

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 8:18-cr-344-VMC-AAS

MATTHEW DARIUS CHAPPELL

/

REPORT AND RECOMMENDATION

The United States moves to remand Defendant Matthew Darius Chappell to the custody of the Attorney General under 18 U.S.C. 4246 “to determine if the defendant is presently suffering from a mental disease or defect as result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another.” (Doc. 176).

I. BACKGROUND

The procedural history in this matter is intricate and has been detailed in prior reports. *See* (Doc. 172). In summation, on June 1, 2018, Mr. Chappell was riding a motorcycle without a helmet when his motorcycle was hit by a driver who failed to stop for a red light. (Doc. 151, Ex. 5, p. 48). Mr. Chappell was hospitalized for six weeks as he recovered from “a traumatic brain injury, multiple facial reconstructive surgeries, multiple left knee surgeries, chronic right shoulder dislocation, lumbar spine fracture, multiple deep vein

thrombosis, headache, right side blindness, and diminished smell and taste.”
(Doc. 36, p. 2).

On July 26, 2018, a grand jury indicted Mr. Chappell on one count of conspiracy to distribute methamphetamine from December 2017 to January 28, 2018 — over four months before his June 1 accident. (Doc. 1).

Four days later, on July 30, 2018, Mr. Chappell was admitted to Tampa General Hospital for treatment of severe headaches. (Doc. 36, p. 2). Medical scans showed Mr. Chappell had a large skull fracture and a large abscess of air and fluid in the brain (called a “pneumocephalus”) in the right frontal lobe of the brain “measuring approximately 6.3 x 5.8 cm.” (Doc. 151, Ex. 5, p. 51). Mr. Chappell underwent emergency “bifrontal craniotomy and lumbar drain placement” surgeries on August 3, 2018 and August 5, 2018. (Doc. 151, Ex. 5, p. 41). These intense forms of cranial surgery, requiring the removal of parts of the skull to drain air and fluid from the abscess, “invariably” result in the removal of parts of brain matter. (Doc. 155, p. 107). While conducting the surgery, doctors noted the presence of “iron deposits on . . . the left side of the brain . . . which is again rare and is also related to permanent brain damage.” (*Id.*).

Mr. Chappell’s brain injury later resulted in the loss of vision in his right eye. (Doc. 151, Ex. p. 4). After a two-week recovery period, Mr. Chappell was discharged from Tampa General Hospital on August 18, 2018 and taken into

custody on his federal arrest warrant for the July 2021 indictment. (Doc. 9; Doc. 12, p. 1).

On October 1, 2018, Mr. Chappell's counsel moved for a hearing to adjudicate Mr. Chappell's competency to stand trial. (Doc. 26). On October 3rd, 2018, the court granted Mr. Chappell's counsel's request and ordered Dr. Ouaou, an expert in neuropsychology, to conduct a competency evaluation. (Doc. 27). Mr. Chappell has since remained in federal custody for over four years pending the adjudication of his competency to stand trial. In this time, Mr. Chappell has undergone seven competency evaluations by five different medical examiners and had three separate months-long stays at Federal Medical Center in Butner, NC ("Butner") for competency evaluations.

On November 30, 2022, the court (without opposition from the government) accepted and adopted the undersigned's recommendation that Mr. Chappell be found to "presently suffer[] from a mental disease or defect rendering him incompetent to stand trial" and that "there is not a substantial probability in the foreseeable future Mr. Chappell will attain the capacity to permit the proceedings to go forward." (Doc. 172, p. 30); (Doc. 178, p. 3).

The government now requests that the court remand Mr. Chappell again to the custody of the Attorney General for a dangerousness evaluation under 18 U.S.C. § 4246. (Doc. 182). The government acknowledges Mr. Chappell has been committed to federal custody under 18 U.S.C. § 4241(d) since December

20, 2018, (Doc. 176, p. 2) (*citing* (Doc. 39)), and argues Section 4246 “provides this Court with the discretion to order such an evaluation by a psychiatrist or psychologist to determine if the defendant meets the standard for continued commitment.” (*Id.* at 3). The undersigned heard oral argument on December 14, 2022 from the government and Mr. Chappell’s counsel on the government’s motion to remand. (Doc. 183).

