IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA19-24

Filed: 1 October 2019

Vance County, No. 07 CRS 50717, 50725

STATE OF NORTH CAROLINA

v.

RODNEY MCDONALD WILLIAMS

Appeal by defendant from judgments entered 13 June 2018 by Judge Henry W. Hight Jr. in Vance County Superior Court. Heard in the Court of Appeals 4 September 2019.

Attorney General Joshua H. Stein, by Special Deputy Attorney General M.A. Kelly Chambers, for the State.

Marilyn G. Ozer for defendant-appellant.

TYSON, Judge.

Rodney McDonald Williams ("Defendant") appeals from judgments entered after a jury's verdict found him guilty of first degree murder and guilty of attempted murder. We find no error.

I. Background

Ms. Shirley Venable ("Venable") was awakened to someone calling her name outside her home during the early morning of 27 February 2007. Venable testified she heard Defendant say "Ma, open the door." Venable is Defendant's mother. When

Venable opened her door, a friend, Leo Ziegler, Jr., ("Ziegler") ran inside her house. Defendant stood at the doorway and began firing a handgun. Venable was shot in her left side and Ziegler was shot in the chest.

Venable and Ziegler attempted to flee through the house, but Venable was shot again in her left hip and Ziegler was shot in the back of his head. Ziegler's head wound was fatal. After Venable was shot in her hip and fell to the floor, Defendant shot Venable a final time in her right leg. Venable was able to wrestle the gun from Defendant.

Defendant fled Venable's home. First responders arrived and found Venable covered in blood at her backdoor and Ziegler's body in the kitchen. Officers found Defendant hiding under a nearby automobile and arrested him.

On 1 March 2007, the trial court determined Defendant needed emergency medical care for mental illness and issued a safekeeping order. On 12 March 2007, Defendant was indicted on one count of first degree murder of Ziegler and one count of attempted murder of Venable.

A. Dr. Williams' Evaluation

Dr. Alton Williams ("Dr. Williams"), (no relation to Defendant), first interviewed Defendant on 3 July 2007. Dr. Williams conducted follow up interviews with Defendant on 7 January 2008 and 10 April 2008. In preparing his report, Dr. Williams also reviewed 190 documents related to Defendant. During these

interviews, Defendant told Dr. Williams he considered deceased Ethiopian leader, Haile Selassie, to be a god and Defendant wanted to be his right-hand-man. Defendant insisted his deceased father had connections to rap music artists and producers. He also discussed his imaginary girlfriend, Champagne.

When Dr. Williams inquired about the pending charges, Defendant stated the worst outcome of his case would be the death penalty, but because of his pending tort claim he would not receive a death sentence because it was an act of Congress. Defendant explained the current charges were a prerequisite for him to prevail in the tort claim. Defendant stated he would be receiving his money from his tort claim any day and would be going home.

Dr. Williams reported Defendant began using marijuana at age 16, smoking six to seven "blunts" daily. Defendant "first used alcohol at seven or eight years old, but became a regular drinker when he was 16 years old." Defendant reported he would drink "four to five 40 ounce beers a day." Defendant self-reported he used crack cocaine twice a week from 2005 through his arrest.

Defendant testified that while incarcerated for a prior conviction, he purchased a state tort claim for $5.00 from another inmate named Lock Jordan. Defendant asserted his tort claim was against the State, but required federal government assistance to succeed on his claim. Defendant also stated he received money from a rap music "record deal."

On 7 July 2008, Dr. Williams submitted a forensic psychiatric evaluation. Dr. Williams diagnosed Defendant with schizophrenia, paranoid type and substance dependence. Dr. Williams concluded that Defendant exhibited deficits, which impaired his ability to rationally and factually understand the trial process. Specifically, Defendant's delusion that his current criminal charges were related to a tort claim against the State. Dr. Williams further concluded Defendant "does not have the capacity to assist counsel in preparing and implementing a defense."

B. Dr. Vance's Evaluation

In September 2008, Defendant was evaluated by Dr. Charles Vance, M.D., PhD. ("Dr. Vance"). Defendant continued to assert his beliefs in his tort claim and added that other patients were "messing" with him and that he could hear whispered threats. Dr. Vance reported that on one occasion Defendant became violent with hospital staff. On 30 October 2008, Dr. Vance concluded Defendant was not malingering and he met the criteria for a diagnosis of paranoid schizophrenia. Dr. Vance further concluded Defendant's ability to participate meaningfully in trial "was substantially impaired by his ongoing mental illness."

