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IN THE
Supreme Court of the United States

RODNEY GENE BEELER, *Petitioner*,

v.

DAO VANG, *Respondent*.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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CAPITAL CASE

QUESTION PRESENTED

Before he was sentenced to death, Rodney Beeler underwent tests that showed severe neurological damage. He had a history of brutal psychological abuse, head injuries, and blackouts; and undisputed evidence showed he hallucinated and disassociated from events occurring around him at the time of his capital trial.

The question presented is: Did the Ninth Circuit's opinion conflict with this Court's decisions in *Pate v. Robinson*, 383 U.S. 375 (1966), and *Drope v. Missouri*, 420 U.S. 162 (1975), when it found that Beeler's conviction and death sentence when he was incompetent to stand trial did not violate his due process rights?

PARTIES TO THE PROCEEDINGS

The parties to the proceeding in the court whose judgment is sought to be reviewed were Petitioner, Rodney Gene Beeler, and Respondent Dao Vang, the warden of the prison where Beeler is confined. There are no associated stock ticker symbols.

LIST OF PRIOR PROCEEDINGS

United States Supreme Court

Rodney Gene Beeler v. California, Case No. 95-6483, petition for writ of certiorari denied January 8, 1996.

In re Arthur Calderon, Warden, Case No. 96-1683, petition for writ of mandamus denied June 23, 1997.

Arthur Calderon v. Rodney Gene Beeler, Case No. 97-0953, petition for writ of certiorari denied April 6, 1998.

United States Court of Appeals for the Ninth Circuit

Rodney Gene Beeler v. Ronald Broomfield, Case No. 20-99014, judgment affirming denial entered January 23, 2026.

United States District Court for the Central District of California

Rodney Gene Beeler v. Ron Davis, Case No. CV 96-0606 GW, judgment entered December 1, 2020.

California Supreme Court

People v. Rodney Gene Beeler, Case No. S010164, direct appeal opinion affirming conviction and sentence entered April 10, 1995.

In re Rodney Gene Beeler, Case No. S033869, petition denied November 15, 1995.

In re Rodney Gene Beeler, Case No. S065016, petition denied November 10, 2004.

Orange County Superior Court

People of the State of California v. Rodney Gene Beeler, Case No. C60966, judgment entered May 5, 1989.

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**PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Petitioner Rodney Gene Beeler respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit.

OPINIONS BELOW

On January 23, 2026, the Ninth Circuit Court of Appeals denied Beeler’s capital habeas appeal in a published opinion, which is reported at *Beeler v. Broomfield*, 164 F.4th 1150 (9th Cir. 2026). (See Petitioner’s Appendix (Pet. App.) A–1-51.)

The district court denied Beeler’s competency claim by order dated February 11, 2014. (Pet. App. B–52-106.) The district court entered judgment against Beeler on December 1, 2020. (Pet. App. C–107.)

The California Supreme Court summarily denied Beeler’s first habeas petition, case number S033869, on November 15, 1995. The second petition, case number S065016, which included the competency claim at issue here as Claim C, was denied on November 10, 2004. (Pet. App. D–108.)

The California Supreme Court denied Beeler's direct appeal in a reasoned opinion on August 12, 2002. *People v. Beeler*, 9 Cal. 4th 953 (1995). The competency issue was not raised in that proceeding.

JURISDICTION

The district court had jurisdiction under 28 U.S.C. §§ 2241 and 2254. The Ninth Circuit had jurisdiction under 28 U.S.C. §§ 1291 and 2253. The Ninth Circuit's opinion affirming the denial of habeas relief was filed on January 23, 2026. Beeler timely filed in this Court an Application for Extension of Time to File Petition for Writ of Certiorari, seeking 45 additional days in which to file his petition for writ of certiorari, which was received by the Court on April 13, 2026, and granted by Justice Kagan on April 15, 2026, extending the time to file to June 7, 2026. (*See* Application No. 25A1136.) The current petition is therefore timely. (*See* Supreme Court Rule 13.) This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourteenth Amendment to the United States Constitution

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. § 2254 (a), (d)

(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.

(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

STATEMENT OF THE CASE

I. The Offense, Trial, and Sentence of Death

Beeler was charged and convicted of the murder of Antonio “Tony” Stevenson during a daytime burglary of the Orange, California residence Stevenson shared with his two brothers. The prosecution alleged Stevenson returned home while Beeler was burglarizing it, which led to a physical altercation between the two and ended with the shooting of Stevenson with a gun stored at the residence. Stevenson’s brothers Dino and Michael were not present. (Pet. App. W–248-250; Pet. App. X–262; Pet. App. Z–306-307.)

