

FILED 05/02/2015

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA
vs.
MARIO A. LOPEZ

CASE NO: 02-001857CF - (JCF)
(AWK)

**ORDER OF CONTINUED INVOLUNTARY COMMITMENT
TO THE DEPARTMENT OF CHILDREN AND FAMILIES**

The Court having carefully considered the applicable law, the testimony of the expert witnesses presented at the hearing, State's Exhibit A, B, C, D, E, and F, the entire contents of the court file, as well as Mario A. Lopez's in-court aggressive outburst on May 19, 2015, finds that Mario A. Lopez **continues to meet the criteria for involuntary commitment and is manifestly dangerous to himself or others** pursuant to sec. 916.15(1), Florida Statutes, and Rule 3.218, Fla. R. Crim. P.

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT:

1. The Court held an evidentiary hearing on May 19, 2015.
2. The Court received oral testimony from Florida State Hospital Senior Psychologist Gary Simmons, Ph.D., appointed expert Robert Silver, Ph.D., appointed expert Dr. Douglas Shadle, M.D., and appointed expert Dr. Frederick Schaerf, M.D., Ph.D.
3. The Court received into evidence, by stipulation of the parties, and attached to this order, State's Exhibit A, the written report from the Department of Children and Families, State's Exhibit B, the written report of Robert Silver, Ph.D., State's Exhibit C, the written report of Dr. Douglas Shadle, M.D., State's Exhibit D, the written report of Dr. Frederick Schaerf, M.D., Ph.D., State's Exhibit E, a CD containing records from all facilities Mario A. Lopez was housed, and State's Exhibit F, a HCR-20 Risk Assessment chart.
4. The Court took judicial notice of the entire contents of the court file, including trial testimony and exhibits.

5. Mario A. Lopez continues to suffer from a major mental illness, to-wit: schizophrenia, multiple episodes, poly-substance abuse, cannabis, alcohol and dextromethorphan (cough medicine), and antisocial personality disorder. See State's Exhibit A, Florida State Hospital report dated December 9, 2014, attached.
6. Mario A. Lopez is dependent on prescribed psychotropic medication as orally described by all four (4) of the expert witnesses called on May 19, 2015.
7. Mario A. Lopez has had medicine non-compliance issues throughout his stay in both the Florida State Hospital and Treasure Coast Forensic Treatment Center.
8. The medicine regime currently prescribed by the Florida State Hospital is the same regime Mario A. Lopez was on in 2012-2013 when he displayed violent and threatening behaviors causing him to decompensate, becoming psychotic and delusional.
9. In February 2014, Mario A. Lopez's recovery team agreed that he was NOT discharge ready at that time.
- ~~10. In September 2014, Mario A. Lopez was involved in an altercation on the dorm at the Florida State Hospital. Mario A. Lopez was yelling at another resident and pushed that resident away from him as the other resident approached.~~
11. In October 2014, Mario A. Lopez was involved in an incident with staff members at the Florida State Hospital where he was yelling and cussing at staff members when asked to make his bed.
12. In October 2014 Mario A. Lopez wanted to stop participating in classes.
13. In November 2014, Mario A. Lopez was involved in an altercation with another resident on the dorm at the Florida State Hospital. Mario A. Lopez then refused treatment.
14. On February 24, 2015, Mario A. Lopez was irritable, agitated, and angry when visited by Dr. Schaerf in the Lee County jail.
15. Dr. Shadle's report indicates that during his evaluation of Mario A. Lopez on February 25, 2015, Mario A. Lopez denied any recollection of an outburst of aggression or violence directed at staff at the Florida State Hospital yet the records contained in State's Exhibit E indicate otherwise. This shows poor insight as well as instability.

