

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:21-cr-66-SPC-NPM

JESUS ALEXIS VAZQUEZ

ORDER

On January 24, 2024, the Court found there was reasonable grounds to believe Defendant Jesus Alexis Vazquez may presently suffer from a mental disease or defect rendering him mentally incompetent to proceed (Doc. 161.) Accordingly, the Court appointed Dr. Pasquale Capozzoli to conduct an independent psychological examination of Defendant. (*Id.*) Dr. Capozzoli found Defendant exhibited symptoms of severe Schizophrenia and lacked the capacity to disclose pertinent information to his attorney or meaningfully participate in his defense. Ultimately, Dr. Capozzoli concluded that Defendant “was not competent to proceed at this time.”

Thereafter, the Court held a hearing to decide Defendant’s competency. *See* 18 U.S.C. §§ 4241(c) and 4247(d). The only evidence presented was Dr. Capozzoli’s report. The Government agreed with Dr. Capozzoli’s conclusion, as did defense counsel. Neither party disputed that Defendant is presently incompetent.

Based on the Court's review of Dr. Capozzoli's report, its own observations of Defendant during the several hearings he has appeared, and the agreement of counsel, the Court finds by a preponderance of the evidence that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him and to assist properly in his defense. 18 U.S.C. § 4241(d). Accordingly, it is hereby **ORDERED**:

1. Defendant Jesus Alexis Vazquez is committed to the custody of the Attorney General, who shall hospitalize Defendant for treatment in a suitable facility for a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.

2. Within four months of Defendant's hospitalization, the director of the facility where Defendant is hospitalized shall file a report with the Clerk of the Court indicating whether there is a substantial probability that in the foreseeable future Defendant will attain the capacity to permit the proceedings to go forward. The director may request an additional reasonable period of commitment as authorized by 18 U.S.C. § 4241(d)(2).

3. If at any time the director of the facility in which Defendant is hospitalized determines that he has attained the capacity to permit the

proceedings to go forward, the director shall promptly file a certificate to that effect with the Clerk of the Court.

ENTERED in Fort Myers, Florida on February 22, 2024.



Kyle C. Dudek
United States Magistrate Judge