

OR, IF THE PUBLIC DEFENDER FOR GOOD CAUSE DECLINES REPRESENTATION, OTHER COUNSEL TO REPRESENT THE INMATE IN THE PROCEEDING.

(6) UNLESS THE STATE STIPULATES TO THE INMATE'S INCOMPETENCE, IT SHALL CAUSE THE INMATE TO BE EXAMINED AND EVALUATED BY ONE OR MORE PSYCHIATRISTS OF ITS CHOOSING.

(7) THE INMATE IS ENTITLED TO BE INDEPENDENTLY EXAMINED BY A PSYCHIATRIST OF THE INMATE'S CHOOSING, PROVIDED THE REQUEST IS REASONABLE AND TIMELY MADE.

(8) UNLESS, WITH THE COURT'S APPROVAL, THE PARTIES WAIVE A HEARING, THE ADMINISTRATIVE JUDGE OF THE COURT SHALL DESIGNATE A TIME FOR AN EVIDENTIARY HEARING TO DETERMINE THE INMATE'S COMPETENCE. THE HEARING SHALL BE HELD WITHOUT A JURY IN COURT, AT THE PLACE WHERE THE INMATE IS CONFINED, OR AT ANY OTHER CONVENIENT PLACE.

(9) AT THE HEARING, THE INMATE:

(I) SUBJECT TO THE REASONABLE RESTRICTIONS RELATED TO THE INMATE'S CONDITION, HAS THE RIGHT TO BE PRESENT;

(II) HAS THE RIGHT THROUGH COUNSEL TO OFFER EVIDENCE, CROSS-EXAMINE WITNESSES AGAINST THE INMATE, AND MAKE ARGUMENT; AND

(III) HAS THE BURDEN OF ESTABLISHING INCOMPETENCE BY A PREPONDERANCE OF THE EVIDENCE.

(D) (1) THE COURT SHALL ENTER AN ORDER DECLARING THE INMATE TO BE COMPETENT OR INCOMPETENT AND STATING THE FINDINGS ON WHICH THE CONCLUSION IS BASED.

(2) IF THE COURT FINDS THE INMATE TO BE COMPETENT AND HAS PREVIOUSLY REVOKED THE WARRANT TO EXECUTE THE DEATH SENTENCE PURSUANT TO § 75(A), IT SHALL NOTIFY THE COURT IN WHICH THE SENTENCE OF DEATH WAS IMPOSED TO ISSUE A NEW WARRANT FOR EXECUTION.

(3) IF THE COURT FINDS THE INMATE TO BE INCOMPETENT IT SHALL REVOKE THE WARRANT TO EXECUTE THE DEATH SENTENCE AND REMAND THE CASE TO THE COURT IN WHICH THE SENTENCE OF DEATH WAS IMPOSED, WHICH SHALL STRIKE THE SENTENCE OF DEATH AND ENTER IN ITS PLACE A SENTENCE OF LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE. THE SENTENCE SHALL BE MANDATORY AND MAY NOT BE SUSPENDED, IN WHOLE OR IN PART, ~~NOTWITHSTANDING ANY LAW TO THE CONTRARY.~~

(4) THERE IS NO RIGHT OF APPEAL FROM THE COURT'S ORDER. HOWEVER, EITHER PARTY MAY SEEK REVIEW IN THE COURT OF