

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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## IN THE COURT OF APPEALS OF INDIANA

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Michael Oldfield,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

October 12, 2022

Court of Appeals Case No.  
21A-CR-2855

Appeal from the Putnam Circuit  
Court

The Honorable Matthew Headley,  
Judge

Trial Court Cause No.  
67C01-1903-F3-249

**May, Judge.**

[1] Michael Oldfield appeals following his conviction of Level 3 felony possession of methamphetamine.<sup>1</sup> Oldfield raises one issue for our review, whether the trial court erred in denying Oldfield’s motion for a competency evaluation. We affirm.

## Facts and Procedural History

[2] On March 7, 2019, Indiana State Trooper Yan Dravigne was monitoring westbound traffic on Interstate 70 in Putnam County when he saw a Nissan Altima with an Illinois license plate “impeding the flow of traffic” and making “an unsafe lane movement, which led to following a traffic [sic] trailer too close.” (Tr. Vol. III at 40.) Trooper Dravigne initiated a traffic stop of the vehicle. Hannah Danneberger was driving the vehicle, and Oldfield was sitting in the front passenger seat. Once Trooper Dravigne approached the vehicle, he detected a strong odor of raw marijuana, and he called Major Dwight Simmons of the Putnam County Sheriff’s Office to ask for assistance. Major Simmons was a certified narcotic detection dog handler, and Trooper Dravigne knew he was patrolling nearby. Danneberger did not have her driver’s license with her, and Trooper Dravigne took her back to his police cruiser so that he could use his in-car computer to look up her driver’s license information.

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<sup>1</sup> Ind. Code § 35-48-4-6.1(d).

[3] Meanwhile, Major Simmons had his police dog sniff the exterior of the vehicle. The canine reacted by turning its head when it walked by the vehicle's trunk, and it alerted to the presence of narcotics when it walked past the passenger side of the vehicle. Trooper Dravigne searched the interior of the vehicle and discovered a sock with a white crystal-like substance inside it, a small amount of marijuana, and drug paraphernalia. Trooper Dravigne and Major Simmons then searched the car's trunk and found a bag containing over 307 grams of a substance that was later determined to be methamphetamine. The officers then arrested both Danneberger and Oldfield.

[4] On March 8, 2019, the State charged Oldfield with Level 3 felony possession of methamphetamine, Class B misdemeanor possession of marijuana,<sup>2</sup> and Class C misdemeanor possession of paraphernalia.<sup>3</sup> At his initial hearing, Oldfield indicated that he understood the charges that had been filed against him and the potential penalties. Oldfield also entered a plea of not guilty, asked for a jury trial, and asked for a public defender to be appointed to represent him. The court appointed a public defender to represent Oldfield, but the attorney withdrew after Oldfield posted bond.

[5] Oldfield then sought to hire private counsel and appeared pro se at subsequent pretrial conferences. During one conference on August 15, 2019, Oldfield

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<sup>2</sup> Ind. Code § 35-48-4-11(a).

<sup>3</sup> Ind. Code § 35-48-4-8.3(b).

asked: “Can I throw a plea offer out there?” and proposed that the State agree he be sentenced to time served and fined. (Tr. Vol. II at 30.) At another pretrial conference, Oldfield requested discovery, knew that a jury was composed of twelve jurors and alternates, and asked that he not be referred to as a “career criminal” in front of the jury. (*Id.* at 48.) He also discussed his prior convictions and opined that the Menard Correctional Center in Illinois is “no Holiday Inn or Motel 6.” (*Id.*)

[6] Oldfield eventually retained counsel, and on May 7, 2021, Oldfield filed a motion asking the court to appoint experts to assess Oldfield’s competence and hold a hearing regarding whether Oldfield was competent to stand trial. The motion asserted Oldfield had untreated bipolar disorder. Oldfield alluded to his “erratic behavior” in prior court proceedings and contended that “[r]easonable grounds exist to believe the bipolar disorder impacts the defendant’s ability to understand the proceedings and assist in the preparation of a defense.” (App. Vol. II at 77.) Oldfield asked the trial court to appoint a panel of medical experts to evaluate Oldfield and opine on his competency for trial. Without holding a hearing on Oldfield’s motion and before the State filed a response, the trial court issued an order denying the motion. The trial court explained:

Court recalls that Defendant sua sponte made several different statements and offers to plead the case, in which it was obvious that the Defendant had spent some time within the criminal justice system. He used language and phrases that are normally reserved for lawyers trained in this area of the law. Court does not have reasonable grounds for believing Defendant lacks ability to understand proceedings and assist in his defense.

Moreover, this case has been pending for over two and a half (2 ½ years) [sic]. The Defendant sought, and the court granted him continuances in the past, [sic] and told Defendant and/or counsel that the court would not continue again—that was in January of 2021. Now a request is filed some ten (10) days prior to jury trial.

(*Id.* at 79-80) (emphasis in original). On May 12, 2021, Oldfield filed both a motion to dismiss and a motion for change of judge, and the trial court subsequently denied both motions.

[7] On May 18, 2021, Oldfield filed a second motion for a competency evaluation, and the trial court set the matter for a hearing on May 20, 2021. Oldfield chose not to attend the hearing, but Debra Clough, Oldfield’s roommate and attorney-in-fact, testified. She testified Oldfield experiences severe pain from a tumor on his spine and a heart mass. Clough also explained Oldfield has been diagnosed with bipolar affective disorder. She testified Oldfield is not consistent about taking his medication for bipolar disorder, and she did not believe he had been taking the medication recently. When he is off his medication, Clough explained, Oldfield “becomes more agitated. He rambles. His behavior is more erratic.” (Tr. Vol. II at 152.) She also explained that he is “very over-the-top with everything he talks about. He’s very manic. He’s very agitated . . . he knows more than anybody that he’s talking to.” (*Id.* at 157.) Clough explained she believed Oldfield’s untreated bipolar disorder negatively affected his judgment and would make it difficult for him to assist in his defense.

[8] On cross-examination, Clough acknowledged Oldfield had several previous interactions with the criminal justice system and he had not been found incompetent to stand trial in any of his previous criminal cases. Clough also testified she believes Oldfield understood he had been charged with a crime and the roles of the various participants in his trial. Clough explained she would pass messages along to Oldfield from his attorney. She believed Oldfield understood the messages, but “he just says, well, you know, he don’t [sic] want to hear it.” (*Id.* at 165.)

[9] Oldfield’s counsel also argued the content of Facebook Messenger messages Oldfield sent him established a reasonable belief Oldfield was incompetent because in the messages, Oldfield “refers to the United States Navy and . . . the Black Sea. He refers to an LGBT government. . . . [H]e threatens to, ‘send gentleman [sic] to take my sign down.’” (*Id.* at 169.) At the conclusion of the hearing, the trial court denied Oldfield’s motion. The court explained:

[Clough] specifically said he knows who people are, he knows what’s going on, he’s talked about the case with her. So he clearly knows his defense. Maybe he’s just hearing things that he doesn’t want to hear from his lawyer, we don’t know that. Probably his lawyer is telling him things that he doesn’t want to believe in.

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I’ve witnessed him here in this courtroom at least twice and he seemed to know what was going on and he used a lot of language that lawyers would use in criminal proceedings. He’s had previous criminal proceedings. He’s never been found

incompetent. He never challenged that in any way whatsoever, apparently. So I just think that I'm going to deny it.

(*Id.* at 170-71.) The trial court also issued a written order denying Oldfield's motion.

[10] Prior to trial, the State dismissed the two misdemeanor charges, and the trial court then held a two-day jury trial on the charge of possession of methamphetamine beginning on May 26, 2021. Oldfield did not appear for his trial, and the court chose to try Oldfield in abstentia. Oldfield renewed his motion for a competency evaluation, and the trial court again denied it. The jury returned a verdict of guilty. Authorities eventually apprehended Oldfield, and on October 14, 2021, the trial court sentenced Oldfield to a nine-year term. The trial court ordered Oldfield to serve the first eight years of his sentence in the Indiana Department of Correction, and the court ordered the final year of his sentence suspended to probation.

