

# Boy in Frontier gun case can stand trial

## Judge finds boy, 12, competent, rejects defense argument

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Buy this photo 11-year-old Quincy Tuttle makes his first appearance in Clark County juvenile court on Thursday October 24, 2013, on charges that stem from allegedly bringing a firearm, ammunition and knives to Frontier Middle School on Wednesday. ([Zachary Kaufman](#)/The Columbian)

A Clark County judge Wednesday found a 12-year-old boy competent to stand trial for attempted murder. Quincy J. Tuttle is accused of bringing 400 rounds of ammunition and a pistol to Vancouver's Frontier Middle School to kill a peer who may have bullied his friend.

Superior Court Judge Scott Collier rejected an argument by Tuttle's attorney, John Lutgens, that under law, the 12-year-old's age makes him incompetent to assist in his defense and stand trial.

Tuttle, a Frontier sixth-grader, was 11 when he allegedly brought the gun to the school on Oct. 23.

“It (his competency) may not be perfect, but you are never going to have it perfect for a 12-year-old child,” Collier said.

Lutgens said because of his age, forcing Tuttle to go trial at his age would violate his rights.

An evaluation by defense expert Christopher Johnson, a psychologist from Vancouver Guidance Clinic, found that Tuttle understands most legal proceedings. However, Johnson reported that Tuttle showed some shortcomings: He didn’t know what a plea bargain meant and had some confusion about whether the judge was unbiased or on the side of the prosecution.

Johnson said that the brains of children between the ages of 11 and 12 are still developing. Hence, they may have greater difficulty understanding the consequences of their actions, having empathy for others and being attentive.

Johnson concluded that Tuttle could benefit from some education about how the legal process works before being found competent to stand trial.

“I think he (Johnson) has put the bar higher than our higher courts and Legislature have,” Collier said.

Johnson said that Tuttle has no diagnosed mental illness and showed no signs of psychotic behavior. Tuttle was diagnosed with a mood disorder, but that is not considered a mental disease, Johnson said. The expert also found that Tuttle was of average or above-average intelligence and that he was able to quickly use new information he learned.

Deputy Prosecutor Abbie Bartlett said that the crime itself proves Tuttle’s competency. He planned the crime over days and was able to delay his gratification to accomplish his goal of killing a student who may have called his friend “gay,” Bartlett said. He stole a gun from his parents’ closet while they were out in the garage smoking.

Then, he brought the gun to school for three consecutive days, she said. He methodically considered locations where to kill the student to produce a certain effect, she said. Tuttle told a friend that he wanted to kill the student where other students boarded the buses so that everyone would know and be afraid of Tuttle, she said.

She said competency — the ability to assist in one’s defense — is a relatively low standard.

“Here, all the evidence establishes that the defendant is capable and able to assist in his defense,” she said.

Collier set another hearing for Dec. 24 to schedule Tuttle’s trial date. Tuttle has been in juvenile detention since Oct. 23.