

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

FILED EX PARTE AND UNDER SEAL

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO.: 2:15-CR-472
	)	
DYLANN STORM ROOF	)	

**MOTION TO RECONSIDER COMPETENCY EVALUATION SCHEDULE
AND AUTHORITIES IN SUPPORT**

The defense requests that the Court reconsider the competency evaluation schedule set yesterday in Dkt. No. 599. The schedule orders that the defendant be evaluated starting at 3:00 p.m. today, over a period of ten days, during the course of jury selection. Counsel have considered whether the Court's proposal can be reconciled with the defendant's Constitutional rights and our ethical obligations to our client, and have concluded that it cannot be. We therefore note our objection and request the changes that are set out below, including referring the defendant for evaluation in a Federal Bureau of Prisons medical center. The two primary reasons for our objections are these:

- (1) Proceeding with jury selection at a time during which the defendant's relationship with counsel is observably strained – and is likely to become more so, once the defendant learns of the competency order – threatens the Court's ability to empanel a fair and impartial jury, in violation of the Fifth, Sixth, and Eighth Amendments.

(2) The concurrent proceedings also threaten the defendant's right to effective assistance of counsel and a reliable sentencing determination, because defense counsel will be forced simultaneously to participate in the competency determination, select a jury, and prepare for trial – an unmanageable workload, particularly given the extreme time constraints under which in this case is already being litigated.

We therefore request that the Court suspend jury selection pending completion of the competency evaluation and related litigation. Under all of the circumstances, there is no sufficient reason to proceed at this pace. Indeed, in a case of this consequence, a short break required to protect the integrity of the trial is warranted.

Should the Court overrule these objections, we lodge a further objection to the appointment of Dr. Ballenger as the Court's examiner, and we propose certain procedures for the examination, should the Court permit Dr. Ballenger to proceed over our objection.

I. The deep rupture in the attorney-client relationship will be apparent to prospective jurors during voir dire, and defense counsel require time to attempt to repair it before commencing jury selection to ensure fair treatment of the defendant at trial.

The Post & Courier's report on yesterday's proceedings reflects that the rift between the defendant and counsel is readily observable to anyone in the courtroom:

Roof just had been led into the courtroom, dressed in a striped jail jumpsuit, when Gergel announced the last-minute move. Roof sat at the defense table but didn't speak to his attorneys. Last month when Gergel oversaw initial steps in jury selection, Roof huddled closely with his attorneys when the jury pool wasn't in the courtroom, even smiling as they spoke.

Jennifer Berry Hawes and Glenn Smith, “Jury Selection Postponed After Closed Hearing in Dylann Roof Death Penalty Case”, The Post and Courier (Nov. 7, 2016), available at http://www.postandcourier.com/church_shooting/jury-selection-postponed-after-closed-hearing-in-dylann-roof-death/article_c40c7800-a4f2-11e6-89e9-f3869162cee6.html. His inability to change from prison garb to appropriate courtroom clothing is another manifestation of his current inability to cooperate with counsel and make decisions in his own previously expressed interest in not being executed.¹ In a capital trial, the demeanor of the client is critical, particularly – as here – when the government has alleged “lack of remorse” as an aggravating factor. See David Freedman, “When is a capitally charged defendant incompetent to stand trial?”, 2 International Journal of Law and Psychiatry 127, 131 (2009) (citing *Sell v. United States*, 539 U.S. 166 (2003)). A schedule that requires concurrent competency evaluation and jury selection at a time when even outsiders can discern the difficult attorney-client issues we are facing, and when it is the very disclosure by counsel of the defendant’s mental impairments and symptoms that has brought us to this point, will prevent us from attempting to restore our relationship sufficiently to ensure that jury selection is conducted in compliance with the defendant’s Sixth and Eighth Amendment rights. Once the order for the competency evaluation is

¹ In yesterday’s *ex parte* hearing and in previous communication with the court, counsel described the defendant’s extremely odd views about his prison uniform and his anxious preoccupation with seemingly trivial details about the clothing he will wear in court among other behaviors and beliefs that we believe compromise his competence. We attach as Exhibit 1 a list that includes a description of additional symptoms and a discussion of how those symptoms impact the defendant’s courtroom presentation and ability to assist counsel. Due to time constraints in preparing this motion, the list is not exhaustive.

