

IN THE CIRCUIT COURT OF MAYCOMB COUNTY, ALABAMA

STATE OF ALABAMA,

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v.

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Case No. CC-00-0000

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JOE CLIENT.

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**MOTION FOR HEARING TO DETERMINE
THAT DEFENDANT IS INCOMPETENT TO STAND TRIAL**

Joe Client respectfully moves this Court to hold a hearing to determine that Mr. Client is incompetent. In support of this motion, Mr. Client submits the following:

1. Joe Client has been indicted for capital murder. The State is seeking the death penalty.

2. The United States Supreme Court has “repeatedly and consistently recognized that the criminal trial of an incompetent defendant violates due process.” Cooper v. Oklahoma, 517 U.S. 348, 354 (1996) (internal quotation marks omitted); see also Drope v. Missouri, 420 U.S. 162, 171 (1975) (“It has long been accepted that a person whose mental condition is such that he lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense may not be subjected to a trial.”); Ex parte LaFlore, 445 So. 2d 932, 934 (Ala. 1983) (“It is without dispute that the conviction of an accused person while that person is legally incompetent violates the right to due process, and that State procedures must be adequate to protect that right.”).

3. A defendant is incompetent to stand trial unless “he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and “has a rational as well as factual understanding of the proceedings against him.” Dusky v. United States, 362 U.S. 402, 402 (1960) (per curiam); see also Ex parte Gordon, 556 So. 2d 363, 364 (Ala. 1988) (endorsing adoption of Dusky test in Alabama).

4. Alabama law provides: “If any person charged with any felony is held in confinement under indictment and the trial court shall have reasonable ground to doubt his sanity, the trial of such person for such offense shall be suspended until the jury shall inquire into the fact of such sanity” Ala. Code § 15-16-21. While the trial judge is the “screening agent” who determines whether to order a psychiatric evaluation, see Ex parte Borden, 769 So. 2d 950, 956 (Ala. 2000), the Constitution guarantees the right to have

competency determined by a jury. Ex parte Neal, 551 So. 2d 933, 934 (Ala. 1989) (per curiam).

5. In determining whether Mr. Client is competent to stand trial, the judge or jury must make an individualized inquiry into all of the relevant facts, including but not limited to: 1) defendant's prior behavior; 2) prior medical opinions about defendant; and 3) defendant's demeanor in court, but "the evaluation should not stop there. To suggest that an accused's competency can be assessed based solely on such a restricted analysis defies common reasoning." Gordon, 556 So. 2d at 365; see also Drope, 420 U.S. at 180 ("evidence of a defendant's irrational behavior, his demeanor at trial, and any prior medical opinion on competence to stand trial are all relevant" to competency inquiry but "a wide range of manifestations and subtle nuances are implicated").

6. Mr. Client has a history of mental illness and low intellectual functioning that renders him incompetent to stand trial. In most of his conversations with undersigned counsel, Mr. Client has been inattentive and incomprehensible. Mr. Client has been unable to clearly communicate his wishes and ideas to counsel and he has not shown any indication that he can follow explanation of even the simplest aspects of the case. Further, Mr. Client has shown little comprehension of the nature or significance of courtroom proceedings. As a teenager, Mr. Client was diagnosed with a formal thought disorder. In school, he struggled with all academic subjects, especially reading and comprehension, and did not attend school after eighth grade. According to school counselors, Mr. Client had trouble following class discussions and appeared to be lost. Mr. Client scored extremely poorly on standardized tests that measured intellectual capability. Mr. Client has had difficulty getting and holding a job because he cannot read, he cannot speak clearly, and he struggles to follow simple instructions. In light of Mr. Client's history, and because he is not able to understand the trial proceedings or materially assist his attorney in his defense, he is entitled to a hearing to determine that he is incompetent to stand trial.

7. Because Mr. Client is incompetent, forcing him to stand trial would violate his rights to due process, a fair trial, and a reliable sentence protected by the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Alabama law.

For these reasons, Mr. Client respectfully requests that this Court:

- a. conduct an evidentiary hearing regarding Mr. Client's competency; and
- b. enter an order finding that Mr. Client is incompetent to stand trial.

Respectfully submitted,

/s/ Linda Lawyer

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[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 10/03/17]