

**In the Supreme Court of the United States**

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RODNEY GENE BEELER,

*Petitioner,*

v.

DAO VANG, WARDEN,

*Respondent.*

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

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**BRIEF IN OPPOSITION**

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August 10, 2026

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**CAPITAL CASE  
QUESTION PRESENTED**

Whether the court of appeals correctly determined that the state court reasonably rejected petitioner's claim that he was incompetent to stand trial.

## DIRECTLY RELATED PROCEEDINGS

### Supreme Court of the United States:

*Beeler v. Calderon*, No. 97-7685 (certiorari denied Apr. 6, 1998).

*Calderon v. United States District Court for the Central District of California*, No. 97-953 (certiorari denied Jan. 26, 1998).

*In re Calderon*, No. 96-1683 (petition for writ of mandamus, denied June 23, 1997).

*Beeler v. California*, No. 95-6483 (certiorari denied Jan. 8, 1996).

### United States Court of Appeals for the Ninth Circuit:

*Beeler v. Broomfield*, No. 20-99014 (opinion issued Jan. 23, 2026) (this case below).

*Calderon v. United States District Court for the Central District of California*, No. 97-70277 (petition for writ of mandamus, denied Apr. 17, 1997; opinion amended on denial of rehearing and suggestion for rehearing en banc Oct. 29, 1997).

### United States District Court for the Central District of California:

*Beeler v. Davis*, No. 96-cv-0606-GW (judgment entered Dec. 1, 2020) (this case below).

### California Supreme Court:

*In re Beeler*, No. S222928 (fourth state habeas petition, transferred to superior court May 22, 2019).

*In re Beeler*, No. S127525 (third state habeas petition, denied Nov. 10, 2004).

*In re Beeler*, No. S065016 (second state habeas petition, denied Nov. 10, 2004).

*In re Beeler*, No. S033869 (first state habeas petition, denied Nov. 15, 1995).

*People v. Beeler*, No. S010164 (judgment affirmed Apr. 10, 1995).

### Superior Court of the State of California, Orange County:

*In re Beeler*, No. HC66-00009XA (pending).

*People v. Beeler*, No. C-60966 (judgment entered May 5, 1989).

**TABLE OF CONTENTS**

|                 | <b>Page</b> |
|-----------------|-------------|
| Statement ..... | 1           |
| Argument.....   | 6           |
| Conclusion..... | 17          |

## TABLE OF AUTHORITIES

## Page

## CASES

|                                                                                             |          |
|---------------------------------------------------------------------------------------------|----------|
| <i>Beeler v. Calderon</i><br>523 U.S. 1061 (1998) .....                                     | 5        |
| <i>Beeler v. California</i><br>516 U.S. 1053 (1996) .....                                   | 3        |
| <i>Bouchillon v. Collins</i><br>907 F.2d 589 (5th Cir. 1990) .....                          | 16, 17   |
| <i>Calderon v. U.S. Dist. Ct. for the Cent. Dist. of Cal.</i><br>522 U.S. 1099 (1998) ..... | 5        |
| <i>Cullen v. Pinholster</i><br>563 U.S. 170 (2011) .....                                    | 7        |
| <i>Drope v. Missouri</i><br>420 U.S. 162 (1975) .....                                       | 8, 13-16 |
| <i>Dusky v. United States</i><br>362 U.S. 402 (1960) .....                                  | 15       |
| <i>Featherston v. Mitchell</i><br>418 F.2d 582 (5th Cir. 1969) .....                        | 16, 17   |
| <i>Harrington v. Richter</i><br>562 U.S. 86 (2011) .....                                    | 7, 8     |
| <i>In re Calderon</i><br>521 U.S. 1103 (1997) .....                                         | 5        |
| <i>Indiana v. Edwards</i><br>554 U.S. 164 (2008) .....                                      | 8, 13    |
| <i>Pate v. Robinson</i><br>383 U.S. 375 (1966) .....                                        | 13, 14   |
| <i>United States v. Derisma</i><br>2011 WL 3878367 (M.D. Fla. June 27, 2011) .....          | 13       |
| <i>United States v. Garza</i><br>751 F.3d 1130 (9th Cir. 2014) .....                        | 13, 15   |

