

SUPREME COURT OF CALIFORNIA

Moore v. Superior Court

50 Cal. 4th 802 (Cal. 2010) · No. S174633 · Decided August 19, 2010

SUMMARY

The California Supreme Court held that due process does not prohibit trying or civilly committing an alleged sexually violent predator while mentally incompetent. The court distinguished the constitutional competency right applicable to criminal defendants and concluded that recognizing such a right in sexually violent predator proceedings could undermine the purposes of the Sexually Violent Predators Act. The court reversed the Court of Appeal's directive requiring a competency hearing.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Baxter, J.; George, C. J.; Werdegarr, J.; Chin, J.; Corrigan, J.
JURISDICTION	California
DECIDED	August 19, 2010
DOCKET	S174633
DISPOSITION	reversed
PROCEDURAL POSTURE	The People petitioned for review of a Court of Appeal decision granting Moore writ relief and directing the trial court to determine his competence to stand trial in an SVP recommitment proceeding.
STANDARD OF REVIEW	De novo review of the constitutional due process question.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; binding precedent in California.
PARTIES	The People v. Ardell Moore

TOPICS

- due process
- procedural due process
- constitutional law
- civil procedure
- fourteenth amendment

PRACTICE AREAS

- constitutional law
- civil procedure
- mental health commitment
- sexually violent predator proceedings

QUESTIONS PRESENTED

1. Whether due process requires a defendant in a sexually violent predator commitment or recommitment proceeding to be mentally competent before being tried and civilly committed.
2. Whether the due process balancing analysis recognized in *People v. Allen* requires a competency hearing and stay of SVP proceedings when the defendant allegedly cannot understand the proceedings or assist counsel.
3. Whether the Court of Appeal properly exercised inherent authority to create competency procedures under Penal Code section 1367 et seq. for SVP proceedings.

HOLDINGS

1. Due process does not require mental competence on the part of a person undergoing a commitment or recommitment trial under the SVPA; an alleged SVP may be tried, confined, and treated under the Act while mentally incompetent.
2. *People v. Allen* does not establish a constitutional right to competency before an SVP trial because the right to testify recognized in *Allen* involved a materially different claim by a presumably competent defendant and did not address whether incompetence may bar the entire proceeding.
3. The court declined to create or import criminal competency procedures into SVP proceedings because the SVPA contains no such procedures and applying the criminal scheme would create substantial uncertainty concerning placement, treatment, restoration, and public safety.

KEY QUOTATIONS

“Consistent with the conclusion reached by every out-of-state decision to consider the issue, the answer is “no.”” (807-808)

“Balancing all the foregoing factors, and placing special weight on the “paramount” interest in public safety, we conclude that due process does not require mental competence on the part of someone undergoing a commitment or recommitment trial under the SVPA.” (829)

FACTUAL BACKGROUND

Ardell Moore had prior convictions for forcible oral copulation, kidnapping, forcible rape, and forcible rape in concert, and had been committed as a sexually violent predator under California's Sexually Violent Predators Act. After the Department of Mental Health sought an extension of his commitment, two evaluators concluded that he continued to suffer from qualifying mental disorders and was likely to commit sexually violent predatory criminal acts if released. During the recommitment proceedings, Moore presented a psychologist's opinion that he was unable to understand the proceedings or cooperate rationally with counsel and sought a competence hearing before trial.

PROCEDURAL HISTORY

The Los Angeles County Superior Court denied Moore's request for a mental competence hearing and a stay of SVP recommitment proceedings, concluding that the SVPA neither authorized nor constitutionally required such a procedure. The Court of Appeal granted writ relief and ordered a competence hearing, with treatment and

restoration procedures if Moore were found incompetent. The California Supreme Court granted review and reversed the Court of Appeal.

DISPOSITION

reversed

CASES CITED

- People v. Allen, 44 Cal. 4th 843, 80 Cal. Rptr. 3d 183, 187 P.3d 1018 (2008)
- Hubbart v. Superior Court, 19 Cal. 4th 1138, 81 Cal. Rptr. 2d 492, 969 P.2d 584 (1999)
- People v. Yartz, 37 Cal. 4th 529, 36 Cal. Rptr. 3d 328, 123 P.3d 604 (2005)
- People v. Hurtado, 28 Cal. 4th 1179, 124 Cal. Rptr. 2d 186, 52 P.3d 116 (2002)
- People v. Williams, 31 Cal. 4th 757, 3 Cal. Rptr. 3d 684, 74 P.3d 779 (2003)
- People v. Superior Court (Ghilotti), 27 Cal. 4th 888, 119 Cal. Rptr. 2d 1, 44 P.3d 949 (2002)
- People v. Otto, 26 Cal. 4th 200, 109 Cal. Rptr. 2d 327, 26 P.3d 1061 (2001)
- Kansas v. Hendricks, 521 U.S. 346, 361-369 (1997)
- Allen v. Illinois, 478 U.S. 364, 375 (1986)
- Foucha v. Louisiana, 504 U.S. 71, 80 (1992)
- Morrissey v. Brewer, 408 U.S. 471, 481 (1972)
- Medina v. California, 505 U.S. 437, 439 (1992)
- Drope v. Missouri, 420 U.S. 162, 181 (1975)
- Pate v. Robinson, 383 U.S. 375, 384-386 (1966)
- People v. Rogers, 39 Cal. 4th 826, 48 Cal. Rptr. 3d 1, 141 P.3d 135 (2006)
- Commonwealth v. Nieves, 446 Mass. 583, 846 N.E.2d 379, 385-386 (2006)
- In re Commitment of Fisher, 164 S.W.3d 637, 653-654 (Tex. 2005)
- In re Commitment of Luttrell, 754 N.W.2d 249, 251-252 (Iowa 2008)
- In re Detention of Ransleben, 135 Wash. App. 535, 144 P.3d 397, 398-399 (2006)
- State ex rel. Nixon v. Kinder, 129 S.W.3d 5, 8-10 (Mo. Ct. App. 2003)
- In re Detention of Cubbage, 671 N.W.2d 442, 445-448 (Iowa 2003)
- In re Commitment of Branch, 890 So. 2d 322, 326-328 (Fla. Dist. Ct. App. 2004)
- People v. Angeletakis, 5 Cal. App. 4th 963, 7 Cal. Rptr. 2d 377 (1992)
- Jackson v. Indiana, 406 U.S. 715, 738 (1972)
- Citizens Utilities Co. v. Superior Court, 59 Cal. 2d 805, 812-813 (1963)
- James H. v. Superior Court, 77 Cal. App. 3d 169, 172, 176, 143 Cal. Rptr. 398 (1978)
- People v. Marsden, 2 Cal. 3d 118, 84 Cal. Rptr. 156, 465 P.2d 44 (1970)