

**Order #S1 – Order Mandating an Expert Evaluation of Defendant’s Criminal Responsibility at the Time of the Crime (Sanity Evaluation) - (Defendant not Detained)**

The text of the following proposed order has been drafted for use when the court needs an expert report pursuant to N.J.S.A. 2C:4-1 and the prosecutor and defense counsel having agreed that professional staff from the Department of Health should perform a sanity evaluation due to questions regarding a defendant’s state of mind at the time of the offense. This form of order is to be used for defendants who are not detained at the time the order is entered and are in the community. The language in the order pertaining to the purpose of the evaluation is found in N.J.S.A. 2C:4-1. The order directs the defendant to undergo an evaluation from an expert designated by the Commissioner of Department of Health. The evaluation is to take place in the community at a place to be determined by the parties taking into account the length of time needed to complete the evaluation and any security concerns. These examinations have previously been conducted at defense counsel’s offices and in courthouse settings when circumstances permit. Discovery is to be provided by the prosecutor to the court, who will then furnish it to professional staff at the Department of Health

It should be noted that this order is not to be used for an evaluation as to diminished capacity under N.J.S.A. 2C:4-2.