Stevenson was found just before 11:00 a.m. lying on a neighbor’s lawn, shot in the back. Police and paramedics arrived but Stevenson died at the scene. (Pet. App. W–247.) Bullets for Stevenson’s .22-caliber semi-automatic rifle were strewn across his bed. (Pet. App. W–251.) The rifle was found on a hallway floor, its wooden parts badly damaged. (Pet. App. W–248-249.) A bedroom door had a large gash that police attributed to the butt of the rifle. (Pet. App. W–249-250; Pet. App. X–269; Pet. App. Y–283.) Certain small valuable items were missing from the home, including a .22-caliber revolver

owned by Michael Stevenson, who kept it loaded under his bed. (Pet. App. X-270.)

An autopsy indicated Stevenson died from a single gunshot wound from a .22-caliber long rifle bullet. (Pet. App. X-262-263.) The bullet was not fired from Stevenson's rifle but could have been fired from a .22-caliber revolver similar to the one taken from Michael's bedroom. Michael's revolver was never recovered. (Pet. App. B-54.)

According to testimony, a fingerprint found on a file cabinet in the residence belonged to Beeler. (Pet. App. X-272.) Police located a bullet hole in the door of a car parked on the street in front of the house. (Pet. App. W-232-234, 252-253.)

Floyd Raney lived on the same street. On the morning of the shooting, he was in his garage with the door open. According to Raney, Beeler approached him and said "my cat jumped the wall in your backyard. Would you look back there, please, and see if my cat is back there?" Raney stepped into his backyard to look, but Beeler was leaving in a truck when he returned to his garage. (Pet. App. W-235-245.)

At trial, Beeler's counsel offered the theory that Mitchell Jackley, one of Beeler's supervisors at work, took part in the robbery and was the actual killer. Jackley was granted immunity in exchange for testifying for the

prosecution at Beeler's preliminary hearing but was called by the defense at trial. (Pet. App. Y-279.)

Defense counsel attempted to show Jackley: (1) had intimate knowledge of the crime details, suggesting he could have been the killer; and (2) was involved because he bought stolen goods from Beeler over a period of time prior to December 1985. (Pet. App. Y-293-300.) Jackley said he understood he "was not going to get prosecuted for the murder of Mr. Stevenson" and that his immunity was for the crime of receiving stolen property. (Pet. App. Y-280, 293, 299-300.) Jackley had once been charged in a similar theft and murder case, but his charges were dismissed after he testified for the prosecution in that case. (Pet. App. Y-280.)

Jackley testified he had breakfast with Beeler the day of the killing, after which he authorized Beeler to leave work. (Pet. App. Y-281-282.) He said Beeler told him later that day how he had entered the Stevenson house and killed Stevenson. (Pet. App. Y-283-287.) Jackley later stole a key to Beeler's work locker and observed a camera inside, which he handled with silk gloves to avoid leaving fingerprints. (Pet. App. Y-291-292.) On January 9, 1986, Jackley anonymously called the police and implicated Beeler in the Stevenson killing. (Pet. App. Y-288.) Jackley said he called anonymously to avoid being accused of the crime, especially because: (1) he had been in the Stevenson house prior to the killing and feared his own fingerprints might be

found there;¹ and (2) he had been charged with a prior murder. (Pet. App. Y–289-290.) Jackley also admitted he received a ring from Beeler that police identified as stolen. (Pet. App. U–211.)

Jackley told police that Beeler had said “somethin’ to the effect that they got into an altercation in the hallway, and that the guy came at him with a rifle, used it like a club.” (Pet. App. Y–284.)

Following a seven-day guilt-phase trial, the Orange County jury found Beeler guilty of first degree murder and burglary. The jury also found Beeler personally used a handgun during the commission of the offense, and found the felony-murder special circumstance to be true, making Beeler eligible for the death penalty. (Pet. App. V–213-217.)

At the penalty phase, the prosecution presented evidence that Beeler had incurred three prior burglary convictions, in 1971, 1974, and 1976. In addition, the evidence in aggravation included an unadjudicated charge of rape, alleging Beeler had raped and robbed a woman in 1985. (Pet. App. A–11.)

