

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL
CIRCUIT IN AND FOR MONROE COUNTY, FLORIDA**

**STATE OF FLORIDA,
PLAINTIFF,**

**CASE NO: 20-CF-00094-A-P
CRIMINAL DIVISION**

vs.

**DANIEL WEISBERGER,
DEFENDANT.**

_____/

**ORDER ADJUDICATING THE DEFENDANT/DANIEL WEISBERGER
INCOMPETENT TO PROCEED AND COMMITTING HIM TO THE
DEPARTMENT OF CHILDREN AND FAMILIES**

THIS CAUSE having come before this Court on this day on the Defendant's Motion for Competency Hearing pursuant to Rule 3.210, F.R.Crim.Pro., filed on January 5, 2022, and the Court having considered and reviewed the competency evaluation of Dr Mark Mills submitted on January 5, 2022, and the parties having stipulated that if called to testify Dr. Mark Mills would testify consistently with his report, it is hereby

ORDERED AND ADJUDGED that the Defendant is now **INCOMPETENT** to proceed due to mental illness, to-wit: either Bipolar Disorder or Schizoaffective Disorder and possible cognitive limitations. The Court further finds pursuant to Rule 3.211(2) (a-vi), F.R.Crim Pro., that:

- i. the Defendant lacks a rational and factual understanding of the pending charges or allegations;
- ii. the Defendant cannot appreciate the range and nature of possible penalties;

- iii. the Defendant cannot understand the adverse nature of the legal system;
- iv. the Defendant cannot disclose pertinent fact to the proceedings at issue;
- v. the Defendant cannot testify relevantly.

Based on the foregoing, it is further

ORDERED AND ADJUDGED that the Defendant shall be committed to the Department of Children and Families (“DCF”) pursuant to Rule 3.211 (c) (3), F.R.Crim.Pro. and Section 916.13, Fla. Stats., based on this Court’s finding that

- A. The Defendant meets the criteria for commitment as set forth by statute;
- B. There is a substantial probability that the mental illness causing the Defendant’ incompetence will respond to treatment and that the Defendant will regain competency to proceed in the reasonably foreseeable future;
- C. Treatment appropriate for restoration of the Defendant’s competence to proceed is available; and
- D. No appropriate treatment alternative less restrictive than that involving commitment is available.

The Clerk of the Court shall forward a copy of this Order to the Department of Children and Families with the following attachments:

- report of Dr. Mark Mills dated January 5, 2022
- copy of the Information filed in this case

DONE AND ORDERED in Monroe County, Plantation Key, Florida, this
Thursday, February 10, 2022.

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A handwritten signature in black ink, appearing to read 'Luis Garcia', is written over a horizontal line.

Judge Luis Garcia, Circuit Judge

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