

SUPREME COURT OF THE STATE OF WASHINGTON

State v. McCarthy (In re Personal Restraint of McCarthy), 193 Wn. 2d 792

446 P.3d 167 (2019) · No. 96653-2 · Decided August 8, 2019

SUMMARY

The Washington Supreme Court held that a trial court's failure to sua sponte order an additional competency evaluation after a defendant was found competent is reviewed for abuse of discretion. The court concluded that continuing delusions, without evidence that the defendant could not recall facts, communicate with counsel, or understand the proceedings, did not establish a significant change warranting another competency hearing. The court reversed the Court of Appeals and remanded for consideration of the remaining issues in the personal restraint petition.

CASE DETAILS

COURT	Supreme Court of the State of Washington
WRITING FOR THE COURT	Johnson, J.
JURISDICTION	Washington
DECIDED	August 8, 2019
DOCKET	96653-2
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for review of a Washington Court of Appeals decision vacating McCarthy's first degree burglary conviction because the trial court did not sua sponte order another competency evaluation. The Washington Supreme Court granted review and considered the applicable standard of review and whether the trial court abused its discretion.
STANDARD OF REVIEW	Abuse of discretion. A trial court's failure to sua sponte order an additional competency evaluation is reviewed for whether the decision was manifestly unreasonable or based on untenable grounds.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Washington v. Matthew Sean McCarthy

TOPICS

criminal procedure

due process

post-conviction relief

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

constitutional law

competency to stand trial

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court's failure to sua sponte order an additional competency evaluation after a jury had found McCarthy competent to stand trial should be reviewed de novo or for abuse of discretion.
2. Whether the trial court abused its discretion under RCW 10.77.060(1)(a) by not ordering another competency hearing based on McCarthy's continuing delusions and conduct during the criminal proceedings.

HOLDINGS

1. A trial court's decision not to sua sponte order another competency evaluation is reviewed for abuse of discretion, rather than through an independent appellate review of the record.
2. After a defendant has been found competent to stand trial, the trial court must revisit competency only when an objective incident or event provides new information indicating a significant change in the defendant's mental condition or otherwise creates a reason to doubt competency.
3. The trial court did not abuse its discretion by failing to sua sponte order another competency hearing because the record did not show a significant change in McCarthy's mental condition or evidence that his delusions impaired his ability to assist in his defense.

KEY QUOTATIONS

“Applying the reasoning from our cases, we hold that whether a trial court should have sua sponte ordered a competency evaluation is also reviewed for abuse of discretion.” (at 12)

“This requirement continues even after a determination of competency.” (at 13)

“Therefore, the trial court's failure to sua sponte order another competency hearing was reasonable, and the trial court did not abuse its discretion.” (at 19)

FACTUAL BACKGROUND

McCarthy forced his way into a stranger's home while looking for his former wife and returned the following evening looking for her and for his cell phone. He was charged with first degree burglary predicated on assault and underwent multiple competency evaluations and restoration periods because of bipolar disorder, delusions, and disputes with appointed counsel. A jury found him competent to stand trial, and although he continued to express delusional beliefs during later proceedings, he remained coherent at trial, testified about the events, and was represented by counsel. He was convicted and sentenced to life imprisonment as a persistent offender.

PROCEDURAL HISTORY

McCarthy was charged with first degree burglary and initially underwent competency evaluations and restoration proceedings. A jury later found him competent to stand trial, and he was convicted and sentenced to life imprisonment as a persistent offender. The Court of Appeals independently reviewed the record, vacated the conviction, and remanded. The Washington Supreme Court reversed and remanded to the Court of Appeals to resolve the remaining issues in McCarthy's personal restraint petition.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Court of Appeals and remand for consideration of the remaining issues raised in McCarthy's personal restraint petition.

CASES CITED

- State v. Ortiz-Ahrego, 187 Wn. 2d 394, 402-03, 387 P.3d 638 (2017)
- State v. Coley, 180 Wn. 2d 543, 551, 326 P.3d 702 (2014)
- In re Pers. Restraint of Fleming, 142 Wn. 2d 853, 863, 16 P.3d 610 (2001)
- State v. Lord, 117 Wn. 2d 829, 901-04, 822 P.2d 177 (1991)
- State v. Sisouvanh, 175 Wn. 2d 607, 620-23, 290 P.3d 942 (2012)
- In re Parentage of Jannot, 149 Wn. 2d 123, 127, 65 P.3d 664 (2003)
- State v. Ortiz, 119 Wn. 2d 294, 301, 831 P.2d 1060 (1992)
- City of Seattle v. Gordon, 39 Wn. App. 437, 441, 693 P.2d 741 (1985)
- State v. Marshall, 144 Wn. 2d 266, 279-81, 27 P.3d 192 (2001)
- State v. Fedoruk, 5 Wn. App. 2d 317, 337-40, 426 P.3d 757 (2018)
- State v. McCarthy, 6 Wn. App. 2d 94, 135-44, 429 P.3d 1086 (2018)
- State v. McCarthy, 192 Wn. 2d 1023, 435 P.3d 265 (2019)