

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

CASE NO.: 2022-00478-CFFA

STATE OF FLORIDA,

vs.

CLIFF MODY,

Defendant.

\_\_\_\_\_ /

**ORDER ADJUDGING DEFENDANT INCOMPETENT TO PROCEED AND  
RELEASING DEFENDANT FROM CUSTODY**

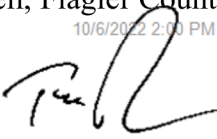

THIS CAUSE having come before the Court upon the Defendant's Suggestion of Incompetency, and the Court having received the report of the confidential expert, Dr. William Meadows and court appointed expert, Dr. Jason Demery, and otherwise being fully advised it is hereby

**ORDERED AND ADJUDGED**

1. The Defendant is declared to be incompetent to proceed due to Major Neurocognitive Disorder (Dementia).
2. The Defendant's condition is non-restorable.
3. The Defendant does not meet criteria for involuntary hospitalization as outlined in the current law.
4. "Mental illness," as defined in Fla. Stat.394.455 (29), "...does not include a developmental disability as defined in chapter 393, intoxication, or conditions manifested only by **dementia, traumatic brain injury**, antisocial behavior or substance abuse." (Emphasis added).

5. Due to the Department of Children and Families having jurisdiction only over those with mental illness, the Defendant may not be committed to the Department.  
Likewise, the Department would not supervise the Defendant on conditional release.
6. Similarly, the Defendant may not be involuntarily placed into involuntary inpatient commitment under 394.467. Fla. Stat. 394.467(6)(b) specifically states, in pertinent part, that, “the court may not order an individual with traumatic brain injury or dementia who lacks a co-occurring mental illness to be involuntarily placed in a state treatment facility.”
7. Therefore, the Flagler County Jail is directed to release the Defendant to the care of the Defendant’s family member, Joseph Bacon, 1955 Columbia St. Seville, FL, 32190; phone: (386) 748-5177. The jail shall contact Mr. Bacon upon receipt of this Order to coordinate a time to release the Defendant from the jail to Mr. Bacon.
8. The Clerk is directed to administratively close this case due to the Defendant’s incompetence to proceed and non-restorability.

DONE AND ORDERED in chambers at Bunnell, Flagler County, Florida, this \_\_\_\_\_ day  
of September, 2022.

10/6/2022 2:00 PM 2022 CF 000478  
  
e-Signed 10/6/2022 2:00 PM 2022 CF 000478  
  
TERENCE R. PERKINS  
CIRCUIT JUDGE

Copies furnished to:  
Office of the State Attorney  
Office of the Public Defender  
Flagler County Jail