

**IN THE CIRCUIT COURT OF JACKSON COUNTY
AT KANSAS CITY**

STATE OF MISSOURI,)	
Plaintiff,)	Case No. 1516-CR XXXX
)	
)	
v.)	
)	Div. 26
XXXXXXXXXXXXXXXXXX ,)	
Defendant.)	

INVOLUNTARY MEDICATION ORDER

On October 30, 2015, the court found the defendant incompetent to proceed in the above-styled case, and committed the defendant to the custody of the Missouri Department of Mental Health (DMH) pursuant to §552.020 RSMo. Defendant then filed a Motion to Require Notice prior to involuntary medication. The State opposes said motion. Upon reviewing the motion, argument, and relevant law, the Court hereby orders the following:

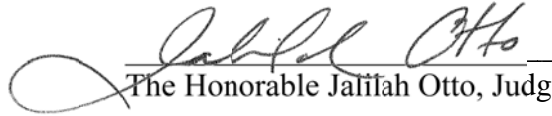
Prior to the involuntary administration of any medication, including psychotropic drugs, to the defendant for the sole purpose of restoring defendant’s competency to proceed, this matter shall come before the Court for hearing to make determinations consistent with *Sell v. United States*, 539 U.S. 166, 181, 123 S. Ct. 2174, 156 L. Ed. 2d 197 (2003)¹. At said hearing the State must establish first, “important governmental interest are at stake” and that special circumstances do not sufficiently mitigate those interests. *Id.* at 180. Second, that the involuntary medication must significantly further the State’s interest by making it “substantially likely to render the defendant competent to stand trial” and “substantially unlikely to have side effects that will interfere significantly with the defendant’s ability to assist counsel” at trial. *Id.* at 181. Third, the involuntary medication must be necessary to further the State’s interests, and less intrusive means must be unlikely to achieve substantially the same results. *Id.* And last, the court must conclude that the administration of drugs is medically appropriate and in the defendant’s best medical interests in light of his medical condition. *Id.*

¹ See *United States v. Thrasher*, 503 F.Supp. 2d 1233 (W.D. Mo. 2007)

The requirements outlined above, do not apply to the involuntary medicating of the defendant when the defendant poses a danger to themselves and others. See *Washington v. Harper*, 494 U.S. 210, 225-226, 110 S.Ct. 1028, 108 L. Ed. 2d 178 (1990), which recognizes the government's important interest in medicating prisoners who pose a danger to themselves and others.

IT IS SO ORDERED.

Date: December 30, 2015


The Honorable Jalilah Otto, Judge