

ORIGINAL

In the Supreme Court of Mississippi

FILED

AUG 18 2017

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

2017-CP-00165

Ronald Hood

Vs

State of Mississippi

Appellant

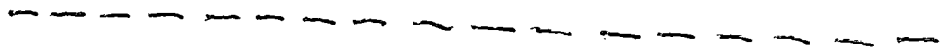
Appellee

Petition

for

Writ of Certiorari

M.R.A.P. Rule 17



MOTION#

2020

2743

Submitted by
Ronald Hood Pro-se
CMCF 720 B1-A 59T
P.O. Box 88550
Pearl, Ms. 39208

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U.R.C.C. - Rule 9.06

Petition for Writ of Certiorari

Introduction Facts and Procedural History

Mr Hood filed 2nd PCR in Ms Supreme Court on 10-27-15, and this Court granted his out of time Appeal on one issue that "the Trial Court Violated Mr Hood's Due-process Rights by Failed to Conduct a Competency Hearing". The case went back to Trial Court on that one issue and it was denied. Mr Hood filed an Appeal against the denial of his 2nd PCR in Trial Court in the Ms Court of Appeals and it was Affirmed and then he filed a motion for a Rehearing and this was denied. Mr. Hood is now filing a Petition for Writ of Certiorari in Ms Supreme Court.

Manifest Error

Mr Hood's defense attorney filed a Motion for a Mental Examination within the Trial Court, and this Court granted the Motion and Ordered a Mental Examination be conduct. After he had a Forensic Mental Evaluation, the Trial Court failed to give Mr Hood a Competency Hearing under U.R.C.L.C. Rule 9-06.

Under Pate, states must have adequate procedures to ensure a defendant is competent to stand trial. Lokos V. Capps, 625 F.2d 1258, 1261 (5th. Cir 1980) citing Pate

383 U.S. at 378, 86 S.Ct. 836). Mississippi has adopted Uniform Rule of Circuit and County Court 9.06 as a procedural safeguard to ensure an accused is competent to stand trial, quoting from James v. State, 86 So.3d 286 (2012).

Quoting from Loleman v. State 127 So.3d 161 (2013).

Rule 9.06 governs the procedure for a determination of Mental Competency in Mississippi. A defendant is denied his Due-process Rights when the Trial Court fails "to observe procedures adequate to protect a defendant's right Not to be tried or convicted while Incompetent to stand trial . . ." Rule 9.06 is meant to ensure that a defendant's Due-process Rights are Not Violated. It provides that, if the Court has Reasonable Grounds to believe that the defendant is Incompetent to stand trial, a Mental Evaluation shall be performed, and then a Hearing shall be conducted to determine whether he is Mentally Fit to stand trial.

As this Court has stressed time and again, "a Rule which is Not enforced is No Rule" Illinois Cont. R. Co. v. Moore, 994 So.2d 723, 726 (Miss 2008) quoting Box v State, 437 So.2d 19, 21 (Miss 1983) "A Rule is an authoritative direction for conduct." The language of Rule 9.06 is clear and it is simple. If a Trial Court "has Reasonable Ground to believe that the defendant is Incompetent to stand trial, the court shall order the defendant to submit to a Mental Examination . . ." U R L C 9.06 after the examination, the Court shall conduct a Hearing to determine if the defendant is competent to stand trial. After hearing all the Evidence, the court shall weigh the Evidence and make a determination

of whether the defendant is Competent to stand Trial." In other words, when a motion for a Mental Examination has been granted, such an Examination must occur, and than a separate Competency Hearing must be conducted before Trial begins. To proceed differently would Not Satisfy the purposes of Rule 9.06.]

(A Supreme Court case) Sanders v State, 950.3d 1132 under (9116) Rule 9.06 requires an on-the-record hearing to determine competency once the court has Reasonable ground to believe that the defendant is Incompetent. In the face of this plain language, it is evident that it would be Error Not to hold a Competency Hearing once a Trial Court orders a Psychiatric Evaluation to determine Competency to stand Trial.

A Constitutional Violation occurs only where the Trial Court fails to conduct a Competency Hearing where the Evidence before the Trial Court raised a bona fide doubt about the defendant's Competency to stand Trial. Pate v. Robinson, 383 U.S. 375, 385, 86 S.Ct 936, 15 L.Ed. 2d 815 (1966) quoting from Silvia v. State, 175 So.3d 533, (2015).

