

COMPETENCY

Defendant Was Mentally Competent to Represent Himself

State v. Reid, ___ N.C. App. ___, ___ S.E.2d ___ (18 May 2010).

The court ruled, after considering evidence of the defendant's mental capacity, that the trial court did not err under *Indiana v. Edwards*, 554 U.S. 164 (2008), in allowing the defendant to represent himself. The court also noted that the trial court complied with G.S. 15A-1242 before allowing the defendant to represent himself.

Constitutional Law -- Capacity To Stand Trial -- Failure To Sua Sponte Grant Competency Hearing

State v. Staten, 172 N.C. App. 673 (2005)

The trial **court was not required to sua sponte grant defendant a competency hearing** during defendant's January 2003 trial for first-degree felony murder and armed robbery, because: 1) evidence before the trial court was not so substantial as to indicate defendant was mentally incompetent when throughout the trial proceedings defendant acted in a manner exhibiting competence; 2) in the instant case, with the exception of the initial screening, defendant had no evaluations finding him to be incompetent to proceed to trial; 3) neither defendant's behavior nor demeanor implicated the necessity of a bona fide doubt inquiry even though defendant suffered from mental retardation and intellectual deficiencies throughout his life with intermittent mental illness when defendant had the capacity to comprehend his position, to understand the nature and object of the proceedings against him, to conduct his defense in a rational manner, and to assist his counsel; and 4) where, as here, defendant has been examined relative to his capacity to proceed and all evidence before the court indicates that he has that capacity, he is not denied due process by the trial court's failure to hold a competency hearing.

Competency To Stand Trial--Mental Retardation

State v. McClain, 169 N.C. App. 657 (2005)

The trial court did not abuse its discretion in a first-degree murder case by determining that defendant was competent to stand trial under the test set forth in N.C.G.S. § 15A-1001(a), because: 1) evidence that a defendant suffers from mental retardation is not conclusive on the issue of competency; and 2) the evidence supported the trial court's findings that defendant was able to understand the nature and object of the proceedings against him, he comprehended his situation in regard to the trial, and defendant had the ability to assist in his defense in a rational and reasonable manner.

Mental Capacity -- Retrospective Competency Hearing

State v. Blancher, 170 N.C. App. 171 (2005)

The trial court did not abuse its discretion in a common law robbery case by proceeding with trial when defendant had not been evaluated to determine if he was competent to proceed, because: 1) despite the fact that the first ordered evaluation was not completed, defendant did not inform the court of the refused admission at Dorothea Dix hospital, request an additional order, or raise the lack of evaluation prior to the start of the common law robbery trial when the trial court inquired about unresolved pretrial matters; 2) no questions about defendant's mental capacity were raised during the trial; 3) despite raising pretrial the issue of competence, defendant failed to assert this statutory right before or during the trial and there was no evidence that defendant was not capable of assisting in his own defense other than the statement of defense counsel in the motion for an evaluation; 4) the court held a retrospective competency hearing before defendant's habitual felon trial, found defendant competent, and noted that he had not been hearing voices or had suicidal thoughts as stated in the original motion; and 5) at the competency hearing, defendant's first attorney testified that defendant was competent in aiding his defense and understood the proceedings against him.

(1) Competency To Stand Trial--Retrospective Hearing--Trial Judge As Presiding Judge--Failure To Show Bias

(2) Competency To Stand Trial--Competency At Retrospective Hearing

State v. McRae, 163 N.C. App. 359 (2004)

(1) It was not error in a first-degree murder case for the same trial judge to have been the hearing judge in a retrospective competency hearing, because: 1) there was nothing in the transcript or record that suggested that the trial judge intervened as a witness in this case over a disputed fact; 2) defendant failed to show any bias, interest, or prejudice by the trial judge in conducting the retrospective competency hearing; and 3) no constitutional, statutory, or code of judicial conduct requires a per se recusal of a trial judge in a retrospective competency hearing. (2) The trial court did not err in a first-degree murder case by finding that defendant was competent to proceed at a 7 June 2001 retrospective competency hearing and by proceeding with the hearing without defendant's presence, because competency hearings do not implicate defendant's confrontation rights and do not have a substantial relation to his opportunity to defend. Therefore, whether defendant was competent at the retrospective hearing did not implicate his constitutional or statutory rights.