On 22 December 2008, the court found and concluded Defendant did not have the legal capacity to assist counsel in preparing and implementing a defense to the pending charges. On 8 September 2009, the trial court issued an order finding Defendant incompetent to stand trial. The following day, Defendant's counsel and

the State entered into a stipulation that Defendant was incompetent to proceed to trial.

C. Dr. Messer's Evaluation

In late September 2009, Defendant's competency to stand trial was reassessed. Dr. Julia Messer, Ph.D ("Dr. Messer") examined Defendant and prepared the report. Again, she diagnosed Defendant with paranoid schizophrenia. Defendant told the staff that strangers could "derail his lawsuit by standing too close to him and sneezing." Defendant further reported that former President George W. Bush, then President Barack Obama, and talk show host, Oprah Winfrey, were aware of his situation. Defendant felt his mother may have been a "witch at various times in the past."

Defendant reported having the following hallucinations: seeing shadows that were always present, hearing his deceased father breathing heavily in his closet, and seeing a "big parrot made out of fog." Defendant also maintained his belief that in order to sue the State he had to kill somebody. On 7 October 2009, Dr. Messer found Defendant's test scores and behavior were consistent with paranoia, and not attempts to feign or exaggerate mental illness. She concluded Defendant was not competent to stand trial.

On 9 October 2009, the State dismissed the charges with leave, due to Defendant being incapable of proceeding to trial. On 10 March 2014, the State entered a Notice of Reinstatement of Charges.

D. Dr. Vance's Re-Evaluation

In October 2015, Defendant reported thoughts of hanging himself because purportedly "the devil told him to hurt himself." Defendant was prescribed olanzapine, an antipsychotic medication, which appeared to alleviate his psychotic symptoms. Dr. Vance re-evaluated Defendant. During this examination, Defendant did not raise his "tort claim" as a reason for his current legal situation. Defendant stated "it ain't related" to his current pending criminal charges.

Dr. Vance reported Defendant appeared embarrassed by and dismissive of his past claims. Dr. Vance found Defendant's "presentation during this current evaluation was wholly unexpected." Dr. Vance further found Defendant "completely disavows those previous psychotic beliefs and shows a very good orientation to the reality of the case, even though he is [presently] receiving lower dose of antipsychotic medication." Dr. Vance issued a report concluding Defendant was competent to proceed at trial on 4 November 2015. On 4 February 2016 the State entered another Notice of Reinstatement of Charges.

E. Dr. Blanks' Evaluation

On 21 July 2016, Dr. Richard Blanks, J.D., M.D., an Adult and Forensic Psychiatrist, ("Dr. Blanks") met with Defendant at the Craven Correctional Institution. Dr. Blanks sent a letter to Defendant's counsel stating that he had also found Defendant was competent to stand trial on 10 October 2016. Upon joint motions regarding Defendant's competency from Defendant's counsel and the State, the trial court issued an order finding Defendant competent to stand trial on 23 October 2016.

On 9 November 2016 Defendant was found in need of protective custody, due to being an escape risk with anger problems. As the Vance County jail did not have proper facilities to take care of him, a safekeeping order was issued. On 7 December 2017 a further safekeeping order was issued on the grounds that Defendant required mental health treatment, psychiatric care and medication. On 20 April 2018, another safekeeping order was issued due to Defendant's unpredictable outbursts including violent assaults.

Defendant was tried 13 June 2018 through 14 June 2018. Defendant testified and offered evidence at his trial. The jury returned a verdict and found Defendant guilty of first-degree murder and attempted murder. Defendant was sentenced to a mandatory life sentence without parole for the first-degree murder conviction of Ziegler, and not less than 480 months and not more than 585 months for attempted murder of Venable. Defendant gave oral notice of appeal from both judgments.

II. Jurisdiction

This Court possesses jurisdiction pursuant to N.C. Gen. Stat. §§ 7A-27(b) and 15A-1444(a) (2017).

III. Issue

Defendant's sole argument on appeal asserts the trial court erred by not *sua sponte* ordering a competency assessment to protect his constitutional rights to due process.

