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Assessing the competency of a defendant to stand trial is a complicated process that involves much work on the part of the psychologist performing the evaluation. Much of the precedent in determining competency was set by the US Supreme Court case of Dusky v.

United States. It was ruled in this case that a defendant must understand the nature of the court proceedings and be able to assist in their own defense (Simon and Gold, 2004). In regards to Wilson, there are several things that should be determined before a second evaluation can be performed. First of all, as the psychologist, I would want to know some of Wilson's past history, including prior arrests. It is already known that he has had schizophrenic episodes in the past and suffered from some delusions regarding his parents. In addition, we know that Wilson has tried to harm himself before and has tried to harm his sister as well, both of which lead to mental health treatment. I would want to see the records from these previous treatment sessions and see what has been done in the past to combat his mental illness. According to Otto (2003), " medical, mental health and school records oftentimes are valuable in identifying underlying conditions that might be responsible for any competence related deficits that are observed..." (88).

Knowing about Wilson's past is essential to understanding his present condition. Along these lines, I would also want to talk to his sister, if possible and any other person that had consistent contact with Wilson over the years. Another thing I would like to know what kinds of treatments have been given to Wilson in the past. According to the information given, Wilson was not medicated at the time of the incident with his parents. The major question

that comes to mind is why was he not medicated at the time if his parents knew about his condition? There is a good chance that because Wilson has already been ruled incompetent to stand trial, it is probably a good assumption that he has been committed and is being medicated (Zapf and Roesch, 2000).

Even though Wilson may have been judged incompetent before, he still has control over his medical decisions (Simon and Gold, 2004). I would like to know how he reacted to being medicated and if he did do so willingly. As mentioned above, there are several people I would want to interview for collateral contact about Wilson. The first person, again, would be his sister as she was the victim of one of his psychological outbursts. She would be able to give me information about what it was like growing up with Wilson and the kinds of things she observed while in the home. She might also be able to give me some insight as to why he was staying with his parents as opposed to being in a psychiatric facility. Next, I would look for information from any doctor that had contact with Wilson over the years and obtain their opinions on his mental capacity. I would hope that they would be able to talk about his medical diagnosis.

I would also speak to the police officers that initially arrested Wilson to see how his behavior was when they came in and arrested him. Finally, I would speak to teachers or any other family member that has knowledge of Wilson's psychological state and how it has affected him over the years.

Judging from the information already given and depending on whether or not he is currently being medicated would come into play in my decision as to his competency to stand trial. I would say that if he were medicated and able

to assist in his own defense, Wilson should be competent to stand trial. If he is still experiencing delusions and fighting medical treatment, he should continue to be held in a psychiatric facility until such a time as he is fit to stand trial. At the moment, in my personal opinion, Wilson is not competent to stand trial. He believed his parents were not who they appeared to be. He thought his father was in the KGB and his mother was a witch.

I do not believe he had a criminal intent to kill his parents, but was under a delusion to kill these other people who had taken over his parents. I strongly believe he needs to be under medical care as opposed to being in a prison facility. After interviewing all the collateral contacts, I would interview Wilson himself to see how he feels about the situation. This would start with questioning Wilson on the court procedures to see if he understands what is going on (Otto, 2006).

By doing this, I would gain an idea of whether or not he understood what was going on in the court and the charges that he was facing. Hopefully, Wilson will be medicated at this time and able to understand what is going on. I would also ask him what he remembers about the crime. This would give me an idea of if he understood his actions and if he believed them to be wrong. I would also be interested to know how he feels about his mental illness and if he has experienced remorse for his actions. Mostly, the questions I would ask should give me a clear idea about his views on his criminal actions and if he felt he was able to assist in his defense. Once on the stand, the judge probably would ask what the future risk of Wilson committing a violent act might be. I would be honest and say that if Wilson is medicated he should be competent to stand trial.

However, if he does not remain medicated and is released, he will most likely commit another violent act because of his delusions due to the schizophrenia. It is clear to me that his particular delusions cause him to view certain people as a threat. In addition, there is a history of violent acts. I would recommend to the judge that even though he may be competent to stand trial, Wilson still does have a mental disorder and would not be able to receive the death penalty because of this (Greene, Heilbrun, Fortune, and Nietzel, 2006). In conclusion, Wilson's case would take a great deal of careful consideration on the part of the psychologist. There are many people to interview to obtain collateral information about his past. All of these things must be taken into consideration to fully determine his competency to stand trial. I do not believe that the judge would rule him competent even if he were to be medicated.

There is no guarantee that the medication would remain effective and Wilson could revert back to the delusions. I feel that he would need constant medical care in order to remain lucid. I think this is a very difficult thing to determine because how do you punish a criminal act when the accused did not really know what they were doing. It must make it a very complicated job for the court and for the psychologists evaluating the defendant.

## **References**

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