

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,)	
)	
)	
v.)	ID # 0602015743
)	
)	
TYRONE GIBSON,)	
)	
Defendant.)	

Date Submitted: April 28, 2008
Date Decided: June 16, 2008

OPINION AFTER COMPETENCY HEARING

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Jurden, J.

I. INTRODUCTION

The question presented is whether defendant Tyrone Gibson (hereinafter referred to as “defendant”) is competent to stand trial. For the reasons that follow, the answer is “yes.”

II. BACKGROUND

On March 20, 2006, Defendant Tyrone Gibson was indicted on charges of Attempted Rape First Degree, Attempted Robbery Second Degree and Burglary First Degree.¹ On March 12, 2007, during the first of a three part competency hearing, Doctor Mechanick opined that Defendant was competent to stand trial.²

On June 1, 2007, Dr. O’Brien testified for the defense based upon his evaluation of the defendant from October 23, 2006.³ Dr. O’Brien opined that defendant was incompetent and thus unable to stand trial.⁴ In rebuttal, Dr. Mechanick testified that defendant had successfully completed competency classes while attending Delaware Psychiatric Center (“DPC”).⁵ Because this testimony was based upon hearsay, the Court requested the appearance of additional doctors along with a formal evaluation of the defendant by DPC.⁶ This request was made in order to obtain the most accurate account of defendant’s completion of competency restoration classes.

¹ Def. Fed 19, 2006 Indictment by Grand Jury, D.I. 2

² Hearing Transcript, March 12, 2007, Pg. 40

³ Hearing Transcript, June 1, 2007, Pgs. 32-36

⁴ Hearing Transcript, June 1, 2007, Pgs. 32-36

⁵ Hearing Transcript, June 1, 2007, Pgs. 85-86

⁶ Hearing Transcript, June 1, 2007, Pgs. 107-108

In response to the Court's request, on April 1, 2008 Dr. Selig and Dr. Thompson of DPC testified concerning the defendant's mental capacity.⁷ Dr. Selig testified that defendant had successfully completed competency classes and was able to retain the information he learned.⁸ Dr. Thompson, who conducted a full competency evaluation of the defendant, testified that he is fully competent to stand trial.⁹

III. DISCUSSION

The test of competency to stand trial is set forth in 11 *Del. C.* § 404(a):

Whenever the court is satisfied, after hearing, that an accused person, because of mental illness or mental defect, is unable to understand the nature of the proceedings against the accused, or to give evidence in the accused's own defense or to instruct counsel on the accused's own behalf, the court may order the accused person to be confined and treated in the Delaware Psychiatric Center until the accused person is capable of standing trial.¹⁰

This standard has been construed to require that a defendant demonstrate the ability to consult with the defense counsel rationally, to assist in preparation of defense and to have both a rational and factual understanding of the proceedings.¹¹ The burden is on the State to establish the competency of the defendant by a preponderance of evidence.¹² In making competency determinations, the court must consider all of the circumstances, basing the

⁷ Superior Court Criminal Docket, 4/01/2008

⁸ Letter from Josette Manning, Deputy Attorney General, to the Honorable Jan R. Jurden, Superior Court Judge (April 28, 2008) D.I. #53.

⁹ State's Exhibit No. 7, "Delaware Psychiatric Center Mitchell Building Forensic Mental health Examination", 6/20/2007

¹⁰ 11 *Del. C.* § 404(a)

¹¹ *State v. Simmons*, 2005 WL 3007808, *1 (Del. Super. 2005) (Vaughn, J.)

¹² *Diaz v. State*, 508 A.2d 861, 863 (Del. 1986).

decision on the facts of the particular controversy.¹³ The absence of any one factor is not considered to be dispositive to the evaluation.¹⁴

The hearing in the instant case established that although defendant has cognitive limitations which may require special attention during adjudication, he is sufficiently competent to stand trial based upon statutory criteria.¹⁵

Defendant's records from the DPC, his video taped statement to police officials and the expert testimony all demonstrate competency beyond preponderance.¹⁶

