

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

STATE OF FLORIDA,

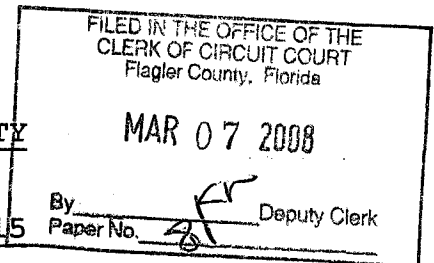
vs.

Case No. 06-00463-CFA

BRIAN CHRISTOPHER WOTHERS,

Defendant.

ORDER OF ADJUDICATION OF NOT GUILTY
BY REASON OF INSANITY AND
ORDER OF COMMITMENT PURSUANT TO
FLA.R.CRIM.P. 3.217 AND F.S. 916.15



THIS CAUSE having come on to be heard before the Court, without a jury, this 7TH day of March, 2008, and the Court having considered the stipulations, having considered all evidence, and having heard arguments of counsel for the State and defense and having reviewed the evidence in this cause, makes the following:

Findings of Fact

1. The Defendant, BRIAN CHRISTOPHER WOTHERS, having been advised and understanding that he has a right to a jury trial, has waived his right to a jury trial and has consented, in writing, to be tried by the Court without a jury.

2. That the State of Florida has consented to try this cause before the Court without a jury.

3. That the Defendant, BRIAN CHRISTOPHER WOTHERS, has raised as a defense to said charges that fact that he was insane at the time of the commission of said acts; therefore, "Not Guilty by Reason of Insanity."



3-7-08 CJC to SD

4. That State of Florida and the Defendant have filed a Joint Stipulation of Facts and Evidence and the court has reviewed and considered the matters contained therein in its entirety, including all medical records and psychiatric evaluations and reports.

5. That the Defendant, BRIAN CHRISTOPHER WOTHERS, and the State of Florida have stipulated to the following facts:

a. That the Defendant, did commit the offense as alleged in Count I of the Indictment, First Degree Murder, a capital offense.

b. That there is sufficient facts from the stipulation for the court to conclude that the Defendant, BRIAN CHRISTOPHER WOTHERS, did commit the offense of Armed Robbery, a life felony, as alleged in Count II of the Indictment.

6. That the Defendant, BRIAN CHRISTOPHER WOTHERS, suffers from the mental illness of Post Traumatic Stress Disorder and he is likely to suffer from this disorder for the foreseeable future. That the Defendant has exhibited anxiety and unpredictable violent acts directly related to his mental disorder which have resulted in the death of the victim in this case during a dissociative episode. That the defendant has a history of suicidal thinking and has a Major Depressive Disorder in combination with Post Traumatic Stress Disorder. That the Defendant constitutes a manifest and serious danger to the public and to himself unless he is involuntarily hospitalized. That to complicate his existing mental state

the Defendant also has an alcohol and controlled substance dependency problem that can also adversely interact with his existing mental disorder.

That the Court after considering all the evidence and argument of counsel concludes as follows:

Conclusions of Law

1. That the Defendant is competent to stand trial.
2. That Defendant, BRIAN CHRISTOPHER WOTHERS, did commit the following offenses:
 - a. That the Defendant, BRIAN CHRISTOPHER WOTHERS, did commit the offense of First Degree Murder, a capital offense as alleged in Count I of the Indictment.
 - b. The Defendant, BRIAN CHRISTOPHER WOTHERS, did commit the offense of Armed Robbery, a life felony, as alleged in Count II of the Indictment.
3. That the medical and psychiatric reports and other evidence establish that on May 26, 2006, the Defendant, BRIAN CHRISTOPHER WOTHERS, was suffering from and laboring under such "mental disease or defect" to-wit, Post Traumatic Stress Disorder, that he lacked substantial capacity either to appreciate the wrongfulness of his conduct or to conform to the requirements of law.
4. That this Court finds from the evidence that the mental illness from which the Defendant, BRIAN CHRISTOPHER WOTHERS, suffers cause him to manifestly dangerous to the peace and safety of other people and to himself, and that he should

not be allowed to go at large.

It is, therefore,

ORDERED and ADJUDGED as follows:

1. The Defendant, BRIAN CHRISTOPHER WOTHERS, is found to be not guilty by reason of insanity of the crime of First Degree Murder, a capital offense, as charged in Count I of the Indictment.

2. The Defendant, BRIAN CHRISTOPHER WOTHERS, is found to be not guilty by reason of insanity of the crime of Armed Robbery, a life felony, as charged in Count II of the Indictment.

3. That the Defendant, BRIAN CHRISTOPHER WOTHERS, is hereby committed to the Department of Children and Family Services of the State of Florida for involuntary hospitalization and treatment in a mental health facility.

4. The clerk of this Court is directed to forthwith forward a certified copy of this Order and the Stipulation of Facts and Evidence filed herein along with copies of any written reports submitted to the Court by experts relating to the issues of insanity and need for hospitalization and treatment; copies of any other psychiatric, psychological or social work reports submitted to the Court relative to the mental state of the Defendant; and a copy of the charging document and all supporting affidavits or other documents used in the determination of probable cause to:

FORENSIC PROGRAMS COORDINATOR
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
MENTAL HEALTH PROGRAM OFFICE
1317 WINEWOOD BLVD.
BUILDING 6
TALLAHASSEE, FL 32399-0700

5. That upon notification of an available bed space by the Department of Children and Family Services of the State of Florida, the Sheriff of Flagler County shall, on the date specified, forthwith transport and deliver the Defendant to the treatment facility designated by the Department, together with a certified copy of this Order and the other documentation outlined in paragraph 4 above.

6. The Department of Children and Family Services of the State of Florida, through the Administrator of the facility to which the Defendant is admitted, shall report directly to this Court, with copies to the attorneys for the State and the Defense on the issues of the need for continued commitment as provided in Fla. R. Crim. P. 3.218 and F.S. 916.15.

7. In the event the Defendant's presence is required at any further hearing in this cause, this Court will issue an Order to Transport, directing the Sheriff of Flagler County, or his designee, to resume custody of and transport the Defendant back to the jurisdiction of this court.

8. Pursuant to F.S. 916.16 this Court retains jurisdiction in this cause, and the Defendant shall not be discharged or released from commitment to the Department of Children and Family Services of the State of Florida without

DONE AND ORDERED in Chambers at Bunnell, Flagler County,
Florida, this 7 day of March, 2008.

I HEREBY CERTIFY that copies of the foregoing have been furnished to Zachary Stoumbos, P.A., Attorney for Defendant, 529 N. Magnolia Ave. Orlando, Florida 32801; Stephen M. Nelson, Asst. State Attorney, 1769 E. Moody Blvd., Bldg. 1 - Third Floor, Bunnell, Florida 32110; Honorable Donald Fleming, Sheriff of Flagler County, 1001 Justice Lane, Bunnell, Florida 32110, and to Ms. Watson, Forensic Programs, Dept. of Children and Family Services, Mental Health Program Office, 1317 Winewood Blvd., Bldg. 6, Tallahassee, FL 32399-0700, this _____ day of March, 2008.

Judicial Assistant