16. Dr. Shadle's report indicates that during his evaluation of Mario A. Lopez on February 25, 2015, Mario A. Lopez denied any recollection of breaking out a nursing station window with his fist at the Florida State Hospital yet the records contained in State's Exhibit E indicate otherwise. This shows poor insight as well as instability.
17. Dr. Shadle's report indicates that during his evaluation of Mario A. Lopez on February 25, 2015, Mario A. Lopez denied any recollection that his behaviors dictated his return to the Treasure Coast Forensic Treatment Center on multiple occasions, yet the records contained in State's Exhibit E, the oral testimony of the expert witnesses, as well as the written reports, State's Exhibit A,B, C, D, indicate otherwise. This shows poor insight as well as instability.
18. Dr. Schaerf opined, based on his evaluations of Mario A. Lopez on February 24, 2015 and March 17, 2015, that Mario A. Lopez is still suffering from the negative effects of his mental illness, and because of that illness, his personality disorder, and lack of insight, he is manifestly dangerous to himself or others.
- ~~19. Mario A. Lopez is manifestly dangerous to himself or others as orally described by~~
Dr. Shadle, M.D. and Dr. Schaerf, M.D., Ph.D. as well as their respective reports.
See State's Exhibit's C and D, attached.
20. Mario A. Lopez is significantly unstable at this time to be conditionally released.
21. Mario A. Lopez lacks appropriate insight at this time to be conditionally released.
22. Mario A. Lopez lacks appropriate response to treatment or supervision at this time to be conditional released.
23. Mario A. Lopez continues to minimize his alcohol and substance abuse.
24. Mario A. Lopez has a history of antisocial behavior as well as characteristics similar to individuals who tend to suppress expression of aggression or feelings of anger but if provoked, react with extreme aggression.
25. Mario A. Lopez demonstrated aggression in open court while the prosecutor was giving his argument.
26. Mario A. Lopez poses a significantly more than moderate probability of future violence.
27. Mario A. Lopez poses an unacceptable risk of harm to others if is he conditionally released at this time.

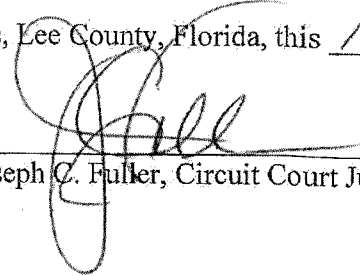
ORDERED AND ADJUDGED as follows:

- 28. That Mario A. Lopez is therefore continually committed to the Department of Children and Families for involuntary hospitalization for a period not to exceed one year;
- 29. That the Department of Children and Families shall provide continuing reports as designated by Statute;
- 30. That said Mario A. Lopez shall not be released from custody of the Department of Children and Families without the consent of this Court; and
- 31. That the Court shall retain jurisdiction of this cause.

IT IS THE RECOMMENDATION OF THIS COURT:

- 32. That said Mario A. Lopez be subject to random alcohol and drug tests while hospitalized with the Department of Children and Families.
- 33. That the Department of Children and Families consider treating said Mario A. Lopez with

June, 2015. **DONE AND ORDERED** at Fort Myers, Lee County, Florida, this 13th day of

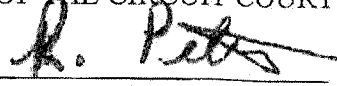


 Joseph C. Fuller, Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. mail/hand delivery to Anthony W. Kunasek, Assistant State Attorney, Office of the State Attorney, P.O. Box 399, Fort Myers, FL 33902; Geraldo F. Olivo III, Attorney for Mario A. Lopez, at mmyers@wilburlaw.com; Kathi Kilpatrick, Institutional Counsel, Florida State Hospital, P.O. 1000, Chattahoochee, FL 32324, Eugenie G. Rehak, Assistant Regional Legal Counsel, Department of Children and Families, by e-service to: genie.rehak@myflfamilies.com; and to the Lee County Jail, 1700 Monroe Street, Fort Myers, FL 33901, this 7 day of June, 2015.

CLERK OF THE CIRCUIT COURT

By 
 Deputy Clerk