

**FIFTEENTH JUDICIAL CIRCUIT
IN AN FOR PALM BEACH COUNTY, FLORIDA**

Mental Health Division T for “ “
CASE NO:

STATE OF FLORIDA

vs.

**ORDER GRANTING EXAMINATION OF DEFENDANT’S COMPETENCY
AND
ORDER SETTING HEARING IN DIVISION “ “**

THIS CAUSE having come to be heard upon the Defendant’s written motion and good faith affidavit in the above styled cause, requesting a Determination of the Competency of the Defendant to Stand Trial, and the Court being otherwise fully advised, it is **ORDERED** and **ADJUDGED** that:

1. That said motion is hereby granted.
2. Court Psychology is appointed to examine the defendant whose business address is Palm Beach County Courthouse, Suite 5.1130, 205 N. Dixie Highway, West Palm Beach, FL 33401 whose telephone number is 561-355-2108.
3. If the Defendant is in custody, the Sheriff of Palm Beach County shall permit the above-named experts to enter the Palm Beach County Jail to conduct the foregoing evaluation of the Defendant upon presentment of this Order. If the Defendant is not in custody, the Expert is to contact defense counsel, or pro se defendant, for scheduling.
4. The Expert is to give timely notice to the parties of the date and place of the examination.
5. A copy of the order serves as authorization for the Expert to inspect and copy any discoverable information relating to the Defendant maintained by the Defense Counsel, Clerk of this Court, State Attorney’s Office, any hospital, doctor, or any health care

provider, Therapist, psychiatrist, psychologist, counselor, or any mental health provider, or other social or human services agency, **Palm Beach County Jail medical records and to review any and all school records in the custody of the Palm Beach County School Board, its agents or employees**, without the necessity of written consent by Defendant. **All parties who desire for the doctor to consider above listed documents shall provide said documents to the doctor within five (5) days of this Order, The Doctor shall record the date of receipt of any of these documents for review past the five (5) day period.**

6. This cause is scheduled for a status check on the issue of the Defendant's competency to proceed at _____ on the ____ day of _____ 20__, in Division, Courtroom ____, 205 N. Dixie Highway, West Palm Beach, Florida 33401.

7. The expert shall submit a written evaluation of the defendant's mental condition to this court, with the copies to the **Assistant State Attorney**, the **Attorney for the Defendant** and **Paulina Pasquarelli, Mental Health Case Manager**, on or before the ____ day of _____ 20__ which shall include but is not limited to:

a. Competence to Proceed (See Fla. R. Crim. P. 3.211(a), Florida Statutes §916.115, 916.301). Whether the defendant has sufficient present ability to consult with counsel with a reasonable degree of rational understanding and whether the defendant has a rational, as well as factual, understanding of the pending proceedings. In considering the issue of competence to proceed, the examining expert shall consider and include in their report, the following factors, and any other factors deemed relevant by the experts, as they pertain to the defendant's capacity and/or ability to:

- 1) Appreciate the charges or allegations against him;
- 2) Appreciate the range and nature of possible penalties which may be imposed 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;

b. Recommended Treatment (See Fla. R. Crim. P. 3.211 (b)). Should the appointed expert find that the defendant is incompetent to proceed, then the expert shall determine whether the defendant meets the criteria for involuntary hospitalization and report on any recommended treatment for the defendant to attain competence to proceed. The experts report and recommendations shall include consideration of the following:

- 1) The mental illness or mental retardation causing the incompetence;
- 2) The treatment or treatments appropriate for the mental illness or mental retardation of the defendant and an explanation of each of the possible treatment alternatives in order of choices;
- 3) The availability of acceptable treatment, including whether the treatment is available in the community and whether the treatment involves community or residential facilities or inpatient or outpatient settings;
- 4) The likelihood of the defendant attaining competence under the recommended treatment, 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;

8. All written reports submitted by the expert shall contain the following:

- a. A list of the specific matters referred for evaluation;
- b. A description of the evaluation procedure, techniques and tests used in the examination and purpose for each;
- c. The expert's clinical observations, findings, and opinions on each issue referred for evaluation by the Court, and specific identification of those issues which the expert could not give an opinion;
- d. An identification of the sources of information used by the expert and a presentation of the factual basis for the expert's clinical findings and opinions.

All information contained in the motion to determine competency of the defendant or in any report submitted under this order, insofar as the information relates solely to the issues of competency to proceed or to commitment, shall be used only in determining the mental competency to proceed or the commitment or other treatment of the defendant.

9. If an order is entered for the determination of competency, the appointed expert shall be paid in accordance with his or her current contract with the responsible party, or in the absence of a contract, the current Administrative Order regarding payment of appointed experts. Evaluations that include both competency and sanity will be proportionately paid for by the responsible parties.

10. Payment for competency evaluations to determine competence to proceed or to determine recommended treatment for competence to proceed shall be made by the Court in accordance with the contract between the Court and the expert, or if no contract exists, then in accordance with the current Administrative Order regarding payment of appointed experts. The Expert shall submit the bill and appropriate invoice with an attached copy of this Order Directing Examination of the Defendant's Competency to the Court at:

Court Administration, Attention Adrione Gibbs
Administrative Office of the Courts
205 North Dixie Highway, 5th Floor
West Palm Beach, Florida 33401

When a request is made for an evaluation of the defendant to determine the defendant's sanity or as an aid for sentencing, the requesting party shall pay. Payment shall be made in accordance with the contract between the responsible party and the expert, or if no contract exists, then in accordance with the current Administrative Order regarding payment of appointed experts.

DONE AND ORDERED in Chambers, West Palm Beach, Palm Beach County, Florida, this _____, day of _____, 20__.

Judge Name

Circuit Judge

cc:

Experts:

Court Psychology,

IN CUSTODY/NOT IN CUSTODY — (Copy to Sheriff - defendant is in custody)

Office of the State Attorney-

Counsel for the Defendant-

Court Administration, Adrione Gibbs

Paulina Pasquarelli, Mental Health Case Manager