Dr. Thompson submitted a report concerning defendant's mental capacity and ability to stand trial.¹⁷ During his evaluation, defendant was asked specific questions relating to his case. These inquiries covered matters such as courtroom procedure, roles of court participants and the defendant's ability to relate information to his defense attorney.¹⁸ Despite low I.Q. scores, defendant was able to demonstrate a rational understanding of the criminal adjudicatory process.¹⁹ Defendant understands the concepts of *evidence* and *plea bargain*, and was able to correctly utilize terminology such as "motion for suppression of evidence."²⁰ Such understanding evidences the fact that defendant sufficiently understands the charges against him, and is able to assist defense council when

¹³ *State v. Simmons*, 2005 WL 3007808, *1

¹⁴ *State v. Johnson*, 2004 WL 2419167 (Del. Super. 2004)

¹⁵ Hearing Transcript, June 1, 2007, Pgs. 16, 63.

¹⁶ State's Exhibit No. 7, "Delaware Psychiatric Center Mitchell Building Forensic Mental health Examination", 6/20/2007

¹⁷ State's Ex. 7.

¹⁸ State's Ex. 7.

¹⁹ State's Ex. 7.

²⁰ State's Ex. 7.

needed.²¹ Defendant's responses are therefore consistent with the requirements for mental competency.²²

Additional testimony was provided by Dr. Selig, a psychologist who administers the competency restoration classes at DPC. These classes are held for the specific purpose of helping patients to reach the requisite competency level for trial.²³ The clinic involves the presentation of hypothetical scenarios which allow doctors to gauge the ability of the patient in understanding the adjudicatory process.²⁴ Dr. Selig testified regarding defendant's class performance and competency level. During his tenure at DPC, defendant continuously asserted himself while exhibiting no deficits in performance of daily tasks.²⁵ Dr. Selig recounted specific incidents which indicated that defendant has the competency to stand trial. Although it was noted that defendant's ability was somewhat lacking at the time of the preliminary evaluation, Dr. Selig opined that defendant's competency was fully restored within the first six months of therapy at DPC.²⁶

Contrary to the testimony of the State's witnesses, Dr. O'Brien opined that defendant's "cognitive limitations could interfere with participation in and assistance with legal proceedings with a reasonable degree of rational understanding."²⁷ However, Dr. O'Brien's opinion is based upon an examination conducted in 2006, prior to defendant's stint at DPC. Dr. O'Brien conceded that

²¹ State's Ex. 7.

²² *State v. Simmons*, 2005 WL 3007808, *1.

²³ Hearing Transcript, June 1, 2007, Pg. 85-88.

²⁴ Hearing Transcript, June 1, 2007, Pg. 86.

²⁵ Letter from Josette Manning, Deputy Attorney General, to the Honorable Jan R. Jurden, Superior Court Judge (April 28, 2008) D.I. #53.

²⁶ Letter from Josette Manning, Deputy Attorney General, to the Honorable Jan R. Jurden, Superior Court Judge (April 28, 2008) D.I. #53.

²⁷ Dr. O'Brien Report, pg. 4.

defendant improved during DPC classes.²⁸ Based upon the notes provided from Dr. Selig, it is apparent that defendant has met all necessary classroom criteria for the finding of competency.²⁹ Defendant is considered to have “no deficits in his understanding of courtroom procedure”.³⁰ Because Dr. O’Brien did not re-evaluate defendant after the successful completion of the competency classes, the court finds Dr O’Brien’s testimony less persuasive than that provided by Dr. Selig and Dr. Thompson.³¹

The Court finds by a preponderance of the evidence that defendant has been able to consult with defense counsel rationally, can assist in preparation of his defense, and fully understands the charges which have been brought against him. Consequently, he is competent to stand trial.

IV. CONCLUSION

For the above aforementioned reasons, Defendant Tyrone Gibson is competent to stand trial pursuant to 11 *Del. C.* § 404(a).

IT IS SO ORDERED.

Jan R. Jurden, Judge

²⁸ Hearing Transcript, June 1, 2007

²⁹ Hearing Transcript, June 1, 2007, Pgs. 90-91.

³⁰ Hearing Transcript, June 1, 2007, Pg. 86.

³¹ Letter from Josette Manning, Deputy Attorney General, to the Honorable Jan R. Jurden, Superior Court Judge (April 28, 2008) D.I. #53.