

# Competency to stand trial



On the night of February 4th, police responded to a call at the home of Mr. and Mrs. Wilson. They had been shot and killed; the only other person in the home was the Wilson's 25 year old son Edward. Subsequently Edward was arrested and charged with two counts of first degree murder. Edward was found to be incompetent to stand trial; now that he has come to the facility where I work for restoration of competency I am responsible for providing a re-evaluation of competency.

Knowing Edward's past mental issues and suicide attempt a few years back there are many things that I would need to take note of before and during the evaluation process. First I would want to obtain information from Edward's previous doctors, specifically the one who first had diagnosed Edward and prescribed him his medication; even interview the doctor if possible. To aid in the behavioral research I would want to interview Edward's school teachers to have record of progress and behavior in school.

Also, I would want to review school transcripts to see if there was any deterioration of grades and/or behavior. I would want to interview family members and friends to determine any previous rage or anger issues Edward had previously displayed, besides the one(s) already noted. "Competency to stand trial, is a legal construct that usually refers to a criminal Defendant's ability to participate in legal proceedings related to an alleged offense" (Mossman, Noffsinger, Ash, Frierson, Gerbasi, Hackett, Lewis, Pinals, Scott, Sieg, Barry, Wall, Zonana, 2007) or.

Can be defined as having the capacity mentally to understand and be aware of what was happening as far as the court proceedings the defendant was involved in, as well as being able to communicate and understand

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information between attorneys. In order to be considered competent to stand trial there are numerous questions that the defendant would need to be able to answer and/or comprehend. Some examples of these questions would be, does the defendant understand what he or she is being charged with, and does he or she understand why?

Does the defendant understand the various verdicts from the outcome of the trial, and the possible consequences of each verdict (Forensic Checklist)? There are many instruments to assist with the evaluation assessment, such as the Competency assessment instrument (CAI). In order to assess Edward and his competency to stand trial I would ask him whether or not he was able to communicate relative information to the attorney about the night in question, I would assess his decision making ability when it related to the crimes Edward was charged with.

I would ask Edward if he understood the roles of the defense counsel, the judge, the prosecutor and other players in the trial process. I would assess Edward's view of the crime and the way others would perceived him if found guilty, whether or not people would be in fear of Edward because of the nature of the crime. I would the ask Edward to describe what happened on the night in question, who was there and the timeline of events of that night; I would see if he understood why the police had arrested him and what led up to the arrest.(Whitlock, Feix, Banner, Gerdes, Santina, Trageser, 2012)

Besides the interview questions I would assess and evaluate Edward's demeanor and the way he upheld his appearance. I would evaluate the hand gestures, if any, facial expressions, how in-depth he thought about the answers to the questions I asked, and his overall actions on the outside, or

physically. You can tell a lot about a person with the way they carry themselves, their hygiene for instance can tell you if the person is incapable of caring for himself or maybe they have poor hygiene practices.

After assessing Edward's competency level his awareness and his ability to comprehend reality, I do not think that Edward is competent to stand trial. Given his diagnosis of paranoid schizophrenia and his inability to control the symptoms without medication, along with his past incidents involving anger, rage and violence I do not think Edward would react in an appropriate manner if he was provoked or just had a violent outburst. Considering the charges of first degree murder I believe for the safety of him and others he should be deemed incompetent to stand trial.

Because Edward has been found to be incompetent to stand trial, the court proceedings will be put on hold while he continues to receive treatment until his competency has been restored (Frontline, 2013). I believe with continued treatment including medication taken consistently and counseling and observation Edward's competency to stand trial will be restored in a few more months. If I had to choose the theory of criminal behavior that would best conceptualize Edward's behavior I would choose biological, and psychological. Biological, because his condition that he was diagnosed with is a disorder of the brain, which is biological?

Something in his brain has distorted reality and has made him paranoid, hear see and think things that were abnormal and delusional. These symptoms can be controlled with the use of medication when they are taken, and again these points to a biological behavior. I chose psychological because in order for somebody to commit murder there must be something wrong in the way

they think. This could be attributed to the biological issue of having a disorder of the brain but I feel if that is the case then biological and psychological factors would go hand in hand.

Regardless, either way there is an illness in Edwards's brain that can be associated with biological factors which would in turn lead to the psychological factors and behaviors. If I was on the stand and the judge asked me to assess Edwards risk of future violence, I would tell him Edward is probably unstable. Taking into consideration his past violent outbursts, the fact that he is on medication that controls symptoms of paranoid schizophrenia and the nature of the crime he is being charged with I would inform the judge there is a strong possibility that Edward could have more violent episodes in the future.

I would not be able to say for certain but given the facts I would lean very strongly in the direction of him being a threat to himself and others. For those who have been deemed imp competent to stand trial and are put into inpatient treatment, form specialty groups. These specialty groups while in treatment watch video tapes and are given special instructions on how the court processed works. (Greene, 2012) This is the specialty groups I feel Edward would need to fit into for treatment and counseling and would help restore competency.

I am hoping that within a couple months of treatment Edward would be able to stand trial and be fairly tried for the crime committed. After assessing Edward and reevaluating his competency I have found that even though he has mental issues and is on medication for his diagnosed issue, restoration of his competency to stand trial is a possibility. There is no fear of

malingering in Edward's case, although if there were an issue with a fear of malingering there are tools to help decipher whether or not an individual is trying to fake an incompetency when it comes to standing trial.