

EXHIBIT 1

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IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
23-03157-CF
SECTION K

STATE OF FLORIDA,

vs.

THOMAS ISAIAH MOSLEY, Person
ID: 3322179

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Via Videoconference
Florida City, Florida
Tuesday, June 11, 2024
1:00 p.m. to 3:47 p.m.

DEPOSITION OF DR. THERESA ASCHEMAN-JONES

Taken before Marlene Gutierrez, Notary
Public, State of Florida at Large, pursuant to Notice of
Taking Deposition filed in the above cause.

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1 probably for that initial meeting.

2 Q When was the last time you saw Mr. Mosley?

3 A I think it was most likely during this
4 evaluation, aside from possibly seeing him in passing
5 through the window at the unit. But from my
6 recollection, this mostly would've been the last.

7 Q And if you had actually evaluated him after
8 January 9th, you certainly would've included a report
9 or a note in the records?

10 A Yes, absolutely.

11 Q And I haven't seen a note like that. I don't
12 know if you have one or you have a recollection, right?

13 A No, I'm not seeing one in the charts and I would
14 think so.

15 Q So that was six months ago?

16 A Yes.

17 Q You have a bunch of forensic training having to
18 do with competency in the courts, correct?

19 A Correct.

20 Q And in any of that training, have they talked to
21 you about how competency can wax and wane?

22 A Yes.

23 Q And, you know, for example, Mr. Mosley came in
24 December 15th and he was incompetent according to the
25 CAT tool that is in the file. And three and a half

1 weeks later he's competent and sent back to court,
2 right?

3 A Correct.

4 Q So in that three and a half weeks, there was a
5 marked change according to your diagnosis, correct?

6 A Not diagnosis, but competency status, yes.

7 Q Competency status. I'm sorry. So given that
8 things can change so quickly in three and a half weeks,
9 do you think that things can change quickly in six
10 months?

11 A Of course.

12 Q So you talked a lot about things that can change
13 somebody's mental status from competent to incompetent
14 and I assume those things can also change from
15 incompetent to competent, right? It really goes both
16 ways; medication, therapy, circumstances, for example,
17 jail versus therapeutic in hospital. What other things
18 do you think can change someone's competency status
19 over time; weeks, months?

20 A In addition to medication compliance, which you
21 mentioned and environment, which you mentioned, illicit
22 drugs, organic brain conditions, traumatic brain
23 injuries, those are some of the main ones.

24 Q In addition to a therapeutic environment and
25 circumstances of confinement, right?

1 A It can. I would think in terms of competency,
2 that would be less likely to change somebody's
3 competency. Medications is really one of the main
4 factors in terms of somebody's competency status, if
5 they have a significant mental illness that needs
6 treatment.

7 Q So today, on June 11th, 2024, six months after
8 you've seen Thomas Mosley, do you have any information
9 about any of those factors and how they might have
10 affected his competency status?

11 A I understand that he was returned to the jail.
12 So I with some certainty can say he's in a different
13 environment. In terms of medication compliance and any
14 of the other factors no, I can't. I don't have any
15 information about that.

16 Q So do you have any opinion as to whether Mr.
17 Mosley is competent right now?

18 A No.

19 Q And you would agree that in general in
20 competency determinations, you really can't extrapolate
21 from observations that are six months old?

22 A I agree.

23 Q And in your forensic training, have you come
24 across many of the legal definitions of staleness? In
25 other words, have you ever been involved in a case

1 where courts talk about stale competency report? Have
2 you ever come across that in your own forensic
3 training? Are you aware of the concept?

4 A I am aware of the concept. I don't know that I
5 could state with accuracy what is generally considered
6 stale and/or whether people within the legal arena
7 agree on that term. So that's the limit of my
8 knowledge on that.

9 Q But a lot can happen in six months?

10 A Of course.

11 Q I'd like to ask you some more specific questions
12 about your report and I'd like to start with page 1 of
13 the report. You were telling me that -- well, it says
14 in your report that you reviewed records from the
15 Florida Department of Corrections.

16 A Yes.

17 Q What records were those?

18 A I review the inmate database to look at any
19 previous legal history. To me, it's significant
20 whether somebody has a legal history and is reporting
21 to me that they have no knowledge of the courts. I
22 find that significant, so I do like to be aware of
23 somebody's legal history.

24 It's also relevant in terms of the potential an
25 examinee down the road might be recommended for a