

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

STATE OF FLORIDA,

V.

PHILLIP JOSEPH HAIRE, JR.,

Defendant.

CASE NO.: 2017 CF 000416  
JUDGE DENNIS CRAIG

**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 does not have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding.
2. Defendant has no rational, as well as factual, understanding of the proceedings against him.
3. Additionally, Defendant has exhibited the following behavior, as enumerated in Florida Statute 916.12(3)(a):
  - a. Defendant has exhibited inappropriate behavior in the presence of counsel and the Court;
  - b. Defendant appears disoriented as to time and place;
  - c. Defendant cannot aid in the preparation of his defense;
  - d. Defendant does not appear to appreciate the nature of the charge(s) against him or the range and nature of possible penalties;
  - e. Defendant does not appear to understand adversary nature of the legal process and does not appear to understand the role of the undersigned counsel; and

- f. Defendant has been unable to disclose to the undersigned counsel pertinent facts surrounding the alleged offense.

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

Respectfully Submitted,

/s/ Jeremy Buckmaster  
JEREMY J. BUCKMASTER  
Florida Bar Number: 0551376

**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/ Jeremy Buckmaster  
JEREMY J. BUCKMASTER  
Florida Bar Number: 0551376

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-mail to the Office of the State Attorney via the Florida Courts E-Filing Portal on this 23<sup>rd</sup> day of June, 2017.

Respectfully submitted,

/s/ Jeremy Buckmaster  
Jeremy J. Buckmaster, Esquire  
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