disclosed to the defendant, we will not only have to contend with his escalating distrust of us, but we will be constrained in our communications with him, due to the necessity of avoiding the appearance of interfering with what he says in the evaluation. This might be feasible, if the proceedings were suspended, but it is not, if we must engage in jury selection, sitting side by side, five days a week, attempting to engage in serious discussions regarding his case.²

The Court suggested yesterday that counsel should have raised the issue of competency earlier so as to have avoided the scheduling conflict we now face. As counsel tried to explain, however, any earlier claim of incompetence would have disrupted a fragile but still seemingly workable relationship that counsel was duty-bound to preserve if possible. It is counsel's duty "[w]hen a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason ... [t]o as far as reasonably possible, maintain a normal client-lawyer relationship with the client." *See* American Bar Association, Model Rules of Professional Conduct, Rule 1.14(a). We have made every effort to maintain a normal client-lawyer relationship with the defendant, over the course of our representation, and we succeeded for some time, despite his

² We note as well that this schedule offers the twenty-two year-old, neuro-developmentally impaired and mentally ill defendant little respite from the pressures of his capital trial. Rather than resting or working on his case with counsel when Court is not in session, he will undergo the strain of a court-ordered competency evaluation – something that he both resents and fears, as part of his delusional construct. We observe that, according to his belief system, if he is labeled incompetent, the very white nationalists whom he considers his allies may not only abandon him, but may persecute him, based on his perceived infirmities.

delusions, depression, extreme anxiety, and autism spectrum disorder.³ Indeed, given the client's resistance to any revelation of his neurodevelopmental disabilities and mental illness, it is likely that but for counsel's decision to proceed with a great degree of caution in surfacing our concerns about the client's mental capacity, no mental health evaluation would have been possible at all.

What changed on Saturday was our discovery that the defendant had openly attempted to sabotage his own case, in a manner that potentially increased his odds of being sentenced to death, by sending a letter to his prosecutors. That is, our client made known to us – by his letter to the government – that we were no longer able to accommodate him his psychotic and delusional system and other severe developmental impairments and that he had actively sought to align with his prosecutors against his counsel. Such an action is irreconcilable with a wish to avoid death and therefore irrational even though presented in clear English. This crystallized for us that the defendant does not trust us, and that his lack of trust is not just driven by his mental illness (or, for that matter, his feelings about mental illness), but is a foundation of his

³ It is important to recognize here, and in regard to the Court's proposal to proceed with jury selection, the reality that a defendant's mental functioning – and with it, his competency to understand the proceedings and assist counsel – can wax and wane over time. As we noted during yesterday's hearing, "mental 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." *Indiana v. Edwards*, 554 U.S. 164, 175 (2008). As a result, a defendant's competence may vary. See *Ryan v. Gonzales*, 133 S. Ct. 696, 703 n.4 (2013) (quoting 4 W. Blackstone, Commentaries on the Laws of England 24–25 (1769)); *Cooper v. Oklahoma*, 517 U.S. 348, 356 (1996) (same); *Pate v. Robinson*, 383 U.S. 375, 386 & n.8 (1966) (referencing possibility of "lucid interval[s]"). Indeed, the options for findings on competency include not just "competent" and "incompetent," but "competent if" – envisioning the possibility of medication or accommodations for trial.

incompetence. Like the Court, we have long anticipated disagreements – and even arguments –over the presentation of a penalty phase case centering on client’s mental impairments and afflictions. But we are now faced with a client who would rather die than be labeled mentally ill or neuro-developmentally impaired, and who would rather communicate and ally himself with those who propose to execute him than with us.⁴

There was discussion yesterday about the extent to which these issues might be characterized simply as matters of client management. Counsel wish to underscore that the defendant’s letter evidences a more severe rupture in the attorney client relationship, and that these allegations, which are demonstrably untrue, also illustrate the extent to which the defendant’s delusional system now incorporates his attorneys and the attorney-client relationship.

- “My lawyers have purposefully kept me in the dark about my defense until the last minute in order to prevent me from doing anything about it, which is why I have been forced to write to you.”
- The lawyers have used “scare tactics, manipulation and outright lies in order to further their own, not my, agenda.”
- The lawyers “lied to me repeatedly to get me to speak to mental health experts.”
- Everything he was told about the experts and why he was being tested “was an absolute lie, and I was never told what they actually specialized in.”
- The mental health experts have been “coached” by his lawyers to say certain things at trial.

