

Hearing on possible mental competency trial planned in Stanley case next year

Contributed by Elizabeth Larson
Thursday, 06 November 2008

LAKE COUNTY — A man convicted nearly a quarter-century ago of a brutal murder is due to return to court next spring for a hearing in which the case will be made to retry the issue of his mental competency.

Gerald Stanley, 63, was sentenced to death in February 1984 for the August 1980 shooting death of his wife, Cynthia, as Lake County News has reported.

In March, federal court Judge Frank C. Damrell, citing juror misconduct, ruled that a new hearing was needed to determine whether or not Stanley had been mentally competent to stand trial. A female juror in that original case, according to Damrell's finding, may have been a victim of domestic abuse but had not disclosed it to the court.

On Tuesday District Attorney Jon Hopkins returned to Butte County, where the trial was held in 1983 and early 1984 due to a change of venue, to set a date for a hearing to argue whether or not a new competency trial should be held.

Stanley, citing ill health, waived his right to appear in Butte County Superior Court, said Hopkins.

A hearing on the feasibility of a new competency trial is scheduled for March 2, 2009, in Butte County Superior Court, said Hopkins. He estimated the hearing could take one to four days to complete.

A readiness conference for that hearing will take place on Feb. 19, 2009, he added.

"We have all the issues framed and ready," he said.

On Tuesday, Stanley — through his court-appointed attorney, Dennis Hoptowit — asked to be allowed to represent himself at the hearing, said Hopkins, a request the court denied without prejudice, meaning he can make the request again.

At the March hearing, Hopkins will argue that it is possible to have a trial on Stanley's mental competence, even after more than 25 years.

"In some cases it's extremely difficult to reconstruct the mental state of a person," said Hopkins.

But in Stanley's instance, Hopkins believes he can show that Stanley was competent, just as the original 1983 competency trial found.

While not all of the witnesses who gave testimony at the 1983 trial are still alive, Hopkins said their testimony is available in transcript form. And those court transcripts, which featured the testimony of two psychiatrists and civilian witnesses, can help prove the case, said Hopkins.

He added that Stanley himself at the time insisted that he had no mental issues, but that it was Stanley's lawyer who had wanted him tested.

"This was a disagreement between his lawyer and Mr. Stanley over strategy and practices in the penalty phase," Hopkins said.

No one ever diagnosed Stanley — who had previously been convicted of killing his first wife and was believed to have been involved in the death of another — as having a mental disability, said Hopkins.

"It doesn't have the same challenges that it would have if there had been evidence of mental disorder," he said.

However, because Stanley's original attorney raised the issue, it stopped the criminal proceedings. Hopkins said he also could argue that, because there was no mental disability diagnosis, the court shouldn't have entertained the attorney's concerns at all.

"I believe that current-day mental health experts can examine him and review the medical histories and determine whether there is evidence that he had a mental disorder at the time," said Hopkins.

While the court has upheld Stanley's guilt in the murder case — "that phase of the trial was found to have no problems" — the federal court has put off its determination of whether or not the death penalty stands until the competency issue has been resolved, Hopkins said.

If the competency is resolved, it will be sent back to the federal court. "The next thing they'll do is review our competency proceedings and then turn to the death penalty proceedings," said Hopkins.

He said he's not sure how long it would take to make that death penalty determination.

After so much time, it appears increasingly unlikely that Stanley will be executed.

The California Department of Corrections reports that there currently are 677 inmates on San Quentin State Prison's Death Row, 64 of whom have been on death row longer than Stanley.

Lake County's only other death row inmate is Jerrold Johnson, sentenced to death in November of 2000.

E-mail Elizabeth Larson at el Larson@lakeconews.com.

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