health diversion eligibility. If the CR-169 (Order Appointing Doctors) indicates this has been ordered and the evaluator performs the eligibility determination, this rate enhancement may be billed.

[NOTE: Requests for fees in excess of the schedule above require prior approval of the court.]

**Differential paid to the Evaluator, in addition to the examination fee, who conducts the evaluation(s) with a non-English speaking defendant. This must be noted in the evaluator's claim.

Mileage Reimbursement

Effective January 1, 2024, Examiners are reimbursed at the rate of 67 cents per mile, or the amount allowable by law at the time the amount is claimed, for travel from office to the location where the evaluation is to take place and to court.

APPENDIX B: REDACTED SAMPLE REPORT

The Honorable Susan Jakubowski
Superior Court of San Mateo County
Hall of Justice and Records
400 County Center
Redwood City, California 94063

EVALUATION OF COMPETENCY TO STAND TRIAL

NAME: [REDACTED]
Case Number: [REDACTED]
Date of Interview: March [REDACTED], 2024
Report Date: March [REDACTED], 2024
Examiner: [REDACTED]

Your Honor:

An order to evaluate Mr. [REDACTED] for competency to proceed to trial was completed on March [REDACTED], 2024. The final report is due on April [REDACTED], 2024. This report is an initial evaluation of competency pursuant to California Penal Code 1367.

CURRENT OPINION:

California Penal Code 1367 indicates a person is not competent to proceed if:

... as a result of mental disorder or developmental disability, the defendant is unable to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a rational manner.

It is my opinion Mr. [REDACTED] does have a rational or factual understanding of the legal process. Further, it is my opinion he does have the ability to consult with counsel in forming a defense. As such, I believe Mr. [REDACTED] is competent to proceed.

SOURCES OF INFORMATION:

In preparation for this report, I reviewed charging documents, police reports, court-ordered evaluations and available medical record as listed below. Should additional information become available for review, my opinion could change.

1. Interview with Mr. [REDACTED], dated 3/[REDACTED]/2024, approximately 60 minutes
2. Redwood City Police Department Arrest Report, dated 11/[REDACTED]/2023
3. Criminal Complaint, dated 12/[REDACTED]/2023
4. Order for Inquiry into Competency to Proceed, date 3/[REDACTED]/2024
5. Jail Medical Records (Requested but Not Available)

ACKNOWLEDGMENT OF EVALUATION CIRCUMSTANCES:

[REDACTED] is a 44-year-old [REDACTED] man currently not in custody. He was evaluated in a private room during [REDACTED]. The evaluation was absent of distraction.

FORENSIC WARNING & LIMITS TO CONFIDENTIALITY:

Prior to my evaluation with Mr. [REDACTED], I informed him I would be evaluating his competency to stand trial for the Court. I told him a report addressing his competency would be submitted to the Court and attorneys. I informed Mr. [REDACTED] the information discussed during the evaluation would not be confidential. Additionally, I told him the information he provided about specific allegations could not be used against him. I also informed him of my duty to breach confidentiality if he disclosed thoughts of wanting to harm himself or others, or had knowledge of abuse to children, elder adults, or dependent adults. Mr. [REDACTED] understood the contents of the forensic warning evidenced by his ability to restate and summarize the information I gave him. After summarizing, he provided his verbal assent to continue with the evaluation.

SUMMARY OF ALLEGATIONS:

Mr. [REDACTED] has one pending criminal matter totaling in one charge. The alleged offense took place on November [REDACTED] 2023.

1. PC273.6(a) Disobeying Domestic Relations Court Order, misdemeanor, one count

Per the police report, the Defendant came to the protected party's home and left his backpack on her front door. He reportedly demanded to speak with the protected party at the time. One week later, the Defendant was arrested without incident. There was no relevant information pertaining to symptoms of mental illness at the time of the arrest.

RELEVANT HISTORY:

The Defendant was open and forthcoming with information. Notably, there were no collateral records available.

Social History:

The Defendant stated he was born and raised in Morocco. He reportedly came to the United States in 2002 and worked a variety of entry level jobs. He indicated he last worked in May 2023 "helping people with their gas bill" as some kind of door-to-door service. He said he stopped working because "people told me to go fix my problems... I was doing drugs." The Defendant said he was homeless prior to his arrest.

