Most forensic psychologists are well aware of two landmark decisions in the 1960s and 70s that provided guidance to courts when they are faced with decisions regarding when to order a criminal defendant to undergo a competency evaluation. In *Pate v. Robinson* (1966), the United States Supreme reviewed whether due process was violated when a trial judge did not order a competency evaluation in the face of uncontradicted evidence of irrational behavior by the defendant. Writing for the 7-2 majority of the Court, Justice Thomas Clark ruled that the 14th Amendment requires the trial court to order an inquiry any time there is a “bona fide doubt” about a defendant’s competency. Similarly, in a 1975 unanimous U.S. Supreme Court decision (*Drope v. Missouri*), Chief Justice Warren Burger wrote that the lower court failed to give proper weight to the evidence which suggested there was a “sufficient doubt” about the defendant’s competency. In that case, defendant James E. Drope engaged in “strange behavior” and a serious suicide attempt prior to trial.

Three federal circuit court decisions have recently examined this threshold issue; that is, when courts must order an inquiry into the competency status of a defendant. In *Anderson v. United States* (7th Circuit, 2017), the defense argued there was ineffective assistance of counsel during the trial which violated his 6th Amendment rights. The appellate court noted the defendant had a history of treatment for schizophrenia and was acting “unusual” while being held in Indiana’s Marion County Jail. Further, he was not consistently prescribed or offered his psychiatric medication. However, the trial court did not solicit information about his diagnoses or treatment, nor did it acknowledge the “recurring theme” of mental illness related to the offense behavior. Defendant Denny Ray Anderson’s attorney was applauded for his diligent efforts in all other aspects of the defense. However, that did not erase the importance of a “full exploration into Anderson’s competence.” Therefore, the case was remanded for a full evidentiary hearing.

The second case comes from the 6th Circuit Court of Appeals (*United States v. Coleman*, 2017). In this case, the court was faced with a defendant who claimed to be a “Moorish American National.” During court proceedings, defendant Airiz Coleman made “irrational statements.” He asked the judge if he was “forcing [defendant] to contract,” and referred to himself as a “flesh and blood living being,” whose detention on “U.S. soil” was unconstitutional. Weeks later, his appointed counsel moved to withdraw after defendant Coleman became “combative” during a meeting. He was eventually convicted of being a felon in possession of a firearm after pointing a gun at and threatening an agent of a vehicle repossession company.
Following his conviction, Coleman challenged the court’s failure to order, *sua sponte*, a mental competency evaluation. The appellate court considered whether the conduct of “tax protestors, sovereign citizens, and self-proclaimed Moorish-Americans” rises to the level of requiring a district court to order a competency hearing. The court held that the district court did not err in failing to order a mental competency evaluation. It concluded the defendant’s legal arguments and statements directly correspond to the “meritless rhetoric” frequently espoused by members of these groups. It further noted that such conduct is not indicative of mental illness and, although he expressed views that are fringe, he did not exhibit irrational behavior before or during the trial or “act in a way that called his competence into question.”

In the third case of *United States v. McLaughlin* (4th Circuit, 2017) the court examined whether an abuse of discretion occurred when the district court declined to continue defendant Jovan Maquell McLaughlin’s revocation hearing in order to permit a competency evaluation. McLaughlin insisted he “need obey only those laws mentioned in an ancient treaty between the United States and Morocco.” He was generally uncooperative during the proceedings and made several similar comments. The 4th Circuit Court noted that the district court perceived McLaughlin’s behavior a product of his “defiance and adherence to Moorish Nationalist Ideals,” rather than any mental instability or inability to understand revocation proceedings. It went further and explained that whether reasonable cause exists to hold a hearing is a “question left to the sound discretion of the court.”

These cases highlight the fact that courts continue to face difficult decisions about whether to order competency evaluations and conduct hearings in cases involving potentially mentally ill defendants. When there is potential mental disturbance rising to some level of doubt about competence, attorneys and courts must conduct a full inquiry. However, atypical ideas or bizarre behavior by a defendant can be indicative of mental illness or personal values and preferences. How courts and attorneys make these discernments when they lack familiarity with unusual ideologies and signs of mental illness is unclear. However, as in the *Coleman* and *McLaughlin* cases, deference is typically given to the trial courts, the gatekeepers of evidentiary admissibility.
References

Anderson v. United States, 865 F.3d 914 (7th Cir. 2017).


United States v. McLaughlin, 675 F. App’x 387 (4th Cir. 2017).