

IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT, IN AND FOR NASSAU COUNTY,
FLORIDA

CLERK NO.: 452018CF000815A

DIVISION: CRQ

STATE OF FLORIDA

vs.

KIMBERLY KESSLER

ORDER FOR COMPETENCY EXAMINATION

Upon the motion filed herein pursuant to Rule 3.210 and 3.211, Florida Rules of Criminal Procedure, and upon a sufficient showing to the Court that there are reasonable grounds to believe that Defendant may be incompetent to stand trial and may be in need of involuntary hospitalization pursuant to Section 394.467, Florida Statutes, it is,

ORDERED:

1. That Dr. Umesh Mhatre is hereby appointed as disinterested, qualified expert to examine the Defendant to determine:

- (a) whether Defendant is incompetent to stand trial within the meaning of Florida Rules of Criminal Procedure 3.211, i.e., whether Defendant has sufficient present ability to consult with her lawyer with a reasonable degree of rational understanding and whether Defendant has a rational, as well as factual, understanding of proceedings against herself. In considering the issue of competence to stand trial, the examining experts should consider and include in the report, but are not limited to, an analysis of the mental condition of Defendant as it affects each of the following factors:
 - (1) Defendant's appreciation of the charges against her;
 - (2) Defendant's appreciation of the range and nature of possible penalties;
 - (3) Defendant's understanding of the adversary nature of the legal process;
 - (4) Defendant's capacity to disclose to her attorney facts pertinent to the proceedings at issue;
 - (5) Defendant's ability to assist attorney in planning defense;
 - (6) Defendant's capacity to realistically challenge prosecution witnesses;
 - (7) Defendant's ability to manifest appropriate courtroom behavior;
 - (8) Defendant's capacity to testify relevantly;
- (b) whether Defendant meets the criteria for involuntary hospitalization pursuant to the provisions of Section 394.467(1). In determining the issue of involuntary hospitalization, the examining experts should consider and include in the report an analysis of the following factors:
 - (1) the nature and extent of the mental illness or mental retardation suffered by Defendant;
 - (2) whether Defendant, because of such mental illness or mental retardation, meets the criteria for involuntary hospitalization or placement, i.e., whether Defendant is mentally ill and because of this illness is in need of care or treatment which, if not provided, may result in neglect or refusal to care for herself and such neglect or refusal poses a real and present threat of substantial harm to her well-being;
 - (3) whether there is a substantial probability that Defendant will attain competence to stand trial within the foreseeable future;
 - (4) the nature of the care and treatment to be afforded Defendant and its probable duration;
 - (5) alternatives less restrictive than involuntary hospitalization which would offer an opportunity

for improvement of Defendant's condition.

2. For the purpose of this examination, Dr. Mhatre is authorized and directed to conduct said examination at Duval County Jail on Saturday June 15, 2019, at approximately 5 p.m.
3. For the purpose of this examination, Defense Counsel and Dr. Mhatre agreed upon the date and time.
4. The reasonable fees and costs of the expert witness shall be taxed as costs herein to be paid by the Justice Administrative Commission on behalf of the State Attorney's Office

DONE AND ORDERED at Yulee, Nassau County, Florida, this 13th day of May, 2019.



JUDGE

cc: Defense Attorney, pd4nassauesrv@pd4.coj.net
Assistant State Attorney, SAO4NassauCriminal@coj.net
Office of the Sheriff, Attn: Warrants and Transportation
Nassau County Jail, Court Office