

Note:

The topic that I was asked to speak about was triaging a mental health case. As time permits I will discuss the following topics that fall outside of the topic but are of concern:

1. Evaluations done in the jail in the time of the pandemic. In other words, evaluation done by IPAD. Are they secure? Are they useful? Complete? Should you wait until in-person evaluations are possible.
2. Once the evaluation is done, and the client is incompetent....
3. In patient versus outpatient restoration – what each brings to the table. Current outpatient pandemic problems.
4. Requirement for defense counsel and prosecutor to send information to both the evaluators and those doing restoration. What information needs to be sent.
5. Current state hospital overflow problems.
6. Can't be restored? Options. How the nature of the charge and your client's history affects your determination.
7. What in the world does the phrase "marginally competent" mean from a practical defense attorney perspective.
8. When is it worth it to do a sanity evaluation.
9. What the privileging system means from a time line perspective.
10. Temporary Custody outpatient evaluations upon a finding of not guilty by reason of insanity.
11. Definitions - NGRI and MSO. They are not one in the same.
12. NGRI as an affirmative defense. IT IS NOT A PLEA.
13. Notices. Time periods. Discovery post July 1, 2020.
14. Sources of all potential mental health records – get them in advance.
15. Anything else I can think of that we might have time for.

I am certainly willing to answer any and all questions relating to your current cases - including any orders you may require. For a more in-depth legal analysis, I prefer to review relevant discovery and mental health records/evaluations prior to offering an opinion.

For what we don't get to:

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