

LCrR12.2 – Notice of an Insanity Defense; Mental Examination

LCrR12.2-1 Insanity Defense Competency.

In any criminal proceeding in which a question of competency arises, and in which a competency ~~evaluation-examination~~ and determination is being requested pursuant to Fed. R. Crim. P. 12.2(c)(1)(A), the attorney shall file a “Motion for Determination of Competency.” ~~which~~ The motion shall remain pending for docketing purposes until the issue of mental competency is finally adjudicated, completion of the competency evaluation and final hearing by the presiding judge including during any periods of attempted restoration to competency.

LCrR12.2-2 Insanity or Other Mental Condition.

In any criminal proceeding in which a mental examination is being requested pursuant to Fed. R. Crim. P. 12.2(c)(1)(B), the attorney shall file an appropriate motion. The motion shall remain pending for docketing purposes until the report is filed of record in the case.

SUMMARY OF CHANGES

Changes recommended to correct title, clarify when motions shall be termed by the courtroom deputies, and conform to current practices.