## Discussion and Decision

[11] Oldfield argues the trial court erred in denying his motion for a competency evaluation because "Oldfield's counsel presented evidence that Oldfield was unmedicated and suffering from bipolar disorder, and Oldfield sent his attorney nonsensical communications in preparation for trial." (Appellant's Br. at 9.) "To be competent at trial, a defendant must be able to understand the nature of the proceedings and be able to assist in the preparation of his defense."

*Timberlake v. State*, 753 N.E.2d 591, 598 (Ind. 2001), *reh'g denied, cert. denied*, 537 U.S. 839, 123 S. Ct. 162 (2002). Indiana Code section 35-36-3-1(a) states:

If at any time before the final submission of any criminal case to the court or the jury trying the case, the court has reasonable grounds for believing that the defendant lacks the ability to understand the proceedings and assist in the preparation of a defense, the court shall immediately fix a time for a hearing to determine whether the defendant has that ability.

“Whether reasonable grounds exist to order an evaluation of competency is a decision assigned to the sound discretion of the trial court and is reviewed only for an abuse of discretion.” *Cotton v. State*, 753 N.E.2d 589, 591 (Ind. 2001).

An abuse of discretion occurs when the trial court’s decision is clearly against the logic and effect of the facts and circumstances before the trial court or if the trial court misinterprets the law. *Gibbs v. State*, 952 N.E.2d 214, 219 (Ind. Ct. App. 2011), *trans. denied*.

[12] Oldfield contends his roommate’s testimony, his medical records, and the nonsensical messages he sent to his counsel presented the trial court “with more than enough evidence” to establish reasonable grounds for believing Oldfield was incompetent. (Appellant’s Br. at 13.) However, “the right to a competency hearing is not absolute.” *Gibbs*, 952 N.E.2d at 220. A competency evaluation “is required only when a trial judge is confronted with evidence creating a reasonable or bona fide doubt as to a defendant’s competency, which is defined as whether a defendant currently possesses the ability to consult rationally with counsel and factually comprehend the proceedings against him.” *Id.*



[13] Here, the trial court’s determination that there was no reasonable doubt as to Oldfield’s competence was supported by evidence in the record. Clough testified Oldfield understood the various roles of the participants in the legal proceeding. While Clough said Oldfield often disagreed with what his attorney told him, she thought he understood the content of the messages Clough relayed to him from his attorney. Moreover, a trial court’s observations of the defendant in court may provide an adequate basis for the trial court to find a competency hearing is not necessary. *Cotton*, 753 N.E.2d at 591. When Oldfield appeared before the court pro se, he used language indicating a general understanding of the legal system. He made a plea offer, insisted on a jury trial, referenced discovery, and asked not to have his criminal history discussed in front of the jury. There is also no evidence Oldfield was found incompetent to stand trial during any prior prosecution. Thus, we cannot say the trial court abused its discretion when it denied Oldfield’s motion for a competency evaluation. *See Campbell v. State*, 732 N.E.2d 197, 203 (Ind. Ct. App. 2000) (holding trial court did not abuse its discretion in refusing to order a competency evaluation despite testimony from defendant’s mother that defendant was “mentally incompetent” and “a lot lower functioning than he appears to be”).

## Conclusion

[14] While Oldfield presented evidence he had untreated bipolar disorder, the evidence also showed he understood the roles of the various individuals

participating in the proceeding and understood his attorney's advice, even though he disagreed with it. He also displayed some understanding of the criminal justice system in his comments to the trial court. Thus, we cannot say the trial court abused its discretion in denying his motion for a competency evaluation, and we accordingly affirm his conviction and sentence.

[15] Affirmed.

Crone, J., and Weissmann, J., concur.