

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
CRIMINAL DIVISION "U"

STATE OF FLORIDA,

CASE NO. 21CF009692AMB

vs.

SEMMIE LEE WILLIAMS JR,
Defendant.

_____ /

**MOTION TO APPOINT EXPERTS TO
EVALUATE THE DEFENDANT FOR COMPETENCY**

The Public Defender for the Fifteenth Judicial Circuit, through the undersigned Assistant Public Defender, moves this Court, pursuant to Section 916.12, Florida Statutes (2021) and Florida Rule of Criminal Procedure 3.210(b), to issue an Order appointing experts to evaluate Semmie Williams, Jr. for competency to proceed with any material stage of the proceeding and to stay further court proceedings pending the further order of this Court.¹

Grounds for Motion

Mr. Williams is alleged to have killed a 14-year-old boy with whom he has no prior relationship. The state has indicted him for first degree murder with a weapon and has filed notice that they intend to seek the death penalty.

Mr. Williams has a long history of suffering from severe mental illness (schizophrenia) and of receiving psychiatric treatment for his mental illness. His competency to proceed has been the subject of extensive litigation in a previous criminal case, and he was ultimately adjudicated competent to proceed in that case only after a lengthy hospitalization to restore him to competency.

¹ In a separate motion, the defendant is requesting that all proceedings regarding the determination of Mr. Williams's competency to proceed be conducted before the presiding trial court judge.

He is currently housed in the mental health unit of the Palm Beach County Jail and is receiving psychiatric treatment. Because of his severe mental illness, he appears unable to testify relevantly, to disclose to counsel facts pertinent to the proceedings at issue, or to otherwise meaningfully participate in and aid counsel in defending a case in which the state is seeking the death penalty.

Relief Requested

For these reasons, counsel requests the Court immediately enter an Order Appointing Experts to determine Mr. Williams's mental condition and competency to proceed. The defense is requesting that the Court initially appoint two experts² and that the Court allow the appointed experts 45 days to evaluate Mr. Williams and provide their reports to the parties and the Court. Although Florida Rule of Criminal Procedure 3.210(b) states that the hearing to determine competency is to be held within 20 days of the filing of the competency motion, the defendant is waiving that deadline so that the competency evaluations can be conducted properly, so the parties have a reasonable opportunity to be present for those evaluations, and so the parties have an opportunity to provide the appointed experts with records or documents that they believe should be considered as part of the competency determination. It is the undersigned's experience that the 20-day deadline is unrealistic (and rarely, if ever, followed). This is a result of the challenges associated with coordinating the attendance of the parties and the appointed experts at the required evaluations of the defendant and with the difficulties in scheduling an evidentiary hearing regarding competency at which all of the experts are available to attend. Twenty days is

² Florida Rule of Criminal Procedure 3.210(b) authorizes the Court to appoint as many as three experts.

also likely too short of a timeframe for the experts to obtain and review the records necessary to inform their opinions.

Certificate of Good Faith

Counsel certifies that this motion is made in good faith and on reasonable grounds to believe that Semmie Williams, Jr. is incompetent to proceed.

Respectfully submitted,


CAREY HAUGHWOUT
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Scott T. Pribble
Assistant Public Defender
Fla. Bar No. 0085283

Certificate of Service

I HEREBY CERTIFY that a true and correct copy hereof has been served to Jo Wilensky, Assistant State Attorney, Division "U" OR the Assistant State Attorney currently assigned in STAC at the time of filing, via the STAC case management exchange on this 8th day of February, 2022.



Scott T. Pribble
Assistant Public Defender