Competency To Stand Trial--Length Of Observation

State v. Robertson, 161 N.C. App. 288 (2003)

A competency examination in which defendant was observed for 1 hour and 40 minutes did not violate N.C.G.S. § 15A-1001 or due process. The plain language of the statute does not establish a minimum period of observation, and the court made 16 findings of fact based on the opinion of an expert forensic psychiatrist and its own observations. The evidence was more than sufficient to support those findings.

Competency To Stand Trial - Ability To Assist Defense In Rational Or Reasonable Manner

State v. Mahatha, 157 N.C. App. 183 (2003)

The trial court did not err in a first-degree murder and robbery with a dangerous weapon case by denying defendant's pretrial motion under N.C.G.S. § 15A-1001 that he be declared incompetent to stand trial even though defendant contends he was unable to assist in his defense in a rational or reasonable manner, because: 1) two expert witnesses testified that based on their interviews with defendant and reviews of his test results and school and medical records, they believed that defendant did not suffer from any active mental illness and that he was competent to stand trial; 2) defendant's recitation to a doctor of the key facts of the case against him also supports the conclusion that defendant was able to assist in his defense in a rational and reasonable manner; and 3) contrary to defendant's assertion, the evidence supports the trial court's finding that another doctor did not give an opinion as to defendant's competency to proceed, and therefore, the trial court properly considered his testimony at the competency hearing.

Competency To Stand Trial—Reluctance To Produce Witnesses

State v. Pratt, 152 N.C. App. 694 (2002)

The trial court did not abuse its discretion in a rape and kidnapping prosecution by finding defendant competent to stand trial where a psychiatrist testified that defendant's paranoid delusions prevented him from effectively assisting his defense because he believed that anyone attempting to assist him would be hindered by a curse against him. The trial court could properly conclude from evidence presented at the hearing that defendant's reluctance to provide the names of potential witnesses did not otherwise preclude assisting in his defense

Competency To Stand Trial--Failure To Order Independent Psychiatric Evaluation

State v. Grooms, 353 N.C. 50 (2000)

The trial court did not err in a capital prosecution for first-degree murder by failing to order an independent psychiatric evaluation under N.C.G.S. § 15A-1002 when defendant's capacity to proceed was raised by defense counsel at trial, because: 1) defendant points to nothing in the record to indicate that he was

incompetent to proceed with trial; and 2) the record showed that defendant stated he did not want a mental health examination, he understood the proceedings and his rights, he assisted in his own defense throughout trial, and he understood the ramifications of his decision not to present mitigating evidence during the sentencing proceeding.

Competency To Stand Trial--Failure To Conduct Hearing

State v. McRae, 139 N.C. App. 387 (2000)

The trial court's failure to conduct a competency hearing on its own motion pursuant to N.C.G.S. §15A-1002 before defendant's second trial for first-degree murder, based on the numerous psychiatric evaluations of defendant conducted before trial raising a bona fide doubt as to defendant's competency at the time of his second trial, requires: 1) a remand for a hearing to determine defendant's competency at the time of his trial, rather than a new trial; and 2) if the trial court cannot make a retrospective determination of defendant's competency, defendant's conviction must be reversed and a new trial may be granted when defendant is competent to stand trial.

(1) First-Degree Murder - Capacity To Stand Trial - Sufficiency Of Evidence

(2) First Degree Murder - Defendant's Mental Condition - Jail Nurse's Opinion

State v. Davis, 349 N.C. 1 (1998)

(1) The trial court did not err in a capital first-degree murder prosecution by finding that defendant had the capacity to stand trial where the testimony of an expert in forensic psychiatry clearly indicates that defendant met each prong of the competency test set forth in N.C.G.S. § 15A-1001. The evidence must demonstrate that defendant is capable of understanding the nature and object of the proceedings against him, comprehending his own situation in reference to the proceedings, and assisting in his defense in a rational and reasonable manner. **(2)** The trial court did not err in a capital prosecution for first-degree murder by excluding a jail nurse's opinion of defendant's mental condition where the question called for the lay witness to make a psychiatric diagnosis. No foundation had been laid to show that he had the expertise to make such a diagnosis and, while it may have been appropriate for the witness to make a general observation that a defendant appeared "mentally disturbed" upon admission to jail, it was beyond his ability as a lay witness to make a specific diagnosis as to defendant's being "psychotic." N.C.G.S. § 8C-1, Rule 701.