As you just read few paragraphs quoting from some caselaws supported the Facts on the Issue that after a Mental Evaluation has been done, a Competency Hearing must be conduct on record as it require under Rule 9.06.

Reason Certiorari Should Be Granted

Reason One

The Court of Appeals stated at (91 11) "We note that the uniform Rules of Circuit and County Court Practice relating to criminal practice have been supplanted by the Mississippi Rules of Criminal Procedure effective July 1, 2017. But because the former rules were still in effect at the time of the Trial Court's decision, Rule 9-06 is applicable in Hood's case."

(If this is correct that Rule 9-06 is applicable in Hood's case, it should be the same with the caselaws used in his 2nd PCR and the one's was overruled in the case's as Hollie, Smith, Beasley, Coleman, Jay and Sanders also used in Hood's case, in which support Rule 9-06 on the issue when Trial Court granted a motion for a Mental Examination and order the Examination to be conduct then a Competency Hearing)

(Mr. Hood 2nd PCR was pending in the Court system at the time the New Rule went into effect July 1, 2017 and the case of Pitcheford v. State, 240 So.3d 1061 (Miss 2017) was denied, since Hood's case was pending in the Courts since 10-27-15, with the case base upon Rule 9-06 and Caselaws makes Hood case automatic denied on merits because nothing was under the New Rule). (Unfair and Unconstitutional)

Hood is asking this Court to take this reason into account and grant relief.

Reason Two

The Court of Appeals stated at (9112) Hood is correct that Sanders interpreted Rule 9.06 to Mandate a Competency Hearing in every case when the court orders that a Mental Evaluation be conducted. But we have held that Sanders is not to be applied retroactively.

(Mr. Hood case is much similar to Sanders V.

State, 9 So.3d 1132 (2009) with the same issue that Trial Court failed to conduct a Competency Hearing after a Mental Evaluation. Sanders case is the leading case when comes to Competency Hearing and this case was out the same time Hood's case 2009, so Mr Hood had used this Sander's case in his 2nd PCR before the new Rule went into effect. At the time of Sanders case had affect on Hood's case because both case are similar. If it wasn't for the Circuit Court Judge of almost one year to make a decision in Hood case on the 2nd PCR 4-20-16 to 4-26-17 when the case was denied and the Circuit Court Clerk took long time to filed the Supplemental Record 6-30-17 to 3-19-19. If it wasn't for both delays, Hood case should have been decide before the New Rule and Pitchford case. Hood case won't be facing that Sanders case is not applied retroactively.)

If Hood's case is under Rule 9.06 Sanders case should applied retroactively because Hood case was pending in the court system. Hood is asking this court to take this reason into account and grant relief.

Reason Three

The Court of Appeals stated under (a119) "The general docket sheet reflects that Dr. Lott's report was made a part of the record and that the court relied upon it when concluding that Hood was competent to stand trial," and "this court must assume that the trial court objectively considered all the facts and circumstances, including those which are not available to this court." (The circuit court judge base the decision on the motion for the mental examination and Dr Lott's report, not a competency hearing in which would reveal Mr Hood mental health records and other information could be helpful in the judge decision-making).

Also stated under (a119) "On this record, Dr. Lott's report supports the trial court's decision to forgo a competency hearing because there was nothing found or presented that would have raised a doubt about Hood's competency." (First of all Rule 9.06 didn't mention about forgo a competency hearing. But it mention the word shall and shall is like mandatory under Rule 9.06 to be conducted a competency hearing after a mental examination. Mr Hood told Dr Lott about the mental health clinics he have been and Dr Lott didn't request or review Hood's mental health records).

Hood is asking this court to take this reason into account and grant relief.

Reason Four

The Court of Appeals stated under (918) "On April 26, 2017, the Trial Court entered its order denying Hood's PCR Motion. The order stated that Hood was found to be Competent to Stand Trial. Additionally, the court stated that it "received no information which, objectively considered, should reasonably have raised a doubt about the Defendant's Competence and alerted it to the possibility that the Defendant could neither understand the proceedings, nor rationally aid his attorney in his defense" and also stated under (918) "Hood failed to provide the Trial Court with information that would have reasonably raised a doubt about his Competence and . . ."

