

SUPREME COURT OF OHIO

State v. Were

94 Ohio St. 3d 173 (Ohio 2002) · Decided February 6, 2002

SUMMARY

The Ohio Supreme Court held that the trial court violated James Were’s statutory and constitutional rights by failing to conduct a competency hearing after defense counsel repeatedly raised the issue before and during trial. The court vacated the convictions and death sentence, reversed the judgment, and remanded the case for a new trial.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Francis E. Sweeney, Sr., J.; Thomas J. Moyer, C.J.; Douglas, J.; Pfeifer, J.; Lundberg Stratton, J.; Resnick, J.; Cook, J.
JURISDICTION	Ohio
DECIDED	February 6, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	James Were appealed as of right from the court of appeals' affirmance of his convictions and death sentence for the murder of a prison guard.
STANDARD OF REVIEW	The Supreme Court reviewed whether the trial court complied with the statutory and constitutional requirements for a competency hearing and whether the failure to conduct the hearing was reversible error.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	James Were v. State of Ohio

TOPICS

- criminal procedure
- due process
- constitutional law
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- capital punishment

QUESTIONS PRESENTED

1. Whether the trial court was required under former R.C. 2945.37(A) to conduct a competency hearing after the issue was raised before trial.
2. Whether the failure to conduct an evidentiary competency hearing violated Were's constitutional right to due process when the record contained sufficient indicia of incompetency.
3. Whether the failure to conduct the competency hearing was harmless error.

HOLDINGS

1. When the issue of a defendant's competence to stand trial is raised before trial, former R.C. 2945.37(A) requires the trial court to hold a competency hearing; a competency determination based solely on an examiners' report does not satisfy that requirement.
2. An evidentiary competency hearing is constitutionally required whenever the record contains sufficient indicia of incompetency to call the defendant's competency to stand trial into doubt.
3. The failure to conduct the competency hearing was not harmless on this record because the repeated competency concerns and other evidence supplied sufficient indicia of incompetency.

KEY QUOTATIONS

“Fundamental to our adversarial system of justice is the due process right of a criminal defendant who is legally incompetent not to be subjected to trial.” (174)

“We hold that an evidentiary competency hearing is constitutionally required whenever there are sufficient indicia of incompetency to call into doubt defendant’s competency to stand trial.” (175)

“Based on these facts, we conclude that the trial court violated appellant’s constitutional and statutory right to a competency hearing.” (177)

FACTUAL BACKGROUND

During the 1993 riot at the Southern Ohio Correctional Facility in Lucasville, Ohio, prison guard Robert Vallandingham was murdered. James Were was tried and convicted of the guard's murder and sentenced to death. Before trial, defense counsel repeatedly requested a competency hearing, citing Were's paranoia, refusal to communicate with counsel and mental-health examiners, and numerous pro se filings accusing counsel of conspiracies and threats. The trial court declared Were competent based on an examiners' report without conducting the requested evidentiary hearing.

PROCEDURAL HISTORY

Were was tried and convicted in the trial court of murdering prison guard Robert Vallandingham and received a death sentence. The court of appeals affirmed. The Supreme Court of Ohio granted review on appeal as of right and addressed only the competency-hearing issue, reversing and remanding for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The convictions and death sentence were vacated, the judgment was reversed, and the cause was remanded for a new trial.

CASES CITED

- State v. Berry, 72 Ohio St. 3d 354, 359, 650 N.E.2d 433, 438 (1995)
- Pate v. Robinson, 383 U.S. 375, 86 S. Ct. 836, 15 L. Ed. 2d 815 (1966)
- Drope v. Missouri, 420 U.S. 162, 95 S. Ct. 896, 43 L. Ed. 2d 103 (1975)
- Dusky v. United States, 362 U.S. 402, 80 S. Ct. 788, 4 L. Ed. 2d 824 (1960)
- State v. Hessler, 90 Ohio St. 3d 108, 124, 734 N.E.2d 1237, 1253 (2000)
- State v. Bock, 28 Ohio St. 3d 108, 28 OBR 207, 502 N.E.2d 1016 (1986)