No. 22-1070

In the Supreme Court of the United States

STANFORD JAMES STELLE, III,

Petitioner,

v.

STATE OF CALIFORNIA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE CALIFORNIA COURT OF APPEAL,
SECOND APPELLATE DISTRICT

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Whether the lower courts properly held that petitioner was not entitled to a successive competency hearing under the Due Process Clause of the Fourteenth Amendment because there was no substantial change in circumstances following the trial court's prior determination that petitioner had been restored to competence.

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STATEMENT

1. Petitioner Stanford James Stelle sexually abused his minor cousin "nonstop" between 2003, when the victim was five years old, and 2013. Pet. App. 15. The abuse ended when the victim "forcefully pushed" Stelle off of her at their grandfather's 91st birthday party. *Id.* Two years later, in March 2015, the victim called Stelle "with law enforcement covertly listening in." *Id.* at 16. Stelle admitted that he had "sexually touched" her and acknowledged that doing so was "wrong." *Id.*

2. In 2015, prosecutors charged Stelle with 14 felonies for the sexual abuse. Pet. App. 16. As detailed below, however, the trial court initially found Stelle incompetent to stand trial. Thereafter, Stelle underwent treatment designed to restore him to competence, the trial court found that he had been restored to competence, and the court held additional proceedings (both before and after Stelle's trial) to assess counsel's assertion that Stelle remained incompetent.

a. In May 2015, shortly after the criminal charges were filed, Stelle's counsel declared a doubt as to Stelle's competence to stand trial. Pet. App. 16. California law provides that where there is a doubt as to a criminal defendant's competence, the trial court suspends proceedings and convenes a hearing. *See* Cal. Penal Code § 1368. The court appoints experts to examine the defendant and each party presents testimony. *See id.* § 1369. If the trier of fact finds the defendant incompetent, the court suspends proceedings and takes action to attempt to restore the defendant's competency. *See id.* § 1370. If medical professionals later determine that the defendant has

regained competency, the court must convene a restoration hearing to make its own finding as to whether competency has been restored. *See id.* § 1372.

In accordance with those procedures, the trial court in this case appointed two experts to evaluate Stelle after his counsel first declared a doubt as to his competence. Pet. App. 16. The first expert, Dr. Leitman, opined that Stelle "'would not be able to cooperate with his attorney' in his defense," based on "'some bizarre responses'" by Stelle during their meeting. *Id.* at 2, 17. The second expert, Dr. Clark, "opined that 'a question remains whether there is some cognitive impairment or deficit,' but that 'malingering'—that is, the possibility that [Stelle] was pretending to have mental competency issues—'cannot be completely ruled out.'" *Id.* at 17. The parties had agreed to a bench trial for the competency hearing, 1 RT 7, and the trial court found Stelle incompetent, suspended proceedings, and ordered Stelle to a mental health facility, Pet. App. 17.[1]

The trial court received periodic updates from the two mental health facilities that treated Stelle. In March 2016, the first mental health facility (Liberty Healthcare Program) reported that Stelle was not yet competent to stand trial. Pet. App. 17-18; 1 CT 63. It also reported that he was malingering. Pet. App. 18. In August 2016, the second facility (Patton State Hospital) reported that Stelle was not yet competent to stand trial because he did not display an adequate understanding of court proceedings. *Id.*; 1 CT 63. It diagnosed Stelle as having a major neurocognitive disorder, arising from a 2005 brain injury suffered in

[1] "RT" refers to the reporters' transcript filed in the court of appeal. "CT" refers to the clerk's transcript filed in the same court.

a motorcycle accident. Pet. App. 14, 18. But the same report also agreed that Stelle was malingering. *Id.* at 18. It concluded that Stelle was "'exaggerating his deficits,'" explaining that he "'has great difficulty expressing himself to his treatment providers but he speaks rapidly and confidently' to his fellow inmates and to persons on the phone." *Id.* In a later report, in March 2017, Patton State Hospital observed that Stelle "continued to express no knowledge" when presented with flashcards about court procedure, and concluded that Stelle lacked understanding of the nature of the charges against him. *Id.* at 18-19.

In September 2017, Patton State Hospital certified to the court that Stelle was competent to stand trial. Pet. App. 19. It continued to diagnose Stelle with a major neurocognitive disorder, caused by the 2005 brain injury, which resulted in mild behavioral disturbances. *Id.* But it also diagnosed Stelle as "'malingering'" because he was "'intentionally' 'exaggerating'" his cognitive impairments caused by the neurocognitive disorder. *Id.* Its report explained that Stelle's purported lack of knowledge worsened over time, which did "'not make sense from a neurocognitive standpoint'"; Stelle's lack of memory was "'selective,'" in that "he would accurately remember certain 'names and events' and 'provide details,' but would purport not to remember anything about the charges against him or the legal process"; and he "would act forgetful and nonresponsive when being evaluated, but was 'observed speaking rapidly and confidently while using the telephone and while speaking with his peers.'" *Id.*

The trial court held a hearing in May 2019 to evaluate Stelle's competency. Pet. App. 20. The court heard from one expert retained by Stelle, Dr. Gilewski, and a second expert appointed by the court, Dr. Jones.

Id. Stelle's expert opined that Stelle was not competent to stand trial because he suffered "'severe attention, memory, and executive functioning impairment'" from the 2005 brain injury, as well as autism spectrum disorder. *Id.* The court-appointed expert agreed that Stelle "had a genuine neurocognitive disorder stemming from the 2005 brain injury," but also concluded that he was malingering by exaggerating the deficits from that disorder. *Id.* In support of that conclusion, the court-appointed expert referenced Stelle's result on a malingering test administered in April 2019, as well as Stelle's "disoriented affect when being interviewed by experts," which differed from his affect "on 13 recorded jail calls, where [Stelle] 'appeared to be alert and responsive.'" *Id.* At the conclusion of the hearing, the trial court found Stelle competent to stand trial and reinstated proceedings. *Id.*

b. Shortly before trial was set to begin, in October 2020, Stelle's counsel again asked the trial court to declare a doubt about Stelle's competency and suspend proceedings. Pet. App. 21. Under California law, after a competency hearing has been held and a defendant found competent, a trial court need not conduct a second "full competency hearing" unless "'presented with a substantial change of circumstances or with new evidence' casting a serious doubt on the validity of that finding." *People v. Jones*, 53 Cal. 3d 1115, 1152-1153 (1991).

The trial court held a three-day evidentiary hearing to consider whether that standard was satisfied. Pet. App. 21-22. Stelle's expert, Dr. Gilewski, testified that he had diagnosed Stelle with autism spectrum disorder and schizotypal personality disorder, and that he had administered another malingering test on Stelle, which did not show any malingering. *Id.* at 22.

The Court also heard from Dr. Leitman, who had been appointed by the court for the 2015 hearing but in October 2020 was privately retained by Stelle. *Id.* at 16, 21, 23. Dr. Leitman testified that the test for malingering that he administered numerically indicated malingering, but he also opined that the result was explained by Stelle's neurocognitive, autism spectrum, and schizotypal personality disorders. *Id.* at 23; 2 RT 267-269.

The court-appointed expert who testified at the 2019 hearing, Dr. Jones, again testified. Pet. App. 23. Dr. Jones did not re-examine Stelle in advance of the 2020 hearing, but he testified that the opinion that Stelle was likely malingering remained valid and was supported by Stelle's ability to have "linear" conversations with family and friends. *Id.* Dr. Jones explained that the malingering test administered by Stelle's expert, Dr. Gilewski, was not relevant because it was designed to test malingering for mental illness, rather than for memory—the form of malingering exhibited by Stelle. *Id.* at 23-24. The court-appointed expert also noted that Stelle's memory was selective, that numerous medical professionals at Patton State Hospital "had all independently concluded that [Stelle] was malingering," and that Stelle's "neurocognitive disorder was *not* progressive." *Id.* at 24.

At the same hearing, two correctional officers testified that Stelle did not exhibit odd behaviors in custody, that he interacted normally with other inmates, and that he remembered details from conversations. Pet. App. 24-25. The court also heard audio recordings of telephone calls made by Stelle from jail, which demonstrated that Stelle's "thought process [was] not 'confused,'" his affect was not "'flat,'" and his conversations were "'focused.'" *Id.*

The trial court concluded that the evidence did not cast serious doubt on the 2019 competence finding, which was based on its determination that Stelle was malingering. Pet. App. 25. Although two of Stelle's experts opined that the malingering finding was not valid because the diagnoses of autism and schizotypal personality disorder undercut the validity of the malingering test administered by Dr. Jones in April 2019, the court concluded that the finding rested on other "still-undisputed facts." *Id.* Those facts showed that Stelle's memory was "'selective'" and that he was "engaging in regular, reality-based and linear conversations whenever he was not being evaluated." *Id.* at 26.

The court also addressed evidence regarding an ex parte communication between one of the prosecutors and Dr. Jones before the 2019 hearing. Pet. App. 24, 26. Dr. Jones disclosed that the prosecutor had emailed him in 2019, advising him that if Stelle were found incompetent, the prosecution could not proceed because the time limit for treatment was set to expire. *Id.* at 24. The court expressed serious concerns about the improper communication, but credited the expert's testimony that his opinion was not influenced by the email and pointed to the numerous other medical professionals who agreed that Stelle was malingering. *Id.* at 26.

c. Stelle stood trial in the fall of 2020. Pet. App. 26. A jury convicted him of all charges. *Id.* at 28. Before sentencing, in February 2021, Stelle's counsel again moved to declare a doubt about Stelle's competence and requested that the court conduct another full competency hearing. *Id.* Again, the trial court held an evidentiary hearing in response. *Id.* Stelle submitted an updated evaluation from his privately-

retained expert, Dr. Gilewski, and the court also considered additional transcripts of Stelle's telephone calls from jail and the testimony of Stelle's probation officer. *Id.* at 28-29. The court found that the evidence did not cast any serious doubt on its prior finding that Stelle was competent and was malingering. *Id.* at 29. The court sentenced Stelle to prison for a term of 105 years to life plus 38 years. *Id.*

3. The court of appeal unanimously affirmed. Pet. App. 1, 48.

The court of appeal first held that substantial evidence supported the trial court's May 2019 conclusion that Stelle had been returned to competence and was malingering. Pet. App. 33-34. While the court of appeal agreed that "the prosecutor's conduct in sending a court-appointed expert witness an ex parte communication aimed at influencing his opinion [was] egregious," it also concluded that the communication did not affect the trial court's finding of competence. *Id.* at 35-37.[2]

The court of appeal also held that the trial court did not err when it declined to conduct a second full-blown competency hearing in October 2020, shortly before the trial. Pet. App. 38. The court of appeal agreed that Stelle's new evidence did not cast serious doubt on the trial court's 2019 finding of competence. *Id.* at 38-39. Similarly, the trial court did not err by declining to conduct another competency hearing before sentencing in April 2021. *Id.* at 44-45. The report prepared by Stelle's expert was consistent with his

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[2] Stelle does not challenge the trial court's handling of the 2015 competency hearing or the court's 2019 determination concerning his restoration of competence after treatment. *See generally* Pet. i.

prior reports and did not undermine evidence of malingering or cast "'serious doubt'" on the prior finding of competence. *Id.* at 45.

The California Supreme Court denied Stelle's petition for review. Pet. App. 64.

ARGUMENT

After determining that Stelle had been restored to competence and was malingering, the trial court carefully evaluated counsel's renewed contentions that Stelle remained incompetent—considering extensive testimony and other evidence before holding that there was no change in circumstances or new evidence sufficient to warrant another full-blown competency hearing. That ruling, and the legal standard applied by the courts below, are consistent with this Court's precedents. Stelle does not identify any genuine conflict of authority in the lower courts; like the decision below, the cases he cites for a purported conflict evaluated whether there was a change in circumstances that would warrant a new competency hearing following a prior finding of competence. And this case would be an exceptionally poor vehicle for addressing the legal issues raised in the petition because of the weakness of Stelle's underlying claim and the substantial and thorough process that he actually received in the trial court.

1. Stelle contends that the standard applied by the lower courts in determining whether to hold a successive competency hearing is inconsistent with this Court's precedents. *See* Pet. 14. That is incorrect.

In *Pate v. Robinson*, 383 U.S. 375 (1966), the Court recognized that "the conviction of an accused person while he is legally incompetent violates due process"

and held that Robinson had introduced sufficient evidence of incompetence to "entitle[] him to a hearing on this issue." *Id.* at 378, 385. In *Drope v. Missouri*, 420 U.S. 162 (1975), the Court noted that *Pate* had not "prescribe[d] a general standard with respect to the nature or quantum of evidence necessary to require resort to an adequate procedure." *Id.* at 172 (footnote omitted). Rather, it affirmed that due process is satisfied where a State provides a competency hearing when evidence raises a "'bona fide doubt'" as to a defendant's competence. *Id.* at 172-173. The Court also emphasized the continuing nature of a court's responsibility to ensure competence: "[e]ven when a defendant is competent at the commencement of his trial, a trial court must always be alert to circumstances suggesting a change that would render the accused unable to meet the standards of competence to stand trial." *Id.* at 181.

The court of appeal below applied state precedent explaining that if a defendant is found competent to stand trial at a competency hearing, a trial court may rely on that finding unless it is presented with a substantial change of circumstances or with new evidence casting a serious doubt on the validity of that finding. Pet. App. 32-33 (citing *People v. Rodas*, 6 Cal. 5th 219, 231 (2018), and *Jones*, 53 Cal. 3d at 1153). That standard accords with the Court's observation in *Drope* that trial courts must ensure present competency by being "alert to circumstances suggesting a change" in a defendant's competency status. *Drope*, 420 U.S. at 181. As the California Supreme Court has observed, the state standard simply "make[s] clear that the duty to suspend is not triggered by information that substantially duplicates evidence already considered at an earlier, formal inquiry into the defendant's competence." *Rodas*, 6 Cal. 5th at 234. Instead, "when faced

with evidence of relatively minor changes in the defendant's mental state, the court may rely on a prior competency finding rather than convening a new hearing to cover largely the same ground." *Id.* at 234-235.

Stelle concedes that California's initial competency procedures "provide constitutionally adequate process," but he challenges California's standard for determining whether to hold a successive competency hearing following an initial finding of competence. Pet. 16.[3] In Stelle's view, California imposes an unconstitutional "heightened standard" that does not assess whether "'the accused is unable to meet the standards of competence' as required by *Drope*, 420 U.S. at 181, but only whether the trial court's prior decision should be revisited." Pet. 17. That is incorrect. Once a defendant has been found competent after formal competency proceedings, California courts evaluate whether an accused "'meet[s] the standards of competence,'" *id.*, by being "alert to circumstances suggesting a change," *Drope*, 420 U.S. at 181; *see generally Rodas*, 6 Cal. 5th at 234-235. That standard allows California courts to ensure that they "try only those defendants who are presently competent," Pet. 15.

It is Stelle's proposed approach that would stray from the requirements of *Drope*. Stelle suggests that this Court's precedents require another full-blown competency hearing any time a defendant is able to present "'sufficient doubt'" about competence—even if

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[3] Stelle does not argue that the 2019 restoration of competence determination was influenced by the improper ex parte communication between the prosecutor and court-appointed expert. *See generally* Pet. 3-5, 14-15. As the trial court and court of appeal explained, that communication did not undermine the extensive evidence supporting malingering that was presented at the hearing. *See* Pet. App. 26, 36-37.

the evidence mirrors the evidence presented in an initial competency hearing. Pet. 15. In essence, he asks this Court to grant plenary review to adopt a rule that would place no weight on a prior competence determination. But the Court has instructed that "any prior medical opinion on competence to stand trial" is "relevant in determining whether further inquiry is required." *Drope*, 420 U.S. at 180. Stelle's approach ignores that instruction.

Stelle's approach would also create profound administrability challenges. It could lead to a scenario where "a trial could never be had," because in circumstances "where the defendant's incompetence [is] being urged" after an initial hearing, "there will always be indicators present which could be the basis of a reasonable ground for believing the defendant to have insufficient comprehension to be brought to trial." *Malo v. State*, 266 Ind. 157, 161 (1977). By "plac[ing] on the trial judge a duty to hold hearing after hearing," *Pate v. Commonwealth*, 769 S.W.2d 46, 47 (Ky. 1989), Stelle's preferred standard "could conceivably result in a defendant's never being tried, since he would be able to stall any trial indefinitely by simply reasserting the same factors over and over," 40 Am. Jur. Proof of Facts 2d 171 § 18 (2023).

2. Stelle asserts that state and federal courts are conflicted over what standard to apply in determining whether to conduct a subsequent competency hearing. *See* Pet. 15-22. But there is no genuine conflict.

a. Stelle first contends that the state courts employ a "hodgepodge of standards" for determining when to conduct subsequent competency hearings. Pet. 21. That is incorrect. Each state decision cited by Stelle evaluates a defendant's "'present ability'" to stand trial. *Id.* Consistent with *Drope*, where a prior

determination of competence had been made, the cited authorities all considered whether there had been a change—because something must have changed from an initial finding of competence for a defendant to no longer be competent.

Stelle acknowledges, Pet. 16-18, that the decision below is consistent with the approach adopted in West Virginia, Virginia, Arizona, and Kentucky. In each of those States, courts evaluate whether a change in circumstances would support a determination that a defendant previously found to be competent is no longer competent. In *Dang v. Commonwealth*, 287 Va. 132 (2014), *cert. denied*, 574 U.S. 853 (2014), for example, the Virginia Supreme Court observed that "[w]hen the defendant has already been afforded a competency evaluation in which he is found competent, the circuit court need not order a second evaluation unless it is presented with a substantial change in circumstances." *Id.* at 145; *see also State v. Lynch*, 225 Ariz. 27, 34 (2010) ("Nor did the court err in refusing to order a second competency hearing. Lynch proffered no new information to call into question the court's previous finding of competency."); *State v. Sanders*, 209 W. Va. 367, 379 (2001) (where a defendant has been found competent after a formal hearing, a court need not conduct a subsequent competency hearing "unless it is presented with new evidence casting serious doubt on the validity of the earlier competency finding, or with an intervening change of circumstance that renders the prior determination an unreliable gauge of present mental competency"); *Pate*, 769 S.W.2d at 47 ("There is no right to a continual succession of competency hearings in the absence of some new factor.").

Stelle contends that these decisions conflict with a second group of state court decisions that "apply the

Pate and *Drope* standards to initial *and* any successive competency hearing." Pet. 19. But the second group of decisions also reviewed the record for a change in circumstances to support the need for a new competency hearing. In *Malo*, for instance, the defendant had been found competent after a period in a state psychiatric facility. 266 Ind. at 161. The Indiana Supreme Court rejected his argument that another competency hearing was required, reasoning that "[t]here was no event or occurrence subsequent to the determination of competence which amounted to reasonable grounds requiring a [new] hearing." *Id.*; *see also Archie v. State*, 875 So. 2d 336, 339 (Ala. Crim. App. 2003) (per curiam) ("Nothing in the record indicates, and Archie made no showing, that her mental condition changed in any way between the time she was determined to be competent to stand trial and the time of the trial."); *State v. Lafferty*, 20 P.3d 342, 360 (Utah 2001) ("'a trial court need not suspend proceedings unless it is presented with a substantial change of circumstances or with new evidence casting a serious doubt on the validity of that finding'"), *cert. denied*, 534 U.S. 1018 (2001).

The same is true of the Texas and Florida decisions on which Stelle relies. Pet. 19-20. Stelle contends that those decisions "require a formal competency hearing whenever there is 'some evidence' supporting a rational finding of incompetence." Pet. 19. But the court in *Turner v. State*, 422 S.W.3d 676 (Tex. Crim. App. 2013), explained that "[s]hould the formal competency trial result in a finding of competency, the trial court is not obliged to revisit the issue later absent a material change of circumstances suggesting the defendant's mental state has deteriorated." *Id.* at 693 (footnote omitted). Similarly, in the Florida decisions, to determine whether a second competency hearing

was required after "a prior determination of competency," the court considered whether there was "new evidence" supporting a present finding of incompetence. *Nowitzke v. State*, 572 So. 2d 1346, 1349-1350 (Fla. 1990) (per curiam); *see also Hunter v. State*, 660 So. 2d 244, 248 (Fla. 1995) (per curiam) ("Hunter presented nothing materially new in his second competency motion. While there was continuing evidence of incompetence, it was the same or similar to the evidence previously asserted and was not of such a nature as to mandate a new hearing."), *cert. denied*, 516 U.S. 1128 (1996).