Alcohol and Drug History:

Mr. [REDACTED] stated he used methamphetamine daily. He suggested his methamphetamine use "makes me paranoid" and causes him to have auditory hallucinations (i.e., hearing voices others cannot hear). He denied use of all other substances. Notably, he said he stopped using methamphetamine two weeks prior to our interview. He reported difficulty stopping in the past. He also said he used excessively, built a tolerance, and used despite negative consequences (e.g., arrests).

Psychiatric History:

Mr. [REDACTED] stated he was diagnosed with depression and posttraumatic stress disorder. He reported he did not experience mood or psychotic symptoms such as auditory hallucinations or paranoia when he was not using methamphetamine. He indicated he was once involuntarily

hospitalized pursuant to Welfare and Institutions Code (WIC) section 5150 after a suicide attempt. He said he never received outpatient mental health treatment.

Summary of Psychiatric Treatment in Jail:

The Defendant was out of custody. Therefore, there were no jail medical records.

Current Psychiatric Medication:

The Defendant said he was not taking psychiatric medication.

MENTAL STATUS EXAMINATION AND INTERVIEW:

The Defendant presented as a normally developed and nourished male, who appeared his stated age. He was dressed in appropriate attire, which was neat and clean, and his hygiene and grooming appeared adequate. Gait and general motor behaviors were without abnormality, and there were no signs of acute physical distress. He spoke at a normal rate, volume, and tempo. He was cooperative throughout the evaluation, as he was open and forthcoming with information. He made appropriate eye contact and rapport was easily established and maintained. His emotional expression was appropriate in context and range. He was not responding in a slow manner, his affect was appropriate, and related effectively. He was able to engage in a bidirectional conversation with no influence from symptoms of mental illness.

Mr. [REDACTED] correctly identified the day of the week, day of the month, month, and year. His thinking or behavior did not appear disorganized, as he remained on task throughout the evaluation. His responses were logical, linear, and with appropriate elaboration. He noted he did not have current auditory hallucinations. This was consistent with my observations, as he did not appear distracted or internally preoccupied. There was no evidence of delusions, as he did not express fear that people were trying to hurt him, he did not endorse grandiose beliefs that he was more important than others, and he did not express bizarre thoughts. He indicated he did not have thoughts of wanting to hurt himself or others.

Although not formally assessed, the Defendant's intellectual functioning appeared to be in the average range, based on verbal comprehension, vocabulary, sentence structure, and general fund of information. There were no observed cognitive deficits. He did not require repetition, redirection, simple explanations, and he displayed good memory skills (i.e., he remembered words such as ball, pen, chair after a short and long-time delay).

CONSIDERATION OF MALINGERING:

Malingering is defined in the Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM-5) as "the intentional production of false or grossly exaggerated physical or psychological symptoms, motivated by external incentives (such as evading criminal prosecution).

In my opinion, Mr. [REDACTED] is not likely malingering any competency impairments. During the current evaluation, Mr. [REDACTED] noted he did not have bothersome symptoms of mental illness. Individuals who tend to malingering, exaggerate symptoms, rather than minimize them. Furthermore, the Defendant expressed a desire to resume his case, which eliminates the external incentive to malingering impairments. He also performed well on the competency portion of the interview. Given his limited endorsement of symptoms, his lack of current symptom presentation, and his desire to

not go to a state hospital, I did not believe a structured measure of feigned psychiatric impairment was necessary. The totality of information supports my opinion that Mr. [REDACTED] presentation was not influenced by an attempt to mangle or feign psychiatric symptoms and competency impairments.

