

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

STATE OF FLORIDA

**SPN:
CASE No.:**

vs.

Division:

DEFENDANT.

_____ /

**ORDER FINDING THE DEFENDANT INCOMPETENT TO PROCEED , PLACING
ON A CONDITIONAL RELEASE TO
APALACHEE CENTER FORENSIC RESIDENTIAL PROGRAM
AND
ORDER AUTHORIZING IMMEDIATE ARREST OF DEFENDANT FOR VIOLATION**

THIS CAUSE having come to be heard before the Court, on the question whether the Defendant continues to meet the criteria for involuntary hospitalization raised in '916.15(1), Fla. Stat. The Court having heard testimony, received and considered the report(s) and recommended treatment of the Defendant by argument by the defense attorney and prosecuting attorney and being otherwise duly advised hereby makes the following Findings of Fact and Conclusion of Law:

FINDINGS OF FACTS

- 1. The Defendant has been evaluated and has been determined to suffer from a major mental illness.**
- 2. The Defendant meets the criteria for placement in a community based forensic program.**
- 3. The Defendant is in need of close monitoring and psychiatric treatment.**

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. (2004). All further proceedings are hereby stayed until further order of the Court.**

B. The Defendant is incompetent to proceed with

☒ plea 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 is charged with a felony

D. The Defendant meets the criteria for placement in a community based forensic program where he will receive competency restoration training.

E. The Defendant is in need of close monitoring and psychiatric treatment.

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

- 1. The Sheriff of Leon County shall transport the Defendant to Apalachee Center Inc., Evaluations & Admissions located at 2634 Capital Circle NE, Bldg A, for admission into their mental health forensic treatment facility located at 77 LaSalle Path, Quincy, FL 32351, for the purpose of evaluation, assessment, stabilization, and competency restoration.**
- 2. The Defendant shall remain at this treatment program for his mental illness throughout his Conditional Release period. All aspects of his treatment will be coordinated by his psychiatrist and the treating team. The Defendant shall only leave the residential program by written order of the presiding Court.**
- 3. The Defendant shall continue to take all psychotropic medication prescribed by his Psychiatrist and attend all psychiatric consultations as coordinated and/or arranged**

by his case manager. He must also submit to periodic blood tests or urinalysis to monitor compliance with his prescribed psychotropic medications. The Defendant must attend all scheduled meetings with his case manager or designee.

4. The Defendant must obey all municipal, state, and federal laws.
5. The Defendant will not consume any alcoholic beverages, illicit drugs, or medication not prescribed to him.
6. The Defendant shall not own or possess any firearms or other weapons of any kind.
7. The Defendant shall not be allowed any leave of absences. The Defendant shall not be allowed to participate in any activities occurring beyond the grounds of the facility.
8. The Defendant must follow the terms of Apalachee Center's rules and policies whether or not they have been specified in this conditional release order.
9. The case manager or designee/ shall provide the Court and all parties identified on the distribution page of this order with monthly reports concerning the Defendant's compliance with the conditions of his release and his progress in treatment. These reports shall be submitted every month, with the initial report due 30 days from the date of this Order.
10. Psychiatric Hospitalization does not equate a violation of the Conditional Release. At any time that the Case Manager, or other authorized party is of the opinion that the Defendant poses an imminent danger to himself or others or that the release conditions should be modified or violated, personnel shall immediately advise the Court, by affidavit or by testimony under oath and copy all parties listed on the distribution page of this order of same. Furthermore, these facts shall immediately

be reported to the Office of the State Attorney in Leon County, Florida, for the filing of appropriate motions.

- 11. The Clerk of 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 need for treatment; 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:**
 - 1. Forensic Program Coordinator- Sally Cunningham or Designee
Department of Children & Families Mental Health Prog. Office
1317 Winewood Boulevard
Tallahassee, Florida, 32399-0700
(850) 487-6269; Fax (850) 922-9197**
 - 2. Residential Forensic Supervisor
Apalachee Center Inc.
2634 Capital Circle NE
Tallahassee, Florida 32308
(850) 523-3333; cell –(850)694-1109**
- 12. 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.**
- 13. Should the Defendant fail to comply with the terms of his conditional release, this Order directs all sworn law enforcement officers in the State of Florida to render aid and assistance in the arrest and detention of the defendant, and detain him in the local county jail, pending transfer to the Leon County Jail. The detaining sheriff's department 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.

15. The Defendant shall to the best of his ability assume the cost of residential treatment, medical care, and laboratory work; and shall cooperate with his case manager in applying for additional grants and benefits for cost of care and treatment.
16. Apalachee Center Inc, through the Administrator of the facility to which the Defendant is admitted, shall report directly to this Court, with copies to the Court's Mental Health Coordinator and the attorneys for the State and the Defense on issues of competency to proceed and the need for continued placement and/or treatment.

The Court will retain jurisdiction in this case for the entry of such Orders as may be necessary or appropriate.

DONE AND ORDERED in Leon County, Florida, this _____ day of _____, 2009

CIRCUIT COURT JUDGE

Copies furnished to -

Conditional Release Distribution List:

Office of the State Attorney -

Defense Attorney –

Alfred Solomon, Forensic Supervisor

2634 Capital Circle NE

Tallahassee, Fl 32308

Apalachee Forensic Residential Supervisor

2634 Capital Circle NE

Tallahassee, Fl. 32308

Beth Mueller, LCSW

DCF District 2 Mental Health,

2383 Phillips Road

Tallahassee, Florida 32308

(850) 488-2419

Kendra Brown

Court Mental Health Coordinator

Court Administration – Rm 201 G

301 S. Monroe Street Tallahassee, FL 32301

(850) 577-4438

Elaine Fygetakis, Ph.D.

Department of Children and Families

Mental Health Program Office

1317 Winewood Blvd. Bldg 6, Rm 221

Tallahassee, Fl 32399