(When Mr. Hood send a copy of his 2nd PCR to the Trial Court, it was filed 5-9-16, it should have been a copy of Exhibits of his Mental Health Records. These records should have Raised a Doubt about Hood's Competence, and Mr Hood told Dr Lott about his Mental Disorders and the places he been for Mental Health treatment and this information was mention in his report to the court and Hood's attorney was full aware of Hood Mental Disorders and there was Mental Health records Exist, but the attorney also received a copy of Dr Lott report as well. Hood's attorney didn't do any Investigate into Hood's Mental Health Records, request or review or make any phone calls to the places Hood had been for treatment, Mr Hood didn't failed to provide the court with information, the Trial Court failed to conduct a Competency Hearing).

(If it wasn't for the Trial Court failure to conduct a Competency Hearing under Rule 9.06 and denied Hood Fundamental Right, the Court would have his Mental Health Records and would reveal a Reasonable Doubt on Mr Hood Competence. Here is some information from his records).

Hood has an Extensive History of Mental and Emotional issues and has undergone Treatment for these issues at Region 8 Mental Health and at Hinds Behavioral Health Services. It is well documented that Hood's "Learning Abilities" are "Hampered" by "Confusion" and that he is "Confused Easily". Records further indicate that Hood has "Problems Understanding Things" and "Thinking Clearly" and "Performing Everyday Functions". Hood's Mental Capacity is Diminished, his "Insight" and "Judgment" are Rated as "Extremely Poor" and "Limited". His "Intelligence is Below Average" and he has "Poor Insight" due in part to his "Low Functioning". Hood's "Attention" and "Concentration" are "Poor" and he is of "Low Average Intellect".

Other Mental Health Diagnosis in Records

① Dependent Personality Disorder, ② Generalized Anxiety Disorder, ③ Major Depressive Disorder, ④ Adjustment Disorder with Anxiety and Depression, and ⑤ Bipolar Disorder.

The United States Supreme Court has explained "Evidence of a Defendant's Irrational Behavior his demeanor at Trial, and any Prior Medical Opinion on Competence to Stand Trial are all Relevant in Determining whether further inquiry is required" quoting from

Joiner v. State, 240 So.3d 1243 (8) (2018) - and Bradley v. State, 116 So.3d 1093 (17) (2013) -

When the Trial Court failed to give Hood a Competency Hearing and the court rely on Dr. Loft's report, violated Hood's rights - and quoting from Coleman v. State, 127 So.3d 161 (Miss 2013) - "When Making Mental Competency determinations, the Trial Court has No Authority to rely on a report of the Mental Health Examination while depriving the Defendant of a Hearing in which he might contest the conclusions of the Examiners.

The Facts that United States Supreme Court had said "has explained Evidence any prior Medical Opinion on Competence to stand Trial are [all relevant] in determining whether further inquiry is required" - If it won't be mention in Caselaws - see Medina v California 505 U.S. 437, 448, 112 S.Ct. 2572, 120 L.Ed. 2d 353 (1992) and Patton v. State, 34 So.3d 563, 571-72 (Miss 2010). In other words that Mr Hood prior Medical Opinion like his Mental Health Records are [all relevant] in determining whether further inquiry is required.

Hood is asking this Court to take this reason into account and grant relief.

Conclusion

Ms Supreme Court had give relief in case's on the issue that Trial Court order Mental Examination but failed to conduct a Competency Hearing under Rule 9-06, the follow case's are Sanders, Jay, Smith, Hollie and Coleman, Ms Court of Appeals also give relief on Rickman, Silvia, and Brasso. These case's and others that Mr Hood used in supported his issue's and facts in 2nd PCR.

Since the Court of Appeals had said that Hood case is under the old rules of 9-06 it should be the same for the caselaws he used in his 2nd PCR, in pertaining to rule 9-06. It would make no sense if Hood is under the Old Rule but not the case's he used in his 2nd PCR. Hood case was pending since 10-27-15 in the Court System and 2nd PCR was on the Facts and Issues of denied a Competency Hearing after having Mental Examination with Dr Lotz and Rule 9-06 with supported caselaws to this issue.