DSM-5 DIAGNOSTIC FORMULATION:

F15.259 Amphetamine-Type Substance Use Disorder, with amphetamine-type substance induced psychotic disorder, with onset during intoxication/withdrawal, in a controlled environment

Discussion

Based on the above evaluation and available collateral information, I diagnosed Mr. [REDACTED] with substance-induced psychotic disorder, amphetamine-type substance. This diagnosis requires the presence of delusions or hallucinations, and these symptoms must be present during or soon after use of a substance. Furthermore, these psychotic symptoms remit after the cessation of use. For methamphetamine particularly, research indicates psychotic symptoms frequently remit within three months. There are multiple pieces of evidence to support a substance induced psychotic disorder. First, there is no documented history of psychiatric treatment independent of substance use. During the current evaluation, the Defendant did not present with symptoms of mental illness, despite not taking antipsychotic medication. He also self-reported a history of psychotic symptoms only in the context of methamphetamine use.

Mr. [REDACTED] was also diagnosed with a stimulant use disorder. He reported daily use of methamphetamine prior to his arrest. He stated he wanted to stop using but had difficulty. Furthermore, he used substances despite negative consequences. Additionally, given his use, he likely uses in dangerous circumstances and likely developed a tolerance and experienced withdrawal symptoms.

ABILITIES RELEVANT TO COMPETENCE TO STAND TRIAL:

I used the Revised Competency Assessment Instrument (R-CAI; Riley, Nelson and Grannon, 1989)¹ to structure my evaluation of competency.

Understanding of the Charges, Verdicts, and Potential Consequences:

Mr. [REDACTED] correctly identified his charges as "violating a restraining order." He correctly said his charge was a misdemeanor and indicated a felony was more serious than a misdemeanor. He noted he could face "up to a year" if convicted. He correctly stated some rules he must follow when on probation, such as "don't drink, no drugs, no weapons." He stated a guilty plea meant "I did it, then I'm sentenced" while a not guilty plea meant "I didn't do it... they can take me to trial." He reported no contest meant "I'm not pleading guilty or innocent, but I'm sentenced." He said a plea deal was "taking a deal from the court so they can get less time." He indicated he must plead no contest or guilty to accept a plea deal.

¹ The R-CAI is a semi-structured interview used to assist in the evaluation of competency to stand trial using questions grouped into 14 court related domains. This instrument is best considered as a structured guide for asking a defendant about numerous areas of the legal process and their ability to cooperate with their attorney.

Understanding of the Trial Participants and Process:

The Defendant stated the purpose of a trial was to “see if you’re guilty or innocent.” He noted the role of the prosecutor was to “find you guilty,” and said the role of his attorney was to “try to defend you.” He described the role of the judge as the person who “gives the sentence and he makes sure both sides are fair.” He said the jury “is the 12 people in the courtroom that decide if the person is guilty or innocent.” He indicated the judge and jury do not take a side. He correctly stated the definition of a witness as “the person that was at the scene of the crime that tells the court what they saw.” He also identified potential witnesses in his case. He knew his 5th Amendment right was “the right to remain silent,” and knew he would not be forced to testify in Court. Finally, the Defendant correctly stated he was supposed to be respectful in Court, which included not speaking out without permission.

Ability to make Relevant Decisions:

Mr. [REDACTED] had minimal problems with decision making capacities. He said the advantage of a plea bargain was “less time in jail.” He said a disadvantage was “you have to admit it.” He said he would not speak to the prosecutor without his attorney present because “they’re trying to get you on anything you say. It’s good to have your lawyer to protect you.” Mr. [REDACTED] effectively identified the potential evidence in his case and discussed how that would impact his ability to win at trial. Notably, this discussion took place without interference from the symptoms of mental illness. Specifically, he described objective pieces of evidence and did not appear delusional, disorganized, or irritable during the discussion. Finally, Mr. [REDACTED] discussed the pros and cons of testifying at trial. He stated an advantage could be “you could say your side of what happened,” while a disadvantage was “you could be incriminating yourself.” He noted he would consider testifying but indicated he would listen to his lawyer.

Ability to Assist Counsel in Preparing and Implementing a Defense:

Mr. [REDACTED] provided a detailed account of events leading up to his arrest. When provided with the police’s side of the story, he indicated portions he agreed with and disagreed with without interference from mental illness. Specifically, there was no evidence of delusions, disorganized thinking, or irritability in his discussion. When discussing defense strategy, the Defendant gave a reasonable defense that was not influenced by symptoms of mental illness. Finally, Mr. [REDACTED] stated he did not have issues with his attorney handling his case. He did not voice any grandiose or delusional themes related to his thoughts about his attorney or courtroom personnel.

OPINION THAT DETERMINES RESTORATION READINESS AND COMPETENCY**The Defendant’s Ability to Understand the Nature of the Criminal Proceedings:**

It is my opinion that Mr. [REDACTED] is presently able to understand the nature of the criminal proceedings relevant to his legal case. The Defendant is organized and rational in thought; he is calm and in control of his emotions and behavior; and he is unhindered by cognitive limitations. It is likely this improvement occurred because the Defendant has remained abstinent from methamphetamines.

As described in detail in the Competency to Stand Trial (CST) Assessment section, Mr. [REDACTED] demonstrated multiple key psycho-legal abilities during the current evaluation. Specifically, he was able to appreciate the nature and seriousness of his charge, as he stated that he was charged

with a misdemeanor and acknowledged that he could be sentenced to time in jail if convicted. He also understood the nature and implications of his plea options, as he acknowledged that if he were to accept a plea bargain and plead no contest or guilty, that his charge could be reduced, but he would have a felony on his record. In addition, he identified evidence that could be used against him. He stated that he would tell his attorney should he have evidence that would aid in his defense. He also demonstrated an accurate understanding of the roles of the main members of the court, as he stated that his attorney was on his side, the district attorney represented the State, and jury decided the verdict. In general, he was cooperative and answered the forensic questions in a reality-based manner, unimpeded by symptoms of a mental illness. In sum, it is my opinion that symptoms of mental illness did not impact his functioning, suggesting there are no clinical barriers to Mr. [REDACTED]'s ability to understand the proceedings.

Ability to Assist Counsel in the Conduct of a Defense in a Rational Manner

It is also my opinion Mr. [REDACTED] is now able to assist his counsel in a rational and effective manner. He does not currently exhibit psychiatric symptoms that would hinder this capacity. In his current state of clinical stability, he is organized in thought; his affect is calm, engaged, and well contained; and he is cognitively unhindered. Again, this is likely due to his abstinence from methamphetamine.

During the present evaluation, Mr. [REDACTED] demonstrated the ability to engage in a thoughtful and logical discussion of his legal case and the pending proceedings. As described in the CST Evaluation section, he gave a rational and linear account of the allegations. He identified examples of evidence and discussed possible sentencing outcomes. During his discussion of his case, he did not demonstrate functionally impairing delusions or disorganization. He communicated his thoughts effectively and engaged in a bilateral discussion about his legal circumstances. When discussing possible outcomes for his case, he demonstrated flexibility in his thinking, his behavior was appropriate, and he provided rational and reality-based legal defense strategies that appeared plausible. At no time, during the discussion of his legal predicament, did Mr. [REDACTED] make statements or display impairment suggestive of delusions. Mr. [REDACTED] expressed a positive opinion of his attorney, but these opinions were not a result of mental illness. He stated he feels he can trust his attorney and that his attorney would do a sufficient job representing him. In sum, Mr. [REDACTED]'s planned legal strategy appears reasonable, flexible, and grounded in reality.

QUESTIONS RELEVANT TO THE COURT:

Does the Defendant have the capacity to consent to medication?

Yes. [REDACTED]'s psychiatric symptoms have remitted following a period of sobriety and without treatment with antipsychotic medications. The Defendant stated he was not prescribed antipsychotic medication. He indicated he was not taking medication because "I don't need anything. I'm not using." He did not identify any way medication can help and suggested there were no benefits of taking medication if he did not have symptoms. Mr. [REDACTED] did not display symptoms of mental illness that would impact his ability to communicate a choice regarding medication or understand relevant information related to medication. Furthermore, he displayed the ability to appreciate the need for medication in his specific case. He reasoned through a medication decision effectively, as he noted there were no side-effects and suggested there was no necessity for medication at this time. Although he did not directly attribute his lack of symptoms

to abstinence from symptoms, he correctly indicated he did not need medication because he no longer had symptoms.

Thank you for the opportunity to evaluate Mr. [REDACTED]. Please contact me with any questions.



[REDACTED], PhD
Licensed Psychologist
PSY# [REDACTED]