The defense presented members of Beeler’s family, former neighbors, and a psychologist and psychiatrist to testify about Beeler’s childhood abuse.

¹ Jackley’s wife was a friend of Dino Stevenson. Jackley said he’d been inside the Stevenson house after a night out prior to Tony’s murder. (Pet. App. A–9.)

The abuse evidence focused on Beeler's stepmother, who called him "a little bastard" and beat him with sticks, belt buckles, and brushes. (Pet. App. AA-326-328; Pet. App. CC-348.) She threw him down a flight of stairs with his hands tied. She sometimes chained him to a basement post for several days, forced him to urinate and defecate in his underpants, and then beat him for that. She smeared his feces on his face and held his hands over flames. She once pulled his thumbs out of their sockets. Beeler's father did not intervene, and beat him as well. (Pet. App. BB-335-337.)

Psychologist Lenore Walker testified regarding the stepmother's sexual abuse. The stepmother told Beeler she wanted him to look like a girl, and dressed him in her daughter's panties and dresses. She tied a string around his penis, "pulling it back of him so that you couldn't see he had a penis [and] telling him he looked better that way." She moved on to giving Beeler "enemas" using Vaseline and tampons. She had Beeler insert tampons in her vagina, and made him fondle and lick that area so she could reach a climax. She later began having intercourse with Beeler. (Pet. App. BB-338-339.)

Beeler was eventually taken from his family and lived in a series of foster homes and mental hospitals, a youth correctional facility, and ultimately prison. Dr. Walker explained that Beeler suffered from a variety of mental illnesses due to the abuse and molestation, including schizophrenia and disassociation. Walker said Beeler was very confused, with guilt feelings

and a belief he needed to be punished. Walker said Beeler's propensity to steal was motivated not by greed but by a compulsion he could not control. (Pet. App. BB-334, 341-342; Pet. App. CC-346-347.)

John Cahill, a counselor at a youth camp where Beeler was incarcerated, said Beeler was a "pitiful character" who was easily manipulated and often picked on. (Pet. App. AA-329.) Dr. Ernest Noble, a California Department of Corrections psychiatrist, examined Beeler as a minor in 1971 and concluded he "had been brought up in a very highly chaotic home environment. And I felt his stepmother was extremely vicious to him. I felt in some way that she had set up a template in his head for prison or incarceration very early" (Pet. App. AA-324.)

Stephen Wells, a clinical psychologist, stated: "Given the nature, the prolonged administration and the severity of the mental, the physical, and the sexual abuse, I would say that taken all together, it was almost an impossible group of experiences to recover from. The physical abuse alone, which his stepmother admitted to me when I saw her in Utah itself, was profound and extreme" (Pet. App. CC-348.)

Beeler had two minor children. His wife testified he was a loving father. (Pet. App. BB-333.) Dr. John Selden, a clinical psychologist, testified that Beeler's six-year old son idolized and was very attached to Beeler, and Beeler seemed very concerned for his children's welfare. (Pet. App. AA-330.)

Beeler's penalty trial commenced June 20, 1988. (Pet. App. V-218.) Jury deliberations began on July 7. The death verdict was returned on July 12, 1988. (Pet. App. V-221; Pet. App. DD-354-355.) On September 2 and November 4, 1988, defense counsel sought and obtained continuances of sentencing, due principally to scheduling conflicts. (Pet. App. DD-356.) On December 16, 1988, counsel brought to the trial court's attention Beeler's challenge to his effectiveness. (Pet. App. EE-372-377.) Beeler's motion was based on counsel's refusal to conduct any brain imaging testing. (Pet. App. EE-373.) Beeler feared his blackouts and lapses of consciousness might be linked to brain damage. (Pet. App. EE-372-376.) The court denied Beeler's motion for new counsel but granted counsel a continuance to explore whether brain imaging was needed. (Pet. App. DD-360-361.)

On January 27, 1989, trial counsel returned to court and sought another continuance for purposes of neurological testing. (Pet. App. DD-362.) On February 15, 1989, Beeler was transported to the UCI Brain Imaging Center for testing. (Pet. App. V-222.)

On March 24, 1989, counsel requested a further continuance of sentencing so that the results of the recent tests could be finalized and analyzed by a forensic neurologist. The court granted the continuance to May 5, 1989, but cautioned that it expected to proceed on May 5 and counsel should not request another continuance. (Pet. App. DD-364-365.)

