

**PROCEDURES WHERE POSSIBLE INCOMPETENT DETAINED AFTER  
BEING CHARGED WITH A MISDEMEANOR  
(WILSON COUNTY ONLY)**

In cooperation with all of the governmental authorities involved, the following procedure is now in effect in Wilson County only:

When a defendant is admitted to the Wilson County Jail after being charged with a misdemeanor and it is believed by the detention supervisor that the defendant may be incompetent to proceed and/or mentally ill and a danger to himself or others, the detention official shall notify the District Attorney's office during normal office hours.

If the district attorney plans to proceed with the case, the district attorney shall then notify the clerk's office and an attorney will be appointed with the affidavit waived.

At the next criminal court setting or at the one currently in session if that is possible, the district attorney and defense attorney are to notify the court and consider a motion/order for competency evaluation.

The detention supervisor shall notify the District Attorney's office as soon as the defendant returns from the evaluation.

If the finding is competency, the district attorney will consider adding the case to a calendar as soon as possible consistent with due process. If the finding is incompetency, the case shall be added to a calendar as soon as possible for consideration of a civil commitment where the charge is a violent crime. If the charge is not a violent crime and no one is willing/able to procure an involuntary commitment through the magistrate, the District Attorney should consider dismissing the case with or without leave or moving for appropriate release with conditions.