

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

STATE OF FLORIDA

SPN:

vs.

Case No.

Division:

Defendant

_____ /

STIPULATED ORDER ADJUDGING DEFENDANT INCOMPETENT TO PROCEED
AND
COMMITMENT TO DEPARTMENT OF CHILDREN AND FAMILIES

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 3.210(b), Fla. R. Crim. P., the Court, pursuant to s. 916.115, Fla. Stat., and Rule 3.210(b), Fla. R. Crim. P., 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 competence 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 is charged with a felony
2. The Defendant suffers from a major mental illness.
3. The Defendant is incompetent to proceed
4. The Defendant is in need of treatment and treatment is available

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, who is incompetent to proceed, is presently charged with a felony.

D. The Defendant meets the criteria for involuntary placement with the Department of Children and Families as provided in s. 916.13(1), Fla. Stat. To wit:

(1) The defendant is manifestly incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment,

the defendant is likely to suffer from neglect or refuse to care for herself or himself and such neglect or refusal poses a real and present threat of substantial harm to the defendant's well-being; and,

(2) There is a substantial likelihood that in the near future the defendant will inflict serious bodily harm on herself or himself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm.

E. There are no available, less restrictive alternatives, including treatment in community residential facilities or community settings, which would offer an opportunity for improvement of the Defendant's condition, which are appropriate.

F. There is a substantial probability that the mental illness causing the defendant's incompetence will respond to treatment and the defendant will regain competency to proceed in the reasonably foreseeable future.

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 is hereby committed to the Department of Children and Families.

3. The Defendant meets the criteria for commitment to a treatment facility of the Department of Children and Families as provided in s. 916.13(1), Fla. Stat., and is hereby committed to the Department of Children and Families to be placed in a mental health treatment facility pursuant to s. 916.13(2), Fla. Stat.

4. 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 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:

Forensic Program Coordinator
Department of Children and Families
Mental Health Program Office
1317 Winewood Boulevard
Tallahassee, FL 32399-0700

5. Upon notification of an admission date by the Department of Children and Families, the Sheriff of Leon County shall, on the date specified, forthwith transport and deliver the Defendant to a treatment facility designated by the Department, together with a certified copy of this Order and the other documentation outlined in paragraph 4 above.

6. The Department, 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 s. 916.13(2), Fla. Stat., and in Rule 3.212 (5), Fla. R. Crim. P.

7. 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 resume custody of and transport the Defendant back to the jurisdiction of this Court.

8. In the case of those Defendants found incompetent to proceed with the trial of the case, the requirements of Rule 3.191, Fla. R. Crim. P., are hereby temporarily suspended.

9. This Court retains jurisdiction in this cause, pursuant to s. 916.16, Fla. Stat., and the Defendant shall not be discharged or released from commitment within the Department of Children and Families without further Order of this Court.

DONE AND ORDERED at _____, _____

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

CIRCUIT JUDGE

Copies furnished to:

Office of the State Attorney:

Defense Attorney:

Kendra Brown: Court Mental Health Coor., Rm 201-G, Leon County Courthouse, Tallahassee, Fl 32301

Beth Mueller: DCF District 2 Office, 2383 Phillips Road, Tallahassee, Fl 32308

Alfred Solomon: Apalachee Center Inc, 2634 Capital Circle NE, Tallahassee, Fl 32308

Office of the Sheriff: Bailiff Unit, Transportation Division (3 certified Orders, transport Order, evaluations and charging documents)