**TABLE OF AUTHORITIES**  
**(continued)**

|                              | <b>Page</b> |
|------------------------------|-------------|
| <i>Wood v. Allen</i>         |             |
| 558 U.S. 290 (2010) .....    | 7           |
| <br><b>STATUTES</b>          |             |
| United States Code, Title 28 |             |
| § 2254(d)(1) .....           | 7           |
| § 2254(d)(2) .....           | 7           |

## STATEMENT

1. Petitioner Rodney Gene Beeler was convicted and sentenced to death for the murder of Anthony “Tony” Joseph Stevenson during a residential burglary. Pet. App. 5-6. At the trial’s guilt phase, the prosecution presented evidence in support of its theory that Stevenson returned home as Beeler was burglarizing his house; that Stevenson confronted Beeler; and that as Stevenson was fleeing the house, Beeler shot him. *Id.* at 6-8. The jury convicted Beeler of first-degree murder and burglary. *Id.* at 11. The jury also found that Beeler personally used a handgun during the crime and found true the felony-murder special circumstance. *Id.*

In the penalty phase, the prosecution presented evidence of Beeler’s three prior convictions for burglary, as well as a prior rape and robbery. Pet. App. 11-12. The defense’s mitigation case included testimony from five mental health experts as well as lay witnesses. *Id.* at 12. Two other psychologists evaluated Beeler but did not testify at trial. *Id.*

The defense presented testimony that Beeler’s stepmother had physically and sexually abused him as a child. Pet. App. 13-15. Dr. Lenore Walker, a psychologist, testified that due to his past abuse, Beeler’s mind was at times “so interfered with that . . . he would look like a schizophrenic” or “profoundly emotionally disturbed,” although “there [we]re other times when he d[id] not appear to be that way.” C.A. S.E.R. 333; *see* Pet. App. 16. Dr. Walker testified that, especially during significantly stressful periods, Beeler would become “psychotic” and “not know the difference between . . . what is real and what is

in his head.” C.A. S.E.R. 339; *see* Pet. App. 16. But Dr. Walker also testified that Beeler understood the charges against him and the purpose of psychological testing, and that Beeler was able to provide Dr. Walker with his views on whether his wife would be a good witness. C.A. S.E.R. 344-345, 350; *see* Pet. App. 25.

Another psychologist, Dr. Stephen Wells, “generally agreed with Dr. Walker regarding Beeler’s severe emotional problems, including ‘occasional psychotic episodes’ and bouts of dissociation during which ‘he did things without being aware of what he was doing.’” Pet. App. 16-17. In addition to opining on Beeler’s mental status, Dr. Walker and Dr. Wells testified on other matters as part of Beeler’s mitigation case. *See, e.g., id.* at 17 (Dr. Walker and Dr. Wells’ testimony that “Beeler had adjusted well to an institutionalized setting”); *id.* at 14 (Dr. Walker’s testimony about Beeler’s accounts of abuse).

The jury returned a verdict of death. Pet. App. 17. Before the judge’s imposition of that sentence, defense counsel sought and received continuances of Beeler’s sentencing hearing, in part to investigate a head injury that Beeler had not previously reported. *Id.* Beeler filed a motion to substitute counsel, and during a hearing on that motion, he told the trial court that he wanted to undergo an electroencephalogram (EEG) and a computed axial tomography (CAT) scan because he felt “there is something wrong.” C.A. E.R. 1412; *see* Pet. App. 18. Beeler’s defense attorneys stated that Beeler had informed them that day for the first time that his blackouts, “such as the two or three that [counsel

was] previously aware of, continue and [occur] perhaps even on a daily basis now.” C.A. E.R. 1409; *see* Pet. App. 18. The trial court denied the motion to substitute counsel but granted another continuance. Pet. App. 18.

