

FILED
DATE: August 11, 2025
TIME: 11:31:09 AM
MECKLENBURG COUNTY
CLERK OF SUPERIOR COURT

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

BY: L. VanCleve

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21CR229041, 042, 22CR336318

STATE OF NORTH CAROLINA)
)
v.)
)
)
)
)
OCTAVIS WILSON,)
Defendant.)

ORDER FINDING DEFENDANT
INCAPABLE TO PROCEED AND
DISMISSING CHARGES PURSUANT TO
NCGS 15A-1008

THIS MATTER came on before the undersigned Judge presiding in the Superior Court of Mecklenburg County, North Carolina on July 23, 2025, for a hearing on Defendant's Capacity to Proceed to trial pursuant to N.C.G.S. 15A-1002(b)(1).

Based upon matters before the Court, the Court makes the following FINDINGS OF FACT:

1. Defendant was indicted by a grand jury on one count of Attempted First-Degree Forcible Rape, one count of Assault with a Deadly Weapon, one count of First-Degree Kidnapping, one count of Second-Degree Forcible Rape, one count of Second-Degree Forcible Sex Offense, one count of Assault on a Female, and one count of Sexual Battery.
2. Defendant is being held in pre-trial confinement on these charges at the Mecklenburg County Jail.
3. On May 2, 2023, Dr. [REDACTED] M.D., found Defendant incapable to proceed.
4. Defendant was admitted to Broughton State Hospital for capacity restoration in March 2024. Defendant was seen by Dr. [REDACTED] and was considered to be incapable of proceeding legally but the evaluation report was not received.
5. Defendant was admitted to the NC Rise program on August 14, 2024, and evaluated by Dr. [REDACTED], Ph.D.
6. Dr. [REDACTED] Ph.D. submitted a report to the Court dated December 20, 2024, opining that Defendant was not capable to proceed.
7. The State filed a Motion on February 11, 2025, requesting that Defendant be committed to Central Regional Hospital for further observation and treatment. On February 12, 2025, the Honorable Justin Davis ordered that Defendant be committed to Central Regional Hospital for further evaluation.
8. Dr. [REDACTED] Psy.D. submitted a report dated May 20, 2025, opining that defendant was incapable to proceed and that his capacity "cannot be restored within the foreseeable future."

Based on the above FINDINGS OF FACT, the Court makes the following CONCLUSIONS OF LAW:

1. Defendant currently lacks capacity to stand trial as required by N.C.G.S. 15A-1001.
2. It appears to the satisfaction of the Court that Defendant will not gain capacity to proceed, and that dismissal of the pending charges is required by N.C.G.S. 15A-1008(a)(1).
3. The Court has reasonable grounds to believe that Defendant meets the criteria for involuntary commitment under Part 7 of Article 5 of Chapter 122C of the North Carolina General Statutes in that Defendant is a danger to himself or others and that the underlying charges are of a violent nature.

IT IS HEREBY ORDERED THAT:

1. Defendant be involuntarily committed pursuant to Part 7 of Article 5 of Chapter 122C of the North Carolina General Statutes.
2. The hospital or institution must report the condition of Defendant to the Clerk's Office of Mecklenburg County at the same times that reports on the condition of the Defendant-respondent are required under Part 7 of Article 5 of Chapter 122C of the General Statutes, or more frequently if the court requires.
3. That if Defendant regains capacity to proceed, the hospital or institution that Defendant is committed to, must immediately provide a report to the Clerk's Office of Mecklenburg County pursuant to N.C.G.S. 15A-1004.
4. That Defendant shall be examined to determine whether Defendant has the capacity to proceed prior to release from commitment from the hospital or institution.
5. The above-captioned charges be dismissed pursuant to N.C.G.S. 15A-1008(a)(1).
6. That Atrium Health Behavioral Health Charlotte contact the Mecklenburg County Sheriff's Office Rise program for patient history information.

This the ____ of _____, 2025.



Superior Court Judge residing