

NOTICE: CONTAINS SENSITIVE INFORMATION

CAUSE NO. _____

STATE OF TEXAS

§ IN THE DISTRICT COURT OF

vs.

§ MONTGOMERY COUNTY, TEXAS

§ _____ JUDICIAL DISTRICT

**DEFENDANT’S MOTION FOR FUNDS TO EMPLOY AN INDEPENDENT
PSYCHOLOGIST FOR MENTAL HEALTH COURT EVALUATION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, _____, Defendant in the above entitled and numbered cause, by and through counsel and would show the Court the following:

I.

_____ stands charged with the _____ degree felony offense of _____.

II.

_____ has a history of mental illness. He/She is a candidate for the Mental Health Treatment Court and requires an evaluation by a psychiatrist/psychologist per the Mental Health Court’s guidelines.

III.

_____ has been determined to be indigent and remains indigent. The Defendant herein requests that the Court appoint Dr. Mary Alice Conroy to act as an expert to assist counsel for the defense.

IV.

Sam Houston State University, by and through Dr. Mary Alice Conroy, in accordance with the contract with Montgomery County Department of Community Supervision and Corrections, will perform the evaluation. The assistance of Dr. Mary Alice Conroy is essential for diagnostics compliance for the Mental Health Treatment Court.

V.

Defendant is entitled to the assistance of this expert pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article I, Sections 10, 13 and 19 of the Texas Constitution, and Articles 1.04, 1.05, 1.051, 26.04, 26.05 and 26.052 of the Texas Code of Criminal Procedure. *Ake v. Oklahoma*, 470 U.S. 68 (1985).

VI.

The information and contents of this and the results of Dr. Conroy’s evaluation contain sensitive information and should remain sealed from the public, being made available only to Defense Counsel, the State, and this Court. Counsel has no intent to release this information at this time to anyone other than the trial court and the State for the limited purpose of obtaining expert evaluation for compliance with current Mental Health Court requirements.

WHEREFORE, PREMISES CONSIDERED, _____ asks this Court to grant this *Motion for Funds to Employ an Independent Psychologist for Mental Health Court Evaluation*, Dr. Mary Alice Conroy be appointed or a doctor affiliated with Sam Houston State University at Dr. Conroy’s direction, that the expert be reasonably compensated for her services, and that this Motion and the results springing from it be sealed.

Respectfully submitted,

By: _____

Counsel for _____

NOTICE: CONTAINS SENSITIVE INFORMATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Montgomery County, on the same day in which it was filed.

CAUSE NO. _____

STATE OF TEXAS

§ IN THE DISTRICT COURT OF

vs.

§ MONTGOMERY COUNTY, TEXAS

§ _____ JUDICIAL DISTRICT

ORDER ON DEFENDANT’S MOTION FOR FUNDS TO EMPLOY AN INDEPENDENT PSYCHOLOGIST FOR MENTAL HEALTH COURT EVALUATION

BE IT REMEMBERED, that on the _____ day of _____, 2017, came on to be considered *Defendant’s Motion for Funds to Employ an Independent Psychologist for Mental Health Court Evaluation*. After consideration of the same, it is the opinion of the Court that the same be:

() **GRANTED**, and the Defendant is hereby authorized to employ Dr. Mary Alice Conroy or a doctor affiliated with Sam Houston State University at Dr. Conroy’s direction, for her services as an independent psychologist. The County Auditor is ordered to issue payment up to \$200.00 with approval for intermittent invoices as a reasonable fee upon receipt of this order, as well as seal this order. **Further**, Dr. Mary Alice Conroy, or a doctor affiliated with Sam Houston State University at Dr. Conroy’s direction, is authorized to enter the Montgomery County Jail as necessary for any and all evaluations of Defendant. **Further**, this Motion, Order, and the results of Dr. Conroy or a doctor affiliated with Sam Houston State University at Dr. Conroy’s direction’s evaluation shall be sealed from the public record, **and the District Clerk is ordered** not to release the aforesaid information to any party besides this Court, the Defense, and the State.

IT IS FURTHER ORDERED that any state agency, private facility, or private treatment provider, including, but not limited to, any office of the Texas Department of Mental Health and Mental Retardation, Austin State Hospital, Vernon State Hospital, and the Montgomery County Community Supervision and Corrections Department, which has provided mental health or mental retardation service to the defendant in the past, shall

NOTICE: CONTAINS SENSITIVE INFORMATION

provide to Gloria Kessler or the appointed examiner full, complete, and unrestricted access to any records of service provided to the defendant. Furthermore, all persons in possession of such records are hereby authorized to release them to Gloria Kessler or the appointed expert concerning the services provided to the defendant.

() **DENIED.**

SIGNED on this the ____ day of _____, 20__.

JUDGE PRESIDING