⁴ We remind the Court that these are not logical preferences, but appear to be based on the irrational belief that being labeled mentally impaired will affect the defendant’s standing with some hypothetical white nationalists whom the defendant has never met or communicated with – and cannot even name – but whom he believes may appoint him to a high government position some day.

- Out of 4 professionals contracted to talk to him, the lawyers have chosen the ones who give our preferred diagnosis while ignoring the others.
- None of the experts while they were testing him deviated from the story that they were testing him to see if his thyroid had affected his brain.
- “This is the sneakiest group of people I have ever met, and words cannot express how sick they are in their lies.”
- Both of his lawyers and the experts danced around questions he asked and became defensive when he pressed them.
- If the experts will lie to him when told to do so by his lawyers, then they will also lie to the court.
- Because he has no defense, his lawyers have been forced to grasp at straws and present "a pathetic, fraudulent excuse.”
- His lawyers have “regularly told me in an aggressive manner that I have no say in my defense, that my input doesn’t matter, and that there’s nothing I can do about it.”
- His lawyers are “extremely moralistic when it comes to the death penalty, but unfortunately, when it comes to lying, they have no morals at all.”
- Almost anything the lawyers say should be disregarded. All of the lawyers, both state and federal, should be disbarred. “Don’t let them fool you or the court like they’ve fooled me.”

Prior to this time, we have enjoyed a workable, if challenging, relationship with the defendant. We are hopeful we can restore that relationship following the competency evaluation, should the Court determine that the defendant is not so incapacitated that he

cannot now stand trial. Meanwhile, the Court should not force client and counsel to proceed with jury selection⁵ under such serious – and also apparent – strain.⁶

II. The defense is incapable of providing effective assistance of counsel if required to prepare for a competency evaluation, conduct jury selection, and prepare for trial simultaneously.

As the Court is aware, the defense has been working virtually non-stop since the trial date was set in June to prepare to be ready for trial this week. Our assumption that we could be ready to proceed did not assume, however, that all of our work would be complete on November 6. In fact, that is far from the case. We are still actively interviewing witnesses and uncovering facts and evidence relevant to both the trial and penalty phases, we receive new discovery on a regular basis, and we plan to file additional motions on many subjects. What's more, we had always intended to continue to prepare for the trial phase while we were engaged in jury selection, and during the trial

⁵ The Court may suppose that proceeding with jury selection is an acceptable approach, because if the defendant is deemed competent, the trial may proceed thereafter, and if not, the jury may be stricken, so that the defendant is not prejudiced. This does not account, however, for the real possibility that some jurors may be selected during periods of the defendant's incompetence and some during periods of competence. Indeed, the competency evaluation may occur during periods of competence and incompetence. This makes the matter of selecting a jury untainted by the defendant's mental impairments significantly more complicated than may at first appear. It should follow that if the defendant is incompetent at any point during selection of the jury – even if briefly – the jury empaneled may not sit for his trial. If the Court proceeds with jury selection at the same time as the competency evaluation, however, it will not know until we are at least ten days into voir dire: is the defendant incompetent, competent, or incompetent and returning to competence?

⁶ In addition to affecting how the jury will perceive the defendant (and, potentially, his counsel), doing so would seriously affect our ability to work with the defendant in the courtroom and to prepare the defendant for trial. Exhibit 1 illustrates the many ways in which the defendant's trusting, competent participation is required.

phase, to be simultaneously preparing for the penalty phase. Put simply: we have been working at capacity.

Just in the last few days, since the competency issue has surfaced, we have fallen seriously behind. We have had to postpone meetings with lay and expert witnesses, set aside research and writing, and suspend review of the government's evidence, in order to seek ethical advice, consult with experts, study the relevant law, and prepare our proffer to the Court. We have failed to file motions in limine as planned. With an estimated three weeks left until trial (if jury selection proceeds tomorrow), we still have discovery requests to propound, motions in limine to file, and government witnesses whom we have not interviewed – to name just a few tasks. To be clear: we are experienced trial counsel and anticipated a break-neck pace. But if both the competency evaluation and jury selection proceed at the same, this load becomes unmanageable, vital responsibilities of this representation will be unfulfilled and we will be unable to provide effective assistance to our client. Notwithstanding the significant effort that has been made in order jury selection to begin this week, the countervailing demands of providing adequate representation to our client far outweigh the costs of delay until the competency question has been resolved. Simply put, the proposal is untenable.

Part if the reason why the scheduled competency evaluation will have such an impact on defense counsel's workload derives from the requirements of such evaluations. In this connection, we refer the Court to the American Academy of Psychiatry and the Law Practice Guideline: Evaluation for Competence to Stand Trial, available at <http://www.aapl.org/docs/pdf/Competence%20to%20Stand%20Trial.pdf>, which

describes the standard of care for a competency evaluation. The AAPL Guideline recommends that the evaluator should gather extensive evidence from the government and the defense, including information about the crime; transcripts and recordings of proceedings or interviews in which the defendant was involved; and medical and social history records of the defendant. It also suggests that the evaluator should conduct collateral interviews, *e.g.*, of the defendant's family members. Finally, it recommends obtaining information from the defendant's attorney. All of this requires us to:

- Review any government submission to the competency evaluator, and submit supplemental offense-related materials.
- Select and provide to the evaluator records and other documents in our file that are relevant to competence;
- Identify and notify collateral witnesses with whom the evaluator may wish to speak;
- Participate in interviews with the evaluator regarding the nature and functioning of the attorney-client relationship (*e.g.*, can the defendant assist counsel?).

We must also research and recommend procedures to the Court for the process by which our client's competency will ultimately be decided. This is especially difficult in the context of a capital case, since there is an so much potential overlap between our penalty phase evidence (which is protected from disclosure to the government by Rule 12.2), and a competency proceeding, which may involve the government if there must be adversarial hearing.

We feel it our professional obligation to cry “uncle.” We also note that it seems highly doubtful to us that a court evaluator could conduct a competency evaluation that meets the standard of care outlined in the AAPL Guideline in the time allotted by the Court. We appreciate that this case is one of unusually great public interest and importance. But that weighs in favor of getting this process right, rather than cutting corners in order to strictly adhere to a jury selection schedule that is simply no longer practicable.

III. Additional objections to, and procedures for, November 8, 2016 evaluation, should it occur.

A. Objection to Dr. Ballenger

We advised the Court yesterday by email that our preliminary research on Dr. Ballenger’s background and credentials suggests that he may have a disqualifying affiliation with the government’s penalty phase expert, Dr. Dietz. Park Dietz & Associates lists Dr. Ballenger as one of “Our Experts” on its website and we understand this relationship to be one in which Dr. Dietz effectively sponsors Dr. Ballenger and (at a minimum) assists in Dr. Ballenger’s professional marketing activities. If the two are affiliated in this or any other professional or financial respect, we object to Dr. Ballenger’s conducting the evaluation.

We also note that our preliminary research suggests that Dr. Ballenger’s reputation may be questionable. We are unable to document this in a responsible fashion as of this morning, but we mention these points to avoid the prospect of the Court unknowingly appointing an impeachable expert.

In case it may assist the Court, we are working to identify additional experienced forensic evaluators who have no disqualifying conflicts and are available to accept this assignment, but did not want to delay the filing of this motion in order to complete our search for additional potential evaluators. The Court may wish to invite the government to provide suggestions as well. There also remains the option, which counsel suggest is preferable, of sending the defendant to the Federal Bureau of Prisons for the brief inpatient competency evaluation described in 18 U.S.C. § 4241(b). Typically, we would view sending a client to Butner or a similar facility for evaluation as a last resort, or even actively oppose such an evaluation. Given the issues presented here, however, we think such an evaluation offers the greatest chance of producing the necessary information and of protecting the record.

B. Procedures for November 8, 2016 evaluation, should it proceed.

- We request that all court-ordered interviews of the defendant conducted pursuant to Dkt. 599 be videotaped. Although this is not required by 18 U.S.C. § 4241, it is consistent with the related statute, 18 U.S.C. § 4247(f), and having a record of the evaluation should assist the Court and the parties. If the defendant refuses to be videotaped, the evaluator should record the evaluation by audiotape.
- While the evaluator may of course receive information from the government, he or she should not share any information about, or related to, the evaluation with the government.

- The government should provide a bates-labeled list of materials provided to the evaluator to the defense. If any of those materials are not in discovery, the government should provide them to the defense.

CONCLUSION

For these reasons, we request (1) that the Court reconsider the competency evaluation schedule, and order completion of all competency proceedings prior to jury selection; (2) that Dr. Ballenger, if affiliated with Dr. Dietz, be replaced by another suitable expert as the evaluator; (3) that the Court consider ordering a competency evaluation by the Federal Bureau of Prisons; and (4) if the evaluation is to proceed on the current schedule, certain procedures be implemented.

Respectfully submitted,

s/ Sarah S. Gannett

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EXHIBIT 1

Client “Assistance” During Trial
United States v. Roof
Attorney-Client Privileged & Work Product Material
(For Court Consideration Only)

1. Freedman, “When is a capitally charged defendant incompetent to stand trial?”, 32 International Journal of Law and Psychiatry 127-33 (2009).
 - a. Counsel must engage in a continuing interactive dialogue with the client concerning all matters that might reasonably be expected to have a material impact on the case, including factual investigation, legal issues, defense theories, presentation of the defense case, potential dispositions of the case, litigation deadlines and schedules, relevant aspects of the client’s life and interactions as well as courtroom presentation and demeanor.
 - b. Competence to stand trial does not consist merely of passively observing the proceedings. Rather, it requires the mental acuity to see, hear and digest the evidence, and the ability to communicate with counsel in helping prepare an effective defense.
 - c. The client must have the mental acuity to see, hear, digest and communicate in interactive dialogue with counsel to make myriad small and large decisions including during the rapidly changing environment of trial.
 - d. He must assist counsel in meaningfully arriving at a reasoned choice among the options available.
 - e. Competent defendants cannot simply be reactive to what happens in court or to documents presented because capital trials require more than a simple testing of the prosecutions pieces of evidence; they are also the presentation of defenses, of the human qualities of the defendant, of the ways in which he sees and experiences the world, of the fears, hopes and complexity of his own human life, and of how and why the life-course of the individual brought them to this moment of facing a jury which will consider his life.
 - f. He must have awareness of a problem and its scope, including placing the problem within its broad context; evaluating the problem, including how one piece relates to other pieces of the problem; formulation of steps to resolve the problem or parts of it; choosing between different options by weighing and considering the likely outcome of those steps; weighing and considering the consequences, both positive and negative of those steps; initiating the steps towards resolution of the problem; evaluation and reconsideration of the steps chosen as the process occurs, including how the attempt to resolve one problem may cause others within the

broad context; modification of the steps based on the evaluation and re-weighing of the likely outcomes and consequences, the indications of success or failure, and new information gained; comparing the results to the goal; and storing the information gained from this process such that it can be referred to and re-evaluated later when additional problems occur, additional information is added or the context is altered.

2. In this case, our client is so distracted by his delusional ideas that he is unable to respond to the basic needs of his defense; it is not just the ultimate issue of whether a mental health defense is presented, he cannot assist with the myriad of decisions that need to be made in preparation for trial. His single-minded focus on being rescued and made governor of South Carolina makes salient to him things that are irrational and he cannot rationally assist counsel as a result.
3. Jury Selection – The defendant’s anxiety about being looked at by others is so acute that he is unable to do the following necessary actions to participate fully in the courtroom:
 - a. He is unable to communicate orally, or in writing, in real time to his attorneys in the courtroom;
 - i. He is unable to pose questions to his attorneys while others are looking at him;
 - ii. He is unable to answer questions posed by the attorneys when he perceives that others are looking at him;
 - iii. He requests that his counsel not speak to him while he perceives that others are looking at him;
 - iv. He is unable to review our handwritten notes that we might wish to pass to him and provide any necessary comments in response;
 - v. Because he is unable to communicate with counsel in real time, he is unable to convey his thoughts about follow-up questions for the jurors that counsel should be communicating to the Court;
 - b. His past behavior leads us to have grave concerns about whether he will be able to follow our advice about the jury selection process as a whole and engage in the process in a manner designed to assist counsel in selecting jurors potentially favorable to a life outcome;
 - i. He is unable due to his disabilities to follow counsel’s advice about the impact of appropriate clothing on juror’s perceptions of him and his demeanor;

- ii. He is unable to look at the jurors as they come in the courtroom and answer questions from the witness stand;
- iii. He is unable to look up at the juror to see how they are responding to him and provide counsel with any feedback about that;
- iv. He is missing all visual cues during the live interaction and questioning of the jurors;
- v. He is unable to interact during the questioning, or to watch the juror during questioning; hence he is unable to rationally participate in the process of selecting jurors and intelligently exercising appropriate peremptory strikes or to participate in those decisions;
- c. He is unable to control certain aspects of his demeanor in the courtroom, such as smiling at inappropriate times, or being overcome by “blushing attacks” in the courtroom

4. Trial

- a. The distrust that has developed is undermining, and will continue to undermine, our ability to proceed to and through trial efficiently and effectively because the defendant is unable to assist us:
 - i. Without trust, he cannot help us decide what witnesses to call and what exhibits to present; in addition, he will actively interfere with counsel’s decision-making process with regard to witness and exhibit presentation, having already objected to certain witnesses and exhibits causing us to lose many hours attempting to maintain our relationship with him despite these disputes;
 - ii. He has a need for all language to be absolutely precise, or he considers it, due to his disabilities, a lie; he has extreme difficulty processing information that is not framed exactly – word for word – as he remembers it; when coupled with delusional beliefs, his rigid need for things to be conveyed in a way that precisely correlates with how he remembers them will turn all of his legal counsel, necessarily, into people he considers “liars,” increasing his distrust of this – or any – defense team.
- b. His inability to communicate with counsel in real time will impede his ability to assist his counsel:
 - i. He will have personal knowledge of the subject matter upon which witnesses will be testifying, yet cannot communicate, in real time, relevant suggestions for proper cross-examination questions to his lawyers;

- ii. He has an inability to suggest additional questions to trial witnesses,
 - iii. He has an inability to listen to questions posed by his counsel or responding to those questions while he perceives that others are looking at him;
 - iv. He has an inability to make strategic decisions with his attorneys as events happen in the courtroom while in the presence of others, because he cannot bear to be seen speaking with his attorneys while the jurors are watching;
 - v. He has an inability to weigh what is being said and make decisions based upon that while in the presence of the jury and others;
 - vi. We need our clients to inform us, during trial, of their personal knowledge about witnesses, and aid counsel in the presentation of additional witnesses or cross-examination of testifying witnesses; if he cannot communicate with us in real time, he cannot participate meaningfully in this vital part of his defense
- c. His delusional belief system will interfere with prompt, cooperative, and appropriate decision making during trial:
 - i. He cannot rationally participate in the crafting structure and content of any opening statement or closing argument, because he is not invested in a life sentence due to his delusional belief that the threat of execution is not real and he will be broken out of prison by a group of white nationalists (which does not exist);
 - ii. He has a delusional belief system which has and will continue to cause him to make demands of counsel that may conform to his delusional belief system but that, in reality, are counter-productive to his own best interests and which actually lead him to be a danger to himself in that they increase the chances of a death verdict;
 - iii. He is making decisions based upon the delusional belief system that he will never be executed because white supremacists will break him out of prison in the future, making him unable to meaningfully participate in a common goal with counsel;
 - iv. Because of his delusional belief systems, he is making active attempts to sabotage a proper penalty phase defense, including writing a letter to the prosecution undermining all of his mental health evidence;
- d. He is unable to show appropriate investment and emotion and engagement with the trial process while he is being tried for his life;

- i. He has an overwhelming need for routine and predictability – including all physical movements of the defense team at the table – and if things do not happen according to his expectations, he is so overwhelmed by anxiety that he cannot listen and he cannot follow counsel’s critical advice while the jurors will be watching us;
 - ii. He has the right to be present and participate meaningfully in all critical phases of his trial, yet, when he becomes overwhelmed he cannot even assist in his own defense by dressing in appropriate attire. This may seem small to some, but it is not. This decision about dressing appropriately, and showing appropriate behavior and demeanor in the courtroom affects jurors’ perceptions of his investment in his own trial, and in his own life.
- e. Overall, his trust problems, his need for events and language to be precise and predictable, and his psychotic delusional beliefs prevent him from tolerating being looked at by others, making it impossible to obtain his assistance and engage in any meaningful communication with counsel during trial.