

THE STATE OF TEXAS

§
§
§
§
§

IN THE 482ND DISTRICT COURT

v.

SLAYTON, KELLY
SPN: 03078865

HARRIS COUNTY, TEXAS

**ORDER FOR RESTORATION TO COMPETENCY
NOT TO EXCEED 120 DAYS PURSUANT TO ARTICLE 46B.073**

Judge Presiding:	VERONICA M. NELSON	Degree of Offense:	1ST DEGREE FELONY
Attorney for State:	MITCHELL SANCHEZ	Offense:	MURDER
Attorney for Defendant:	HIGGINBOTHAM, CARY LYNN	Date of Alleged Offense:	12/19/2020

The Defendant was charged for the offense in the above numbered cause. In advance of trial on the merits, the Court considered the issue of the Defendant's competency to stand trial. The State appeared by an assistant district attorney.

Choose One:

- The Defendant appeared in person represented by counsel.
- Counsel for the Defendant **waived the Defendant's appearance.**

DETERMINATION OF INCOMPETENCY

Choose One:

(Uncontested Incompetency, Art. 46B.005(c)) Counsel for the State and counsel for the Defendant waived trial by jury and trial to the Court on the issue of competency; counsel for the State and counsel for the Defendant did not oppose a finding of incompetency; and the Court did not, on its own motion, find cause to determine that a trial was necessary to establish incompetency. The Court considered the report of the expert appointed to examine the Defendant and other evidence tendered by the parties. Based on the evidence, the Court **FINDS** the **Defendant INCOMPETENT** to stand trial.

(Incompetency, Court Trial, Art 46B.051(b)) Counsel for the State and counsel for the Defendant waived trial by jury and tried the issue of competency to the Court. The Court considered the report of the expert appointed to examine the Defendant, testimony and other evidenced tendered by the parties. Based on the evidence, the Court **FINDS** the **Defendant INCOMPETENT** to stand trial.

(Incompetency, Jury Trial, Art 46B.051(a)) Counsel for the Defendant or State requested a trial by jury. The jury heard the evidence submitted and argument of counsel including evidence required by Texas Code of Criminal Procedure, article 46B. The Jury, unanimously **FOUND** the **Defendant INCOMPETENT** to stand trial.

FINDINGS

The Court **FINDS** the Defendant is subject to an initial restoration period pursuant to Texas Code of Criminal Procedure, article 46B.071(a)(2).

The Court **FINDS** the Defendant is not on bail.

Check one of the following:

The Court **FINDS** that the defendant is charged with an offense listed in Texas Code of Criminal Procedure art.17.032(a) or the Indictment alleges an affirmative finding under Texas Code of Criminal Procedure art. 42A.054(c) or (d). Therefore, the Court **ORDERS** the **Defendant** committed to a mental health facility designated by the Texas Health & Human Services Commission (HHSC) for further examination and treatment toward the specific objective of attaining competency to stand trial.

The Court **FINDS** the **Defendant** is **not** charged with an offense listed in Texas Code of Criminal Procedure art.17.032(a) or the Indictment does **not** allege an affirmative finding under Texas Code of Criminal Procedure art. 42A.054(c) or (d). Therefore, the Court **ORDERS** the **Defendant** committed to a mental health facility determined to be appropriate by the local mental health authority as

designated by the Texas Health & Human Services Commission (HHSC) for further examination and treatment toward the specific objective of attaining competency to stand trial.

The Court **ORDERS** the Defendant remanded to the Sheriff of Harris County, Texas, who shall deliver the **Defendant** to a mental health facility designated by the Texas Health & Human Services Commission (HHSC).

The Court further **ORDERS** the Harris County District Clerk to send a certified copy of this order to The Harris Center for Mental Health and IDD, and a copy of: (1) reports of each expert; (2) psychiatric, psychological, or social work reports that relate to the mental condition of the defendant; (3) documents provided by the attorney representing the state or the attorney representing the defendant that relate to the defendant's current or past mental condition; (4) copies of the indictment or information and any supporting documents used to establish probable cause in the case; (5) the defendant's criminal history record; and (6) the addresses of the attorney representing the state and the attorney representing the defendant.

The Court further **ORDERS** the Court Reporter to promptly prepare the transcript of all medical testimony received by the jury or court and to forward the transcript to The Harris Center for Mental Health and IDD.

Signed and entered on 5/3/2023



VERONICA M. NELSON
JUDGE PRESIDING

Clerk **C RODRIGUEZ**