The rules promulgated by the Mississippi Supreme Court, as set forth in the Uniform Rules of Circuit and County Court, like Medina, require compliance with Judicial Rules and applicable state and Federal Criminal laws to ensure fairness in the proceedings. The Supreme Court in Patton specifically addressed enforcement of Judicial Rules, such as Rule 9.06, quoting from Bradley V State 116 So.3d 1093 (91 29) (2013).

If a case like Hood's case was pending in the court system was under the old Rule 9.06 it should be Applied Retroactively to caselaws like Sanders case, and should get relief the same on merits then get denied because the new rule.

Mr Hood is Hoping and Praying that this Honorable Court will grant relief on his Pro-se Writ of certiorari of

Reverse Conviction and Sentence, and Remand case for a New Mental Examination follow by a Competency Hearing and if finds Competent a New Trial.

Signed, this the 11 day of August 2020

Ronald J Hood
Appellant

I Ronald Hood sworn that this Petition for Writ of Certiorari under M.R.A.P. Rule 17 in Mississippi Supreme are True and Correct to the best of my knowledge.

Signed, this the 17 day of August 2020

Ronald J Hood
Appellant

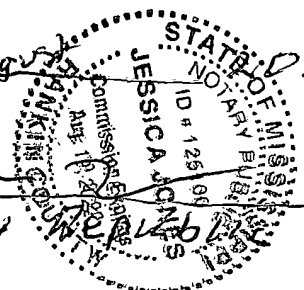
Ronald J Hood 50024
CMCF 720 B1-A 59
P.O. Box 88550
Pearl, Ms. 39208

Rankin County

Ronald Hood Appellant, came before me at CMCF 720 B1-A for ILAP to be Mailed a Petition for Writ of Certiorari to Ms Supreme Court and a copy to be Mailed to the Attorney General Office in the name Laura H. Tedder, witness there of Ronald Hood signature on

Signed, this the 11 day of August 2020

Jessica Johnson
Notary



Certificate of Service

Petition for Writ of Certiorari will be U.S.
Postage Mail to the Following Addresses below:

Office of the Clerk
Supreme Court & Court of Appeals
Post Office Box 249
JACKSON MS 39205-0249

Laura H. Tedder
Attorney General Office
P.O. Box 220
JACKSON, MS. 39205

Signed, this the 21 day of August 2020

Ronald J Hood
Appellant

Appendix

A

Opinion from Court of Appeals

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2017-CP-00165-COA

**Consolidated with:
2008-KA-00099-SCT**

RONALD HOOD A/K/A RONALD J. HOOD

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

DATE OF JUDGMENT: 04/26/2017
TRIAL JUDGE: HON. JANNIE M. LEWIS-BLACKMON
COURT FROM WHICH APPEALED: YAZOO COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT: RONALD HOOD (PRO SE)
ATTORNEY FOR APPELLEE: OFFICE OF THE ATTORNEY GENERAL
BY: LAURA HOGAN TEDDER
NATURE OF THE CASE: CIVIL - POST-CONVICTION RELIEF
DISPOSITION: AFFIRMED - 02/18/2020
MOTION FOR REHEARING FILED:
MANDATE ISSUED:

BEFORE BARNES, C.J., McDONALD, McCARTY AND C. WILSON, JJ.

McDONALD, J., FOR THE COURT:

¶1. Ronald Hood was convicted of the crime of exploitation of children under Mississippi Code Annotated sections 97-5-31 and 97-5-33(5) (Rev. 2006) and sentenced by the trial court as a habitual offender to serve twenty years in the custody of the Mississippi Department of Corrections without eligibility for parole. Feeling aggrieved, Hood appealed his conviction and sentence.

¶2. The Mississippi Supreme Court affirmed Hood's conviction and sentence on July 31, 2009, and later denied his motion for rehearing. Thereafter, Hood filed several motions for

post-conviction relief (PCR). On April 20, 2016, the supreme court granted Hood permission to proceed in the trial court to pursue his due process claim based upon the lack of a competency hearing. Hood filed his PCR motion in the trial court, which denied the motion. On appeal, Hood argues that the trial court erred when it denied his motion because his due process rights were violated by the trial court's failure to hold a competency hearing prior to trial in 2007. Finding no error, we affirm.

FACTS AND PROCEDURAL HISTORY

¶3. On July 10, 2006, Hood was indicted by a Yazoo County grand jury for the crime of exploitation of children under Mississippi Code Annotated sections 97-5-31 and 97-5-33(5).¹ The indictment was later amended to include that Hood was a habitual offender.

