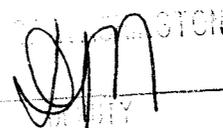


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COURT APPEALS
DIVISION II
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STATE OF WASHINGTON
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Nº. 33332-5-II
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON
Respondent,

v.

In re: the detention of HUBERT CARL RANSLEBEN,
Appellant.

OPENING BRIEF OF APPELLANT

Appeal from the Superior Court of Pierce County,
Cause No. 01-2-06004-5
The Honorable Frederick W. Fleming, Presiding Judge

Mary Kay High
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Attorney for Appellant
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ORIGINAL

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State ex rel Reed v. Frawley, 59 S.W.3d 496, 497 10

A. ASSIGNMENTS OF ERROR

1. The trial court erred in finding that Mr. Ransleben was a sexually violent predator under RCW 71.09.
2. Mr. Ransleben was denied effective assistance of counsel.
3. Error is assigned to Finding of Fact No. 7 which reads:

Mr. Ransleben's mental abnormality and personality disorder cause him to have serious difficulty controlling his sexually violent behavior, to the degree that he is a menace to the health and safety of others.

4. Error is assigned to Finding of Fact No. 8 which reads:

Mr. Ransleben's mental Abnormality and Antisocial Personality Disorder make him more likely than not to engage in predatory acts of sexual violence if he is not confined in a secure facility.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Did the trial court err in confining Mr. Ransleben pursuant to RCW 71.09 as a sexually violent predator when Mr. Ransleben suffers from a mental disease or defect? (Assignment of Error No. 1)
2. Does a defendant in a civil commitment proceeding receive effective assistance of counsel where the defendant is unable to assist his counsel in presenting his defense? (Assignment of Error No. 2)

C. STATEMENT OF THE CASE

Factual and Procedural Background

In 1990, Mr. Ransleben was convicted of Child Molestation in the First and Second degree. CP 233. In 1993, Mr. Ransleben was convicted of Child Molestation in the First Degree. CP 233.

On March 1, 2001, the Attorney General for the State of Washington filed a Petition to have Mr. Ransleben committed as a sexually violent predator pursuant to RCW 71.09 et. seq. CP 1-2.

On July 13, 2001, the court ordered Mr. Ransleben to submit to a mental examination by Dr. Charles Lund, a licensed psychologist and certified sex offender treatment provider who has extensive experience in the evaluation and treatment of sex offenders. CP 31-32.

On March 18, 2002, Dr. Lund filed a Declaration with the Superior Court detailing his August 29, 2001, attempt to interview Mr. Ransleben. CP 40-47. Dr. Lund was forced to abandon the interview due to the fact that Mr. Ransleben was unable to paraphrase important parts of the disclosure statement, Mr. Ransleben's constant digression into tangential and irrelevant issues, and Mr. Ransleben's inability to "articulate the basic idea that he was participating in a court ordered interview." CP 40-47. Dr. Lund conferred with Dr. Brian Judd, the defense expert who was present at the interview, and both doctors agreed that they were

“uncomfortable professionally in pursuing obtaining [Mr. Ransleben’s] signature on the interview agreement form, based on [Mr. Ransleben’s] obvious lack of understanding.” CP 40-47. Dr. Lund described that Mr. Ransleben was “extremely uncooperative,” that Mr. Ransleben was unable to repeat back the most basic elements communicated to him about the nature and purpose of Dr. Lund’s interview with him, and that Mr. Ransleben “lacked the ability to communicate an adequate understanding of the nature and purpose of the interview.” CP 40-47.

On February 4, 2002, the Attorney General moved for the appointment of a guardian ad litem for Mr. Ransleben. CP 39. On May 15, 2002, the Attorney General moved to have the hearing regarding the appointment of a guardian for Mr. Ransleben proceed under RCW 4.08.060 as opposed to RCW 11.88.090. CP 54-61.

On August 28, 2002, the Superior Court found that Mr. Ransleben was an incapacitated person who was incapable of defending a lawsuit and appointed a guardian ad litem on behalf of Mr. Ransleben. CP 74-77.

On September 9, 2004, Mr. Ransleben’s attorney, Ms. Judith Mandel, filed a motion to dismiss the Petition (CP 156) on grounds that an individual who is being committed as a sexually violent predator has a State and Federal Constitutional right to be competent to stand trial and assist counsel, and that a guardian ad litem may not waive Mr.

Ransleben's fundamental constitutional rights to trial by jury and effective assistance of counsel. CP 322-336.

On October 1, 2004, the court denied Ms. Mandel's motion to dismiss, finding (1) that Mr. Ransleben had neither a statutory nor constitutional right to be competent in the civil commitment proceeding, (2) that the Court's appointment of a GAL for MR. Ransleben protected Mr. Ransleben's liberty interests, (3) that the Court's appointment of a GAL for MR. Ransleben protected Mr. Ransleben's right to effective assistance of counsel, and (4) that Mr. Ransleben was incompetent and that it is unlikely that Mr., Ransleben will ever become competent. CP 337-338.

On May 4, 2005, the trial court found that Mr. Ransleben met the criteria for diagnosis as a pedophile and that Mr. Ransleben had prior convictions for crimes of sexual violence. CP 352-355. The court also found that Mr. Ransleben suffered from other psychiatric and medical difficulties and has been diagnosed throughout his life as having clinically significant mental and behavioral problems, maladaptive personality style, and having a personality disorder with antisocial, narcissistic, and paranoid features. CP 352-355. The court further found that Mr. Ransleben's mental difficulties have been complicated by head trauma and by a seizure disorder and that Mr. Ransleben has mild mental retardation

and his intellectual functioning is impaired. CP 352-355. The court found that Mr. Ransleben's "constellation of psychological, mental and intellectual dysfunction has compromised Mr. Ransleben's capacity to successfully get through life without committing anti-social acts" and that "it compromises his ability to learn from his mistakes or to benefit from such treatment as has been made available to him." CP 352-355. The trial court concluded that, "[t]he Pedophilia from which Mr. Ransleben currently suffers is a mental abnormality as that term is defined in RCW 71.09.020(8)." CP 352-355. The trial court ultimately found that Mr. Ransleben was a sexually violent predator as defined in RCW 71.09.020(16) and ordered him committed to the custody of the Department of Social & Health Services. CP 352-355.

Notice of appeal was timely filed on May 24, 2005. CP 237-242.

D. ARGUMENT

1. The trial court erred in confining Mr. Ransleben pursuant to RCW 71.09

The Sexually Violent Predator Act was intended to protect citizens from "a small but extremely dangerous group of sexually violent predators . . . **who do not have a mental disease or defect** that renders them appropriate for the existing involuntary treatment act, chapter 71.05 RCW." RCW 71.09.010 (emphasis added).

A sexually violent predator is defined as “any person who has been convicted of or charged with a crime of sexual violence and who suffers from a **mental abnormality or personality disorder** which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.” RCW 71.09.020(16) (emphasis added). “Mental abnormality” in turn is defined as “a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts” RCW 71.09.020(8).

The phrases “mental disease or defect” and “personality disorder” are not defined.

By the terms of the statute, then, to be eligible for sentencing under RCW 71.09 a person must be a sexually violent predator who suffers from a congenital or acquired condition or personality disorder, **but not a mental disease or defect.**

Here, Mr. Ransleben was evaluated while in the State’s custody, and has been diagnosed with Cognitive Disorder Not Otherwise Specified due to Head Trauma and Seizure Disorder as well as Pedophilia. CP 113-114. Because Mr. Ransleben has been diagnosed as a pedophile he meets the statutory definition of a sexually violent predator. However, the diagnosis of Mr. Ransleben’s impairments does not conclude with the

determination that Mr. Ransleben is a pedophile. Mr. Ransleben was also diagnosed with a cognitive disorder due to head trauma as well as a seizure disorder. Because Mr. Ransleben suffers from these additional mental defects, he does not fit the legislature's intended definition of a sexually violent predator; he possesses specific mental defects that exclude him from the statute's sweep.

Such a conclusion is supported by this Court's decision in In re Pugh, 68 Wn. App. 687, 693, 845 P.2d 1034 (1993), review denied 122 Wn.2d 1018, 863 P.2d 1352 (1993). There, Pugh had been diagnosed with pedophilia, impulse disorders, and personality disorder. The State petitioned to commit Pugh under RCW 71.05, the involuntary treatment act, and prevailed at trial. On appeal, this Court noted that RCW 71.09 excluded persons having "mental disorders," and found that because Pugh did suffer from mental disorders—including pedophilia—his commitment under RCW 71.05 was appropriate. The Court added: "The Legislature did not intend for RCW 71.09 to preempt RCW 71.05. Rather, the purpose of RCW 71.09 is to augment those situations where RCW 71.05 would be an inadequate commitment procedure." Id.

Here, Mr. Ransleben does not fit the statutory definition of a sexually violent predator, and, as in Pugh, the involuntary commitment act would have been the appropriate commitment procedure to follow. State

psychologists and the trial court have already found that Mr. Ransleben is incapable of completing the Sex Offender Treatment Program because he lacks the intellectual capacity to do so. The trial court erred and must be reversed.

2. Mr. Ransleben was denied effective assistance of counsel

RCW 71.09.050(1) provides that, “[a]t all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel...” A respondent in a civil commitment proceeding pursuant to RCW 71.05 has the statutory right to the effective assistance of counsel. In re Detention of T.A.H.-L., 123 Wn.App. 172, 178, 97 P.3d 767 (2004) “The due process protection of the right to counsel articulated in chapter 71.05 RCW is meaningless unless it is read as the right to *effective* counsel.” In re Detention of T.A.H.-L., 123 Wn.App. 172, 179, 97 P.3d 767 (emphasis in original). There is no reason that the right to assistance of counsel guaranteed by RCW 71.09 would be any different than the right to counsel under RCW 71.05.

While persons tried under RCW 71.09 have a statutory right to counsel at all stages of a commitment trial, In re detention of Stout, 128 Wn.App. 21, 27, 114 P.3d 658 (2005), the Washington Supreme Court has held that a defendant has no Fifth or Sixth Amendment right to counsel during a sexually violent predator proceeding because it is a civil, rather

than criminal, proceeding. In re Detention of Petersen, 138 Wn.2d 70, 91, 980 P.2d 1204 (1999).

The constitutional standard for competency to stand trial is whether the accused has “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and to assist in his defense with “a rational as well as factual understanding of the proceedings against him.” In the Matter of the Personal Restraint of Fleming, 142 Wn.2d 853, 861-862, 16 P.3d 610 (2001), citing Dusky v. United States, 362 U.S. 402, 402, 80 S.Ct. 788, 4 L.Ed.2d 824 (1960). The two part test for legal competency for a criminal defendant in Washington is as follows: (1) whether the defendant understands the nature of the charges; and (2) whether he is capable of assisting in his defense. In the Matter of the Personal Restraint of Fleming, 142 Wn.2d 853, 862, 16 P.3d 610. Thus, a person who had been found to be incompetent cannot either understand the nature of the charges against him or her and is incapable of assisting in his or her defense. Here, Mr. Ransleben was found by the trial court to be incompetent. Therefore Mr. Ransleben was also unable to assist in his defense.

Under Washington law, “no incompetent person may be tried, convicted, or sentenced for the commission of an offense so long as such incapacity continues.” RCW 10.77.050. While the issue of the ability of a

defendant to assist in his defense has been developed in the context of criminal proceedings in Washington, counsel for Mr. Ransleben was unable to find any Washington law dealing with the issue of the ability of a defendant to assist in his defense in the context of civil proceedings. However, in State ex rel Reed v. Frawley, 59 S.W.3d 496, 497, the court wrote that the right to counsel is

an empty formality if it is not also assumed that the assistance of counsel must be effective. Such a right becomes meaningless as the sound of tinkling brass if an accused lacks the mental capacity to knowingly and intelligently confer with counsel respecting the charges or issues brought against him and to assist counsel by means of supplying information pertinent to those issues.

See also Evitts v. Lucey, 469 U.S. 387, 396, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985) (“... a party whose counsel is unable to provide effective representation is in no better position than one who has no counsel at all.”)

Here, Mr. Ransleben’s mental impairments rendered him unable to knowingly and intelligently confer with his counsel or to assist his counsel in presenting his defense. The appointment of Mr. O’Melveny as Mr. Ransleben’s guardian ad litem did not cure this problem since Mr. Ransleben could not knowingly and intelligently confer with Mr. O’Melveny either and Mr. O’Melveny had no ability to assist Mr. Ransleben in understanding the nature of the proceedings or give Mr. Ransleben the capacity to confer with Mr. Ransleben’s counsel.

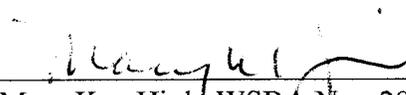
Mr. Ransleben's incompetence denied him his right to effective assistance of counsel under RCW 71.09.050(1). This court must reverse Mr. Ransleben's commitment.

E. CONCLUSION

For the reasons stated above, this court should reverse Mr. Ransleben's commitment.

DATED this 9th day of March, 2006.

Respectfully submitted,



Mary Kay High, WSBA No. 20123
Attorney for Appellant



Reed Speir, WSBA No. 36270
Attorney for Appellant

CERTIFICATE OF SERVICE

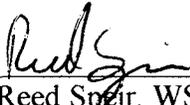
Reed Speir hereby certifies under penalty of perjury under the laws of the State of Washington that on the 10th day of March, 2006, I delivered a true and correct copy of the Brief of Appellant to which this certificate is attached by United States Mail, to the following:

Mr. Hubert Ransleben, DOC# 630884
P.O. Box 88600
Steilacoom, WA. 98388

And, I mailed a true and correct copy of the Brief of Appellant and the Verbatim Report of Proceedings to which this certificate is attached, to

Attorney General of Washington
900 4th Ave, Suite 2000
Seattle, Washington 98164

Signed at Tacoma, Washington this 10th day of March, 2006.



Reed Speir, WSBA No. 36270
Associate, Law Offices of Mary Kay High

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APPENDIX

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Briefs and Other Related Documents

Supreme Court of Missouri,
En Banc.
STATE ex rel. Joe REED, Relator,
v.
The Honorable Thomas J. FRAWLEY, Judge, Circuit Court of St. Louis City,
Respondent.
No. SC 83408.

Nov. 20, 2001.

Juvenile petitioned for writ of mandamus seeking to prevent his extradition. After granting preliminary writ of prohibition, the Supreme Court, William Ray Price Jr., J., held that juvenile was entitled to hearing to determine whether he was competent to understand extradition proceeding and to assist counsel in defending against extradition.

Preliminary writ made absolute.

West Headnotes

[1] Infants ↪68.3

211k68.3 Most Cited Cases

Juvenile was entitled to hearing to determine whether he was competent to understand extradition proceeding and to assist counsel in defending against extradition. V.A.M.S. § 548.101.

[2] Criminal Law ↪641.13(1)

110k641.13(1) Most Cited Cases

A right to counsel is an empty formality if it is not also assumed that the assistance of counsel must be effective. U.S.C.A. Const.Amend. 6.

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(Cite as: 59 S.W.3d 496)**[3] Criminal Law ⇌641.6(2)**

110k641.6(2) Most Cited Cases

If an accused lacks mental capacity to knowingly and intelligently confer with counsel respecting the charges or issues brought against him and to assist counsel by means of supplying information pertinent to those issues the right to counsel is meaningless. U.S.C.A. Const.Amend. 6.

[4] Extradition and Detainers ⇌39

166k39 Most Cited Cases

Judicial review of the issuance of a governor's extradition warrant is limited to determining whether the governor exceeded his authority in issuing the rendition warrant.

[5] Extradition and Detainers ⇌39

166k39 Most Cited Cases

In examining the issuance of an extradition warrant, the issues a court may address are (1) that the person is demanded as a fugitive from justice, (2) that there is an indictment or affidavit produced charging the person demanded with having committed a crime, and, (3) that the papers have been certified as authentic by the demanding state.

*497 Daniel E. Underwood, Office of Public Defender, St. Louis, for relator.

Susan Guerra, Division of Family Court of St. Louis City, St. Louis, for respondent.

ORIGINAL PROCEEDING IN PROHIBITION

WILLIAM RAY PRICE, JR., Judge.

Joe Reed, a minor, is charged with armed robbery and aggravated vehicular hijacking in Illinois. Illinois seeks to have Reed extradited from Missouri in order to face these charges. Reed petitions this Court for a writ of mandamus or, in the alternative, a writ of prohibition to require that a hearing be held to determine whether or not he is competent to understand and assist his counsel in defending against the extradition. This Court granted a preliminary writ in prohibition on March 20, 2001. We now make that writ absolute.

I. Facts

On April 26, 2000, a petition was filed in the juvenile division of the circuit court of the City of St. Louis alleging that Joe Reed, a minor, had committed various criminal offenses within the City of St. Louis on April 25, 2000. Those offenses include tampering in the first degree,

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murder in the second degree, and unlawful use of a weapon.

During the course of the proceedings to certify Reed to stand trial as an adult, he was examined by two different psychiatrists, one procured by his defense counsel and one assigned by the Missouri Department of Mental Health. Both doctors *498 reached the conclusion that Reed lacked the capacity to participate in the certification hearing, as he did not understand the proceedings against him and was unable to assist in his own defense.

On June 16, 2000, a criminal indictment against Reed was filed in the Twentieth Judicial Circuit Court, St. Clair County, Illinois. On August 29, 2000, the St. Clair County state attorney's office requested the extradition of Reed to the State of Illinois based on the indictment.

On October 5, 2000, the governor of Missouri issued a rendition warrant. The warrant alleged that the state of Illinois had demanded extradition of Reed as a person charged with a crime in the state of Illinois who had subsequently been found in the state of Missouri.

On October 5, 2000, Reed filed a motion to stay the extradition and a request for a competency hearing. The motion alleged that Reed is unable to assist in his own defense, assist his attorney, or understand the trial process. The motion further argued that it would be a violation of Reed's constitutionally protected right to effective assistance of counsel if the court were to proceed with the extradition hearing without first determining his competency.

On December 19, 2000, Reed's motion to stay and request for a competency hearing was denied by the juvenile division of the circuit court of the City of St. Louis. The court held that there was no constitutional right to a determination of competency prior to an extradition hearing and that the issue of competency was not relevant in extradition proceedings.

This Court issued a preliminary writ in the matter on March 20, 2001.

II. Discussion

[1] Joe Reed argues that both state and federal law require that he be competent to participate in an extradition hearing. Because section 548.101, RSMo 2000, controls this issue, it is unnecessary to reach any further issues.

Missouri, like many other states, has patterned its extradition law after the language of the Uniform Criminal Extradition Act, which was adopted in Missouri in 1953. Chapter 548

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makes it the duty of the governor of Missouri to "have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime, who has fled from justice and is found in this state." Section 548.021, RSMo 2000. [FN1]

FN1. Rule 35.01 provides that "[t]he provisions of Chapter 548, RSMo, shall govern procedure in extradition."

Any individual who is arrested upon an extradition warrant in Missouri has certain rights to challenge their extradition. Section 548.101 provides that:

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, *and that he has the right to demand and procure legal counsel*; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus.

When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be *499 given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

Section 548.101, RSMo 2000 (emphasis added).

[2][3] A right to counsel is an "empty formality" if it is not also assumed that the assistance of counsel must be effective. *In the Interest of J.C., Jr.*, 781 S.W.2d 226, 228 (Mo.App.1989). Such a right becomes meaningless "as the sound of tinkling brass" if an accused lacks mental capacity to knowingly and intelligently confer with counsel respecting the charges or issues brought against him and to assist counsel by means of supplying information pertinent to those issues. *State ex rel. Vaughn v. Morgett*, 526 S.W.2d 434, 436 (Mo.App.1975).

In *State ex rel. Juergens v. Cundiff*, this Court examined statutory language that required probationers to receive notice and an opportunity to be heard before their probation could be revoked. 939 S.W.2d 381, 382 (Mo.1997). The Court noted that "[t]he general assembly afforded these rights to probationers; therefore, it can hardly be imagined that the general assembly did not intend for probationers to proceed to hearing without having capacity to exercise them." *Id.* at 382. The same logic applies in the construction of section 548.101. For the general assembly's grant of a right to counsel to be meaningful in an extradition context, it must ensure that an accused has enough competence to understand the extradition proceeding and to assist counsel. [FN2]

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FN2. *Charlton v. Kelly*, 229 U.S. 447, 33 S.Ct. 945, 57 L.Ed. 1274 (1913), held that issues of competence as a defense to alleged crimes and as to a person's capacity to stand trial for those crimes are properly heard in the courts of the state requesting extradition. We agree. Our decision is limited to an individual's competency regarding solely the extradition hearing.

[4][5] Judicial review of the issuance of a governor's extradition warrant is limited to determining whether the governor exceeded his authority in issuing the rendition warrant. *Seeger v. Camp*, 576 S.W.2d 722, 724 (Mo.1978). In examining the issuance of an extradition warrant, the issues a court may address are:

- (1) that the person is demanded as a fugitive from justice;
- (2) that there is an indictment or affidavit produced charging the person demanded with having committed a crime; and,
- (3) that the papers have been certified as authentic by the demanding state.

Id. [FN3] As to these issues, Reed must possess "sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding" and "a rational as well as factual understanding of the proceedings against him." *Dusky v. United States*, 362 U.S. 402, 402, 80 S.Ct. 788, 4 L.Ed.2d 824 (1960); *State v. Tokar*, 918 *500 S.W.2d 753, 762 (Mo.1996). [FN4] Reed has the burden to show that he lacks the competence necessary to proceed. *State v. Frezzell*, 958 S.W.2d 101, 104 (Mo.App.1998); see also Section 552.020.8, RSMo 2000. As a practical matter, we would expect the focus to be upon whether Reed seeks to oppose extradition and whether he is a fugitive from justice in Illinois.

FN3. Other states have adopted various forms of a four-part analysis in the extradition context, based on the language of the United States Supreme Court's decision in *Michigan v. Doran*, 439 U.S. 282, 289, 99 S.Ct. 530, 58 L.Ed.2d 521 (1978) (an extradition proceeding determines: (a) whether the extradition documents on their face are in order; (b) whether the petitioner has been charged with a crime in the demanding state; (c) whether the petitioner is the person named in the request for extradition; and (d) whether the petitioner is a fugitive) see *Oliver v. Barrett*, 269 Ga. 512, 500 S.E.2d 908, 909 (1998); *State v. Tyler*, 398 So.2d 1108, 1111 (La.1981); *In re Himmant*, 424 Mass. 900, 678 N.E.2d 1314, 1318 (1997); *State ex rel. Jones v. Warmuth*, 165 W.Va. 825, 272 S.E.2d 446, 448 (1980). Missouri courts have developed a three-part test that simply combines parts (b) and (c) of the *Doran* test.

FN4. Other states have split on this issue. See *Kostic v. Smedley*, 522 P.2d 535, 538-39 (Alaska 1974); *Pruett v. Barry*, 696 P.2d 789, 793 (Colo.1985); *State of Florida ex rel. Buster v. Purdy*, 219 So.2d 43, 43 (Fla.App.1969); *Oliver v. Barrett*, 269 Ga. 512, 500

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S.E.2d 908, 910 (1998); *Brewer v. Turner*, 165 Kan. 330, 194 P.2d 507, 511 (1948); *Kellems v. Buchignani*, 518 S.W.2d 788, 788 (Ky.App.1974); *State v. Tyler*, 398 So.2d 1108, 1112 (La.1981); *In re Hinnant*, 424 Mass. 900, 678 N.E.2d 1314, 1318-21 (1997); *State ex rel. Davey v. Owen*, 133 Ohio St. 96, 12 N.E.2d 144, 149 (1937); *Ex Parte Potter*, 21 S.W.3d 290, 297 (Tex.Crim.App.2000); *State ex rel. Jones v. Honorable Richard A. Warmuth*, 165 W.Va. 825, 272 S.E.2d 446, 451-52 (1980).

III. Conclusion

The preliminary writ in prohibition is made absolute. The trial court is prohibited from proceeding with the extradition hearing until it has determined the competency of Joe Reed to understand and assist counsel regarding the limited issues therein.

All concur.

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Briefs and Other Related Documents (Back to top)

- 2001 WL 34818443 (Appellate Brief) Relator's Reply Brief (Jun. 01, 2001)Original Image of this Document (PDF)
- 2001 WL 34818442 (Appellate Brief) Respondent's Statement, Brief and Argument in Opposition to Permanent Writ of Prohibition or Writ of Mandamus (May. 24, 2001)Original Image of this Document (PDF)
- 2001 WL 34818441 (Appellate Brief) Relator's Statement, Brief and Argument in Support of Permanent Writ of Prohibition or Writ of Mandamus (May. 11, 2001)Original Image of this Document with Appendix (PDF)

END OF DOCUMENT

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KEYCITE**State ex rel. Reed v. Frawley, 59 S.W.3d 496 (Mo., Nov 20, 2001) (NO. SC 83408)****History**

- => 1 **State ex rel. Reed v. Frawley, 59 S.W.3d 496 (Mo. Nov 20, 2001) (NO. SC 83408)**

Court Documents**Appellate Court Documents (U.S.A.)****Mo. Appellate Briefs**

- 2 State of Missouri ex rel. Joe Reed, Relator, v. The Hon. Thomas J. FRAWLEY, Circuit Judge for St. Louis City, Respondent., 2001 WL 34818441 (Appellate Brief) (Mo. May. 11, 2001) **Relator's Statement, Brief and Argument in Support of Permanent Writ of Prohibition or Writ of Manda (NO. SC83408)**
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- 3 State of Missouri ex rel. Joe Reed, Relator, v. The Honorable Thomas J. FRAWLEY, Circuit Judge for St. Louis City, Respondent., 2001 WL 34818442 (Appellate Brief) (Mo. May. 24, 2001) **Respondent's Statement, Brief and Argument in Opposition to Permanent Writ of Prohibition or Writ of (NO. SC83408)**
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- 4 State of Missouri ex rel. Joe Reed, Relator, v. The Hon. Thomas J. FRAWLEY, Circuit Judge for St. Louis City, Respondent., 2001 WL 34818443 (Appellate Brief) (Mo. Jun. 01, 2001) **Relator's Reply Brief (NO. SC83408)**
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