

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

STATE OF FLORIDA,

v.

JOSEPH FRANK BOVA II,

Defendant.

CASE NO.: 2013-00763-CFFA
JUDGE TERENCE R. PERKINS

**SUGGESTION OF MENTAL
INCOMPETENCE TO STAND TRIAL**

The undersigned attorney, counsel for the Defendant, pursuant to Rule 3.210, Florida Rules of Criminal Procedure, suggests this Court issue an order for Defendant to be examined by Dr. Roger Davis to determine Defendant's mental competence 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. Defendant has exhibited inappropriate behavior in the presence of counsel and the Court.
2. Defendant appears disoriented as to time and place.
3. Defendant cannot aid in the preparation of his/her defense.
4. Defendant does not appear to appreciate the nature of the charge against him/her or the range and nature of possible penalties.
5. Defendant does not appear to understand the adversary nature of the legal process and does not appear to understand the role of the undersigned Assistant Public Defender.
6. Defendant has been unable to disclose to the undersigned Assistant Public Defender pertinent facts surrounding the alleged offense.
7. It is the opinion of defense expert _____ that the Defendant is incompetent to stand trial.
8. Additional Facts. *On three separate occasions over the past two weeks the undersigned Assistant Public Defender has attempted to have a meaningful consultation with the*

Defendant. The first time the Defendant remained lethargic and stared straight ahead without speaking. The second time the Defendant met with counsel for just under thirty minutes before he cited "being tired" and terminating the interview. During the interview, however, the Defendant was unable to meaningfully answer counsel's questions about the incident. Earlier today counsel and Dr. Stephen Bloomfield attempted to see the Defendant for an evaluation, but the Defendant refused to come out of his cell. The Defendant remained on his bunk, facing the wall, and would only mumble responses to counsel about how he does not feel well. The undersigned attorney is concerned that the Defendant has decompensated since being returned from the State Hospital.

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

Respectfully Submitted,

/s/ Joshua Mosley
JOSHUA MOSLEY
ASSISTANT PUBLIC DEFENDER
Florida Bar Number: 99903

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/ Joshua Mosley
JOSHUA MOSLEY
ASSISTANT PUBLIC DEFENDER
Florida Bar Number: 99903

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to: K. Mark Johnson, Assistant State Attorney, 2446 Dobbs Road, Saint Augustine, FL 32086, and to the defendant, on May 21, 2019.

/s/ Joshua Mosley
JOSHUA MOSLEY
ASSISTANT PUBLIC DEFENDER
Florida Bar Number: 99903

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Attorney for Defendant

cc: Jim Cain, SMA Forensics, 1150 Red John Road, Daytona Beach