

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

STATE OF FLORIDA

vs.

CASE NO.: 2019-000368-CF

JOHN M. WILLFORD,  
Defendant.

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ORDER ADJUDGING DEFENDANT INCOMPETENT TO PROCEED  
AND CONTINUING DEFENDANT ON CONDITIONAL RELEASE  
[INTELLECTUAL DISABILITY/AUTISM]

THIS CAUSE having come to be heard before the Court, regarding the Defendant's competency to proceed and the need for continued competency training and conditional release.

The Court has received:

- |                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | the written report                      |
| <input type="checkbox"/>            | the oral testimony                      |
| <input type="checkbox"/>            | both written reports and oral testimony |

of Gary Higgins, Ed.D., Competency Trainer, Home at Last, Inc. in relation to the issue of the Defendant's competency to proceed and the need for continued training and commitment. The Court hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACTS

1. Diagnosis of Intellectual Disability.

CONCLUSIONS OF LAW

- A. The defendant is incompetent to proceed due to the defendant's intellectual disability or autism causing the incompetence as defined in s.916.106(2) or (15), Fla. Stat.
- B. The defendant is incompetent to proceed with

- 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. \_\_\_\_\_

C. The defendant does not meet the criteria for commitment to a treatment facility of the Agency for Persons with Disabilities as provided in s.916.302, Fla. Stat., but needs outpatient treatment to restore competency to proceed.

Based upon the findings of facts and conclusions of law, it is ORDERED AND ADJUDGED that:

1. The defendant is incompetent to proceed due to the defendant's intellectual disability or autism causing the incompetence as defined in s.916.106(2) or (15), Fla. Stat., and all further proceedings are hereby stayed.
2. The defendant does not meet the criteria for commitment to a training facility of the Agency for Persons with Disabilities as provided in s.916.302, Fla. Stat., but needs outpatient training to restore competency to proceed.
3. Accordingly, the defendant is hereby released, pursuant to s.916.304, Fla. Stat. and Florida Rule of Criminal Procedure 3.212(d) on the following release conditions for a period not to exceed one year, under the supervision and direction of the Agency for Persons with Disabilities.
  - (a) The defendant will remain in outpatient training for incompetency during his conditional release period, and to participate in either individual or group training sessions, along with any other classes or therapy sessions as recommended by his

treatment professionals.

(b) The defendant will reside at 7 Palmer Lane, Palm Coast, FL 32164, (386) 225-4940.

Any change in address must be approved by the Court.

(c) The defendant will take psychotropic medication as prescribed by his attending physician.

(d) The defendant shall not drink alcohol or use illegal substances of any kind and may be required to undergo periodic drug screening as directed by the Court.

(e) The defendant will not possess or use any firearms or other weapons of any kind.

4. No later than 6 months after the date of placement on conditional release, the defendant's competency shall be reevaluated under the supervision of the Agency for Persons with Disabilities who shall report to the committing Court, with copies to the attorney for the state and defense on the issue of the need for continued conditional release as provided in Florida Rule of Criminal Procedure 3.212(d) and s.916.304, Fla. Stat., and on an annual basis thereafter. Such report shall be delivered to the above parties on or before Dec 11, 2021.

5. This cause is set for a hearing on the issue of the Defendant's competency to proceed on Jan. 5, 2021, at <sup>845</sup>~~9:00~~ am in Courtroom 401.

6. In the event the defendant has failed to comply with all conditions of his conditional release or that the defendant's condition has deteriorated to the point that inpatient care is required, or that the release conditions should be modified, the treatment professional shall immediately file an affidavit or statement under oath to that effect. The court will thereafter conduct a hearing to determine if the release conditions need to be modified.

7. The Court hereby retains jurisdiction in this cause, pursuant to s.916.3025(2), Fla. Stat.  
for the entry of such Order as may be necessary or appropriate.

8. The defendant is advised of the right to file a Habeas Corpus pursuant to s.916.107(9),  
Fla. Stat.

DONE AND ORDERED at Palatka, Putnam County, Florida, this 18 day of Aug, 2020.

**Unofficial Document**

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TERENCE R PERKINS  
CIRCUIT JUDGE



Copies furnished to:

- State Attorney, Phillip Bavington, [bavingtonp@sao7.org](mailto:bavingtonp@sao7.org)
- Attorney for the Defendant, Regina Nunnally, [nunnally.regina@pd7.org](mailto:nunnally.regina@pd7.org)
- Attorney for Agency for Persons with Disabilities, Michele Lucas, Office of the General Counsel, [michele.lucas@apdcares.org](mailto:michele.lucas@apdcares.org)
- APD Forensic Coordinator, NE Region, Beverly Tevis. [beverly.tevis@apdcares.org](mailto:beverly.tevis@apdcares.org)