

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

STATE OF FLORIDA,

CASE NO.: 2017 CF 000416
JUDGE: Dennis Craig

v.

PHILLIP JOSEPH HAIRE, JR.,

Defendant.

ORDER FOR MENTAL EXAMINATION
(Adult-Competency / Mental Illness)

THIS CAUSE having been considered by the Court; and the Court having determined that a mental examination of the Defendant is necessary (see § 916.12, Florida Statutes, and Rule 3.210, Florida Rules of Criminal Procedure); hereby orders that the Defendant be examined by Dr. Roger Davis to determine if the Defendant is competent to proceed in this case. Dr. Davis is requested to also offer his recommendations and/or alternatives to treatment, if necessary.

IT IS FURTHER ORDERED that:

1. Dr. Roger Davis is hereby appointed to examine the Defendant and to render a written report to the Court with copies to counsel.

2. On July 22, 2017 or at such other times as the doctor directs,

() Dr. Davis shall examine the Defendant at one of his offices (1109 West Euclid Avenue, DeLand, Florida 32720 // 555 West Granada Boulevard, Suite E-3, Ormond Beach, Florida 32174) or at such other location as he and the parties stipulate.

OR

(X) Dr. Davis shall examine the Defendant at the Flagler County Jail (1002 Justice Ln, Bunnell, FL 32110).

3. Dr. Davis is directed to request that the Defense Attorney and/or the State Attorney listed below provide him with documentation related to the instant case, the Defendant, or his/her background, that he deems necessary to conduct the examination and/or render a written report. The attorneys are directed to comply with any such request as early as possible, but no later than 48 hours prior to the scheduled examination. In addition, Dr. Davis is authorized to have access to records (including psychiatric records) of the Defendant in the possession of hospitals and/or mental health providers that he deems necessary to conduct the examination and/or render a written report. Such records may be transmitted to Dr. Davis electronically.

4. With respect to the competence of the Defendant, Dr. Davis shall:

(a) Determine whether the Defendant meets the statutory criteria for competence; that is whether the Defendant has sufficient present ability to consult with his/her lawyer with a reasonable degree of rational understanding and whether he/she has a rational, as well as factual, understanding of the proceedings against him/her.

(b) In addition to any other matters he deems relevant, consider and include in his report, an analysis of the mental condition of the Defendant as it relates to each of the following:

- (i) Defendant's appreciation of the charges;
- (ii) Defendant's appreciation of the range and nature of possible penalties;
- (iii) Defendant's understanding of the adversary nature of the legal process;
- (iv) Defendant's capacity to disclose to attorney pertinent facts surrounding the alleged offense;
- (v) Defendant's ability to manifest appropriate courtroom behavior;
- (vi) Defendant's capacity to testify relevantly.

5. On the issue of involuntary hospitalization, if necessary, Dr. Davis shall then consider whether the Defendant meets the criteria for involuntary hospitalization as set forth by law. He shall consider and include in his report an analysis of the following factors:

(a) The nature and extent of the mental illness suffered by the Defendant;

(b) Whether the Defendant, because of such mental illness, meets the criteria for involuntary hospitalization or placement as set forth by law, specifically:

(i) Whether the Defendant has refused voluntary placement for treatment after receiving a sufficient and conscientious explanation of the purpose of placement for treatment, or whether the Defendant is unable to determine for himself/herself if treatment is necessary;

(ii) Whether the Defendant is manifestly incapable of surviving alone or with the help of willing family or friends, with alternative services being made available, and, without treatment, is likely to suffer from neglect or refuse to care for himself/herself, and such refusal poses a real and present threat of substantial harm to his/her well-being, or there exists a substantial likelihood that in the near future he/she will inflict serious bodily harm to himself/herself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm.

(c) Whether there is a substantial probability that the Defendant will attain competence in the foreseeable future;

(d) The nature of the care and treatment to be afforded the Defendant and its probably duration;

(e) Alternatives, other than involuntary hospitalization, which might be less restrictive to the Defendant's liberty.

6. If the Defendant is in custody, the examination/evaluation shall take place in the jail

facility noted above at the time(s) and on the date(s) stated. If the Defendant is not in custody, then the Defendant shall report for the examination/evaluation at the time(s) and on the date(s) and place(s) stated.

7. The examination shall proceed with all due speed. The resultant report is due no later than 30 days from the date of the examination.

8. Dr. Davis shall be compensated by the Court Administrator's office for the services referenced herein pursuant to the terms of his contract with the Seventh Judicial District. If Dr. Davis is requested by the Court to testify in a subsequent court proceeding concerning his services in this case, he will be entitled to compensation at a rate not to exceed \$150 per hour for his testimony.

DONE and ORDERED in Flagler County, Florida, this 28th June, 2017.



[Handwritten Signature]
DENNIS CRAIG
CIRCUIT JUDGE

Copies to:
Jeremy J. Buckmaster, Attorney for the Defendant
Jason Lewis, Assistant State Attorney
Dr. Roger Davis, P.O. Box 1485, Yulee FL 32041
County Jail (if necessary)