

THURSDAY, OCTOBER 3, 1985
IN THE CRIMINAL COURTS OF SHELBY COUNTY, TENNESSEE

DIVISION 3

ORDER DIRECTING EVALUATION OF DEFENDANT TO DETERMINE COMPETENCY TO
STAND TRIAL AND TO DETERMINE MENTAL CAPACITY AT COMMISSION OF OFFENSE
PURSUANT TO T.C.A. SECTION 33-7-301 (a)

STATE OF TENNESSEE

DATE SET: 1-6-86
11-11-85 (T)

VS: NO. 85-01194

CHARGE: Accessory Before the Fact:
MID & M.D.

Garth K. Owens
DEFENDANT

This cause came on to be heard on this 3rd day of October
19 85, upon petition of James Deady & Wayne Commins
requesting evaluation of the above named defendant to determine competency to stand
trial; and to determine mental capacity at the commission of the offense; the state-
ments of counsel for the defendant and the State of Tennessee; the entire record, and
after full hearing;

IT IS THEREFORE ORDERED ADJUDGED AND DECREED:

1. That the Sheriff of Shelby County, Tennessee shall forthwith arrange for examination of the defendant within a reasonable period of time at Midtown Mental Health Center;
2. That a copy of this order shall be presented to the examiner at or before the time of evaluation;
3. That Midtown Mental Health Center shall examine the defendant and determine (a) whether the defendant understands the nature of the legal process; (b) whether the defendant understands the charges now pending in this case; (c) whether the defendant recognizes the possible consequences of said charges; (d) whether the defendant is capable of assisting counsel and participating in the defense; (e) whether the defendant was mentally ill at the time of the commission of the crime charged; (f) whether such illness, if found, prevented the defendant from knowing the wrongfulness of the act charged; and (g) whether such mental illness, if found, rendered the defendant substantially incapable of conforming his or her conduct to the requirements of the law, the violation of which is now charged;
4. That the Midtown Mental Health Center shall file with this Court a written report concerning the evaluation of the defendant;
5. That the costs of mental evaluation shall be taxed as costs in this cause.

Enter this 3rd day of October, 19 85.

Joseph B. McCartie
JUDGE

APPROVED:
John D. Trotter
ASSISTANT ATTORNEY GENERAL

James O. Ward
ATTORNEY FOR DEFENDANT

FILED 10-3-85
J. A. BLACKWELL, CLERK
BY Patrick S. Ruffery D.C.

Whereupon Court adjourned until tomorrow morning at 9:30 o'clock.

/s/ JOSEPH B. McCARTIE
3677 JUDGE