b. Nor is there any conflict—let alone an "entrenched split"—in the federal circuits regarding "when a court must hold a *successive* competency hearing." Pet. 21. Stelle concedes that the "First, Second, and Sixth Circuits" apply a standard "similar to" the courts below in evaluating whether to conduct a successive competency hearing. *Id.* In *Franklin v. Bradshaw*, 695 F.3d 439 (6th Cir. 2012), *cert. denied*, 569 U.S. 906 (2013), for instance, the defendant argued that the trial court erred by failing to hold a second competency hearing based on certain events that he believed indicated his incompetence. *Id.* at 449. The Sixth Circuit disagreed, reasoning that the supposedly new "information was before the trial court during its pretrial competency determination," "and thus did not provide the court with any new evidence that would require a reevaluation of [the defendant's] competency." *Id.* at 449-450; *see also, e.g.*, *United States v. Maryea*, 704 F.3d 55, 70 (1st Cir. 2013) (considering whether injuries sustained in a car accident "wrought a 'significant change in circumstances' warranting an evidentiary hearing on [the defendant's] mental competency"), *cert. denied*, 571 U.S. 1074 (2013); *Yeboah-*

Sefah v. Ficco, 556 F.3d 53, 82 (1st Cir. 2009) (concluding that no "evidence of any such [change in] circumstances" was present that would require a second competency hearing), *cert. denied*, 558 U.S. 1031 (2009); *Senna v. Patrissi*, 5 F.3d 18, 20 (2d Cir. 1993) (per curiam) (another competency hearing was not required where the defendant's irrational conduct "was consistent with the twice-given psychiatric analysis and not sufficient on its face to compel a new hearing").

Stelle argues that those decisions conflict with decisions from "the Fourth, Eighth, Ninth, Tenth, and Eleventh Circuits," which Stelle reads as "apply[ing] the same standard in determining whether to hold an initial or successive competency hearing." Pet. 22. But that reading is mistaken. The Tenth Circuit decision cited in the petition is inapposite, as it involved a defendant who had never had a formal competency hearing. *See United States v. Williams*, 113 F.3d 1155, 1160 (10th Cir. 1997). Moreover, the Tenth Circuit has emphasized in other decisions that district courts should look for "'circumstances suggesting a change'" in evaluating whether to conduct a successive competency hearing. *See United States v. Mackovich*, 209 F.3d 1227, 1233 (10th Cir. 2000), *cert. denied*, 531 U.S. 905 (2000). And the other decisions also considered whether there was some change since the initial competency hearing to necessitate a successive hearing. For example, the Eleventh Circuit rejected the argument that a defendant's irrational statements should have compelled a successive competency hearing where he had made "similar statements" at the time of the competency finding, explaining that his "*continuing* to make th[o]se kinds of statements did not give rise to a bona fide doubt about his competence." *United States v. Cometa*, 966 F.3d 1285, 1292 (11th Cir. 2020), *cert. denied*, 141 S. Ct. 1433 (2021); *see also*

United States v. McKnight, 794 F. App'x 271, 274 (4th Cir. 2020) (per curiam) ("[T]he trial court had little reason to doubt McKnight's competency based on behaviors fully consistent with and anticipated by the Cunic Report's findings."); *Reynolds v. Norris*, 86 F.3d 796, 801-802 (8th Cir. 1996) (where trial court found defendant competent before trial, but his behavior at trial provided "direct evidence of a change in [his] competency," trial court should have "halt[ed] the trial and ma[de] a new determination of competency"); *United States v. White*, 670 F.3d 1077, 1083 (9th Cir. 2012) (analyzing "whether sufficient evidence arose during the course of the proceedings against White to establish a bona fide doubt as to White's ability to understand the nature and consequences of the proceedings against him"), *cert. denied*, 568 U.S. 898 (2012).

3. Finally, this case would be a poor vehicle for considering the legal standards governing when defendants should receive additional process regarding competency, given the considerable process Stelle actually received. The nub of Stelle's claim is that his due process rights were violated because he was denied a "successive competency hearing" and only received a "threshold hearing" in advance of his trial. Pet. 3. But that "threshold" proceeding was a three-day hearing where the court considered evidence and heard extensive testimony, including from Stelle's privately-retained experts. Pet. App. 21-26. After considering all of the evidence, including the purportedly new evidence offered by Stelle, the trial court remained of the view that Stelle was competent. *Id.* at 25-26. The trial court also closely examined Stelle's claim of incompetence after the trial, before it sentenced Stelle. *Id.* at 28-29. This is not an instance of a court seeking "to avoid proceedings on competency." Pet. 15. The trial court's careful handling of this case

afforded Stelle all the process to which he was entitled under any reasonable understanding of this Court's precedents.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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