IV. Analysis

A. Standard of Review

"[A] person whose mental condition is such that he lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense may not be subjected to a trial." *Drope v. Missouri*, 420 U.S. 162, 171, 43 L. Ed. 2d 103, 112-113 (1975). "[T]he conviction of an accused person while he is legally incompetent violates due process[.]" *State v. Taylor,* 298 N.C. 405, 410, 259 S.E.2d 502, 505 (1979) (citations omitted). "The standard of review for alleged violations of constitutional rights is *de novo*." *State v. Graham*, 200 N.C. App. 204, 214, 683 S.E.2d 437, 444 (2009) (citation omitted).

B. Competency

Defendant asserts the trial court's failure to *sua sponte* order a competency evaluation violates his constitutional right to due process. N.C. Gen. Stat. § 15A-1001(a) (2017) provides:

> No person may be tried, convicted, sentenced, or punished for a crime when by reason of mental illness or defect he is unable to understand the nature and object of the proceedings against him, to comprehend his own situation in reference to the proceedings, or to assist in his defense in a rational or reasonable manner.

"The question of the capacity of the defendant to proceed may be raised at any time on motion by the prosecutor, the defendant, the defense counsel, or the court. N.C. Gen. Stat. § 15A-1002(a) (2017).

In *State v. Badgett* our Supreme Court held:

> under the Due Process Clause of the United States Constitution, a criminal defendant may not be tried unless he is competent. As a result, a trial court has a constitutional duty to institute, *sua sponte*, [a] competency hearing *if there is substantial evidence before the court* indicating that the accused may be mentally incompetent. In enforcing this constitutional right, the standard for competence to stand trial is whether the defendant has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and has a rational as well as factual understanding of the proceedings against him.

State v. Badgett, 361 N.C. 234, 259, 644 S.E.2d 206, 221 (2007) (alteration in original) (citations and quotation marks omitted).

This Court has stated, "a trial judge is required to hold a competency hearing when there is a *bona fide* doubt as to the defendant's competency even absent a

request." *State v. Staten*, 172 N.C. App. 673, 678, 616 S.E.2d 650, 654-55 (2005) (citation omitted). "Failure of the trial court to protect a defendant's right not to be tried or convicted while mentally incompetent deprives him of his due process right to a fair trial." *State v. McRae*, 139 N.C. App. 387, 389, 533 S.E.2d 557, 559 (2000) (citations omitted). "Evidence of a defendant's irrational behavior, his demeanor at trial, and any prior medical opinion on competence to stand trial are all relevant to a bona fide [sic] doubt inquiry." *Id.* at 390, 533 S.E.2d at 559 (citation and quotation marks omitted).

The transcript and record indicate Defendant did not behave inappropriately or otherwise disrupt the trial court's proceedings. The facts and Defendant's conduct before, during, and after trial are contrary to this Court's holdings in *State v. Mobley*, *State v. Whitted*, and *State v. Ashe* cited by Defendant. In *Mobley,* the defendant was heavily medicated for serious psychiatric and physical diseases, was unable to remain awake during trial, and was incapable of consulting with his attorney or participating in his defense. *State v. Mobley*, 251 N.C. App. 665, 795 S.E.2d 437 (2017). In *Whitted*, the defendant uttered strange outbursts during trial, did not want to come into the courtroom, had to be forcibly brought into court sessions, while reciting incoherent prayers. *State v. Whitted*, 209 N.C. App. 522, 705 S.E.2d 787 (2011).

In *Ashe,* this Court held the trial court erred when it failed to act *sua sponte* and order a competency hearing. *State v. Ashe*, 230 N.C. App. 38, 43-44, S.E.2d 610,

623 (2013). This Court held substantial evidence the defendant was incompetent due to defendant's extensive mental illness, the trial court's and defense counsel's concerns about the defendant's ability to control himself during the proceedings, and defendant's actual conduct during trial. *Id.*

In *McRae*, our Court considered the appeal of a defendant who suffered from schizophrenia and psychosis. *McRae*, 139 N.C. App. at 387, 533 S.E.2d at 587. The defendant underwent six or more psychiatric evaluations over a seventeen-month period with differing conclusions of whether the defendant was competent to stand trial. *Id.* at 390-91, 533 S.E.2d at 560. Following a mistrial, the court did not conduct another competency hearing and subsequently retried the charges five days later. *Id.* at 391, 533 S.E.2d at 560. The defendant was reported to have a high "risk of relapse." *Id.* at 390, 533 S.E.2d at 559. This Court noted the defendant's history of not taking his medication as prescribed. *Id.* at 392, 533 S.E.2d at 561.

