

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

STATE OF FLORIDA

vs.

CASE NO.: 2021-000421-CFFA

REBA LYNN JOHNSON,
Defendant.

ORDER ADJUDICATING DEFENDANT INCOMPETENT TO PROCEED
AND PLACING DEFENDANT ON CONDITIONAL RELEASE TO RECEIVE COMPETENCY
RESTORATION TRAINING PROVIDED BY THE AGENCY FOR PERSONS WITH DISABILITIES
[INTELLECTUAL DISABILITY/AUTISM]

Unofficial Document

THIS CAUSE having come to be heard before the Court, and the questions of the competency of the Defendant in this cause to proceed having been raised in accordance with the provisions of Rule 3.210(b), Fla. R. Crim. P., and s.916.3012, Fla. Stat. Pursuant to s.916.301(2)(b), Fla. Stat., the Court also appointed the Agency for Persons with Disabilities, which selected Dr. Xuan O. Stevens, Ph.D., a psychologist who is licensed or authorized to practice in this State and has experience in evaluating persons suspected of having intellectual disability or autism.

The Court has received:

- the written report
- the oral testimony
- both written reports and oral testimony

of Dr. Stevens in relation to the issue of the Defendant's competency to proceed and need for 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 (13), 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 is in need of 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 (13), 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 is in need of 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 her 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 10 Riddle Dr., Palm Coast, FL 32164, (386) 313-6231, (386) 627-0458. 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.

(f) No victim contact.

4. **No later than 6 months after the date of placement on conditional release**, the Agency for Persons with Disabilities through their competency restoration provider shall submit a 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.

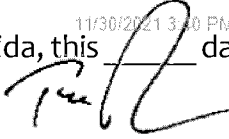

5. In the event the defendant has failed to comply with all conditions of his conditional release or that the defendant's condition has deteriorated to the point that inpatient care is required, or that the release conditions should be modified, the Agency through their competency restoration vendor 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.

6. 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.
7. The defendant is advised of the right to file a Habeas Corpus pursuant to s.916.107(9), Fla. Stat.

DONE AND ORDERED at Bunnell, Flagler County, Florida, this _____ day of _____, 202__.

Unofficial Document

11/30/2021 3:40 PM 2021 CF 000421

e-Signed 11/30/2021 3:40 PM 2021 CF 000421

TERENCE R. PERKINS
CIRCUIT JUDGE

Copies furnished to:

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Attorney for the Defendant, Regina Nunnally, nunnally.regina@pd7.org

Attorney for Agency for Persons with Disabilities, Michele Lucas, Office of the General Counsel, michele.lucas@apdcares.org

APD Forensic Coordinator, NE Region, Beverly Tevis, beverly.tevis@apdcares.org