

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**UNITED STATES OF AMERICA**

**Plaintiff,**

v.

**Case No: 6:21-cr-15-CEM-LHP**

**SHAWN MICHAEL CHALIFOUX**

**Defendant.**

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**ORDER**

THIS CAUSE is before the Court on a Forensic Psychological Report (Doc. 181) filed by the United States, seeking authorization to treat Defendant with antipsychotic medication to restore competency. The United States thereafter made an Oral Motion to Involuntarily Administer Antipsychotic Medications to Defendant (“Oral Motion,” Doc. 183). United States Magistrate Judge Leslie Hoffman Price issued a Report and Recommendation (“R&R,” Doc. 251), recommending that the Oral Motion be granted. (*Id.* at 56–57). Defendant filed an Objection (Doc. 255). For the reasons stated herein, the Court will adopt the recommendations in the R&R and grant the Oral Motion.

## I. PROCEDURAL HISTORY

The thorough procedural history cited in the R&R will be incorporated by reference. (Doc. 251 at 2–8).

## II. LEGAL STANDARD

Pursuant to 28 U.S.C. § 636(b)(1), when a party makes a timely objection, the Court shall review *de novo* any portions of a magistrate judge’s report and recommendation concerning specific proposed findings or recommendations to which an objection is made. *See also* Fed. R. Crim. P. 59(b)(3). *De novo* review “require[s] independent consideration of factual issues based on the record.” *Jeffrey S. v. State Bd. of Educ. of Ga.*, 896 F.2d 507, 513 (11th Cir. 1990) (per curiam). The district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

## III. ANALYSIS

Defendant asserts that because he was not able to testify at his May 22, 2022 competency hearing or at his April 2, 2024 evidentiary hearing, his constitutional rights were potentially violated. (Doc. 255 at 2). The Court held a Telephonic Hearing (Doc. 267) on November 13, 2024 seeking clarification from both counsel as to whether the Magistrate Judge *sua sponte*, or the United States by objection, somehow interfered with or prevented Defendant from testifying. Both answered in the negative. The AUSA further informed the Court that she had never even heard

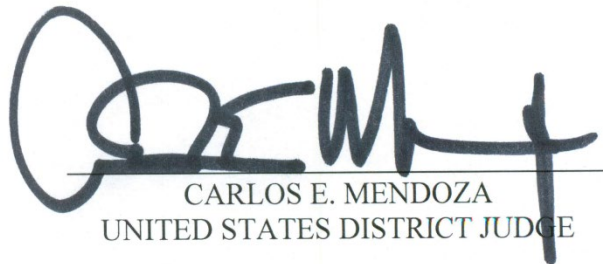
inklings of Defendant wanting to testify until the Objection to the R&R. The Objection is due to be overruled.

#### IV. CONCLUSION

After review in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Criminal Procedure 59, and considering Defendant's Objection, the Magistrate Judge's recommended disposition is accepted. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. Defendant's Objection (Doc. 255) is **OVERRULED**.
2. The Report and Recommendation (Doc. 251) is **ADOPTED** and made a part of this Order.
3. The United States' Oral Motion to Involuntarily Administer Antipsychotic Medications to Defendant (Doc. 183) is **GRANTED**.

**DONE** and **ORDERED** in Orlando, Florida on November 15, 2024.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record