Here, using the framework set forth in *McRae*, the trial court was presented with substantial medical evidence, a joint motion by counsel, and Defendant's own statements establishing that he was competent to stand trial at the time trial began. The trial court considered the independent opinions of two medical experts, who both had concluded Defendant was competent to stand trial. According to those records, Defendant had been diagnosed as a paranoid schizophrenic with substance abuse

issues. Defendant had consistently been found incompetent to stand trial for over nine years.

Following significant changes in Defendant's behaviors, statements, two evaluations finding Defendant capable to stand trial, and joint motions attesting that Defendant was capable to stand trial, the trial court questioned Defendant and proceeded to trial. While Dr. Vance's competency evaluation noted he was surprised to see the changes in Defendant's condition, he made no mention of Defendant's risk to relapse, only that he could not assure the court Defendant's "improved mental status will persist indefinitely."

Unlike *McRae,* where the defendant's competency was dependent upon medication to attain competency, Defendant was noted by Dr. Vance to be "receiving a lower dose of antipsychotic medication" when Defendant was found competent to stand trial. Here, Defendant, once found competent, was not further found to be incompetent.

In *State v. Chukwu* this Court found irrational beliefs and nonsensible positions were not grounds by themselves to raise a *bona fide* doubt about the defendant's competency. *State v. Chukwu*, 230 N.C. App. 553, 749 S.E.2d 910 (2013). The defendant held himself out to be a Nigerian diplomat and had refused to cooperate with his attorney believing she had a "hidden agenda." *Id.* at 563, 749 S.E.2d at 917. Here, Defendant participated in his own defense, made trial decisions

regarding having Dr. Vance testify, and took the stand to testify on his own behalf after making a knowing and voluntary waiver of his right to not testify.

On the morning before the second day of trial, Dr. Vance spoke with Defendant before Dr. Vance testified at Defendant's request. Dr. Vance required Defendant's permission to testify about prior competency evaluations. Dr. Vance testified he believed Defendant was competent to provide informed consent to his testimony about Defendant's prior medical history.

Defendant argues his trial testimony describing his delusions, under which he conducted the murder, and the testimony of Venable concerning Defendant shows substantial evidence of his incapacity to proceed. Our examination of the record does not indicate Defendant still asserted these delusions nor was unable to assist his attorney at trial. "So long as a defendant can confer with his or her attorneys so that the attorney may interpose any available defenses for him or her, the defendant is able to assist his or her defense in a rational manner." *State v. Shytle*, 323 N.C. 684, 689, 374 S.E.2d 573, 575 (1989). The transcript and record reflect Defendant responded to all inquiries and was an active, willing, and lucid participant in his trial.

Defendant further argues that his own testimony, Venable's testimony, and the testimony of the medical experts show substantial evidence of his incompetence. This Court has held a defendant, who had been diagnosed with dementia, and appeared to ramble on the stand through his testimony, did not show substantial

evidence he was mentally incompetent at trial. *State v. Coley*, 193 N.C. App. 458, 464, 668 S.E.2d 46, 51 (2008).

Defendant asserts his own testimony was "jumbled and disorganized" and demonstrated at the time of trial he still believed the government involvement with the lawsuit was "somewhere around here now."

At trial, Defendant testified his father was deceased. Defendant testified Champagne was someone he saw modeling in a magazine and wrote letters to, but received no reciprocal attention from her nor had ever met her in person. In evaluating Defendant's testimony, we conclude when discussing his delusions at the time the murder occurred, Defendant speaks using the past tense and not the present tense.

With regard to the testifying medical experts, Drs. Vance and Messer, Defendant argues their testimony was substantial evidence demonstrating his incompetence. Both experts testified Defendant had suffered from schizophrenia. Both testified Defendant no longer believed that the purported civil lawsuit had impacted his criminal conduct or charges or that he was a famous rap musician.

Dr. Vance testified no cure exists for schizophrenia and that treatment needs to be continued for the patient's lifetime. Defendant continues to receive treatment, Defendant was found to be competent to stand trial by both doctors, and both doctors testified Defendant had not been "aggressive or agitated here in the courtroom." The

record indicates neither expert testified Defendant was still incompetent prior to trial, during trial or at sentencing.

1. Venable's Testimony

Venable testified she had little contact with Defendant when he was incarcerated at Central Prison. Her only contact with Defendant came when he was housed at Dorthea Dix Hospital and later Central Regional Hospital. Venable further testified that she noticed a difference in Defendant's mental health after he had been to Central Regional Hospital, and believed his improvement occurred because he was no longer "drinking and drugging." Venable said that Defendant had gone "off the deep end" after being in solitary confinement. Venable further testified to the following:

> [Venable]: For real, now, yes. He's – he's saying he's got this big lawsuit, he's saying he's getting a lot of money. And nobody won't even tell him that he's not getting no money and stuff.
>
> That's why he taking this jury trial, because he been saying they just gonna let him get out so he can spend his money. He think he got all this money and stuff. He think he got record deals, he think he got money.
>
> [Prosecutor]: Now, how do you know that?
>
> [Venable]: He writes me. I talks to him. He called me yesterday on the phone.

Venable never stated that Defendant had told her recently or "yesterday" that he was still under these delusions. These delusions occurred in the past. Venable did not

testify Defendant currently suffered these delusions. While Venable is a victim of one of the incidents Defendant was tried for, she is also Defendant's mother, who was testifying as a witness for her son, who had plead Not Guilty by Reason of Insanity to both the first degree murder of Ziegler and the attempted murder of her.

Venable further testified:

> [Prosecutor]: Had you every heard him talking about Champagne?
>
> [Venable]: All the time. He still talk about it right now. He write me about it.
>
> [Prosecutor]: What does he write you?
>
> [Venable]: Have I seen her. Is anybody taking care of her. They gonna get married.

Again, Venable did not state any time frame when these purported delusions had occurred or when the letters were written. Given her relationship with Defendant, his plea during this trial, and her limited contact with Defendant since his incarceration and institutionalization after his arrest, her testimony does not raise "substantial evidence" of Defendant's incompetence to stand for and participate at trial. *See Young*, 291 N.C. at 567, 231 S.E.2d at 581.

Our Court recently interpreted *State v. McRae* in the case of *State v. Hollars*. In finding evidence of a *bona fide* doubt of the defendant's competency to stand trial, this Court reviewed seven prior forensic evaluations with differing results opining to the defendant's competency. *State v. Hollars*, ____ N.C. App. ____, ____, ____ S.E.2d

____, ____, 2019 WL 3558770, *5 (2019). The Court also looked at a forensic psychologist's report finding "It is also possible his condition may deteriorate with the stress of a trial so vigilance is suggested if his case proceeds in a trial." *Id.* at *2. Furthermore, in *Hollars* the defendant's competency hearing occurred five months after the defendant's last forensic examination. *Id.* at *5. The Court noted there was no extended colloquy between the defendant and the trial court, and the defendant never testified in a manner to demonstrate he was competent to stand trial.

2. Defendant's Testimony

Here, and unlike the facts in *Hollars*, Defendant engaged in two lengthy colloquies with the trial court and later waived his right not to testify, took the stand and testified lucidly and at length on his own behalf. This last factor leads to the Court's analysis in *State v. Staten*.

We find the factors in *State v. Staten* to provide the most guidance. In *Staten,* the defendant wanted to testify on his own behalf. *Staten,* 172 N.C. App. at 679, 616 S.E.2d at 655. The trial court conducted the following colloquy to determine the voluntariness of the Staten's testimony and his understanding of possible outcomes:

> [The Court]: All right. Mr. Staten, you have talked to your attorney concerning the question of whether or not you should testify or not in this case?
>
> [Defendant]: Yes Sir.
>
> [The Court]: And you understand that if you do testify the State can ask you a lot of questions on cross-examination

> about your prior record and things of that nature?
>
> [Defendant]: Yes sir.
>
> [The Court]: And you understand that may sway the jury somewhat? Sometimes it does. And it could be that it doesn't work out to your advantage.
>
> [Defendant]: Yes sir.
>
> [The Court]: Are you telling me now that even though you understand the consequences of your decision to testify you still want to go through with it?
>
> [Defendant]: I want to testify and tell everybody like came [sic] behind me and testified after I already testified and say something about me and I want to testify again to clear up what they have said like we did the last time.

Id. at 679-80, 616 S.E.2d at 655.

The Court found "the defendant's replies were lucid and responsive, demonstrating his desire to testify and displaying his understanding of the consequences of doing so." *Id.* at 680, 616 S.E.2d at 655. These factors demonstrated the defendant was competent to stand trial. *Id.*

Here, two similar colloquies between the trial court and Defendant occurred. The trial court inquired about Defendant's permission for his counsel to admit to the jury he had initiated and participated in the death of Ziegler and the injuries to Venable as a part of his insanity plea. The following colloquy occurred:

> [The Court]: Mr. Williams, if you'll stand, please, sir. I just want to talk to you about some things. You've entered a plea of not guilty by reason of insanity in this case, you

understand that?

[Defendant]: Yes, sir.

[The Court]: Your attorney needs your permission if he's to admit to the jury that you, in fact, participated in the death of Mr. Ziegler and the wounding of your mother, Ms. Venable; do you understand that?

[Defendant]: Yes, sir.

[The Court]: In giving that permission, he's written down something that would—you will—you may, if you would want to, stipulate to – or, that is, stipulate to by giving him permission to argue to the jury or make this concession on your behalf.

And that is, "Rodney McDonald Williams does hereby authorize his attorney, Larry Norman, to state that he fired the weapon that caused the death of Leo Zielger and wounded Shirley Venable on October 27, 2007." And you do authorize your attorney to state that on your behalf during your trial; do you understand that?

[Defendant]: Yes, sir.

[The Court]: Now, I want to go over one or two things with you. You understand that you're charged with First Degree Murder; do you understand that?

[Defendant]: Yes, sir.

[The Court]: And that the maximum penalty for that is life in prison, do you understand that?

[Defendant]: Yes, sir.

[The Court]: And you're charged with Attempted First Degree Murder: do you understand that?

[Defendant]: Yes sir.

. . . .

[The Court]: The maximum sentence you could receive on that offense would be 483 months and – minimum, and a whole lot of other things, maximum; I haven't figured that out. Do you understand that?

[Defendant]: Yes, sir.

[The Court]: Now, knowing that, do you give your permission to your attorney to make these arguments to the jury that you and I went over – or make these admissions?

Defendant: Yes, sir.

[The Court]: Has anyone threatened you, promised you anything, coerced you in any way to get you to give your attorney these –

[Defendant]: No, sir.

[The Court]: -- this authorization?

[Defendant]: No, sir.

[The Court]: And you find it to be in your best interest for your attorney to be able to make these admissions to the jury on your behalf; is that correct?

[The Defendant]: Yes, sir.

[The Court]: Do you have any questions you want to ask me about making – or giving your attorney the authorization to make those admissions on your behalf?

[The Defendant]: No, sir.

> [The Court]: And as you stand right now, you're satisfied with your lawyer's legal services?
>
> [Defendant]: Yes, sir.
>
> [The Court]: And you and he have discussed the possible defenses you might have to these charges, and the insanity defense is one that you're comfortable with and you're satisfied with; is that correct?
>
> [Defendant]: Yes, sir.

Later, the trial court inquired into Defendant's desire to testify:

> [The Court]: Mr. Williams, have you had a chance to talk to Mr. Norman about whether to testify or not?
>
> [Defendant]: Yes, sir.
>
> [The Court]: And have you come to a decision satisfactory to yourself, with nobody forcing you or promising you anything in any way was to what you think your best interest is?
>
> [Defendant]: Yes, sir.
>
> [The Court]: And what have you decided to do?
>
> [Defendant]: I'd like to go forward with the trial, sir.
>
> [The Court]: Well, we'll go forward with the trial, but the question is whether or not you want to testify or not?
>
> [Defendant]: Yes, sir, I want to testify.
>
> [The Court]: Okay. That's fine.

Like the exchanges in *Staten*, these colloquies and Defendant's answers to the trial court's questions also demonstrate and support Defendant's competence. Defendant

engaged in a lengthy colloquy with the trial court, Defendant's responses were "lucid and responsive," and his testimony was rational concerning his present beliefs and desire to participate in and testify at his trial. *See Staten*, 172 N.C. App. at 679-84, 61 S.E.2d at 655-58. Defendant's arguments are overruled.

V. Conclusion

Defendant has failed to demonstrate substantial evidence tending to show Defendant's incompetence at any time during his trial. We hold the trial court did not err by not *sua sponte* ordering a further competency hearing.

Defendant received a fair trial, free from prejudicial errors he preserved and argued. We find no error in the jury's verdicts or in the judgments entered thereon. *It is so ordered.*

NO ERROR.

Judges DIETZ and YOUNG concur.