Beeler underwent neurological testing, and preliminary interpretations of the results indicated “significant evidence of dysfunction in the right temporal and bilateral frontal lobes of” his brain. Pet. App. 224; *see id.* at 18-19. Defense counsel sought another continuance so that an expert could analyze the data from the neurological testing. *Id.* at 18-19. Defense counsel explained that the neurological testing “appear[ed] relevant” to whether Beeler had intended to kill Stevenson, and whether Beeler was insane at the time he committed the offense. C.A. S.E.R. 77. Defense counsel also explained that the testing could “corroborat[e]” some of the psychologist testimony that was part of Beeler’s mitigation case. *Id.* But defense counsel never raised doubts about Beeler’s competency to the trial court. *See id.* at 14-15. The trial court denied a continuance, stating it was doubtful that an expert could provide new information about Beeler’s “mental condition.” *Id.* at 72; *see* Pet. App. 19. The trial court sentenced Beeler to death. C.A. S.E.R. 75.

2. On direct appeal, the California Supreme Court affirmed the conviction and sentence. C.A. E.R. 214; *see* Pet. App. 19. Beeler filed a petition for a writ of certiorari, which this Court denied. *Beeler v. California*, 516 U.S. 1053 (1996) (No. 95-6483).

3. Beeler filed his first state habeas petition, which the California Supreme Court denied. C.A. E.R. 194; *see* Pet. App. 19-20. In his second state habeas petition, Beeler claimed for the first time (as relevant here) that he had been incompetent to stand trial. C.A. S.E.R. 9-22; *see* Pet. App. 20. He also argued that the trial court should have held a competency hearing on its own initiative and that defense counsel was ineffective in failing to investigate his competency and in not informing the trial court that there was doubt as to his competency. C.A. S.E.R. 9-22; *see* Pet. App. 20.

The evidence Beeler submitted in habeas included evidence not presented at trial. For instance, he submitted a declaration from Dr. Walker stating that she had “advised Beeler’s counsel that Beeler’s blackouts and mental condition may have a neurological basis” and had “strongly suggested that counsel retain a neurologist and neuropsychologist to evaluate Beeler’s neurological condition.” Pet. App. 134. Dr. Walker stated that Beeler’s counsel had told her that they had petitioned the trial court for funds to retain a neurologist, “but their request was denied.” *Id.* Beeler also submitted declarations from jail inmates describing his mental difficulties, *see, e.g., id.* at 172, and declarations from jurors describing his demeanor at trial, *see, e.g., id.* at 189.

The California Supreme Court summarily denied Beeler’s competency habeas claims “on the merits.” Pet. App. 108; *see id.* at 20. The court also ruled that Beeler’s claim about the trial court’s failure to hold a competency hearing was procedurally barred. *Id.* at 108 (concluding that the claim was untimely,

and also citing *Ex parte Dixon*, 41 Cal.2d 756, 759 (Cal. 1953), as barring claims that could have been raised on appeal but were not).<sup>1</sup>

4. a. Beeler filed a habeas petition in federal district court. *See* Pet. App. 20.<sup>2</sup> Beeler later amended his petition and claimed that he was incompetent to stand trial. *Id.* at 99. He also argued that the trial court should have held a competency hearing on its own initiative and that defense counsel was ineffective for failing to investigate his competency. *Id.* at 99, 104.

The district court denied all of those claims on the merits. Pet. App. 105. The court determined that the California Supreme Court had not unreasonably rejected Beeler’s claims. *Id.* The court emphasized that none of the doctors who evaluated Beeler “indicated that [he] was unable to assist his attorneys during trial or understand the proceedings against him.” *Id.* at 102; *see also id.* at 103 (“no expert evidence demonstrating that [Beeler] was incompetent”). And juror observations indicated that Beeler “did not act out or behave in a bizarre fashion” during trial, and “had at least some communication with his counsel” in the courtroom. *Id.* at 103. Although the court determined that

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<sup>1</sup> Beeler currently has another state habeas petition pending on an issue unrelated to the question presented here. *See In re Beeler*, No. HC66-00009XA (Orange Cnty. Super. Ct.).

