

SUPREME COURT OF KENTUCKY

Doss v. McDonald

82 S.W.3d 867 (Ky. 2002) · Decided August 22, 2002

SUMMARY

The Kentucky Supreme Court held that a district court’s finding of incompetency and resulting postponement of proceedings under RCr 8.06 did not prevent a grand jury from returning an indictment. Because a defendant does not participate in grand jury proceedings, the competency-based postponement requirement applies only to proceedings occurring after arraignment. The court affirmed the denial of the defendant’s petition for a writ of prohibition.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Graves
JURISDICTION	Kentucky
DECIDED	August 22, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant sought a writ of prohibition to prevent the Jefferson Circuit Court from proceeding with a felony prosecution after the Jefferson County Grand Jury returned an indictment while appellant's competency proceedings were pending. The Kentucky Court of Appeals summarily denied the writ, and the Supreme Court of Kentucky affirmed.
STANDARD OF REVIEW	A writ of prohibition is an extraordinary remedy available only when the lower court is proceeding or is about to proceed outside its jurisdiction without an adequate appellate remedy, or when it is acting incorrectly within its jurisdiction and no adequate remedy exists and great injustice and irreparable injury would result.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion
PARTIES	Monica Doss v. McDonald

TOPICS

- grand jury
- criminal procedure
- appellate procedure
- statutory interpretation

PRACTICE AREAS

criminal procedure

appellate procedure

writ of prohibition

QUESTIONS PRESENTED

1. Whether RCr 8.06's requirement that proceedings be postponed when a defendant's competency is in question prevents a grand jury from returning an indictment before the defendant's circuit-court arraignment.
2. Whether Doss was entitled to a writ of prohibition preventing the Jefferson Circuit Court from proceeding with the prosecution.

HOLDINGS

1. RCr 8.06 does not postpone a circuit-court grand jury proceeding because the rule applies to proceedings occurring after arraignment, while a grand jury indictment occurs before arraignment. The indictment was therefore proper.
2. A writ of prohibition was unwarranted because Doss did not show that the circuit court was acting outside its jurisdiction, that it was acting incorrectly under circumstances involving great injustice and irreparable injury, or that she lacked an adequate remedy.

KEY QUOTATIONS

"The express purpose of RCr 8.06 is that of ensuring that a defendant is competent during all significant phases of trial." (868)

"A writ of prohibition is an extraordinary remedy." (869)

FACTUAL BACKGROUND

Doss was charged with first-degree robbery and arraigned in Jefferson District Court. Following a probable-cause hearing, the district court ordered a competency evaluation, found Doss incompetent, and ordered treatment because competency was likely to be attained in the near future. While the district-court proceedings were continued, the Jefferson County Grand Jury returned a felony indictment, after which the Jefferson Circuit Court denied Doss's motion to dismiss the indictment. The circuit court later found Doss competent to stand trial.

PROCEDURAL HISTORY

Doss was charged with first-degree robbery and arraigned in Jefferson District Court. After the district court found her incompetent and ordered treatment, the Jefferson County Grand Jury returned an indictment, and the Jefferson Circuit Court obtained jurisdiction. The circuit court denied Doss's motion to dismiss the indictment; the Court of Appeals denied her petition for a writ of prohibition; and the Supreme Court of Kentucky affirmed. During the appeal, the circuit court found Doss competent to stand trial.

DISPOSITION

affirmed

CASES CITED

- Malone v. Commonwealth, 30 S.W.3d 180, 182 (Ky. 2000)
- Pankey v. Commonwealth, 485 S.W.2d 513 (Ky. 1972)
- Kentucky Labor Cabinet v. Graham, 43 S.W.3d 247, 251 (Ky. 2001)

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