

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

STATE OF FLORIDA

vs.

Case No.(s):

Division:

Defendant
_____ /

ORDER APPOINTING EXPERTS FOR COMPETENCY EVALUATION
AND
NOTICE OF HEARING

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

- _____ 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. _____

having been raised in accordance with the provisions of Rule 3.210(b), Fla. R.Crim. P., and, further, the court having reasonable grounds to believe that the Defendant may be incompetent to proceed and that an evaluation should be scheduled to examine this Defendant, it is

ORDERED AND ADJUDGED as follows:

1. The following individuals are hereby appointed as experts to examine the Defendant in accordance with the requirements of law and this Order:

_____, _____, and,
_____.

2. The experts appointed in Paragraph 1., above, shall examine the Defendant in accordance with the provisions of s. 916.12, Fla. Stat., and s. 916.13, Fla. Stat., Rules 3.211(a) and (b) and 3.212(3), Fla. R.Crim. P., 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 s. 916.12, Fla. Stat., and Rule 3.211(a), Fla. R.Crim. P.; 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, 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;
- [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;

(b) If the experts should find the Defendant is incompetent to proceed, then the experts shall report on any recommended treatment for the defendant to attain competence to proceed, including the least restrictive setting in which to receive the treatment. In considering the issues relating to treatment, the examining experts shall report on the following factors:

(1.) The mental illness causing the incompetence;

(2.) The likelihood that 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 whether 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.

(3.) 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;

(4.) The availability of acceptable treatment. If treatment is available in the community, the expert shall so state in the report;

(5.) 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.

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 experts appointed above 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 _____, 20____.

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 _____

Public Defender or Private Defense Attorney _____

Appointed Experts:
