

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

STATE OF WASHINGTON,	)	No. 66673-8-I
	)	
Respondent,	)	
	)	
v.	)	
	)	
DARREN DELRIDGE WOODLEY,	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: June 11, 2012
	)	

Ellington, J. — Darren Woodley appeals from the denial of his motion to withdraw his guilty plea. Woodley claims that he was incompetent at the time of his plea. Though the evidence indicates that Woodley has a history of mental illness, it is clear that he understood the charges against him and was fully capable of assisting in his defense. Because there was no indication that Woodley lacked competence, the court did not err in denying the motion. We affirm.

BACKGROUND

In 2005, Woodley was charged with domestic violence assault in the first degree arising from vicious attacks on his wife over the course of several months. Among other things, Woodley repeatedly cut and stabbed his wife; broke her jaw, teeth, and other facial bones; hit her so hard that the retina in one eye became detached; broke several of her ribs; nearly tore both ears from her scalp; and crushed her larynx through

repeated bouts of strangulation. Her lips and mouth area were permanently disfigured from Woodley's repeated assaults, which included him picking at her open wounds and also cutting healing scabs with scissors. During this period, Woodley also subjected his wife to repeated acts of sexual abuse.

In 2008, the State amended the charges to include second degree assault and second degree rape. The State alleged two aggravating factors: that these were domestic violence offenses that were part of an ongoing pattern of psychological, physical or sexual abuse of the same victim manifested by multiple incidents over a prolonged period of time, and that the offenses manifested deliberate cruelty. Woodley was also charged with second degree assault and felony harassment for crimes against a second woman.

After nearly three years and having worked with several experienced defense attorneys, Woodley pleaded guilty to one count of first degree assault and one count of second degree assault. He admitted to the aggravating factors on each count. The plea agreement called for the State to recommend an exceptional sentence of 240 months for the first degree assault and 20 months concurrent for the second degree assault. The State amended the information to remove one count of second degree assault and the felony harassment count.

The court accepted the plea after a thorough colloquy. Woodley acknowledged that he had read the plea documents personally and with his attorney. He confirmed he understood the charges against him, the consequences of pleading guilty, and the rights he was giving up. When he had questions, he conferred with counsel.

Before sentencing in 2009, Woodley's attorney had his mental health evaluated for sentence mitigation purposes. Dr. Benjamin Johnson conducted the evaluation and observed that Woodley's "evasiveness or forgetfulness made it difficult to regard him as a reliable informant."<sup>1</sup> Nevertheless, Johnson diagnosed Woodley with Schizoaffective Disorder, Depressive Type; Intermittent Explosive Disorder; and Antisocial Personality Disorder based largely on self-reported information. Johnson offered no opinion on Woodley's competence.

The court imposed an exceptional sentence of 360 months for first degree assault, concurrent with 20 months for second degree assault.

In October 2009, Woodley filed a pro se motion to withdraw his guilty plea. He alleged that he had been denied psychotropic medication by while in custody at the King County jail and was not competent at the time he entered his plea. Attorney Spencer Hamlin was appointed to represent Woodley. Although Hamlin suggested he might have Woodley's competency evaluated at that time, the record does not indicate that any evaluation was provided to the court.

At a hearing in December 2010, the court heard testimony from two of Woodley's former attorneys, Victoria Freer and Jennifer Cruz. Both of the long-time criminal defense attorneys understood the legal standard for competency and had raised competency issues with other clients many times. They both testified they never had

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<sup>1</sup> Clerk's Papers at 106. Johnson also testified that Woodley was "reluctant to share substantive information in many important areas of inquiry," "did not readily provide specific information when asked," and that "[i]t was difficult to discern between his lacking information and his being evasive." Clerk's Papers at 102, 105.

reason to question Woodley's competence.

Freer testified she was aware that Woodley had been hospitalized in the past for mental health reasons, and she took steps to obtain a psychological evaluation. Woodley refused to cooperate with the psychologist and requested that a person of color conduct the evaluation. Though Freer found someone with the requisite expertise, she could not obtain funding for it, and the case was ultimately transferred to another attorney.

Cruz obtained Woodley's medical records related to his past mental health hospitalizations to make an argument for mitigation, but did not believe competency was an issue. Additionally, she found the records did not support all of Woodley's claimed past hospitalizations. In some cases, the records indicated Woodley sought hospitalizations mainly because it was cold outside and he needed a place to stay.

Cruz had several lengthy meetings with Woodley to discuss trial strategy. Though Woodley stated he could hear voices sometimes, he was able to focus and did not lose track of the conversation. Woodley wrote Cruz several letters outlining different approaches to the case, including which witnesses to call, what to ask them, and whether he should testify. The letters cited case law and were pertinent to the issues under discussion. Contrary to Woodley's assertion, Cruz testified he never indicated he was being deprived of medication. Jail records also belied Woodley's claim.

