

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

STATE OF FLORIDA

SPN:

vs.

Case No.(s):

Division:

Defendant  
\_\_\_\_\_ /

**ORDER APPOINTING EXPERTS FOR COMPETENCY EVALUATION  
(MENTAL RETARDATION OR AUTISM)**

THIS CASE came to be heard before the Court and, in accordance with the provisions of Rule 3.210, FRCrP, and Section 916.301, Florida Statutes (2006), the issue of the Defendant's competency to proceed at one or more of the following material stages of criminal proceeding was raised:

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.

Further, the court has reasonable grounds to believe that the Defendant may be incompetent to proceed and that an evaluation should be scheduled to examine this Defendant.

Therefore, it is ORDERED AND ADJUDGED as follows:

1. Pursuant to Section 916.301(2)(b), F.S. , **the Court orders the Agency for Persons with Disabilities to select** (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.
2. The appointed experts shall examine the Defendant in accordance with the provisions of 916.3012, F. S. (2006), and Rule 3.211, FRCrP, and report relative to the following issues:

- (a) Whether the Defendant meets the definition of retardation or autism as defined in Ch. 393.063, F.S. (2006);

- (b) Whether the Defendant is competent to proceed for the purpose(s) indicated above, pursuant to the criteria set forth in 916.3012 F.S. (2006), and Rule 3.211(a), FRCrP; that is, whether the defendant has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational, as well as factual, understanding of the proceedings against him. In considering the issue of the Defendant's competence to proceed, the experts shall consider and include in their report the following factors as to the Defendant's capacity:

- [1] Appreciate the charges or allegations against him;

- [2] Appreciate the range and nature of possible penalties, if applicable, which may be imposed in the proceedings against him;

- [3] Understand the adversary nature of the legal process;

- [4] Disclose to his attorney facts pertinent to the proceedings at issue;
- [5] Manifest appropriate courtroom behavior;
- [6] Testify relevantly.

(c) If the expert finds that the Defendant is incompetent to proceed, the expert shall also report on any training recommended for the Defendant to attain competency.

In considering the issues related to training, the experts shall report on the following:

- [1] The retardation or autism causing the incompetence;
- [2] The training appropriate for the retardation or autism and an explanation of each possible training alternative in order of choices;
- [3] The availability of acceptable treatment. If treatment is available in the community, the expert shall so state in the report.
- [4] The likelihood of the Defendant's attaining competence under the training recommended and an assessment of the probable duration of the treatment required to restore competence, and the probability that the defendant will attain competence to proceed in the foreseeable future.

3. Any written report submitted by the experts shall contain the following:

- (a) The report shall identify the specific matters referred for evaluation.
- (b) The report shall describe the evaluative procedures, techniques and tests used in the examination and the purpose or purposes for each.
- (c) The report shall state the expert's clinical observations, findings and opinions on each issue referred for evaluation by the court, and indicate specifically those issues, if any, on which the expert could not give an opinion.
- (d) The report shall identify the sources of information used by the expert and present the factual basis for the expert's clinical findings and opinions.

4. The expert appointed above and the Agency for Persons with Disabilities shall submit their written reports directly to this Court with copies to the Attorney for the State and the Attorney for the Defendant on or before the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

5. This cause is scheduled for a hearing on the issue of the Defendant's competency to proceed at \_\_\_\_\_ o'clock \_\_. m. on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

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

Copies furnished to:

Office of the State Attorney: Ashleigh Stowell, ASA, fax#: (850)606-6001

Public Defender or Private Defense Attorney: Adrienne Soule, fax# (850)922-9901

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