

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA

CASES NO: 2015 303807 CFDB
2015 302118 CFDB

STATE OF FLORIDA

v.

DEMETRIUS EMMANUEL TAYLOR

Defendant

Filed in Open Court
Seventh Judicial Circuit
Volusia County, Florida

DEC 16 2015

**ORDER ADJUDICATING DEFENDANT INCOMPETENT TO PROCEED AND
INVOLUNTARILY COMMITTING DEFENDANT FOR TREATMENT**

THIS MATTER came before the Court to consider Defendant's competency to proceed to trial. The Court, having reviewed the evaluation of the experts and, being otherwise fully apprised of the premises, the Court hereby makes the following Findings of Fact and Conclusions of Law:

1. The Defendant received competency evaluations from Dr. Roger Davis and Dr. Kyle Goodwin. Both evaluations found the Defendant to be incompetent but differed regarding whether the Defendant meets the criteria for involuntary hospitalization under Fla. Stat. §916.13(2) and Fla.R.Crim.P 3.212(c)(3).

2. After consideration of both evaluations, the parties have stipulated that the Defendant is incompetent to proceed and does meet criteria for involuntary commitment to DCF.
3. Based on the reports and opinions of the examining experts, the Court makes the following Findings of Fact based upon clear and convincing evidence:
 - a. Defendant does not have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and has no rational or factual understanding of the proceedings against him. Fla. Stat. §916.12(1).
 - b. Defendant does have a mental illness and because of that mental illness is incapable of surviving alone; and, that there is a substantial likelihood that he would be a danger to himself or others without treatment. Fla. Stat. §916.13(1)(a)1. and 2.
 - c. Appropriate treatment for restoration of Defendant's competence to proceed is available. Fla.R.Crim.P 3.212(c)(3)(C).
 - d. All available, less restrictive treatment alternatives which would offer an opportunity for improvement of Defendant's condition have been judged to be inappropriate. Fla. Stat. §916.13(1)(b).
 - e. There is a substantial probability that the mental illness causing Defendant's incompetence will respond to treatment and Defendant will regain competency in the reasonably foreseeable future. Fla. Stat. §916.13(1)(c).
4. Based on these Findings of Fact, the Court makes the following Conclusions of Law:
 - a. Defendant is incompetent to proceed as defined in Fla. Stat. §916.12(1).
 - b. Defendant meets the criteria for involuntary commitment to a treatment facility pursuant to Fla. Stat. §916.13(2) and Fla.R.Crim.P 3.212(c)(3).

Therefore, it is ORDERED and ADJUDGED that:


1. Defendant, DEMETRIUS EMMANUEL TAYLOR, is hereby committed to the Department of Children and Families to be placed in a mental health treatment facility, retained and treated as provided in Fla.Stat. §916.13(2).
2. The Clerk of the Court is directed to forthwith forward a certified copy of this Order along with copied of any written reports submitted to the Court by experts appointed by the Court relating to the issue of competency and commitment; copies of any 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
Attn: Sally Cunningham
Bldg. 3, Room 205B
1317 Winewood Boulevard
Tallahassee, FL 32399-0700

3. Upon notification of an admission date by the Department of Children and Families, the Sheriff of Volusia 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 2. above.
4. No later than 6 months after the date of admission, the Department, through the administrator of the facility to which the Defendant is admitted shall file a report directly to this Court, with copies to the attorneys for the State and Defense, as to the determination of whether Defendant has regained competency and the need for continued commitment as provided in Fla.R.Crim.P. 3.212.

5. At any time thereafter that the administrator or designee determines that Defendant has regained competency to proceed or otherwise no longer meets the criteria for continued commitment, a report shall be filed with the Court so stating.
6. In the event Defendant's presence is required at any hearings in this cause, this Court shall issue an Order to Transport, directing the Sheriff of Volusia County, or his designee to resume custody of and transport the Defendant back to the jurisdiction of this Court.
7. The provisions of Fla.R.Crim.P. 3.191 are hereby temporarily suspended.
8. The Court hereby retains jurisdiction in this cause, pursuant to Fla.Stat. §916.16 for entry of any Order as may be necessary or appropriate. Defendant shall not be discharged or released from commitment within the Department of Children and Families without further Order of this Court.
9. The Department of Children and Families shall follow all time restraints provided in Florida Statutes in placing the Defendant in a treatment facility.

DONE AND ORDERED in Daytona Beach, Volusia County, Florida, this 16th day of December, 2015.



FRANK MARRIOTT
CIRCUIT JUDGE

Copies:

Joseph Ledonne, Office of the State Attorney, LedoneJ@sao7.org ✓

Rachel Brothers, Office of the Public Defender, Brothers.Rachel@pd7.org ✓

Jim Cain, Forensic Supervisor, SMA Behavioral, jcain@smabehavioral.org

Jane Almy-Loewinger, DCF Regional Counsel, Jane.Almy-Loewinger@myflfamilies.com

Volusia County Sheriff's Office (2) ✓ 1

Booking, Volusia County Department of Correction ✓

E-MAILED RYAN 12-18-15 c.k.