

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA

vs.

Case No.(s): 23-03157-CF

THOMAS ISAIAH MOSLEY
PID: 3322179

Division: SECTION K

MOTION TO APPOINT EXPERTS FOR A COMPETENCY EVALUATION
DUE TO SUSPECTED INTELLECTUAL DISABILITY
AND CERTIFICATE OF GOOD FAITH

COMES NOW the counsel for the defendant, and moves this Court, pursuant to Rule 3.210(b), Fla. R. Crim. P., and Florida Statute § 916.301, for an Order appointing experts who are appropriately licensed and qualified to perform evaluations of defendants alleged to be incompetent to proceed due to intellectual disability to determine the competency of Mr. Mosley to proceed with any material stage of the proceeding. In support of this motion, the undersigned alleges the following facts:

1. Thomas Mosley was arrested for a double homicide on March 31, 2023. The State filed a notice of intent to seek the death penalty on April 27, 2023. Counsel initially had concerns about Mr. Mosley's competency due to mental illness and/or cognitive impairment.
2. The defense filed the first motion to determine his competency on July 21, 2023.
3. In the evaluations filed the same day, Dr. Ryan Hall stated, "[t]here are concerns that Mr. Mosley may have some degree of intellectual deficiency. History is suggestive for learning disorders vs. intellectual deficiency dating back to childhood. More in-depth neuropsychologic testing would be need to better specifics and identify deficits." Hall

Report at 9. Dr. McClain similarly found that Mr. Mosley was likely intellectually deficient.

4. In later evaluations, Dr. Ramm stated that, on appearance, Mr. Mosley had “low average intelligence” and Dr. Maher found Mr. Mosley’s “cognitive functions were impaired apparently secondary to psychotic thinking.” Ramm Report (filed September 18, 2023) at p. 3; Maher Report (filed October 9, 2023) at 4.
5. Mr. Mosley was sent to the South Florida Evaluation and Treatment Center (“SFETC”), a privately managed Wellpath facility, on December 14, 2023. SFETC found him competent after a few weeks and returned Mr. Mosley to Pinellas County February 1, 2024.
6. Counsel raised the issue of Mr. Mosley’s continued incompetence and the Court ordered additional competency evaluations on March 27, 2024. Dr. Ogu, a neuropsychologist, filed an amended report on May 23, 2024, concluding that Mr. Mosley, “does not possess sufficient present ability to assist counsel in the preparation of a defense nor to testify relevantly in his own defense due to the confluence of limited cognitive and intellectual ability, confounded by depression.” Ogu Report at 3. Similarly, Dr. Hall and Dr. McClain renewed their concerns that Mr. Mosley may suffer from congenital and/or environmental cognitive impairment in testimony before the Court.
7. Mr. Mosley was again found incompetent on July 31, 2024. Despite the Court’s request that he be sent to the Florida State Hospital in Chattahoochee, FL to address counsel’s concerns about inadequate treatment at SFETC, Mr. Mosely was readmitted to the SFETC on December 12, 2024.

8. In the 82 days that Mr. Mosley was held at SFETC, he was given an outdated version of the Weschler Intelligence Scale (the WAIS-4) as well as other psychometric testing which is not appropriately normed for people suffering from cognitive impairments. His IQ was reported to be 46. Mr. Mosley returned to the Pinellas County Jail on March 6, 2025.
9. Counsel has met with Mr. Mosley several times since his return to the Pinellas County Jail. He continually struggles to understand a complex two-phase death penalty process, evidentiary standards, the roles of his lawyers, basic criminal procedure and competency proceedings.
10. Mr. Mosley has profound deficits with reading and auditory comprehension. As one example, Mr. Mosley has a bible he keeps with him at the jail. When asked if he was reading it, Mr. Mosley explained that he reads Psalm 23 every day, sometimes even twice a day, because his mother tells him to. The passage is highlighted so he can find it. Mr. Mosley had no ability to explain what the psalm says, what it means, or how it starts. When presented with pleadings and legal documents, he routinely asks counsel to read them to him, yet he is still unable to comprehend them at a basic level.
11. On March 5, 2025, the Court appointed experts to examine Mr. Mosley for competency, based on either intellectual disability or mental illness. Counsel is now making a specific request that Mr. Mosley be evaluated for incompetence due to intellectual disability.

WHEREFORE, the undersigned respectfully requests this Motion to Appoint Experts to examine the defendant's competency on the basis of intellectual disability be granted.

CERTIFICATE OF GOOD FAITH

I HEREBY CERTIFY to this Court that the Motion to Appoint Experts for a Competency Evaluation is made in good faith and with reasonable grounds to believe that the above-named Defendant is incompetent to proceed with any material stage of the proceeding.

CERTIFICATE OF SERVICE

I do certify that a copy hereof has been furnished by email/physical delivery to the State Attorney, County Justice Center, Clearwater, Florida, on March 21, 2025.

Respectfully submitted,

Sara Mollo, Public Defender
for the Sixth Judicial Circuit

By:

A handwritten signature in black ink, appearing to read "Julia B. Seifer-Smith", is written over a horizontal line.

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