

8.14 Defendant's Return to Stand Trial Upon Regaining Capacity

The defendant must be returned to stand trial if capacity to proceed is regained and the charges have not been dismissed. The criminal court may also order that the defendant be returned to jail or be granted pretrial release pending the criminal court trial. G.S. 15A-1004(e).

If the defendant has been in the custody of a facility, the facility must notify the clerk in the county where the criminal case is pending of the change in the defendant's status. The clerk must then notify the sheriff of that county to transport the defendant back to the county for further criminal proceedings. G.S. 15A-1006.