¶4. Prior to trial, Hood's counsel filed a motion for a mental examination. In the motion, Hood's counsel argued that "there is reason to question whether Ronald Hood will be able to assist in his defense at trial of this matter, that he does not have the present ability to consult with his lawyer with a reasonable degree of rational understanding to adequately assist with his defense." The trial court granted Hood's motion for a mental examination and ruled that "the Defendant shall undergo a mental examination to determine the fitness to stand trial."

¶5. The examination was performed by Dr. Christopher Lott on October 4, 2007, and filed with the trial court on October 18, 2007. In the report, Dr. Lott opined that

¹ The indictment alleged that Hood "did unlawfully, willfully, knowingly, and feloniously possess a video of naked . . . male children under the age of eighteen (18) engaging in sexually explicit conduct. . . ."

Melissa contacted Detective Larry Davis. Davis received the tape from Melissa, and he testified that it contained images of “young boys in their nudity, running around.” According to Davis, the boys appeared to be between the ages of ten and sixteen years old. Davis obtained a search warrant for a storage unit belonging to Hood. In the storage unit, law enforcement authorities discovered two small camcorder tapes and approximately one hundred VCR tapes.

Id. at 550-51 (¶¶2-4) (footnotes omitted).

¶8. Hood filed an application for leave to file a PCR motion in the trial-level court, arguing that the trial court failed to conduct a competency hearing in violation of his due process rights.² On April 20, 2016, the supreme court granted Hood permission to proceed. In February 2017, Hood filed his PCR motion. On April 26, 2017, the trial court entered its order denying Hood’s PCR motion. The order stated that Hood was found to be competent to stand trial. Additionally, the court stated that it “received no information which, objectively considered, should reasonably have raised a doubt about the defendant’s competence and alerted it to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense.” Hood sent a letter to the supreme court dated May 17, 2017, and enclosed his notice of appeal. The notice of appeal was filed on June 30, 2017.

STANDARD OF REVIEW

² On July 22, 2010, the supreme court denied Hood’s first PCR application in case number 2010-M-00283. The supreme court denied Hood’s second PCR application on October 26, 2010. The current record also provides that Hood filed a petition for habeas corpus relief in the United States District Court for the Southern District of Mississippi, Western Division, with similar arguments. The district court’s order is referenced, but it was not made a part of the record. The district court denied all of Hood’s claims except the claim regarding whether Hood was entitled to a competency hearing and whether his counsel was ineffective. Regardless, this is not dispositive of the outcome of this opinion.

¶9. “This Court reviews a circuit court’s denial or dismissal of a PCR motion for an abuse of discretion.” *Magee v. State*, 270 So. 3d 225, 227 (¶6) (Miss. Ct. App. 2018). We “will not disturb the trial court’s factual findings unless they are clearly erroneous.” *Id.* at 227-28 (¶6). “Questions of law, however, are reviewed de novo.” *Id.*

DISCUSSION

¶10. Hood alleges that his due process rights were violated because since his conviction and sentence, the supreme court has mandated in *Sanders v. State*, 9 So. 3d 1132, 1136 (¶16) (Miss. 2009), that when a court orders a psychiatric evaluation, it is an error for it to not hold a competency hearing.

¶11. In *Sanders*, prior to trial, the appellant filed a motion for a psychiatric evaluation pursuant to Rule 9.06 of the Uniform Rules of Circuit and County Court Practice.³ *Id.* at 1134 (¶7). The court granted that motion, and a doctor filed the psychiatric evaluation report with the court. *Id.* at (¶8). Thereafter, a trial was held, and Sanders was convicted of murder. *Id.* at 1135 (¶9). On appeal, Sanders argued that “the trial court erred in failing to conduct a competency hearing.” *Id.* at (¶11). The supreme court noted:

Rule 9.06 requires an on-the-record hearing to determine competency once the court has reasonable ground to believe that the defendant is incompetent. The rule clearly uses the directive “shall” and not the permissive “may” language. The rule requires that the trial court first, “shall conduct a hearing to determine if the defendant is competent” and, second, “shall make the finding a matter of record.” URCCC 9.06. In the face of this plain language, it is evident that

³ We note that the Uniform Rules of Circuit and County Court Practice relating to criminal practice have been supplanted by the Mississippi Rules of Criminal Procedure, effective July 1, 2017. But because the former rules were still in effect at the time of the trial court’s decision, Rule 9.06 is applicable in Hood’s case.

it would be error not to hold a competency hearing once a trial court orders a psychiatric evaluation to determine competency to stand trial.

