

Order #4. Order Committing a Defendant Who Continues to be Incompetent to Stand Trial and a Danger To Themselves, Others, or Property for Further Evaluation after 180 Days.

This order continues the commitment under N.J.S.A. 2C:4-6 for a defendant who is not competent and continues to be dangerous as a result of mental illness after the three (3) month review in form Order #3. This order continues hospitalization for the defendant for six (6) months. This order further requires the court to hold a hearing pursuant to N.J.S.A. 2C:4-6c and make a determination as to whether to hold the charges in abeyance. The charges may be dismissed only if the court finds that “continuing the criminal prosecution under the particular circumstances of the case would constitute a constitutionally significant injury to the defendant attributable to undue delay in being brought trial.” Ibid.

This order extends the time of commitment to no more than six (6) months. As in form Order #3, clinical staff must provide the court with a report regarding the competency of the defendant and whether or not the defendant continues to be dangerous as a result of mental illness. In the case of a defendant who remains incompetent, the clinician is to provide an opinion as to whether the defendant is likely to regain competency in the foreseeable future. At any time before the six (6) month period has expired, the treating clinician is to inform the court if the defendant becomes competent and/or is no longer a danger to self, others, or property as a result of mental illness.