IN THE CIRCUIT COURT OF [*county*] COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

v. [*case number*]

 Hon. [*name*]

[*name-all caps*],

Defendant.

**MOTION FOR HEARING TO OFFER A DEFENSE ON THE MERITS**

On this date came the Defendant, [*name*], by [*his/her*] Counsel, [*counsel’s name*], and moved the Honorable Court, pursuant to W. Va. Code § 27-6A-6, as amended, for a hearing to permit Defendant to assert a defense which is not based on mental disease, mental defect, or addiction.

In support of said motion, Counsel asserts that while Defendant has been found incompetent to stand trial, Defendant believes that [*he/she*] can establish a defense on the merits of the pending charges.

Therefore, Defendant requests that the Honorable Court schedule a hearing and permit Defendant to establish a defense to the charges herein.

Dated the \_\_\_ day of [*month, year*].

[*defendant*],

By Counsel

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*counsel name*] [*bar number*]

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant