

WHO DECIDED THAT I WAS NOT COMPETENT?

Only the court can decide if someone is competent or not competent to go forward with their legal matters.

Competency restoration training is provided when the defendant is court ordered to receive the service.

WHAT DOES COMPETENCY MEAN?

The ability to understand the legal process

Court is adversarial which means that one side wants you to be innocent/not guilty while the other side wants you found guilty and to receive the maximum sentence. You have a right to understand the legal process so that you can defend yourself against the charges.

The ability to plan a defense

You must understand what you were arrested for, what the police said that you did, the charge(s) against you, and the penalties or sentence that you face.

The ability to work your attorney

You should speak to your lawyer in a calm and logical way to plan a defense. Be honest and tell him or her the truth. He/she is on your side.

The ability to behave appropriately in court

The ability to manage your mental health needs if you have been diagnosed with a mental health or behavioral issue.

DEFINITIONS

Defendant- A person who has been charged with a crime.

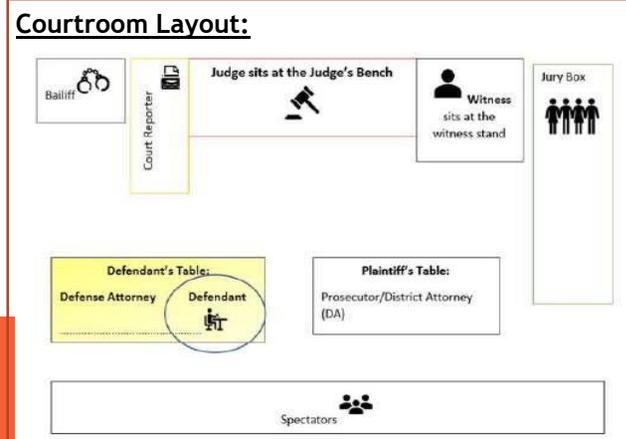
Judge- The person in charge of the courtroom who makes sure that everyone follows the law.

District Attorney (DA)- A lawyer who represents the State. The DA wants to see that the defendant is guilty.

Defense Attorney- A lawyer who represents the defendant. The Defense Attorney wants to see that the defendant is not guilty.

Jury- 6 to 12 people who listen to the evidence and facts about a case and who decide whether the defendant is guilty or not guilty.

Witness- someone who knows something about what may or may not have happened around the time of a crime. What a witness says is called testimony.



ALABAMA DEPARTMENT OF
MENTAL HEALTH

COMPETENCY RESTORATION PROGRAM

INFORMATION FOR PEOPLE WHO ARE
INCOMPETENT TO STAND TRIAL

Competency Restoration is available and provided to people who:

1. Have been charged with a crime,
2. Are found by the court to be Incompetent to Stand Trial (IST),
3. Are court ordered to learn more about the facts about their case,
4. Are court ordered to learn more about the legal proceedings before them,
5. Are court ordered to participate in mental health evaluation(s) and/or treatment, and/or
6. Are court ordered to develop skills to work with their lawyer to prepare their defense.

You have the right to:

1. Know what you are accused of doing,
2. Know how the legal system works,
3. Know your rights, and
4. Know how to work with your lawyer to prepare your defense.

YOUR RIGHTS

Your rights are protected under the Constitution of the United States of America.

5th Amendment- You cannot be forced to testify against yourself. You have a right to remain silent.

6th Amendment- You have the right to a speedy and public trial. You have the right to be represented by an attorney and to defend what you are accused of.

14th Amendment- You have a right to be treated fairly. You have the same rights as other people regardless of your sex, race, religion, or background.

PLEAS

After you are told about your charges, you will enter a Plea:

Not Guilty: Tell the court that I did not do what I am accused of or that I am innocent. A trial will be set. After the trial, I may be found guilty or not guilty.

Guilty: I admit to committing a crime. A guilty plea is usually part of a **Plea Deal**.

Plea Deal or Plea Bargain: I plead guilty and receive a less severe sentence than if I am found guilty at a trial.

Not Guilty by Reason of Mental Disease or Defect (NGRI): I am asking the court to not hold me responsible for a crime because I was mentally ill at that time. If I get a verdict of NGRI, I will receive treatment at a hospital and will remain at a hospital until the court gives me permission to leave the hospital.

Defendants who are Incompetent to Stand Trial are pre-trial; they have not been found guilty of a crime. **PRE-TRIAL STEPS ARE:**



TRIAL COURT ROOM PROCEDURES

1. **Opening Arguments**- The **District Attorney (DA)** will begin followed by the **Defense Attorney**. They will tell the jury why they are here and what their case will prove.
2. **DA** presents evidence (wants the defendant to be found guilty)
3. **Cross examination by Defense Attorney** (wants the defendant to be not guilty)
4. **Defense Attorney** presents evidence (wants the defendant to be not guilty)
5. **Cross examination by the DA** (wants the Defendant to be guilty)
6. **Closing Arguments**- The **DA** will begin followed by the **defense attorney**
7. **The judge provides directions to the jury**
8. **The jury deliberates**
9. The jury returns with a **Verdict** of either guilty or not guilty
10. **Sentencing is handed down** by the judge

COURTROOM BEHAVIOR

Do not lie when in court. To do so is called **PERJURY** and it is a crime.

Inappropriate behavior in court is a crime called **CONTEMPT OF COURT**.

Do not drink alcohol or use drugs before court.

Arrive to court appointments on time.

When you get dressed for court,

- ✓ Make sure that you are CLEAN
- ✓ Your hair should be COMBED
- ✓ Your beard, if you have one, should be GROOMED
- ✓ You should wear your BEST clean clothes

Communicate in a CALM and RESPECTFUL manner.

Listen closely and PAY ATTENTION.

If you do not agree with something said in court, or if you believe something is not fair, you should whisper to your attorney that you need to speak with him or her or write your attorney a note.

You cannot speak out in court without being called upon.

You should answer questions only when your attorney tells you that you may respond. You do not need to tell the court whether you did the crime. Let your attorney speak for you.

Being in court can be stressful. Use your coping skills to remain calm and polite.