

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR HERNANDO COUNTY, FLORIDA
CIRCUIT CRIMINAL DIVISION**

STATE OF FLORIDA

CASE NO.:

v.

_____,
Defendant
_____ /

ORDER APPOINTING EXPERT FOR COMPETENCY EVALUATION

THIS CAUSE having come on to be heard before this Court, and the competency of the Defendant to proceed at any material stage of criminal proceeding, to wit:

- _____ the trial of this case
- _____ pre-trial hearings
- _____ entry of a plea
- _____ violation of probation or community control proceedings
- _____ sentencing
- _____ 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, having been raised in accordance with the provisions of Rules 3.210 and Section 916.115, Florida Statutes;

and, further, the court having reasonable grounds to question the Defendant's competence to proceed, it is **ORDERED AND ADJUDGED** as follows:

1. The following individual(s) is/are hereby appointed as an expert(s) to examine the Defendant in accordance with the requirements of this Order:

2. Each expert appointed in Paragraph 1 above, shall examine the Defendant in accordance with the provisions of Rules 3.210, and 3.211 of the Florida Rules of Criminal Procedure and report relative to the following issues:

a) Whether the Defendant is competent to proceed for the purpose indicated above, pursuant to the criteria set forth in section 916.12 Florida Statutes and Rules 3.210, and 3.211 of the Florida Rules of Criminal Procedure; that is, whether the Defendant has sufficient present ability to consult with his/her lawyer with a reasonable degree of rational understanding and whether he/she has a rational, as well as factual, understanding of the proceedings against him/her. In considering the issue of the Defendant's competence to proceed, said experts shall consider and include in their report the following factors and any others deemed relevant by the experts:

The Defendant's capacity to:

- (1) Appreciate the charges or allegations against him or her;
 - (2) Appreciate the range and nature of possible penalties, if applicable, which may be imposed in the proceedings against him or her;
 - (3) Understand the adversarial nature of the legal process;
 - (4) Disclose to his or her attorney facts pertinent to the proceedings at issue;
 - (5) Manifest appropriate courtroom behavior;
 - (6) Testify relevantly; and
 - (7) Any other factors deemed relevant by the expert;
- b) If the expert finds the Defendant is incompetent to proceed, then the expert shall report on any recommended treatment for the Defendant to attain competence to proceed.
3. In considering the issues relating to treatment, each examining expert shall report on the following factors:
- (a) Any mental illness or problem causing the incompetence;
 - (b) The treatment or treatments appropriate for the mental illness of the Defendant, and an explanation of each of the possible treatment alternatives in order of choices;
 - (c) The availability of acceptable treatment. If treatment is available in the community, the expert shall so state in the report;
 - (d) The necessity or advisability of involuntary hospitalization or placement;
 - (e) The likelihood of the Defendant attaining competence under the treatment recommended, 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.
4. Any written report submitted by the expert 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 describe 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; and
 - (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.

5. The expert appointed above shall submit his or her written report directly to this Court, with copies to the Attorney for the State and the Attorney for the Defendant, on or before the _____ day of _____, 2022.

6. The Office of the State Courts Administrator shall pay the fees of each expert appointed above upon the submission of a Statement for Payment and in accordance with the terms and amount set forth in Administrative Order A-2021-5. **However, if any expert appointed herein also evaluates the Defendant for sanity or mitigation purposes, the billing for that purpose shall be separate and sent to the requesting party, and not to the Office of the State Courts Administrator.**

DONE AND ORDERED at Brooksville, Hernando County, Florida, this _____ day of _____, 2022

STEPHEN E. TONER, JR.
Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via US mail and/or inter-office mail delivery to Office of the State Attorney, 20 North Main St., Room 400, Brooksville, FL 34601, Attorney _____, to Hernando County Court Administration, , Attn: Jeremy Moore, 20 N. Main Street, Room 335, Brooksville, FL 34601, Bay Care, C/O Gina Gonzalez, 15311 Cortez Blvd., Brooksville, FL 34613, email Jaimie.Gentile@baycare.org and to Dr. _____, (include physical address or email address) on the _____ day of _____, 2022.

Judicial Assistant/Deputy Clerk