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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A12-1792**

State of Minnesota,  
Respondent,

vs.

Helene Teresa Mitchell-Abraham,  
Appellant.

**Filed November 4, 2013  
Affirmed  
Kalitowski, Judge**

Cass County District Court  
File No. 11-CR-10-2211

Lori Swanson, Attorney General, Karen B. Andrews, Assistant Attorney General, St. Paul, Minnesota; and

Christopher J. Strandlie, Cass County Attorney, Walker, Minnesota (for respondent)

Cathryn Middlebrook, Interim Chief Appellate Public Defender, Richard Schmitz, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Kirk, Presiding Judge; Kalitowski, Judge; and Chutich,  
Judge.

## UNPUBLISHED OPINION

**KALITOWSKI**, Judge

Appellant Helene Teresa Mitchell-Abraham argues that the district court erred by proceeding with jury selection after her counsel moved for a rule 20 competency examination. We affirm.

### DECISION

An incompetent defendant has a due-process right not to stand trial. *Bonga v. State*, 797 N.W.2d 712, 718 (Minn. 2011). A defendant is incompetent if she is unable to rationally consult with counsel, understand the proceedings, or participate in her defense due to mental illness or deficiency. Minn. R. Crim. P. 20.01, subd. 2. “If the prosecutor, defense counsel, or the court, at any time, doubts the defendant’s competency, the prosecutor or defense counsel must make a motion challenging competency, or the court on its initiative must raise the issue.” *Id.*, subd. 3. If the court thereafter determines reason exists to doubt the defendant’s competency to stand trial for a felony, the court must suspend the proceedings and order an examination of the defendant’s mental condition. *Id.*

In determining whether further examination of a defendant’s competency is required, the district court considers a number of factors, including the defendant’s demeanor at trial, her lack of rational behavior, and prior medical opinions on her competence to stand trial. *State v. Bauer*, 310 Minn. 103, 116, 245 N.W.2d 848, 855 (1976). The question of whether further inquiry must be made into defendant’s competency “is often a difficult one in which a wide range of manifestations and subtle

nuances are implicated.” *Drope v. Missouri*, 420 U.S. 162, 180, 95 S. Ct. 896, 908 (1975).

“A district court’s failure to observe procedures adequate to protect a defendant’s right not to be tried or convicted while incompetent to stand trial deprives him of his due process right to a fair trial.” *Bonga*, 797 N.W.2d at 718 (quotation marks omitted). The dispositive issue is “not whether the defendant was competent to stand trial . . . , but only whether the trial court, in fulfilling its protective duty, should have conducted further inquiry . . . .” *Bauer*, 310 Minn. at 108, 245 N.W.2d at 852. We review competency determinations on undisputed facts “to determine whether the district court gave proper weight” to the evidence in the record. *State v. Camacho*, 561 N.W.2d 160, 174 (Minn. 1997). To do this, we conduct an independent review of the record. *In re Welfare of D.D.N.*, 582 N.W.2d 278, 281 (Minn. App. 1998).

Here, on the first day of voir dire, appellant, appellant’s counsel, and the prosecutor met in chambers shortly before lunch to discuss whether appellant would accept the prosecution’s plea offer or would proceed to trial. The district court asked appellant whether she understood that there had been a discussion about resolving her case without trial and whether she had received enough time to think about her options. Appellant responded that she understood her options but did not know what to do. The district court then explained that appellant must, at some point, determine whether she would accept the plea or stand trial and asked her how she wished to proceed. Appellant responded, “I don’t know.” The district court further asked appellant whether she understood that her response of “I don’t know” meant that the trial would continue, and

she said, “Yes.” The district court also inquired whether appellant understood that her lawyers would want her to assist with jury selection, and she again responded in the affirmative.

Defense counsel then moved for a rule 20 competency examination. The district court responded that its questioning of appellant convinced it that appellant understood its questions and noted that choosing whether or not to take a plea is often a very difficult decision. At this point the prosecution informed the district court that it would leave its plea offer open until the following morning and the district court decided to continue with jury selection.

Appellant characterizes the district court’s action here as a de facto denial of her motion because Minn. R. Crim. P. 20.01, subd. 3, requires the court to suspend proceedings when it determines doubt exists whether a defendant is competent to stand trial. By continuing with jury selection, she argues, the district court denied the motion, and that this denial constitutes error. We disagree. Even if we consider proceeding with jury selection as a denial of appellant’s motion, the record indicates that the district court’s determination was reasonable under the circumstances.

The record indicates that in addition to the district court’s observation of appellant at trial and its questioning of her in chambers about her understanding of the proceedings against her, the district court had a previous opportunity to consider appellant’s competency to stand trial. At an omnibus hearing on December 27, 2010, the district court, upon appellant counsel’s motion, ordered the Crow Wing County jail administrator to show cause for why appellant’s mental health should not be evaluated. The district

court also scheduled a hearing for the matter several weeks later. Upon receiving the jail administrator's response, the hearing was canceled, and the proceedings against appellant continued. The district court, satisfied with the response it received from its order to show cause, did not see additional need to reevaluate appellant's mental state based on her behavior in court and its questioning of her.

In addition, the district court also noted on the record that deciding whether to take a plea or face trial on a first-degree murder charge is difficult. Thus, the fact that appellant was struggling with the decision weighs in favor of her competency, not against it. Given the district court's familiarity with the documents from its earlier show cause order, its observation of appellant in court, and its questioning of her in chambers, the district court's determination that a rule 20 evaluation of appellant was not necessary was reasonable.

Moreover, the record of the following day confirms the reasonableness of the district court's decision. The next morning, the district court went on the record to note that appellant was communicating well and had appeared to be working well with counsel the previous afternoon. Appellant's counsel clarified that appellant's difficulties the previous day were due to an interruption in her eating and insulin shot schedules and thus side effects of diabetes, not indicia of incompetence. When the court asked whether appellant's counsel were still requesting a rule 20 examination, counsel answered no.

Because an independent review of the record shows the district court gave proper weight to the evidence regarding appellant's competency to stand trial, the district court did not err in proceeding with trial and not ordering a rule 20 examination.

**Affirmed.**