Based upon this testimony, jail medical records, and the court's own observations, the court denied Woodley's motion to withdraw his plea. The court noted

that none of the nine experienced defense attorneys Woodley had worked with had expressed any concern about his competency. And “[d]uring the taking of defendant’s plea, the court observed defendant actively engaged in the proceedings, asking questions of his attorney, and otherwise indicating he was alert and oriented.”<sup>2</sup> The court further found that “Woodley’s assertions about his mental status at the time of the plea are not credible; they are fabricated as a ploy to seek relief from his exceptional sentence.”<sup>3</sup>

### DISCUSSION

No incompetent person may be tried, convicted, or sentenced for the commission of an offense as long as the incapacity continues.<sup>4</sup> “A defendant is competent if he or she has the capacity to understand the nature of the proceedings against him or her and to assist in his own defense.”<sup>5</sup> RCW 10.77.060 requires a court to order a mental evaluation whenever there is reason to doubt the defendant’s competency. In that situation, the court must appoint qualified experts to determine whether the defendant is competent to stand trial.<sup>6</sup> The trial court’s determination of whether a competency examination should be ordered rests within its broad discretion and will not be overturned absent an abuse of that discretion.<sup>7</sup>

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<sup>2</sup> Clerk’s Papers at 79.

<sup>3</sup> Clerk’s Papers at 80.

<sup>4</sup> RCW 10.77.050; In re Pers. Restraint of Fleming, 142 Wn.2d 853, 862, 16 P.3d 610 (2001).

<sup>5</sup> State v. Lord, 117 Wn.2d 829, 900, 822 P.2d 177 (1991).

<sup>6</sup> Fleming, 142 Wn.2d at 863.

<sup>7</sup> Id.

Woodley relies on State v. Marshall to support his contention that the trial court erred in denying his motion to withdraw his plea.<sup>8</sup> In Marshall, the defendant moved to withdraw his plea, claiming that he was not competent at the time of his plea. Without convening a formal competency hearing, the court heard testimony from several experts as to the defendant's competency. Three of these experts testified in support of the defendant's motion, and opined that the defendant was not competent to enter his plea. The basis for their opinions included the fact that the defendant was actively suffering from delusions at the time of his plea and did not understand the consequences of his plea. The trial court entered a finding of competency without holding a formal competency hearing under RCW 10.77.060. The Supreme Court vacated the defendant's guilty plea, holding "where a defendant moves to withdraw guilty plea with evidence the defendant was incompetent when the plea was made, the trial court must either grant the motion to withdraw guilty plea or convene a formal competency hearing required by RCW 10.77.060."<sup>9</sup>

In contrast, the evidence presented to the trial court here merely established that Woodley had a history of mental illness. The fact that a defendant is mentally ill does not necessarily demonstrate that he or she is incompetent.<sup>10</sup> None of the evidence

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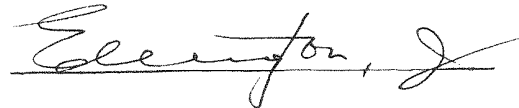
<sup>8</sup> 144 Wn.2d 266, 27 P.3d 192 (2001).

<sup>9</sup> Id. at 281.

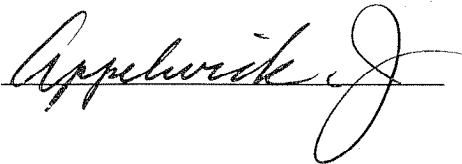
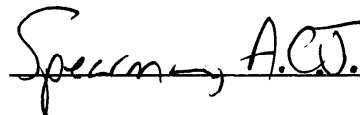
<sup>10</sup> See, e.g., Lord, 117 Wn.2d at 901 (court did not err in denying request for competency hearing, even though defendant exhibited signs of mental illness including delusions of conversations with the devil); State v. Smith, 74 Wn. App. 844, 850, 875 P.2d 1249 (1994) (without evidence linking psychological disorders to the capacity to plead guilty, the court did not err in denying motion to withdraw guilty plea).

presented to the court raises any questions as to Woodley's ability to understand the proceedings against him and assist in his own defense. Indeed, the evidence affirmatively demonstrates that Woodley actively and appropriately participated in trial strategy and submitted persuasive pro se pleadings to the court. Based on this record, the court had no reason to doubt Woodley's competence, and therefore did not err by failing to order a competency hearing or in denying Woodley's motion to withdraw his plea.

Affirmed.

Handwritten signature of E. E. Eason, J. in cursive script, written over a horizontal line.

WE CONCUR:

Handwritten signature of Appelwick, J. in cursive script, written over a horizontal line.Handwritten signature of Sperry, A.C.J. in cursive script, written over a horizontal line.