

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

STATE OF FLORIDA

SPN:

vs.

Case No.(s):

Defendant.

Division:

_____ /

ORDER ADJUDGING DEFENDANT INCOMPETENT TO PROCEED
AND
PLACING DEFENDANT ON CONDITIONAL RELEASE

THIS CAUSE having come to be heard before the Court, and the questions of the competency of the Defendant in this cause to proceed having been raised in accordance with the provisions of Rule 3.211(a), Fla. R. Crim. P., and s. 916.12, Fla. Stat., the Court appointed _____, to examine the Defendant and to report to the Court on whether the Defendant is competent to proceed and, if not, to report on any recommended treatment for the Defendant to attain competency to proceed. The Court having received:

the written reports

the oral testimony

both written reports and oral testimony

of the above-named experts and others in relation to the issue of the Defendant's competency to proceed and need for treatment, the court hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACTS

1. The Defendant suffers from a major mental illness
2. The Defendant is incompetent to proceed
3. The Defendant is in need of competency restoration training and such training is available in the community.
4. The Defendant does not meet the criteria for placement in an inpatient program.

CONCLUSIONS OF LAW

A. The Defendant is incompetent to proceed due to the Defendant's mental illness as defined in s. 916.106(11), Fla. Stat.

B. The Defendant is incompetent to proceed with

pre-trial hearings

entry of a plea

the trial of the case

sentencing

violation of probation or community control proceedings

hearings on issues regarding a defendant's failure to comply with court orders or conditions

other matters where the mental competence of the defendant is necessary, i.e. _____

C. The Defendant does not meet the criteria for commitment to a treatment facility of the Department of Children and Families as provided in s. 916.13(1), Fla. Stat., but is in need of outpatient treatment to restore competency to proceed.

Based upon the FINDINGS OF FACTS and CONCLUSIONS OF LAW, it is ORDERED AND ADJUDGED that:

1. The Defendant is incompetent to proceed due to the Defendant's mental illness as defined in s. 916.106(11), Fla. Stat., and all further proceedings are hereby stayed.

2. The Defendant does not meet the criteria for commitment to a treatment facility of the Department of Children and Families as provided in s. 916.13(1), Fla. Stat., but is in need of outpatient treatment to restore competency to proceed.

3. Accordingly, the Defendant is hereby released, pursuant to s. 916.17, Fla. Stat., and Rules 3.212(8)(d) and 3.219, Fla. R. Crim. P., on the following release conditions:

(a) The Defendant will remain in outpatient treatment during his conditional release period. Such treatment will be provided by _____ . All aspects of his treatment will be coordinated by his assigned case manager;

_____ .

(b) The Defendant will reside at _____ . Any change in address will be approved by his case manager/forensic specialist and the court shall be immediately notified.

(c) The Defendant will take psychotropic medication as prescribed by his attending psychiatrist. Periodic psychiatric consultations will be coordinated by his case manager/forensic specialist as needed.

(d) The Defendant will attend outpatient substance abuse treatment as directed and arranged by his case manager/forensic specialist.

(e) The Defendant will not drink alcohol or use illegal substances of any kind and may be required to undergo periodic drug screenings as directed by his case manager/forensic specialist.

(f) The Defendant will not possess or use any firearms or other weapons of any kind.

(g) The Defendant is to report for further court-ordered evaluation regarding competency to proceed at specified times during such release period.

4. The case manager/forensic specialist will provide the court with monthly reports regarding compliance with the conditions of release and his progress in treatment. These reports will be submitted every month or as required by the court.

5. The Defendant will have no contact with the victim.

6. The Defendant will adhere to all conditions outlined in the attached conditional release plan (see attached).

7. Should the Defendant fail to comply with the terms of his conditional release, this Order directs all sheriffs of this state to render aid and assistance in the arrest and detention of the defendant, and detain him pending transfer to the Leon County Jail. The detaining sheriff's deputy shall immediately notify the Leon County Sheriff Department to arrange for the transfer of the Defendant to the Leon County Jail. The court shall hold a hearing within seven (7) days and the Court may enter such orders as it deems appropriate or necessary in accordance with Fla. R. Crim. P. 3.219 and '916.17(2), Fla. Stat. In accordance with Fla. R. Crim. P. 3.219(b), the court, after hearing, may modify the conditions or release or may order the Defendant be recommitted to the Department of Children and Families or The Agency for Persons with Disabilities.

8. The Defendant agrees to waive his right to confidentiality to all parties, designees or successors on the distribution page of this order. This waiver of confidentiality includes, but is not limited to, all past and future information regarding the Defendant's inpatient and outpatient evaluations, medical, mental health, psychiatric, psychological and substance abuse treatment records.

9. The conditional release plan has been reviewed by the Defendant. The Defendant understands the conditions of release listed and agrees to comply with them.

10. The Court hereby retains jurisdiction in this cause, pursuant to s. 916.16, Fla. Stat., for the entry of such Order as may be necessary or appropriate.

DONE AND ORDERED at _____, _____

County, Florida, this ____ day of _____, 20____.

CIRCUIT JUDGE

Copies furnished to:

Office of the State Attorney:
Defense Counsel:

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