Counsel, however, returned to court on May 5, 1989, requesting another continuance of the sentencing. Counsel attested that neurological testing and preliminary analysis by a qualified neurological expert showed that Beeler's brain was functioning extremely abnormally. This expert, however, needed more time to complete his evaluation. (Pet. App. V-224-225; Pet. App. DD-366-370.) The trial court denied counsel's request for a further extension. Beeler's motions for a new trial and modification of the death sentence were denied, and the trial court formally imposed the death sentence. (Pet. App. A-19.)

II. Appeal and Habeas Proceedings

On April 10, 1995, the California Supreme Court ("CSC"), upheld Beeler's conviction and sentence on direct appeal.² The U.S. Supreme Court denied certiorari on January 8, 1996.

Beeler filed a habeas corpus petition in the District Court for the Central District of California, Case No. CV 96-0606, on October 10, 1997. Following a stay to exhaust certain claims in state court, Beeler filed an Amended Petition on December 7, 2004. (Pet. App. B-61.)

² Beeler's competency claim, which is based in substantial part on extra-record evidence and thus properly raised on habeas, was not raised on direct appeal.

In the habeas proceedings, Beeler submitted additional evidence that further proved his lack of competency at the time of his trial. That evidence is described in the Ninth Circuit opinion:

First, in a declaration filed alongside Beeler’s first state habeas petition, Dr. Walker stated that she “advised Beeler’s counsel that Beeler’s blackouts and mental condition may have a neurological basis, and . . . that counsel [should] retain a neurologist and neuropsychologist.” Second, Dr. Wells also provided a declaration, in which he declared that he had “recommended to [counsel] that Beeler undergo a highly sophisticated mental health evaluation to alleviate” his self-reported “auditory and visual hallucinations.” Third, a declaration from Dr. Monte Buchsbaum—the doctor who evaluated Beeler’s post-verdict EEG and PET scans—confirmed counsel’s representation to the trial court that Beeler’s scans showed brain abnormalities consistent with head injury. Dr. Buchsbaum declared that Beeler’s results were “among the most abnormal” he had seen and were “similar to those often found in people diagnosed as schizophrenics.” Fourth, jail records showed that before and during trial, Beeler was on suicide watch, reported hearing voices, suffered head injuries, pulled out his toenails, was prescribed antidepressant and antipsychotic medications, and experienced chest pains. Fifth, declarations from three fellow inmates stated that Beeler appeared to be mentally impaired, “understood very little of what went on at his trial,” “would not have been able to assist his attorneys,” “did not seem to understand the difference between his lawyers and people who were potentially hostile to his defense,” and “had memory lapses that covered long periods of time.”

(Pet. App. A–27.)

In three orders issued on July 18, 2009, February 11, 2014, and August 5, 2014, the district court denied certain claims raised in the Amended Petition, and on December 20, 2020, issued its final order denying the remaining claims. (Pet. App. C–107.) The district court issued a Certificate of Appealability on two claims in the Amended Petition, which included the competency claim addressed herein. (Pet. App. A–20.)

Beeler appealed the district court’s judgment to the Ninth Circuit Court of Appeals. After briefing and argument, the Ninth Circuit issued a decision affirming the district court’s denial of relief. *Beeler v. Broomfield*, 164 F.4th 1150 (9th Cir. 2026); (Pet. App. A–1-51.).

The Ninth Circuit pointed to various factors which ostensibly supported the denial of the competency claim:

[T]he new evidence of declarations from the medical professionals and the jail records do not causally connect Beeler’s mental health problems with his competency to stand trial. *See Neal*, 776 F.3d at 656; *Garza*, 751 F.3d at 1136. For instance, the jail records reflect that Beeler attributed his self-harm that resulted in his placement on suicide watch “to racial unrest on his floor and fear for his physical safety.” *See also Dennis ex rel. Butko v. Budge*, 378 F.3d 880, 892 (9th Cir. 2004) (“[E]vidence of suicidal ideation or attempts to commit suicide in the past is insufficient to demonstrate incompetency.”). Medical reports from the jail reflected that Beeler pulled out his toenails as a result of his stress about going to court and as a means of manipulation. Further, the reports noted that the antidepressant medications had helped with his behavior and mood. As a result,

instead of being indicative of an inability to understand the proceedings or participate in his defense, the mental health issues experienced by Beeler in jail appear to have been the product of situational stress or malingering, and his symptoms had been effectively treated. *See, e.g., United States v. Telles*, 18 F.4th 290, 300–01 (9th Cir. 2021) (explaining that malingering “behavior does nothing to demonstrate [a defendant’s] inability to understand the proceedings or assist in his defense”). And while the medical professional declarations comment on the severity of Beeler’s mental health issues, none of the declarations assert that his struggles interfered with his competency to stand trial.