<sup>2</sup> In connection with the habeas petition, this Court denied a petition for a writ of mandamus and petitions for writs of certiorari, which raised issues unrelated to that presented in Beeler’s instant petition for a writ of certiorari. *See In re Calderon*, 521 U.S. 1103 (1997) (No. 96-1683); *Calderon v. U.S. Dist. Ct. for the Cent. Dist. of Cal.*, 522 U.S. 1099 (1998) (No. 97-953); *Beeler v. Calderon*, 523 U.S. 1061 (1998) (No. 97-7685).

Beeler was not entitled to relief on his competency claims, it issued a certificate of appealability on them. C.A. E.R. 5; *see* Pet. App. 20.

b. The court of appeals affirmed. Pet. App. 1-51. As relevant here, the court of appeals concluded that it was not unreasonable for the California Supreme Court to reject Beeler’s claim that he was incompetent to stand trial. *Id.* at 29. The court reasoned that Beeler had not explained how evidence about his “mental health and blackouts” led to him being unable to understand the proceedings or assist in his defense. *Id.* at 25. Similarly, Beeler’s “declarations from . . . medical professionals” and “jail records” did not explain how Beeler’s “mental health problems” rendered him unable to understand or assist in his criminal proceedings. *Id.* at 28. The court also emphasized Dr. Walker’s testimony that Beeler understood matters like “the charges against him” and offered his views on a strategic trial question, *id.* at 25, as well as the fact that Beeler had been able to “coherently explain the reasons for” his motion to substitute counsel, *id.* at 26. And the court highlighted “the lack of concern by both the trial court and defense counsel as to [Beeler’s] competency.” *Id.* at 29.

## ARGUMENT

1. a. The court of appeals correctly rejected Beeler’s request for habeas relief on his claim that he was incompetent to stand trial.<sup>3</sup> As Beeler appears

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<sup>3</sup> Beeler’s petition does not continue to advance his claim that defense counsel was ineffective for failing to raise doubts about his competency. To the extent  
(continued...)

to acknowledge (Pet. 3-4), under AEDPA he could receive federal habeas relief only if the California Supreme Court’s rejection of that claim “was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding,” 28 U.S.C. § 2254(d)(2), or “was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States,” *id.* § 2254(d)(1). AEDPA’s deferential standard applies even where—as here—“there has been a summary denial” by a state court. *Cullen v. Pinholster*, 563 U.S. 170, 187 (2011). Under that standard, Beeler must “show[] there was no reasonable basis for the state court to deny relief.” *Harrington v. Richter*, 562 U.S. 86, 98 (2011).

“[A] state-court factual determination is not unreasonable merely because the federal habeas court would have reached a different conclusion in the first instance.” *Wood v. Allen*, 558 U.S. 290, 301 (2010). “[E]ven if [r]easonable minds reviewing the record might disagree about the finding in question, on habeas review that does not suffice to supersede the trial court’s . . . determination.” *Id.* (internal quotation marks omitted).

As to state-court applications of federal law, the “habeas court must determine what arguments or theories” “could have supported” the state court’s

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that Beeler’s petition can be understood to advance his claim that the trial court should have held a competency hearing on its own initiative, the issue does not warrant further review for largely the same reasons as those discussed below.

decision, and “then it must ask whether it is possible fairminded jurists could disagree that those arguments or theories are inconsistent with the holding in a prior decision of this Court.” *Harrington*, 562 U.S. at 102. Federal habeas relief is unavailable “so long as fairminded jurists could disagree on the correctness of the state court’s decision.” *Id.* at 101 (internal quotation marks omitted).

