

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

State of West Virginia,

Plaintiff

v.

Circuit Court Case No: \_\_\_\_\_

Mag Crt Case No: \_\_\_\_\_

\_\_\_\_\_  
Defendant

**ORDER FOR ANIMAL CRUELTY EVALUATION**

This Court, in accordance with W. Va. Code §61-8-19(h)(1), does hereby ORDER that the Defendant, \_\_\_\_\_, undergo a complete psychological evaluation, to include, but not be limited to, the Defendant's general risk of recidivism and risk of recidivism with regard to further acts of animal cruelty, to be performed by a qualified forensic licensed psychologist at the office of Fremouw, Sigley & Baker Psychological Associates, at 1445 Stewartstown Road, Suite 200, Morgantown WV 26505.

The Court further ORDERS the psychologist listed above to provide a report of the assessment and his findings and recommendations to be filed in triplicate with the Clerk of the Circuit Court for distribution to this Court and attorneys of record.

The Court further ORDERS that the State make every reasonable effort to furnish Fremouw, Sigley & Baker Psychological Associates all relevant materials contained in said Prosecuting Attorney's office which shall include the following, if available:

1. A copy of the complete criminal investigation report and list of evidence collected;
2. A copy of any available probation office reports;
3. A copy of the record of any and all medical and/or psychiatric treatment rendered to the defendant while in custody;
4. A clear statement of defendant's behavior in jail for the 48 hours prior to the scheduled examination;
5. A copy of any previous social, psychiatric, or psychological evaluations; and,

The Court finds that the psychologist may release this Order to other mental health facilities and/or professionals for the purpose of obtaining defendant's mental health records. This Court finds any mental health records requested by the psychologist are

sufficiently relevant to the proceedings before the Court to outweigh the importance of maintaining the confidentiality established by West Virginia Code §27-3-1.

The Court further finds that good cause exists such that the public interest and need for disclosure outweighs the injury to the patient, to the patient-physician relationship and to the treatment services pursuant to 42 U.S.C.A. Section 290dd-2 and 42 C.F.R. Part 2. Therefore, this Court ORDERS all facilities presented with this Order to release the defendant's mental health records to the psychologist listed above who shall use them specifically for completing the examination ordered herein.

The Court FINDS that the defendant is indigent and further ORDERS that, upon receipt of an original invoice and a Court order with a raised seal of the Clerk of this Court, the West Virginia DHHR Bureau of Social Services, shall pay for the examinations pursuant to West Virginia Trial Court Rules, Rule 35.05. The original invoice, the Court order and the evaluation shall be forwarded to the West Virginia DHHR, Bureau of Social Services, 350 Capitol Street, Room 730, Charleston, WV 25305.

The Clerk of this Court shall prepare certified copies of this Order and transmit the same to the following parties:

1. Fremouw, Sigley & Baker Psychological Associates, 1445 Stewartstown Rd., Suite 200, Morgantown, WV 26505.
2. West Virginia DHHR Bureau of Social Services, 350 Capitol Street, Room 730, Charleston, WV 25305.

ENTERED: \_\_\_\_\_

/s/ \_\_\_\_\_  
Circuit Court Judge