The declarations from Beeler’s fellow inmates provide a stronger causal connection between Beeler’s mental health and his competency, but they do not render the California Supreme Court’s denial of this issue unreasonable under AEDPA because they are merely conclusory lay opinions of Beeler’s alleged incompetence. *See Alpha & Omega Dev., LP v. Whillock Contracting, Inc.*, 200 Cal. App. 4th 656, 664 (2011) (noting that “speculative” or “conclusory” declarations are insufficient to make a prima facie case under California law). The inmates were not medical professionals, did not attend any of Beeler’s courtroom proceedings, and did not participate in any discussions between Beeler and counsel. Further, the declarations are refuted by Dr. Walker’s testimony about Beeler’s competence^[3], Beeler’s active participation in the case before the trial court, the absence of comment by any of the medical experts, and the lack of concern by both the trial court and

³ The opinion elsewhere states that “Dr. Walker specifically testified that Beeler was aware of the charges against him, understood the purpose of psychological tests, and shared his views on his wife’s potential as a witness.” (Pet. App. A–25.)

defense counsel as to his competency. *See Medina*, 505 U.S. at 450; *Boyde v. Brown*, 404 F.3d 1159, 1167 (9th Cir. 2005) (“[T]he most telling evidence that [petitioner] was competent at trial is that neither defense counsel—who would have had every incentive to point out that his client was incapable of assisting with his defense—nor the trial court even hinted that [he] was incompetent.”). Under deferential AEDPA review, we affirm the district court’s denial of habeas relief on this claim.

(Pet. App. A–28-29.) As discussed below, the Court of Appeals’ analysis does not withstand scrutiny, and fails to support its determination that the state court’s denial of relief was reasonable.

REASONS FOR GRANTING THE WRIT

I. The Court Should Grant Certiorari Because the Ninth Circuit’s Decision Flouts Clearly Established Precedent Concerning Competence to Stand Trial

Under Rule 10(c), certiorari is appropriate if a United States court of appeals “has decided an important federal question in a way that conflicts with relevant decisions of this Court.” Here, the Ninth Circuit decision in *Beeler* risks hollowing out this Court’s clearly established case law concerning competence to stand trial. Certiorari is appropriate to protect the due process rights guaranteed by the Constitution.

This Court has clearly established that the conviction of an accused who is incompetent to stand trial is a violation of due process. *Pate v.*

Robinson, 383 U.S. 375, 378 (1966). If a state trial court does not utilize procedures designed to protect against trial of an incompetent defendant, the conviction must be reversed. *See id.* at 386-87; *see also Drope v. Missouri*, 420 U.S. 162, 171-72 (1975).

A criminal defendant is not competent to stand trial if the defendant lacks “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” or “a rational as well as factual understanding of the proceedings against him.” *Dusky v. United States*, 362 U.S. 402, 402 (1960) (per curiam). Relevant factors include, but are not limited to, “evidence of a defendant’s irrational behavior, his demeanor at trial, and any prior medical opinion on competence to stand trial.” *Drope*, 420 U.S. at 180. While the evidence may include the observations of trial counsel, *Medina v. California*, 505 U.S. 437, 450 (1992), counsel’s opinion “certainly is not determinative.” *Hernandez v. Ylst*, 930 F.2d 714, 718 (9th Cir. 1991).

