

2023

IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO. 01-2021-CF-003691-A

v.

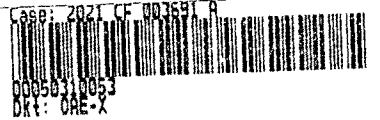
DIVISION: I

ANDRE ABRAMS SR.,
Defendant /

FILED IN OPEN COURT

Jan. 17, 2023

Hector Polanco



**ORDER APPOINTING EXPERT FOR MENTAL HEALTH EXAMINATION
TO DETERMINE COMPETENCY**

THIS CAUSE was considered on defense counsel's motion for the Court to appoint a mental health expert, pursuant to Florida Rule of Criminal Procedure 3.216(a) and Florida Statute 916.115(2), to examine the defendant to determine whether he is competent to proceed. Defense counsel has stated reasonable grounds to believe that the defendant may be incompetent to proceed, and therefore it is,

ORDERED AND ADJUDGED as follows:

1. Dr. Jennifer Rohrer, PhD, is appointed to conduct a forensic examination of the defendant.
2. The expert shall examine defendant to determine competency to proceed in accordance with the provisions of Florida Statutes s. 916.12, and Florida Rule of Criminal Procedure 3.211, and report relative to the following issues:
 - A. Whether the defendant meets the criteria for competence to proceed; that is, whether the defendant has sufficient present ability to consult with counsel with a reasonable degree of rational understanding, and whether the defendant has a rational as well as factual understanding of the pending proceedings.
 - B. In considering competence to proceed, the examining expert shall first consider and specifically include in the report the defendant's capacity to:
 - (i) appreciate the charges or allegations against the defendant;
 - (ii) appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against the defendant;
 - (iii) understand the adversarial nature of the legal process;

(3)

- (iv) disclose to counsel facts pertinent to the proceedings at issue;
- (v) manifest appropriate courtroom behavior;
- (vi) testify relevantly; and
- (vii) any other factors deemed relevant by the expert.

C. If the expert should determine that the defendant is incompetent to proceed, the expert shall report on any recommended treatment for the defendant to attain competence to proceed. In considering the issues relating to treatment, the examining expert shall specifically report on:

- (i) the mental illness causing the incompetence;
- (ii) the treatment or treatments appropriate for the mental illness of the defendant and an explanation of each of the possible treatment alternatives in order of choices;
- (iii) the availability of acceptable treatment, and if treatment is available in the community the expert shall so state in the report; and
- (iv) the likelihood of the defendant attaining competence under the treatment recommended, an assessment of the probable duration of the treatment required to restore competence, and the probability that the defendant will attain competence to proceed in the foreseeable future.


4. Any written report submitted by the expert shall:

- A. identify the specific matters referred for evaluation;
- B. describe the evaluative procedures, techniques, and tests used in the examination and the purpose or purposes for each;
- C. identify the sources of information used by the expert and present the factual basis for the expert's clinical findings and opinions.

5. The expert shall submit the written report regarding competency directly to this Court, with additional copies for the attorney for the State and attorney for the Defense, Dean Galigani.

6. This Court further orders that the Florida Department of Children and Families, the Agency for Persons with Disabilities, and any other institution, upon receipt of this Order, and/or request from the appointed expert, shall immediately make the defendant's inpatient and outpatient psychiatric and psychological treatment record available for review and/or copies.

D. The expert's fee shall be \$600.00 and shall be paid by the Court.
DONE AND ORDERED at Gainesville, Alachua County, Florida, this 17
day of January, 2023.



Honorable David Kreider
Circuit Judge

Copies to
Office of the State Attorney
Dr. Jennifer Rohrer, PhD, Dr.Rohrer@capitalpsychology.net
Dean Galigani, dean@galiganilaw.com