II. ANALYSIS

Under Section 4241(d) of the Insanity Defense Reform Act (IDRA), once a court finds a defendant is not competent to stand trial (meaning their “mental condition has not so improved as to permit the proceedings to go forward”), “the defendant is subject to the provisions of sections 4246 and 4248.” 18 U.S.C. § 4241(d). Section 4248 concerns the civil commitment of a “sexually dangerous person.” § 4248(a). No allegations exist in the record supporting any contention that Mr. Chappell is a sexually dangerous person and the government’s motion to remand does not mention Section 4248. *See* (Doc. 176). This report therefore only considers the government’s motion to remand Mr. Chappell to the custody of the Attorney General under the statutory authority of Section 4246.

18 U.S.C. 4246(a) states:

“If the director of a facility in which a person is hospitalized certifies that a person . . . who has been committed to the custody of the Attorney General pursuant to section 4241(d) . . . is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another

person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available, *he shall transmit the certificate to the clerk of the court for the district in which the person is confined . . . [and t]he court shall order a hearing* to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another.

18 U.S.C. § 4246(a). The government contends this section grants the court the authority to temporarily remand Mr. Chappell to Butner so physicians at Butner may evaluate whether Mr. Chappell poses a danger to himself or others upon his release. (Doc. 176, p. 4).

The undersigned disagrees. “Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377, 114 S.Ct. 1673, 1675, 128 L.Ed.2d 391 (1994). Thus, the court only possesses the jurisdictional authority “authorized by [the] Constitution and statute.” *Id.*

The government does not contend any word or phrase in the IDRA explicitly authorizes courts to unilaterally detain defendants for purposes of conducting a dangerousness evaluation. Rather, the case law cited in the government’s motion claims “*in order for the statutory scheme to function properly . . . a dangerousness certification need not be filed until the court determines [that a defendant is incompetent to stand trial] because it is not until such a determination is made by the court that the defendant becomes ‘subject to the provisions of section 4246.’*” *United States v. Ferguson*, 2020 WL

5100099, at *6 (S.D. Fla. Aug. 5, 2020), *report and recommendation adopted*, 2020 WL 4922360 (S.D. Fla. Aug. 21, 2020) (citing *United States v. Rivera-Morales*, 365 F. Supp. 2d 1139, 1143 (S.D. Cal. 2005)).

However, “the text of a law controls over purported legislative intentions unmoored from any statutory text.” *Oklahoma v. Castro-Huerta*, 142 S. Ct. 2486, 2496 (2022). On its face, the government’s interpretation appears at odds with the text of Section 4246, which states “[i]f” the director of a facility certifies a defendant is dangerous, then the court must hold a hearing on the defendant’s dangerousness.¹ No provision of Section 4246 unambiguously grants federal courts the authority to hold a dangerousness hearing without a dangerousness certificate. Nor does the text of Section 4246 explicitly allow courts to order the director of a medical facility to issue such a certificate. If we are to “presume . . . the legislature says what it means and means what it says,” Section 4246 does not grant courts the statutory authority to unilaterally detain defendants for purposes of conducting a dangerousness evaluation. *Henson v. Santander Consumer USA Inc.*, 137 S.Ct. 1718, 1725, (2017) (internal quotation marks and alterations omitted).

¹ Though Section 4248 was enacted in 2006, Section 4248 “is similar to [Section 4246]” in requiring the court conduct a hearing into whether a person is sexually dangerous only if “the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons [certifies] that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined.” *United States v. Comstock*, 560 U.S. 126, 141–142, 130 S.Ct. 1949, 176 L.Ed.2d 878 (2010); § 4248(a).

This conclusion grows clearer when considered alongside the whole text of the IDRA. “It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.” *West Va. v. E.P.A.*, 142 S. Ct. 2587 (2022) (citing *Davis v. Michigan Dept. of Treasury*, 489 U.S. 803, 809, 109 S.Ct. 1500, 103 L.Ed.2d 891 (1989)). It is therefore highly relevant that where Congress intended to bestow upon district courts the authority to sua sponte begin proceedings under the IDRA, “it did so unambiguously.” *Biden v. Texas*, 142 S.Ct. 2528, 2539 (2022).

