

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

STATE OF FLORIDA,

v.

REBA LYNN JOHNSON,
Defendant.

CASE NO.: 2021-00421-CFFA
JUDGE TERENCE R. PERKINS

**SUGGESTION OF MENTAL
INCOMPETENCE TO STAND TRIAL
(INTELLECTUAL DISABILITY / AUTISM)**

Pursuant to Rule 3.210, Florida Rules of Criminal Procedure, and Sections 916.301 and 916.3012, Florida Statutes, undersigned counsel for the Defendant hereby suggests this Court issue an Order for the Defendant to be examined by an evaluator contracted with the Agency for Persons with Disabilities and a second evaluator, or any other doctor this Court deems necessary, to determine the Defendant's mental competence due to intellectual disability and/or autism to stand trial. To the extent that it does not invade the lawyer-client privilege, the following is a recital of the specific observations of and conversations with the Defendant, which form the basis for this motion:

1. () The Defendant cannot aid in the preparation of his defense.
2. () The Defendant does not appear to appreciate the nature of the charges against him or the range and nature of possible penalties.
3. () The Defendant does not appear to understand the adversary nature of the legal process and does not appear to understand the role of undersigned counsel in that process.
4. () The Defendant has exhibited inappropriate behavior in the presence of counsel and/or the Court.
5. () The Defendant has been previously evaluated for mental issues, and has undergone treatment.
6. () The Defendant is prescribed medication for various psychological issues.
7. () The Defendant has been unable to disclose to undersigned counsel pertinent facts surrounding the alleged offense(s).
8. () The Defendant appears disoriented as to time and place.
9. () It is the opinion of defense expert _____ that the Defendant is incompetent to stand trial.
10. (x) Other facts: Defendant is current client of Devereux Advanced Behavioral Health. She was diagnosed with a mixture of (8) mental health conditions including Intellectual Disability and

Developmental Delays. She was also a resident of a group home and was placed in an emotional-behavioral class room. Due to the facts of the case and Defendant's mental health background, an evaluation is requested.

WHEREFORE, Defendant respectfully requests that this Court order the suggested examinations.

Respectfully Submitted,

/s/ Regina Nunnally
REGINA NUNNALLY
ASSISTANT PUBLIC DEFENDER
Florida Bar Number: 0638900

CERTIFICATE OF GOOD FAITH

I HEREBY CERTIFY that this Suggestion of Mental Incompetence to Stand Trial is made in good faith and on reasonable grounds.

/s/ Regina Nunnally
REGINA NUNNALLY
ASSISTANT PUBLIC DEFENDER
Florida Bar Number: 0638900

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to: Flagler State Attorney Office, Assistant State Attorney, at eserviceflagler@sao7.org, on September 8, 2021.

/s/ Regina Nunnally
REGINA NUNNALLY
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