

STATE OF FLORIDA

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 _____,

_____, and _____ 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.
- 2.
- 3.

CONCLUSIONS OF LAW

A. The Defendant is incompetent to proceed due to the Defendant's mental illness as defined in s. 916.106(13), 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(13), 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 Rule 3.212(d), Fla. R. Crim. P., on the following release conditions for a period not to exceed one year:

(a) The Defendant will remain in outpatient treatment for his mental illness during his conditional release period. Such treatment will be provided by the _____ [agency]. All aspects of his treatment will be coordinated by his assigned case manager/forensic specialist;

_____ [name, address, and phone number].

(b) The Defendant will reside at _____ [facility, address, and phone number]. 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.

(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 _____
[give specific time periods, such as every six months] during such release period.

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

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

6. 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 (name)
Defense Counsel (name)

Forensic Program Coordinator
Department of Children and Families
Mental Health Treatment Facilities Policy and Programs
2415 N. Monroe Street
Suite 400
Tallahassee, FL 32303-4190

Treatment Agency

Case Manager/Forensic Specialist
(name and address)

Community Program Director
(address)

Forensic Coordinator
Managing Entity
(name and address)