Section 4241 of the IDRA states “[t]he court shall grant the motion, *or shall order such a hearing on its own motion*,” when reasonable cause exists to believe a defendant is not competent to stand trial. 18 U.S.C. § 4241(a). Similarly, Section 4244 of the IDRA grants courts the authority to hold a hearing on whether to hospitalize a convicted defendant “at any time prior to the sentencing of the defendant . . . *on its own motion*,” if reasonable cause exists to believe the convicted defendant suffers from a mental disease or defect necessitating treatment in a suitable facility. § 4244(a).

By contrast, the other provisions of the IDRA do not grant the courts power to “on its own motion” order relief. Section 4242, for example, does not allow courts deference in ordering a psychiatric examination of a defendant for purposes of an insanity defense. Instead, Section 4242 states courts “*shall*

order that a psychiatrist or psychological examination of the defendant” once the defendant files “notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, that the defendant intends to rely on the defense of insanity” and upon subsequent “motion of the attorney for the Government.” § 4242(a). Section 4243 similarly requires, upon a defendant being found not guilty only by reason of insanity at the time of the charged offense, that the defendant “*shall* be committed to a suitable facility” until the defendant improves such that they are eligible for release. § 4243(a).

The IDRA provisions governing the hospitalization or civil commitment of a presently incarcerated person likewise do not grant courts deference in whether to conduct proceedings. Section 4245, the IDRA provision governing the involuntary transfer of a federal prisoner suffering from a mental disease or defect to treatment facilities, states the government may only move to remand a prisoner to a suitable treatment facility “at the request of the director of the facility in which the person is imprisoned” and upon filing a “motion with the court for the district in which the facility is located for a hearing on the present mental condition of the person.” § 4245(a). Once the motion is filed, “[t]he court shall grant the motion if there is reasonable cause to believe that the person may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable

facility.” *Id.* Section 4245 thus mimics Sections 4246 and 4248’s certification requirement. *See* §§ 4246(a), 4248(a).

Section 4246(b) offers no aid to the government’s position as well. While the government is correct that “Section 4246(b) allows the court to order an examination of the defendant,” this authority only vests “[p]rior to the date of the [dangerousness] hearing.” (Doc. 176, p. 3); § 4246(b). Section 4246(b) presupposes the existence of a dangerousness certificate before requiring a hearing on whether the defendant is a danger to the general public. “Because the Court may not order the requisite hearing without a compliant certification, it follows that the Court may not order a pre-hearing evaluation without such a certification. Therefore, without a certification in this case, the Court cannot order a dangerousness assessment.” *U.S. v. Cruz-Ruiz*, 585 F.Supp.3d 167, 170 (D. P.R. Feb. 11, 2022).

In interpreting statutory text, the court is obligated to ensure “every word and every provision [] be given effect [such that n]one should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence.” *Nielsen v. Preap*, 139 S. Ct. 954, 203 L. Ed. 2d 333 (2019) (*citing* A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 140, 174 (2012)). The IDRA grants courts the statutory authority to begin proceedings “on its own motion” only to determine whether a defendant is not competent to stand trial and to determine whether a convicted defendant

should be hospitalized for a mental disease and defect. §§ 4241, 4244. Elsewhere in the IDRA, the court's ability to hold a hearing and commence proceedings is mandatory but limited by some notice or certification prerequisite. Concluding courts retain the statutory authority under Section 4246 to unilaterally detain defendants for purposes of conducting a dangerousness evaluation, despite the "on its own motion" language appearing nowhere in Section 4246, would render that language "superfluous" within Sections 4241 and 4244. *Corley v. United States*, 556 U.S. 303, 314, 129 S.Ct. 1558, 173 L.Ed.2d 443 (2009)

The plain meaning of Section 4246(a) thus controls. The court's authority to conduct a dangerousness evaluation under the IDRA is only triggered "[i]f the director of a facility in which a person is hospitalized certifies that a person . . . who has been committed to the custody of the Attorney General pursuant to section 4241(d) . . . is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another." Multiple courts have similarly concluded this certification requirement is a prerequisite to the dangerousness evaluation under the IDRA. *See, e.g., United States v. Lapi*, 458 F.3d 555, 563 (7th Cir. 2006) ("§ 4246 is triggered only by the filing of a Certificate of Mental Disease or Defect and Dangerousness by the 'director of [the] facility in which [the defendant] is hospitalized.'"); *United States v. Bonin*,