For a defendant to be competent, he must have a “rational as well as factual understanding of the proceedings against him,” and he must have “sufficient present ability to consult with his lawyer” and assist in preparing the defense. *Indiana v. Edwards*, 554 U.S. 164, 170 (2008) (internal quotation marks and emphasis omitted); *see also Drope v. Missouri*, 420 U.S. 162, 172 (1975).

b. Here, the court of appeals comprehensively addressed the evidence, and correctly concluded that the AEDPA standard was not met on Beeler’s claim that he was incompetent to stand trial. Pet. App. 23-29. The court of appeals first focused on the evidence before the trial court. *Id.* at 23-26. The court of appeals properly concluded that the “evidence of Beeler’s mental health and blackouts” was insufficient to overturn the California Supreme Court’s rejection of Beeler’s competency claim, because that evidence did not “demonstrate[] a causal connection between the mental disease or defect and his inability to understand the proceedings.” *Id.* at 25 (internal quotation

marks omitted). Instead of explaining how Beeler’s mental health and black-outs rendered him unable to understand the proceedings or assist in his defense, Beeler’s expert witnesses—and his trial counsel—focused on “connecting Beeler’s mental health to the issues of his guilt and penalty.” *Id.*; *see id.* (Beeler’s counsel and experts “never raised an argument regarding his competency to stand trial”). Indeed, one psychologist “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.” *Id.* (discussing Dr. Walker’s testimony).

The court of appeals also correctly determined that Beeler’s behavior did not provide a basis for deeming the California Supreme Court’s decision unreasonable. Beeler cited juror declarations stating that, during trial, he rarely talked to his attorneys and appeared emotionless. Pet. App. 25. But as the court of appeals reasoned, “passivity at the counsel table,” standing alone, “neither proves nor disproves competency.” *Id.* at 25-26. Beeler failed to “allege that he displayed any irregular behavior in or out of the courtroom,” *id.* at 25, and there was “more information as to Beeler’s capabilities” than was before the jury, *id.* at 26. For instance, “Beeler had significantly participated in the preparation of a lengthy mitigation document.” *Id.* at 26. And Beeler “coherently explain[ed] the reasons for” his motion to substitute counsel. *Id.*

The court of appeals went on to consider “evidence that was not available to the trial court.” Pet. App. 27. One category of such evidence was “jail records

show[ing] 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.” *Id.* Based on a close review of those records, the court of appeals carefully explained that they did not cast doubt on the California Supreme Court’s decision. The court of appeals explained that the jail records reflected that the self-harm “that resulted in [Beeler’s] placement on suicide watch” was attributed to “racial unrest on his floor and fear for his physical safety.” *Id.* at 28 (internal quotation marks omitted). The records also showed that “Beeler pulled out his toenails as a result of his stress about going to court and as a means of manipulation.” *Id.* And the records “noted that the antidepressant medications” actually “helped with his behavior and mood.” *Id.* The court concluded that, “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.” *Id.*

The evidence considered by the court of appeals also included declarations from medical professionals. One psychologist stated that she “advised Beeler’s counsel that Beeler’s blackouts and medical condition may have a neurological basis,” and urged counsel to retain a neurologist and neuropsychologist. Pet. App. 27 (internal quotation marks omitted) (discussing declaration of Dr. Walker). Another psychologist stated that he had recommended that Beeler

“undergo a highly sophisticated mental health evaluation” in light of his self-reported “auditory and visual hallucinations.” *Id.* (internal quotation marks omitted) (declaration of Dr. Wells). And the doctor who evaluated Beeler’s post-verdict neurological testing 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.’” *Id.* (declaration of Dr. Buchsbaum). But as to those declarations, the court of appeals emphasized that none of them “connect[ed] Beeler’s mental health problems with his competency to stand trial,” because they did not “assert that [Beeler’s] struggles interfered with his competency to stand trial.” *Id.* at 28. Without any statement that Beeler’s mental health issues rendered him unable to understand the proceedings or assist in his defense, the court of appeals properly concluded that the declarations did not render unreasonable the California Supreme Court’s decision.

