

**Competence to Stand Trial  
Case Analysis Form**

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I. For What Crime was the Defendant Convicted?

II. How Was the Issue of "Incompetence" First Raised? (by whom?) (at what stage in the proceedings?) (Note: In some cases, the issue may be raised, resolved, and then raised again.)

III. Did the Trial Court Order Psychiatric or Psychological Examinations of the Defendant?

(If so, was the defendant interviewed? The time, place, manner and duration of the interview(s) may be of some importance.) (Was the defendant given psychological tests? What tests? Were the findings of the psychological experts adequately documented in their reports? (See generally, West Virginia Code, §27-6A-1(c) to the effect that a psychiatric or psychological report "shall contain an opinion, supported by clinical findings, as to whether the defendant is in need of care and treatment.")

III-A. After the Initial Psychological Examinations, Was the Defendant Committed for Further Observations and Examination? (If so, what reports were filed? Reaching what conclusions? On what basis?)

III-B. Did the Defendant Secure His/Her Own Psychological Experts? (Did the defense experts reach conclusions which supported or differed from opinions reaching in previous examinations?)

III-C. Does the Defendant Have a History of Mental Health Problems? If So, What Evidence of These Problems Preceding the Criminal Charges Have Been Made Part of the Record?

IV. Was a Competency Hearing Held? (If denied, on what basis?) (Did defense counsel petition the court for a competency hearing? Or was the hearing requested by the prosecution, or initiated by the trial court?)

IV-A. What Evidence was Presented at the Incompetency Hearing? Did the defendant's lawyer testify? Did the psychological experts provide testimony? Did the experts provide adequate findings to support their conclusions?

IV-B. Did the Trial Court Find the Defendant Competent or Incompetent to Stand Trial?

IV-C. If the Trial Court Found the Defendant Competent to Stand Trial, Were There Special Concerns About How the Trial Was to Be Conducted or the Timing of the Trial Based on the Fragile Nature of Defendant's Competence to Stand Trial?

V. What Errors Are Now Claimed by the Defendant on Appeal? (Is the violation claimed a matter of procedural or substantive due process?)

VI. What Relationship, If Any, Is There Between Defendant's Competency to Stand Trial Issues and Defendant's Defense (Diminished Capacity/Insanity Defense)?

VII. What Standard of Review Does the Court Designate as Appropriate for the Matter Before It?

VIII. Was the Trial Court's Decision Upheld on Appeal? (If so, on what basis?) What Disposition of the Case Does the Appellate Court Now Order?