II. Beeler’s Due Process Rights Were Violated by His Capital Conviction

A. The evidence was overwhelming that Beeler was not competent at and around the time of his capital trial.

Given the evidence presented in Beeler’s case, it would be difficult to invent a stronger personal history pointing toward incompetence. That evidence was laid out in his habeas proceedings and appeal with

comprehensive detail, supported by substantial evidence:

- Records and information available to trial counsel showed Beeler's history of serious mental impairments and organic brain damage (OBD), exacerbated by filthy living conditions and inadequate care by his guardians, including his step-mother's horrific sexual abuse. (Pet. App. E-109-114; Pet. App. F-115-127.)
- Evidence, including trial testimony, showed Beeler was institutionalized in a state hospital at age 12, where he was diagnosed as a chronic undifferentiated schizophrenic and given Stelazine, an antipsychotic. (Pet. App. BB-340.) He was later given lithium, a drug used to treat manic depression. (Pet. App. BB-343.) In 1978, Beeler suffered a serious head injury which rendered him unconscious for an extended period of time and caused severe headaches for several months. (*See, e.g.*, Pet. App. G-128.)
- Jail records showed Beeler had blackouts and suffered from dissociative states. In July 1986, Beeler told a jail staff doctor he'd been having memory lapses lasting between twenty to sixty minutes. (Pet. App. H-129.)
- A defense psychologist told counsel before trial that Beeler was experiencing hallucinations. In January 1987, after reviewing

additional records, the psychologist—who lacked expertise in neuropsychiatry—recommended to counsel that Beeler undergo a “highly sophisticated mental health evaluation.” (Pet. App. I–131.)

- Psychologist Lenore Walker reviewed and corroborated Beeler’s abuse and injuries and concluded they significantly stunted and distorted his cognitive capacities. (Pet. App. J–132-134.) She told counsel that Beeler’s “blackouts and mental condition may have a neurological basis” and “strongly suggested that counsel retain a neurologist and neuropsychologist to evaluate Beeler’s neurological condition.” (Pet. App. I–134.) Counsel did not do so prior to trial.
- In February 1989, after the guilt and penalty verdicts but prior to sentencing, counsel finally had a series of tests conducted, including a PET scan, an MRI, and an EEG, at the University of California Irvine (UCI) Brain Imaging Center. The tests showed organic brain damage, with abnormalities in parts of Beeler’s brain associated with planning and judgment. A doctor who had performed scans on over a dozen capital defendants found Beeler’s scans to be among the most abnormal he’d ever seen, and similar to those of schizophrenics. (See Pet. App. S–204; *see also* Pet. App. R–201-202, Pet. App. T–206-209.)
- Beeler’s post-arrest behavior similarly reflected a lack of competence. Jail records available to counsel showed the day after Beeler’s arrest,

jail staff placed him on psychiatric observation. Early in his custody there, he was treated for self-inflicted injuries. (*See, e.g.,* Pet. App. K-135 *et seq.*) He was noted to have possible hallucinatory episodes, and was given increasing dosages of Elavil, an anti-depressant with sedative effects (Pet. App. K-154); he was later prescribed Mellaril, a medication for mental disorders including schizophrenia. In September 1986, Beeler fell in jail and was knocked unconscious when his head hit a bench. Beeler reported continual headaches throughout his jail stay. (Pet. App. H-129.)

- While in custody before and during trial, jail records showed Beeler suffered severe chest pains and was given several cardiac medications. During trial, despite ongoing chest pains, he was not allowed to attend certain appointments at UCI Hospital for his heart condition. (Pet. App. G-128; Pet. App. K-135 *et. seq.*)
- Jail inmates who interacted with Beeler before and during his trial observed his cognitive incapacity. He forgot conversations that occurred just minutes before. (Pet. App. M-178, 180-181; Pet. App. N-183-184.) He seemed incapable of describing the events at his trial or the performance of his attorneys. (Pet. App. L-172.) He did not seem to “understand the difference between his lawyers and people who were potentially hostile to his defense.” (Pet. App. L-172-173.) He often

drooled, and was called “Retardo” and “Airhead” by jail staff. (Pet. App. L–171.) When another inmate represented by one of Beeler’s attorneys described Beeler’s mental difficulties, the attorney seemed uninterested. (Pet. App. L–174.) Another inmate, a lawyer himself, said Beeler “was having a very hard time comprehending the trial,” was “understanding the process like a child would,” and “seemed very confused.” (Pet. App. M–179.) A third inmate concluded Beeler “seemed to lack an understanding of even the most simple principles” and “had memory lapses that covered long periods of time while he was at Orange County Jail.” (Pet. App. N–184-185.)

- Jurors noticed Beeler acted odd. He did not talk to his attorneys and rarely showed emotion in court (Pet. App. O–189); was not participating in the proceedings (Pet. App. P–194); and was “sitting like a lump” during the trial (Pet. App. Q–196).