Finally, the court of appeals turned to “declarations from three fellow inmates.” Pet. App. 27. The 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.’” *Id.* at 27-28. The court acknowledged that the inmate declarations “provide a stronger causal connection between Beeler’s mental health and his competency.” *Id.* at 29. But

the court correctly concluded that the declarations did “not render the California Supreme Court’s denial of this issue unreasonable under AEDPA because they are merely conclusory lay opinions.” *Id.*

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.” Pet. App. 29. And the inmates’ declarations were “refuted by [a psychologist’s] testimony about Beeler’s competence, 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 defense counsel as to his competency.” *Id.* The court of appeals placed special emphasis on the lack of concern from defense counsel, as counsel typically has “every incentive to point out that his client [i]s incapable of assisting with the defense,” if true. *Id.* Under “deferential AEDPA review,” the court of appeals was right to conclude that the California Supreme Court’s rejection of Beeler’s competency claim was not unreasonable. *Id.*

c. Beeler’s contrary arguments are unpersuasive. He contends that the court of appeals was incorrect in finding no “‘causal connection’ between Beeler’s mental health issues and his trial competency.” Pet. 22. Beeler insists that there *is* such a “causal connection.” *See, e.g., id.*

But Beeler does not adequately explain what that connection is. In other words, he never explains how the “mental deficits” he cites, Pet. App. 21, constitute evidence that he meets this Court’s definition of incompetency: being

unable to understand the proceedings or assist in his defense, *see Edwards*, 554 U.S. at 170. Such an explanation is necessary because “[m]ental illness itself is not a unitary concept. It varies in degree. It can vary over time. It interferes with an individual’s functioning at different times in different ways.” *Edwards*, 554 U.S. at 175.<sup>4</sup> Beeler does not specify how his “mental deficits” (Pet. App. 21) manifested in such a way and at such times as to render him incompetent to stand trial. He generically asserts that certain evidence was “[c]ontemporaneous,” and that he could not “play an active role in his trial.” *Id.* at 21, 23. Without more explanation from Beeler, the court of appeals correctly determined that it was not unreasonable for the California Supreme Court to find insufficient evidence of incompetency.

Beeler further asserts that the court of appeals’ decision “conflict[s] with this Court’s decisions” in *Pate v. Robinson*, 383 U.S. 375 (1966), and *Drope*, 420 U.S. 162. Pet. i. That is incorrect. Beeler’s petition cites *Pate* for the general principle that “the conviction of an accused person while he is legally incompetent violates due process,” Pet. 23 (internal quotation marks omitted), but as discussed above, the court of appeals correctly determined that the evidence of

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<sup>4</sup> For example, a defendant may have a mental illness or deficit that renders him incapable of carrying out critical tasks for defense counsel, or incapacitates him during key proceedings. *See, e.g., United States v. Derisma*, 2011 WL 3878367, at \*15 (M.D. Fla. June 27, 2011) (defendant could have brain damage or dementia severe enough that it rendered his “memories . . . irretrievable,” such that “no review of documents or other evidence” could “assist him in formulating his defense with his attorney”); *United States v. Garza*, 751 F.3d 1130, 1136 (9th Cir. 2014) (defendant’s mental condition led him to come “very close to a psychotic break” at multiple points during his trial).

incompetency was insufficient to overturn the California Supreme Court’s decision, *see supra* pp. 8-12. Beeler cites *Drope* for a similarly general principle that certain evidence—such as “any prior medical opinion on competence”—is “relevant.” Pet. 20. But the court of appeals considered and comprehensively discussed such relevant evidence. *See supra* pp. 8-12.

The evidence of incompetency in *Pate* and *Drope* was also far stronger than Beeler’s evidence here. *Compare Pate*, 383 U.S. at 378-384 (defendant had a “long history of disturbed behavior” and “irrational episodes,” “[f]our defense witnesses expressed the opinion that [he] was insane,” and counsel insisted the defendant was “insane”), *and Drope*, 420 U.S. at 177, 179, 181 (lawyer stated that defendant was “not a person of sound mind,” defendant’s suicide attempt during trial “suggest[ed] a rather substantial degree of mental instability contemporaneous with the trial,” and defendant’s conduct was not “rational”), *with* Pet. App. 12-17, 25, 29 (no expert testimony or lawyer belief that Beeler was incompetent, and no evidence that Beeler had a history of bizarre behavior). And *Pate* and *Drope* did not even conclude that such stronger evidence showed that the defendant was *in fact* incompetent; those cases concluded only that the defendant had been entitled to further inquiry on *whether* he was incompetent. *See Pate*, 383 U.S. at 386; *Drope*, 420 U.S. at 180.

