

2020

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

STATE OF FLORIDA

CASE NUMBERS: 01-2020-CF-003294-A  
01-2020-CF-003335-A  
01-2020-CF-003634-A  
01-2020-CF-003669-A

Plaintiff,

vs.

DIVISION I

JABARI CREWS

Defendant.

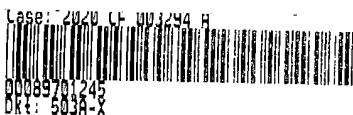
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JAN 29 2021  
CLERK OF DISTRICT COURT  
ALACHUA COUNTY FLORIDA

**ORDER TO DETERMINE INTELLECTUAL DISABILITY OR AUTISM**

It having been made known to the Court in accordance with the provisions of s.916.301(2), Fla. Stat., and Rule 3.210, Fla. R. Crim. P., and the Court finding that reasonable grounds exist to believe that the above named defendant meets the definition of "intellectual disability" in s.916.106(13), Fla. Stat., or "autism" in s.916.106(2), Fla. Stat., and that the defendant may be incompetent to proceed with any material stage of the judicial proceeding, and that an evaluation should be scheduled to determine whether the defendant meets the definition of "intellectual disability" in s.916.106(13), Fla. Stat., or "autism" in s.916.106(2), Fla. Stat., and to determine whether the defendant's intellectual disability or autism renders the defendant incompetent to proceed, it is

ADJUDGED:

1. That all proceedings in this case are now stayed, pending further order of this Court.
2. That, because the defendant is suspected of being intellectually disabled or autistic, the Agency for Persons with Disabilities is hereby appointed, pursuant to s.916.301(2), Fla. Stat. The Agency shall select a psychologist who is licensed or authorized by law to practice in this state, with experience in evaluating persons suspected of having intellectual disabilities or autism, and a social service professional, with experience in working with persons with intellectual disabilities or autism to examine and evaluate the defendant to determine if the defendant meets the definition of intellectual disability found in s.916.106(13), Fla. Stat. or autism found in s.916.106(2), Fla. Stat. If the defendant does not meet the definition of intellectual disability found in s.916.106(13), Fla. Stat. or autism found in s.916.106(2), Fla. Stat., the Court will be so advised in writing, stating the reasons and recommending other appropriate experts or evaluations to examine the defendant's condition. Recommendations of appropriate services for the defendant may be given when these have been discovered through examination of the defendant.
3. That if the defendant meets the definition of intellectual disability found in s.916.106(13), Fla. Stat. or autism found in s.916.106(2), Fla. Stat., the Agency for Persons with Disabilities will further



(4)

examine the defendant in accordance with the provisions of s.916.3012(2), Fla. Stat., and Rule 3.211, Fla. R. Crim. P., to determine:

- A. Whether the defendant is competent to proceed for the purpose indicated above, that is, whether the defendant has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational, as well as factual, understanding of the proceedings against him. In considering the issue of the defendant's competence to proceed, the Agency for Persons with Disabilities shall consider and include in the report the following factors and any others deemed relevant by the Agency for Persons with Disabilities concerning the defendant's capacity to:

- [1] Appreciate the charges or allegations against him;
- [2] Appreciate the range and nature of possible penalties, if applicable, which may be imposed in the proceedings against him;
- [3] Understand the adversary nature of the legal process;
- [4] Disclose to his attorney facts pertinent to the proceedings at issue;
- [5] Manifest appropriate courtroom behavior; and
- [6] Testify relevantly.

The experts may also consider any other factors deemed relevant which reflect upon the defendant's ability to participate in the case.

- B. If the Agency for Persons with Disabilities should find the defendant is intellectually disabled or autistic and incompetent to proceed, then the Agency for Persons with Disabilities shall report on any recommended training for the defendant to attain competence to proceed. In considering the issues relating to training for the defendant to attain competence to proceed, the examining experts used by the Agency for Persons with Disabilities shall report on the following factors:

- [1] The nature and extent of the defendant's intellectual disability or autism causing the incompetence;
- [2] The training appropriate for the intellectual disability or autism of the defendant, and an explanation of each of the possible training alternatives in order of choices;
- [3] The availability of acceptable training. If training is available in the community, the Agency for Persons with Disabilities shall so state in the report; and
- [4] The likelihood of the defendant attaining competence under the training recommended, an assessment of the probable duration of the training required to restore

competence, and the probability that the defendant will attain competence to proceed in the foreseeable future.

- C. If the Agency for Persons with Disabilities should find the defendant is incompetent to proceed, then the Agency for Persons with Disabilities shall report on whether the defendant is intellectually disabled or autistic and because of the intellectual disability or autism:

[1] Whether the defendant is manifestly incapable of surviving with the help of willing and responsible family or friends, and without training the defendant is likely to suffer from neglect or refuse to care for self, and such neglect or refusal poses a real threat of substantial harm to the defendant's well-being;

[2] Whether there is a substantial likelihood that in the near future the defendant will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; and

[3] Whether the defendant requires a secure placement due to the defendant's risk to escape from a facility and whether there are available less-restrictive alternatives, including training in community residential facilities or other community settings, which might offer an opportunity for improvement of the defendant's condition which have been judged to be inappropriate.

- D. Any written report submitted by the Agency for Persons with Disabilities shall:

[1] Identify the specific matters referred for evaluation.

[2] Describe the evaluative procedures, techniques and tests used in the examination and the purpose or purposes for each.

[3] State the expert's clinical observations, findings and opinions on each issue referred for evaluation by the court, and indicate specifically those issues, if any, on which the expert could not give an opinion.

[4] Identify the sources of information used by the expert and present the factual basis for the expert's clinical findings and opinions.

4. The experts used by the Agency for Persons with Disabilities shall submit their written reports, along with an invoice for services, 220 S. MAIN STREET, GAINESVILLE, FLORIDA 32601, with copies to the attorney for the State and the attorney for the defendant, on or before the 9 day of March, 2021.

5. This cause is scheduled for a hearing on the issue of the defendant's competency to proceed at a.m. on the \_\_\_ day of TBD, 2021.

DONE AND ORDERED at Alachua, County, Florida, this 29<sup>th</sup> day of January, 2021.

  
\_\_\_\_\_  
DAVID P. KREIDER  
CIRCUIT JUDGE

Copies furnished to:

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Attorney for Agency for Persons with Disabilities, Michele Lucas, [michele.lucas@apdcares.org](mailto:michele.lucas@apdcares.org)

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