541 F.3d 399, 400–401 (5th Cir. 2008) (“Section 4246(a) establishes the director’s certification as a necessary prerequisite to a dangerousness hearing; without the certification, a court ordinarily lacks statutory authority to conduct the hearing.”); *United States v. Wigren*, 641 F.3d 944, 946 (8th Cir. 2011) (“The [IDRA] sets forth procedures for involuntary civil commitment of federal detainees. The warden is responsible for commencing proceedings under § 4246”); *Cruz-Ruiz*, 585 F.Supp.3d at 170 (“this Court is unpersuaded that it has the authority to continue to detain Defendant and order a dangerousness assessment pursuant to Section 4246”).

The government’s response does not materially address the text of the IDRA and instead asks this court to fill what the government sees as “troubling gaps in the statutory scheme” of civil commitments and competency proceedings. *United States v. Jackson*, No. 2:03-cr-173-RBS-4, 2009 WL 691973, at *3 (E.D. Penn. Mar. 16, 2009). The case law cited in the government’s motion claims the court must at least retain some jurisdiction to temporarily remand the defendant back to the medical facility to give the director of the facility a period of time to consider the defendant’s dangerousness. (Doc. 176, p. 3) (*citing Ferguson*, 2020 WL 5100099, at *4; *United States v. Trillo-Cerda*, 244 F.Supp.2d 1065, 1069 (S.D. Cal. 2002)).

This argument suffers from two fatal flaws. First, as previously detailed, the text of the IDRA does not support that courts possess the authority to

unilaterally detain defendants for purposes of a dangerousness evaluation. That defendants found permanently incompetent under Section 4241 are “subject to the provisions of” Section 4246 is immaterial. § 4241(d). In this context, “subject to” means being “under the governing power of another.” *Subject*, Black’s Law Dictionary (11th ed. 2019). Section 4241(d) simply informs defendants of their status after being found incompetent to stand trial: still governed by “the provisions of § 4246 and §4248.” § 4241(d). This portion of Section 4241(d) does not independently confer to courts the authority to detain a defendant beyond what is already conferred by Congress in Sections 4246 and 4248.

Second, “[a] civil commitment proceeding under 18 U.S.C. § 4246 is completely separate from the criminal prosecution.” *United States v. Williams*, No. CR–11–8022–PCT–GMS, 2013 WL 3864258, at *6 (D. Ariz. July 25, 2013). *See also Lapi*, 458 F.3d at 560 (concluding a dangerousness hearing under Section 4246 “is a matter completely separate from the merits of the action—whether Mr. Lapi committed the bank robbery for which he is being prosecuted”) (citations omitted). The IDRA is thus intentionally limited in scope so as to remain appropriately deferential to state prerogatives in civil commitment proceedings. *See, e.g., Comstock*, 507 F.Supp. 2d at 545 (explaining that § 4246 “is extremely deferential to the states”); *United States v. S.A.*, 129 F.3d 995, 1000 (8th Cir. 1997) (“[C]ivil commitment under section

4246 occurs only in those rare circumstances where a person has no permanent residence or there are no state authorities willing to accept him for commitment.”) (internal citations omitted); *Lapi*, 458 F.3d at 563 (“The legislative history of the Insanity Defense Reform Act makes clear that the drafters of § 4246 did not intend for federal courts to play such an expansive role. This history instead reflects the general principle that care of insane persons is essentially the function of the several states.”) *United States v. Perry*, 788 F.2d 100, 110 (3d Cir. 1986) (“Congress may not . . . authorize commitment simply to protect the general welfare of the community at large.”). *Ecker v. United States*, 575 F.3d 70 (1st Cir. 2009) (“the general policy underlying the federal civil commitment statute that the states are tasked with caring for the mentally ill and with protecting the general welfare of the larger community.”).

The court’s limited authority to detain a defendant for a dangerousness evaluation is in accordance with the structure of the IDRA and its deference to the several states in their disposition of a defendant suffering from a mental disease or defect. Whatever perceived gaps may exist in the statutory schema of civil commitments and competency proceedings limiting the federal courts’ capacity to maintain the continued incarceration of an incompetent defendant, it is the duty of Congress to remedy them, not the courts.