Finally, Beeler contends in a footnote that the court of appeals failed to apply “controlling Supreme Court law” by imposing a requirement that “the

defendant’s mental disorder” be “causally connected” to his “inability to understand the proceedings.” Pet. 22 n.4. But the “causal connection” language (which the decision below repeated from prior Ninth Circuit precedent, Pet. App. 25) simply means that a defendant who has alleged a “mental problem” to support his claim of incompetency must also show that, as a result, he “failed to understand or assist in his criminal proceedings,” *United States v. Garza*, 751 F.3d 1130, 1136 (9th Cir. 2014). That is consistent with *Drope*, which similarly stated that the inquiry into the defendant’s competency focused on “the bearing” of his “mental illness” on his “incompetence to stand trial,” 420 U.S. at 181—in other words, whether the defendant’s mental illness had an effect on his ability to understand the proceedings or assist in his defense. Instead of “add[ing] or alter[ing]” a “factor in a test established by the Supreme Court,” as Beeler contends, Pet. 22 n.4, the court of appeals properly followed *Drope*.

Indeed, it is Beeler’s position that is contrary to this Court’s precedents. If Beeler were right that no causal connection to the actual elements of incompetency can be required, the competency question could simply boil down to whether the defendant has a mental illness or deficit. That would contravene this Court’s instruction that “the test must be whether [the defendant] has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding—and whether he has a rational as well as factual understanding of the proceedings against him.” *Dusky v. United States*, 362

U.S. 402, 402 (1960) (per curiam) (internal quotation marks omitted); *see also Drope*, 420 U.S. at 172.

2. The court of appeals’ decision does not conflict with other Circuits’ precedent. Beeler gestures at a conflict with two Fifth Circuit cases that pre-date AEDPA. Pet. 22-23 (discussing *Featherston v. Mitchell*, 418 F.2d 582 (5th Cir. 1969), and *Bouchillon v. Collins*, 907 F.2d 589 (5th Cir. 1990)). Beeler characterizes those cases as establishing that the bare fact that a defendant suffers from blackouts proves he is incompetent. *See id.*

But *Featherston* and *Bouchillon* do not stand for that proposition. In *Featherston*, the question was not whether the defendant was incompetent; instead, the issue was whether the Double Jeopardy Clause precluded the defendant from being retried after the court in a prior trial declared a mistrial so he could be evaluated for mental competency. 418 F.2d at 583. And *Featherston* and *Bouchillon* involved much more than a general assertion of blackouts. In *Featherston*, a doctor testified that the defendant suffered from prolonged and undetectable blackouts for “periods of from 48 to 72 hours,” which “may or may not have existed on each day of the trial,” 418 F.2d at 585; and in *Bouchillon*, a psychologist testified that the defendant “was incompetent at the time of his pleading,” 907 F.2d at 594.

Even this testimony was not enough, in *Bouchillon*, to *compel* a finding of incompetency. Instead, *Bouchillon* decided only that the evidence *permitted* the district court’s finding of incompetency, which the court of appeals could

not reverse as clearly erroneous. *See* 907 F.2d at 594. Here, the court of appeals could not reverse the California Supreme Court's decision on Beeler's competency claim unless that court's factual determinations were unreasonable or its decision violated this Court's clear precedents. And Beeler cites no expert testimony that his blackouts happened during critical moments of the proceedings, such that he would have "obvious[ly]" been prevented from consulting with his counsel and understanding the proceedings. *Featherston*, 418 F.2d at 586.

### CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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