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SUPREME COURT
STATE OF WASHINGTON

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NO. 80841-4

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

STEVEN HEDDRICK, JR.,

Petitioner.

SUPPLEMENTAL BRIEF OF RESPONDENT

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A. ISSUES

1. Should this Court refuse to consider Heddrick's Due Process claim because any error was invited when Heddrick withdrew his motion to determine competency after his expert opined that he was competent to stand trial?

2. Should this Court reject Heddrick's argument that he was denied assistance of counsel at a critical stage of the proceedings when there was no hearing constituting a critical stage?

3. Should this Court reject Heddrick's argument that he was denied assistance of counsel at a critical stage of the proceedings when stand-in counsel had the explicit authority of the assigned trial counsel to stand in his stead?

B. FACTS

1. PROCEDURAL

Under King County Cause No. 04-1-12703-0 SEA, the defendant, Steven Heddrick, Jr., was convicted of felony harassment. 1CP 32, 102.¹

Under King County Cause No. 05-1-08886-5 SEA, Heddrick was convicted of custodial assault. 2CP 1, 16.

¹ The State designates the Clerk's papers from the felony harassment case as "1CP" and the Clerk's papers from the custodial assault case as "2CP."

The following dates and events are relevant to Mr. Heddrick's claims and, where pertinent, the events will be discussed more fully below:

FELONY HARASSMENT

CUSTODIAL ASSAULT

9/8/04: Defense makes motion for Heddrick to be evaluated by its expert. 1CP 135.	
10/14/04: Heddrick declared incompetent and sent to Western State Hospital (WSH) for 90-day restoration period. 1CP 94-96, 112-15, 118-28.	
1/20/05: Court finds Heddrick competent based on WSH report. 1CP 7-8, 130-34, 141.	
	2/17/05 Heddrick assaults a corrections officer and is charged with custodial assault. 2CP 1.
7/14/05: Trial begins. 1CP 145.	
7/21/05: Defense counsel first raises concerns about competency. 6RP 5. ² The court recessed the trial and set a status conference for July 27. 6RP 19-21, 28.	
7/27/05: Defense counsel requests an evaluation by defense expert; however, counsel states that she believes Heddrick is competent. 1CP 142; 7RP 6-9.	
	7/29/05: Presiding judge signs a pretrial order for a competency evaluation. 2CP 4-7.

² The State's designation of the verbatim reports for the felony harassment case is: 1RP (9/8/04; 10/14/04; and 1/20/05); 2RP (7/14/05); 3RP (7/18/05); 4RP (7/19/05); 5RP (7/20/05); 6RP (7/21/05); 7RP (7/27/05); 8RP (8/29/05); 9RP (9/26/05 and 11/23/05); 10RP (10/10/05); 11RP (10/11/05); 12RP (10/12/05).

8/2/05: Court signs order for WSH to conduct a competency evaluation. 1CP 38-41.	
9/26/05: State notifies court that "We received a report from Western State about [Heddrick's] competency." ³ 9RP 2.	
9/29/05: Court signs order for defense expert, Dr. White, to submit a written evaluation. Parties to hold a telephonic status conference on October 6 th . 1CP 143, 148.	
10/10/05: Trial resumes. 1CP 144-45.	10/10/05: Court signs competency order. 2CP 8.
10/11/05: 9/29/05 telephonic status conference put on the record. 1CP 145. Defense counsel states that her expert found Heddrick competent and " <i>I am not – I was not and am not contesting competency at this time.</i> " " <i>The defense's agreeing and has agreed that Mr. Heddrick is competent to proceed.</i> " 11RP 14-15.	
10/12/05: Verdict. 1CP 150-52.	10/13/05: Verdict. 2CP 16.

The cases were consolidated on appeal. In an unpublished opinion, the Court of Appeals affirmed both convictions. State v. Heddrick, COA No. 57420-5-I (consolidated with No. 57469-8-I) (filed August 27, 2007). On appeal, Heddrick contended that his right to due process was violated

³ On July 10, 2007, after a hearing before the trial judge in which the court concluded that it had relied on the WSH report to inform the decision regarding Heddrick's competency, the parties filed a joint motion to supplement the record with the newly discovered WSH Report (dated August 30, 2005). On September 3, 2008, this Court denied the motion without comment.

by the trial court's failure to hold a competency hearing. The Court of Appeals rejected the claim, holding that despite the trial court's failure to follow the procedures mandated by statute, Heddrick "received the due process to which he was entitled under the circumstances of this case."

Heddrick, Slip op. at 1.

Mr. Heddrick raised an additional issue related to an alleged "critical stage" of the proceedings. The Court of Appeals held: "There was no separate proceeding in the custodial assault case in which the court found Heddrick competent to stand trial, so there was no hearing constituting a critical stage at which his presence was required."

Heddrick, Slip op. at 6.

On June 4, 2008 this Court granted Mr. Heddrick's petition for review.

2. SUBSTANTIVE

a. Felony Harassment.

On May 13, 2004, King County Sheriff's Deputy Mark Wojdyla and Department of Corrections Officer Eric Steffes drove to Clallam Bay Correctional Facility to transport Heddrick back to King County for charges arising out of alleged violations of a no-contact order. 3RP 5-6.

During the transport, Heddrick appeared agitated when he began talking about the Anderson family. 12RP 17. He was pretty agitated with Rosemary (Patricia Anderson's mother) threatening to take his kids away. 3RP 105; 12RP 18. According to Wojdyla and Steffes, Heddrick said, "[t]hat no one would come between he and his children, no law, no court, no cop, nobody. He said basically that he was not going to take this shit anymore." 12RP 19, 37-39.

According to Steffes, Heddrick said that it was "not over ... between he and the Andersons." 12RP 36. Heddrick claimed that the Anderson family "had been killing him for years," and he stated, "If they keep putting me through hell, I will be taking one of those bitches with me." 12RP 21, 39.

The following day, Wojdyla went to Patricia Anderson's home and told her of Heddrick's comments. 11RP 64; 12RP 22. She was visibly scared — afraid that Heddrick would try to carry out his threat, and fearful for her family, her children and her mom. 11RP 66; 12RP 23. Anderson testified that she interpreted Heddrick's words as a threat to her life.

11RP 67. She said that she is still fearful because she knows that Heddrick "won't give up." 11RP 68.

b. Custodial Assault.

On February 17, 2005, Heddrick, an inmate at the King County Jail, was re-assigned to a different cell. 3RP 105, 108.⁴ Two King County Corrections Officers, Steven Spadoni and Alan Braden, were assigned to transport Heddrick. 3RP 104-05, 109; 4RP 4-6. When the officers arrived at Heddrick's cell, Heddrick was packed and ready to go. 3RP 111; 4RP 6. Officer Spadoni asked Heddrick to turn around so that he could handcuff him. 3RP 113; 4RP 6. As Spadoni began to cuff Heddrick, Heddrick suddenly pulled away, turned, and punched Spadoni in the face with a closed fist. 3RP 113, 126; 4RP 7. Heddrick continued to struggle and resist. 3RP 114; 4RP 7. It was too hard to control Heddrick on the bed, so the officers forced him to the ground. 3RP 114; 4RP 7-8. They were finally able to cuff Heddrick. 3RP 114; 4RP 9.

⁴ The State designates the verbatim report of proceedings in the custodial assault case as: 1RP (7/27/05); 2RP (10/12/05); 3RP (10/13/05—A.M.); 4RP (10/13/05—P.M.); 5RP (11/18/05); 6RP (11/23/05).

C. ARGUMENT

1. **HEDDRICK RECEIVED DUE PROCESS BECAUSE AFTER HIS EXPERT OPINED THAT HE WAS COMPETENT, DEFENSE COUNSEL WITHDREW THE COMPETENCY MOTION, THUS INVITING ANY ERROR BY THE TRIAL COURT IN NEGLECTING TO HOLD A FORMAL HEARING.**

Heddrick claimed for the first time on appeal that his right to procedural due process was violated by the trial court's failure to hold a formal competency hearing after there was a reason to doubt his competency. Any error was invited. This Court should exercise its discretion not to address Heddrick's claims.

Moreover, the Court of Appeals correctly held that, under the circumstances of this case, Heddrick received the due process to which he was entitled. Heddrick, Slip op. at 1. After defense counsel first expressed concern about Heddrick's competency — only as to his ability to communicate with counsel — Heddrick was evaluated by both Western State Hospital (WSH) and defense expert Dr. White. 7RP 8-9; 9RP 2; 11RP 14-15; 1CP 38-41, 143, 148. The only evidence before the trial court was that Heddrick was competent to proceed. 11RP 14-15. Thus, based on defense counsel's explicit withdrawal of her motion to determine competency, the trial court proceeded with trial. 11RP 14-15. Under the circumstances, there was no violation of Heddrick's right to due process.

An accused in a criminal case has a fundamental right not to be tried while incompetent. Drope v. Missouri, 420 U.S. 162, 95 S. Ct. 896, 43 L. Ed. 2d 103 (1975); State v. Eldridge, 17 Wn. App. 270, 562 P.2d 276 (1977). The failure to observe procedures adequate to protect this right is a denial of due process. State v. Marshall, 144 Wn.2d 266, 279, 27 P.3d 192 (2001). "The concept of due process is a flexible one and calls for procedural protections that a given situation demands." Morris v. Blaker, 118 Wn.2d 133, 144, 821 P.2d 482 (1992) (citing In re Whitesel, 111 Wn.2d 621, 630, 763 P.2d 199 (1988)).

In Washington, an "incompetent person" may not be tried, convicted, or sentenced for an offense so long as the incapacity continues. RCW 10.77.050. A defendant is incompetent if he "lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect." RCW 10.77.010(14); see also State v. Lord, 117 Wn.2d 829, 900, 822 P.2d 177 (1991). A competency evaluation is required whenever "there is reason to doubt" the defendant's competency. RCW 10.77.060(1)(a).⁵ The

⁵ In pertinent part, RCW 10.77.060(1)(a) provides:

Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant.

competency hearing is mandatory whenever a *legitimate* question of competency arises. Marshall, 144 Wn.2d at 279.

The invited error doctrine dictates that a party may not set up an error at trial and then claim such error on appeal. In re Dependency of K.R., 128 Wn.2d 129, 147, 904 P.2d 1132 (1995). A claim of error is waived on appeal "if the party asserting such error materially contributed thereto." Id. The doctrine of invited error applies even to errors of constitutional magnitude otherwise reviewable for the first time on appeal under RAP 2.5. State v. Henderson, 114 Wn.2d 867, 869-70, 792 P.2d 514 (1990). This doctrine is to be applied strictly, sometimes with harsh results. See, e.g., State v. Studd, 137 Wn.2d 533, 546-47, 973 P.2d 1049 (1999) (holding the doctrine applicable when a defendant proposed a standard WPIC instruction later found to be legally erroneous).

Even if the alleged error was not invited, it was waived by counsel's timely failure to object. RAP 2.5(a). RAP 2.5(a)(3) creates an exception to the rule that a party must object to error in the trial court, but review is appropriate only as to "manifest error affecting a constitutional right." State v. Scott, 110 Wn.2d 682, 686-87, 757 P.2d 492 (1988); State v. Lynn, 67 Wn. App. 339, 342, 835 P.2d 251 (1992). In State v. Kirkman, 159 Wn.2d 918, 926, 155 P.3d 125 (2007), this Court held that to fall within the RAP 2.5(a)(3) exception, "[t]he defendant must identify

a constitutional error and show how the alleged error actually affected the defendant's rights at trial. It is this showing of actual prejudice that makes the error 'manifest,' allowing appellate review." Kirkman, 159 Wn.2d at 926-27 (quoting State v. McFarland, 127 Wn.2d 322, 333, 899 P.2d 1251 (1995)).

Here, the defense attorney did not preserve this statutory error. Error was not constitutional, but even if it is, it is not "manifest" because there is no showing under these facts that Heddrick even wanted a hearing. Either the doctrine of invited error or RAP 2.5(a) bars consideration of this issue.

a. Error Was Either Invited Or Waived.

The procedures of the competency statute (chapter 10.77 RCW) are mandatory and not merely directory. State v. Wicklund, 96 Wn.2d 798, 805, 638 P.2d 1241 (1982). However, the statutory scheme is not constitutionally mandated and may be waived. Id. (citing to State v. Israel, 19 Wn. App. 773, 777, 577 P.2d 631 (1978)) (holding that the statutory requirement that two experts be appointed to examine a defendant is not a constitutional right but is statutory and may be waived by counsel); see also State v. O'Neal, 23 Wn. App. 899, 901-02, 600 P.2d 570 (1979) (RCW 10.77 provides a procedure adequate to protect the right

to a denial of due process, but the statutory scheme is not constitutionally mandated and may be waived).

In this case, any alleged error by the trial court in neglecting to hold a competency hearing pursuant to chapter 10.77 RCW was the direct result of defense counsel explicitly withdrawing her motion to determine competency. Under the circumstances, even if this Court finds that the right to a competency hearing cannot be waived, the error was invited and this Court should decline to consider Heddrick's claim.

After defense counsel's initial concerns about Heddrick's competency to stand trial were assuaged by her expert's opinion that Heddrick was competent, counsel instructed her expert to forgo a written report — despite the trial court's order to the contrary. Counsel told the court:

My evaluator's assessment was that Mr. Heddrick was, in fact, competent to proceed. Given his assessment, I am not — *I was not and am not contesting competency at this time.*

I did not feel it was necessary for Doctor White to produce a written evaluation, partially *because I was not contesting the issue*, and also in — out of consideration for the amount of money that it would have cost in addition to what he had already spent to produce a written evaluation, *so the defense's agreeing and has agreed that Mr. Heddrick is competent to proceed.*

11RP 14-15 (emphasis supplied). Counsel affirmatively withdrew her motion for the trial court to determine Heddrick's competency. Thus,

defense counsel materially contributed to any error by the trial court in neglecting to hold a competency hearing. Accordingly, the claim of error has been waived on appeal. In re Dependency of K.R., 128 Wn.2d at 147.

- b. After The Issue Of Heddrick's Competency Arose At Trial, The Court Made "Further Inquiry" To Ensure That There Was No Violation Of Heddrick's Right To Due Process.

Heddrick contends that despite defense counsel's explicit waiver of a competency hearing, it was nonetheless incumbent upon the court to hold a hearing. Pet. for Rev. at 6. This claim must be rejected. A competency hearing is required only when a *bona fide* doubt about the defendant's right to stand trial exists. Where, as here, the initial question as to Heddrick's competency was answered by the results of two competency exams, an evidentiary hearing would have been a superfluous formality.

Due Process requires fairness, "but fairness is a relative, not an absolute concept." Sturgis v. Goldsmith, 796 F.2d 1103, 1112 (1986) (Wallace, J. concurring in part and dissenting in part). Procedures to adequately protect a defendant's right to due process are left to the states unless "it offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental." Patterson v. New York, 432 U.S. 197, 201-02, 97 S. Ct. 2319, 53 L. Ed. 2d 281 (1977).

“In the field of criminal law, we ‘have defined the category of infractions that violate “fundamental fairness” very narrowly’ based on the recognition that, ‘[b]eyond the Bill of Rights, the Due Process Clause has limited operation.’” Medina v. California, 505 U.S. 437, 443, 112 S. Ct. 2572, 120 L. Ed. 2d 353 (1992) (citations omitted).

One of the required procedural protections is “further inquiry” *or* a hearing when there is a sufficient doubt raised about a defendant’s competency. Drope, 420 U.S. at 180. Whether a hearing is required must be based on the facts of a particular case. United States v. Renfro, 825 F.2d 763, 767 (3rd Cir. 1987). Where the initial concern over competency is dissipated by the results of a competency examination, an evidentiary hearing may be a “superfluous formality.” See United States v. Giron-Reyes, 234 F.3d 78, 81 (1st Cir. 2000) (“initial competency hearings under [federal statute] are not mandated absent reasonable cause because the evidence of competency may be so overwhelming as to render any such hearing a superfluous formality.”).

This is such a case. The dispute surrounding Heddrick’s competency involved his ability to assist his counsel, there was no question that he understood the nature of charges against him and of the proceedings. Defense counsel told the trial court:

It has been very clear to me from the beginning that Mr. Heddrick understood that he has a right to trial, and that he has a right to a plea. He was offered a plea. He turned that down.

We are in trial. We've had numerous discussions about procedures for [CrR 3.5 hearings], for testifying.

And I would agree with the Court's assessment, he asked an intelligent question in terms of ... distinguishing his testimony under three-five from in trial, and which applies....He asked intelligent questions in regard to that.

I think that, for the most part, he can recite what the charges are. His standard range, I think, is unclear to him, as well as to me, because there are a number of issues in terms of whether there's a community custody point.

....
What it really comes down to is really the communication between attorney and client and the ability to assist.

7RP 8-9.

Based on counsel's concerns, the trial court ordered WSH to conduct an evaluation and authorized an evaluation by Dr. White, the defense's expert. 1CP 38-41, 142. Although the WSH report is unavailable, the only reasonable inference from the record is that the WSH evaluator concluded that Heddrick was competent.⁶

There are three reasons it is reasonable to conclude that WSH found Heddrick competent. First, after the parties received the report, see

⁶ As noted earlier, this Court denied a joint motion to supplement the record with this report.

9RP 2, 4, there was no subsequent order for restoration of competency as had occurred in October 2004. See 1CP 94-96, 112-15, 118-28. Second, if WSH's report and Dr. White's report had been in equipoise, then no reasonably competent attorney would have told the court, "*the defense's agreeing and has agreed that Mr. Heddrick is competent to proceed.*"

11RP 15. Undoubtedly, the abandonment of the issue of Heddrick's competency, had there been any evidence contrary to Dr. White's conclusion that Heddrick was competent, would have been grounds for a claim of ineffective assistance of counsel — a claim not present in this appeal. Finally, at sentencing on the custodial assault case, defense counsel Marcus Naylor, who had been present during Dr. White's evaluation, see 10RP 3-4, told the court, "Doctors have declared [Heddrick] competent." 5RP 47. The plural of doctor implies that not only did Dr. White find Heddrick competent, so, too, did WSH.

Significantly, Heddrick has not claimed a violation of his substantive due process rights. Indeed, during his custodial assault trial, Heddrick testified in his own behalf (4RP 27-51), underscoring his ability to understand the nature of the charges against him and to assist counsel in

his defense. Thus, there is no evidence before this Court that Heddrick was tried, convicted, or sentenced while not competent.⁷

However, even if this Court determines that the trial court erred by not holding a formal competency hearing, the remedy is a remand for a *nunc pro tunc* hearing. See Renfro, 825 F.2d at 767. "Such a determination may be conducted if a meaningful hearing on the issue of the competency of the defendant at the prior proceedings is still possible." Id.; see also United States v. Johns, 728 F.2d 953, 957-58 (7th Cir. 1984) (and citations therein); State v. Wright, 19 Wn. App. 381, 390-91, 575 P.2d 740 (1978) (substantial body of evidence of psychiatric data contemporaneous with sentencing hearing to allow a *nunc pro tunc* hearing).

Here, a meaningful hearing can be conducted because the trial court can formally enter into the record the WSH report. Additionally, Dr. White's notes can be reduced to writing and the court can formally

⁷ The Court of Appeals applied a balancing test, pursuant to Mathews v. Eldridge, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976). The factors it considered were (1) the private interest to be protected; (2) the erroneous deprivation of that interest by the government's procedures; and (3) the government's interest in maintaining the procedures. Heddrick, Slip op., at 6. Even if the Mathews test is not the proper analytical framework in a criminal case, see Medina v. California, 505 U.S. 437, 443, 112 S. Ct. 2572, 120 L. Ed. 2d 353 (1992), the Patterson test, supra, confirms that there was no possibility that Heddrick was tried, convicted or sentenced while incompetent.

admit and consider anew his written evaluation. The reports will inform the court's retrospective determination of Heddrick's competency because the evaluations were conducted contemporaneously with the onset of counsel's concern. If after such a hearing the court concludes that Heddrick was competent, the convictions should be affirmed. See Johns, 728 F.2d at 958.

2. THERE WAS NO SEPARATE COMPETENCY HEARING IN THE CUSTODIAL ASSAULT CASE AND, EVEN IF THERE WAS SUCH A PROCEEDING, HEDDRICK WAS REPRESENTED BY COUNSEL.

Heddrick claims that his right to counsel at a critical stage of the proceeding was violated when the trial court found Heddrick competent without his assigned counsel present. This Court should reject Heddrick's contention for two reasons. First, as the Court of Appeals correctly held, there was no separate proceeding. Second, even if this Court finds there was a proceeding, Heddrick was represented by counsel.

An accused has a right to counsel at any critical stage of a criminal prosecution. U.S. Const. amend. 6;⁸ Const. art. 1, § 22 (amend. 10).⁹ A critical stage is one "in which a defendant's rights may be lost, defenses

⁸ "In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defence."

⁹ "In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel...."

waived; privileges claimed or waived, or in which the outcome of the case is otherwise substantially affected." State v. Agtuca, 12 Wn. App. 402, 404, 529 P.2d 1159 (1974). "'Counsel' as referred to in the Sixth Amendment refers to a person authorized to practice law." State v. S.M., 100 Wn. App. 401, 410, 996 P.2d 1111 (2000). The phrase "practice of law" includes rendering legal advice and "[t]he preparation of legal instruments that secure legal rights." Id. The right, however, is not absolute. State v. Cunningham, 23 Wn. App. 826, 833, 598 P.2d 756 (1979). An indigent defendant has no absolute right to a particular counsel. Id.

In this case, the Court of Appeals found that when Judge Yu signed the competency order, which apparently applied to both cases, there was no separate proceeding, so there was no hearing constituting a critical stage at which Heddrick's counsel on the custodial assault case was required to appear. Heddrick, Slip op. at 15.

Even if this Court finds that the entry of the competency order constituted a critical stage of the proceedings, counsel represented Heddrick. Lapps (the attorney on the felony harassment case) had agreed to represent Heddrick regarding the competency issue in the custodial assault case at the October 10th hearing, despite not knowing whether Naylor (counsel on the assault case) had arranged for a separate

competency evaluation. 10RP 3-5. Lapps confirmed that Naylor had been present during Dr. White's evaluation and informed the trial court that she was "less concerned signing off on an order for the Court's finding of Mr. Heddrick competent than [she was] scheduling [a trial date for] another attorney." 10RP 4 (felony harassment). Thus, even if the hearing constituted a critical stage of the proceedings, for Sixth Amendment purposes, Heddrick was represented by counsel. S.M., 100 Wn. App. at 410.

Heddrick did not interpose any objection to Lapps standing in as his counsel on the custodial assault case. Likewise, Naylor never objected in any hearing after the October 10th proceeding to either the order finding Heddrick competent or to the procedure that Judge Yu followed.

Accordingly, this Court should reject Heddrick's contention that counsel did not represent him at a critical stage of the proceedings.

D. CONCLUSION

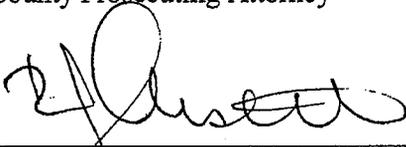
Because there is no chance that Heddrick was tried, convicted, or sentenced while incompetent, his claim of a violation of his right to due process must be rejected. If, however, this Court finds that a formal evidentiary hearing is required under the circumstances, the case should be remanded for a *nunc pro tunc* hearing.

Finally, there was no separate proceeding at which the trial court determined Heddrick's competency that constituted a critical stage of the proceedings. Even if this Court determines that the entry of the competency order constituted a critical stage of the proceedings, Heddrick was represented by counsel. Accordingly, his claim that he was denied assistance of counsel at a critical stage of the proceedings must fail.

DATED this 3 day of November, 2008.

Respectfully submitted,

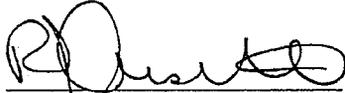
DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: 
RANDI J. AUSTELL, WSBA #28166
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Certificate of Service by Mail

Today I sent by electronic mail directed to counsel for appellant: Casey Grannis at GrannisC@nwattorney.net a copy of SUPPLEMENTAL BRIEF OF RESPONDENT in STATE V. HEDDRICK, Cause No. 80841-4, in the Supreme Court for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.


Name Randi J. Austell
Done in Seattle, Washington

November 3, 2008
Date

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