

IN THE CIRCUIT COURT OF THE  
SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY,  
FLORIDA.

STATE OF FLORIDA,

SPN:

vs.

CASE NO.

Defendant.

\_\_\_\_\_ /

**ORDER ADJUDGING DEFENDANT INCOMPETENT TO PROCEED  
AND  
COMMITMENT TO SECURE PLACEMENT WITH THE  
AGENCY FOR PERSONS WITH DISABILITIES**

THIS CASE came to be heard before the Court, and the issue of the Defendant's competency to proceed was raised in accordance with the provisions of Rule 3.210, FRCrP, and Section 916.301, Florida Statutes (2006). Pursuant to Section 916.301(2)(b), the Court also appointed, \_\_\_\_\_, **and the Agency for Persons with Disabilities**, which selected (1) a psychologist who is licensed or authorized to practice in this State and has experience in evaluating persons suspected of having retardation or autism and (2) a social service professional who has experience in working with persons with retardation or autism.

The Court has received:

- the written reports  
 the oral testimony  
 both written reports and oral testimony

of the above-named expert(s) in relation to the issue of the Defendant's competency to proceed and need for commitment.

FINDINGS OF FACT:

IT IS ORDERED AND ADJUDGED that:

- (1) Defendant has been charged with a felony.
- (2) Defendant is incompetent to proceed due to retardation.
- (3) There is clear and convincing evidence that the Defendant meets the criteria for involuntary commitment for training as provided in Section 916.302, Florida Statutes (2006) as follows:
  - a. Defendant has retardation
  - b. There is a substantial likelihood that in the near future Defendant will inflict serious bodily harm on himself or another person, as evidenced by recent behavior causing, attempting or threatening such harm;
  - c. All available less restrictive alternatives have been judged to be inappropriate;
  - d. There is a substantial probability that the retardation or autism causing the Defendant's incompetence will respond to training and the Defendant will regain competency to proceed in the reasonably foreseeable future.
- (4) The Defendant is hereby committed to the Agency for Persons with Disabilities, which shall retain and provide appropriate training for the Defendant.

- (5) Pursuant to Section 916.302(2)(b), Defendant is hereby ordered into a forensic (secure) facility designated by the agency for defendants who have mental retardation or autism.
- (6) The Clerk of the Court is directed to forthwith forward a certified copy of this Order along with copies of any written reports submitted to this Court by experts appointed by the Court relating to the issues of competency and commitment; copies of any other psychiatric, psychological or social work reports submitted to the Court relative to the mental state of the Defendant; and a copy of the charging instrument and all supporting affidavits or other documents used in the determination of probable cause to:

The Mentally Retarded Defendant Program  
Post Office Box 1000  
Chattahoochee FL 32324

- (7) Upon notification of an available bed space by the Mentally Retarded Defendant Program, the Sheriff of Leon County shall, on the date specified, forthwith transport and deliver the Defendant to a forensic (secure) facility designated by the Agency, together with a certified copy of this Order and the other documentation outlined in paragraph (7) above.
- (8) The Agency, through the Administrator of the facility to which the Defendant is admitted, shall report directly to this Court, with copies to the Attorneys for the State and the Defense on the issues of competency to proceed and the need for continued commitment as provided in Section 916.302(a) Florida Statutes (2006) and Rule 3.212, FRCrP.

- (9) In the event the Defendant's presence is required at any hearings in this cause, this Court shall issue an Order to Transport, directing the Sheriff of Leon County, or his designee to assume responsibility for transporting the Defendant back to the jurisdiction for this Court.
- (10) This Court retains jurisdiction in this cause, and the Defendant shall not be discharged or released from commitment within the Agency for Persons with Disabilities without Order from this Court pursuant to Section 916.3025, Florida Statutes (2006).

DONE AND ORDERED at \_\_\_\_\_, \_\_\_\_\_  
County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

Copies furnished to:

Public Defender or Private Defense Counselor:

State Attorney:

Agency for Persons with Disabilities: Program Administrator, Area 2  
MRDP Legal

Kendra Brown: Court Mental Health Coor., Leon County Courthouse – Rm 203