

**IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
FLAGLER COUNTY, FLORIDA**

**CASE NO: 13-00763-CFFA**

**STATE OF FLORIDA**

**VS.**

**JOSEPH FRANK BOVA II,  
DEFENDANT.**

\_\_\_\_\_ /

**STATE'S MOTION FOR ORDER AUTHORIZING THE FLAGLER  
CO. SHERIFF'S OFFICE OR MEDICAL DESIGNEE TO FORCIBLY  
ADMINISTER PRESCRIPTION PSYCHOTROPIC MEDICATIONS**

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney, and files this motion for an order that would authorize the Flagler County Sheriff's Office or a medical designee to forcibly administer prescription psychotropic medications to the defendant if necessary. As support therefor, the State sets forth the following:

1. On two separate occasions, the defense has filed suggestion of incompetency during the pendency of the above-referenced case.
2. After the resulting evaluations, experts found that the defendant was, in fact, incompetent, due to schizophrenia.
3. The defendant was then involuntarily committed to the Department of Children and Families (hereinafter, "DCF") for the purpose of competency restoration.
4. After the first commitment, the defendant was restored to competency and returned to the Flagler Co. Detention Center to stand trial for the underlying murder charge in this case.

5. After returning to the jail, he immediately began refusing to voluntarily take his prescribed psychotropic medications, and he unsurprisingly decompensated and became incompetent to proceed again.

6. The defendant was committed again to the DCF for competency restoration.

7. On February 7, 2019, the DCF filed a report opining that the defendant had again been restored to competency and requesting that he be transported to the Flagler Co. jail for a hearing on the matter.

8. Given the defendant's previous refusal to voluntarily take his medications, the State has good reason to believe that the defendant will again do so, which will likely result in him decompensating and delaying a resolution of the case even longer.

9. The State has consulted with the Director of the Flagler Co. Detention Center as well as a representative with SMA Healthcare regarding an appropriate procedure to maintain the defendant's competency until this case can be resolved. Following that consultation, the State believes that the most appropriate, if not the only, approach going forward is to authorize the Flagler Co. jail or any medical designee to forcibly administer to the defendant any psychotropic medications that have been prescribed to him for the purpose of treating his schizophrenia or any other mental illness in order to maintain his competency.

WHEREFORE, the State requests this Honorable Court to grant this motion as outlined.

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by e-service delivery to JOSHUA MOSLEY, 4010 LEWIS SPEEDWAY SUITE 1101, SAINT AUGUSTINE, FL 32084, on this 8th day of April, 2019.

R.J. LARIZZA  
STATE ATTORNEY

By: s/K. MARK JOHNSON  
ASSISTANT STATE ATTORNEY  
Florida Bar No.: 0378320  
1769 E. Moody Blvd., Bldg. 1, 3rd FLOOR  
Bunnell, FL 32110  
(386) 313-4300  
ESERVICEFLAGLER@SAO7.ORG