More crucially, “[t]he civil commitment of an individual into a mental hospital is a significant deprivation of liberty, particularly when that commitment is of indefinite duration; such a deprivation, therefore, must be accompanied by procedural safeguards which adhere to due process requirements.” *United States v. Baker*, 807 F.2d 1315, 1321 (6th Cir. 1982). These due process considerations are of vast importance in this matter because, as the parties discussed during the December 14, 2022 hearing, Mr. Chappell’s confinement in federal penitentiary continued solely pursuant to the over-four-year effort at conclusively determining Mr. Chappell’s competency. (Doc. 183). On August 29, 2018, Magistrate Judge Christopher Tuite ordered Mr. Chappell conditionally released on \$10,000 secured bond, even in light of the “criminal history” cited in the government’s motion. (Doc. 13); (Doc. 176, p. 2). The parties also confirmed during the December 14, 2022 hearing Mr. Chappell committed no disciplinary infractions during his current period of incarceration at the Hillsborough County Jail, Hernando County Jail, or at Butner.

Mr. Chappell has undergone seven competency evaluations by five different medical examiners during his over-four-year period of incarceration. This period includes more than a year spent at Butner over the course of three separate trips to and from Butner for competency evaluations. Mr. Chappell’s seven competency evaluations, producing approximately seventy pages of

reports, contain no evidence or opinions even slightly suggesting Mr. Chappell is a danger to himself or others. To the contrary, the evidence in the record suggested Mr. Chappell remained in stable mental condition for the duration of his incarceration. *See* (Doc. 150, Ex. 5, p. 4) (“[Mr. Chappell] continues to present with flat affect . . . has not incurred any disciplinary infractions . . . denies having suicidal or homicidal ideation, intent, or plan.”); (*Id.* at 17) (“Mr. Chappell’s mental status is stable, without suicidal or homicidal ideation.”).

Thus, absent any change in the considerations undergirding Judge Tuite’s order, Mr. Chappell should be conditionally released in accordance with Judge Tuite’s order.² *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (“due process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed . . . the State must either institute the customary civil commitment proceeding

² “Although the Eleventh Circuit has not addressed this issue, other federal courts have held neither due process nor the statutory scheme codified at 18 U.S.C. §§ 4241–4247 mandates dismissal of charges against a defendant solely because the defendant is not competent to stand trial.” *United States v. De Matteis*, No. 5:19-cr-75-AKK-GMB, 2020 WL 4210501, at *4 (N.D. Ala. Mar. 2, 2020). *See also United States v. Sheffield*, 2010 WL 4023969, at *1 (N.D. Fla. Oct. 13, 2010) (“The Court notes that dismissal is not required by statute where the Defendant has been found incompetent to stand trial.”); *United States v. Ostolaza-Robles*, No. 13-cr-771, 2022 WL 473037, at *6 (D. P.R. Feb. 22, 2022) (“Though Mr. Ostolaza is incompetent but not dangerous and, thus, cannot stand trial nor be civilly committed, the Court is not required by statute to dismiss the indictment against him— Congress has left that decision to the prosecutors’ discretion.”).

that would be required to commit indefinitely any other citizen, or release the defendant.”).

III. CONCLUSION

Because neither the Butner director nor any other facility director has forwarded to this court a certificate on Mr. Chappell’s dangerousness prior to the court finding Mr. Chappell not competent to stand trial, this court is without jurisdiction under the IDRA to temporarily remand Mr. Chappell to Butner for purposes of a dangerousness evaluation or otherwise detain him pursuant to the competency proceedings. It is therefore **RECOMMENDED**:

1. The government’s motion to remand Mr. Chappell to the custody of the Attorney General (Doc. 176) be **DENIED**; and
2. The court refer the matter back to the undersigned to reopen Mr. Chappell’s bond hearing.

ENTERED at Tampa, Florida on January 11, 2022.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

NOTICE TO PARTIES

The parties have fourteen days from the date they are served a copy of this report to file written objections to this report’s proposed findings and recommendations or to seek an extension of the fourteen-day deadline to file

written objections. 28 U.S.C. § 636(b)(1); 11th Cir. R. 3-1. A party's failure to object timely in accordance with 28 U.S.C. § 636(b)(1) waives that party's right to challenge on appeal the district court's order adopting this report's unobjected-to factual findings and legal conclusions. 11th Cir. R. 3-1.