Importantly, competency is not determined by viewing the relevant facts and circumstances in isolation. “[E]vidence of a defendant’s irrational behavior, his demeanor at trial, and any prior medical opinion on competence to stand trial are all relevant in determining whether further inquiry is required, but... even one of these factors standing alone, may, in some circumstances be sufficient.” *Drope*, 420 U.S. at 180; *see also Chavez v. United States*, 656 F.2d 512, 515, 517-18 (9th Cir. 1981) (“The evidence as to

competence is not to be viewed each piece in isolation, but should be taken together as a whole.”).

B. The Ninth Circuit’s finding otherwise is in conflict with this Court’s precedents.

The foremost basis for the Ninth Circuit’s denial of relief was its view that “the new evidence of declarations from the medical professionals and the jail records do not causally connect Beeler’s mental health problems with his competency to stand trial.” (Pet. App. A–28.) Similarly, the Court observed that, “while the medical professional declarations comment on the severity of Beeler’s mental health issues, none of the declarations assert that his struggles interfered with his competency to stand trial.” (Pet. App. A–28.) These statements reflect a fundamental miscomprehension of the evidence, which demonstrated that Beeler’s severe mental deficits were not episodic but rather persistent and longstanding, including at the time of his trial, and necessarily had a significant impact on his competency.

Contemporaneous jail records, for example, showed Beeler had blackouts and suffered from dissociative states, and related that Beeler confirmed to a jail doctor he’d been having blackouts lasting between twenty to sixty minutes. (Pet. App. H–129.) Indeed, almost all of the evidence of Beeler’s blackouts, hallucinations, disassociation, and other symptoms is based on observations that were made contemporaneously with his capital trial.

Retained experts, jail staff, fellow jail inmates, and even jurors all recognized that something was seriously wrong with Beeler. One expert who had examined several capital-case defendants said Beeler's brain scans were the most abnormal he'd ever seen. All of this occurred just prior to and during Beeler's trial.

And as was demonstrated below, a mountain of evidence shows that there is by necessity a "causal connection" between Beeler's mental health issues and his trial competency.⁴ For example, a defendant who suffers blackouts during trial is, in fact, not competent. *Featherston v. Mitchell*, 418 F.2d 582, 586 (5th Cir. 1969) ("It is obvious that if [petitioner] suffered such a [blackout] spell on one or more days of the trial, he might not have been able at that time to consult with his attorney with a reasonable degree of rational understanding or to have a rational understanding of the proceedings against him."); *Bouchillon v. Collins*, 907 F.2d 589, 593-94 (5th Cir. 1990) (finding relief supported by failure to determine trial competency of defendant who

⁴ Notably, the relevant case law from this Court has never required that the defendant's mental disorder be "causally connected" to the his or her inability to understand the proceedings. The court below and the cases it cited rely only on Ninth Circuit precedent for that proposition. (Pet. App. A-28.) The addition or alteration of a factor in a test established by the Supreme Court constitutes a failure to apply controlling Supreme Court law under the "contrary to" clause of AEDPA. *See Williams v. Taylor*, 529 U.S. 362, 405-06 (2000).

suffered blackouts). There is no reason to believe that Beeler's mental health was somehow improved by being in a courtroom environment or in conferences with his counsel. Thus, any expert witness statement explicitly asserting a causal connection between Beeler's mental state and his trial competency would add little or nothing, and indeed might be dismissed as conclusory.

This Court has repeatedly held that "the conviction of an accused person while he is legally incompetent violates due process." *See, e.g., Pate*, 383 U.S. at 378 (citing *Bishop v. United States*, 350 U.S. 961 (1956)). Here, the trial court had before it copious and conclusive evidence of Beeler's inability to understand the proceedings against him and assist in his own defense. *See Dusky*, 362 U.S. at 402. This evidence included historical documentation of repeated institutionalizations, eyewitness accounts of Beeler's blackouts, and neurological tests confirming organic brain damage. Yet his trial and sentencing went forward, resulting in a conviction and death sentence for an unarmed robber of an empty house whose resident returned and apparently attacked the burglar. The striking severity of the sentence illustrates the constitutional violation; had Beeler been competent to play an active role in his trial, the outcome would likely have differed. This Court should grant certiorari to reinstate the due process protections against trial of an incompetent defendant that the courts below have set aside.

CONCLUSION

Based on the foregoing, Beeler respectfully requests that this Court grant his petition for certiorari.

Respectfully submitted,

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