Id. at 1136 (¶16) (emphasis omitted). In *Sanders*, the docket indicated that Dr. Webb had filed a report with the court. *Id.* at 1139 (¶25). It was not entered into evidence, nor was it a part of the record on appeal. *Id.* The record did not reflect that the circuit court conducted an on-the-record competency hearing, and the circuit court did not make an explicit finding that Sanders was competent to stand trial for murder. *Id.* Therefore, the supreme court reversed and remanded the case for a new trial. *Id.*

¶12. Hood is correct that *Sanders* interpreted Rule 9.06 to mandate a competency hearing in every case when the court orders that a mental evaluation be conducted. But we have held that *Sanders* is not to be applied retroactively. In *Brown v. State*, 198 So. 3d 325, 331 (¶20) (Miss. Ct. App. 2015), the appellant made the same argument as Hood—that his guilty plea and “conviction must be vacated due to the lack of a formal competency hearing” after undergoing a mental exam. In affirming, we held that “*Sanders* and the later cases that have relied on *Sanders* do not apply to Brown’s 1999 guilty plea because they are not retroactive.” *Id.* at (¶21) (footnote and emphasis omitted). Therefore, we find that *Sanders* does not have an effect on Hood’s 2007 conviction.⁴

¶13. Hood next argues that *Sanders* was not the first case that strictly interpreted Rule 9.06 to require a competency hearing. For support, Hood cites *Ficklin v. State*, 758 So. 2d 457

⁴ In addition, in *Pitchford v. State*, 240 So. 3d 1061 (Miss. 2017), the Supreme Court modified *Sanders*’s holding. There, the Court held that an order requiring a competency evaluation does not “necessarily” or “conclusively” establish that a competence hearing is also required. *Id.* at 1068-69 (¶¶37-43).

The evaluation report was also a part of the record for the court to consider when it ruled that Hood was competent to stand trial. Therefore, *Ficklin* is inapplicable to this case.

¶16. Further, Hood asserts that Rule 9.06 provides that the trial court must order a mental evaluation and conduct a hearing if the court has reasonable grounds to believe the defendant is incompetent, citing *Magee*, 914 So. 2d at 733 (¶9). In *Magee*, the court stated:

According to Rule 9.06, the trial court must order a mental evaluation and conduct a competency hearing *if the court has a reasonable ground to believe the defendant is incompetent*. On review of a trial court's decision to forego a competency hearing, this Court inquires whether the trial court had a reasonable ground believe the defendant was incompetent. To determine whether the trial court had such reasonable ground, we apply the test enunciated in *Lokos v. Capps*, 625 F.2d 1258, 1261 (5th Cir.1980): "Did the trial judge receive information which, objectively considered, should reasonably have raised a doubt about defendant's competence and alerted him to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense?" Some information that has been considered probative of a defendant's competency are the defendant's demeanor during the proceedings and defense counsel's statements to the court that the defendant is unable to rationally consult with counsel or assist in his own defense. *A mental evaluation finding the defendant competent to stand trial may support the trial court's decision to forego a competency hearing.*

Id. at 735 (¶15) (emphasis added) (citations omitted).

¶17. In this case, Hood was given a mental evaluation by Dr. Lott. Dr. Lott noted that Hood was alert, attentive, and responded promptly to questions. Dr. Lott found that Hood was precisely oriented. Hood's speech was appropriate, and his responses were at all times coherent and goal-oriented. There were no significant expressive and receptive language deficits noted. Dr. Lott determined that Hood had a full-scale IQ score of 89, which falls in the average range. Hood's reading score was reported to be in the low-borderline range at a 4.7 grade-level. When it came to Hood's knowledge of the court proceedings, Dr. Lott

noted that Hood understood what crime he was charged with and that he was charged as a habitual offender. Hood understood that the purpose of a trial was to find a person “guilty” or “not guilty,” that the jury determined the verdict, and that a certain number of people on the jury needed to agree to reach a verdict. Hood understood the outcomes of verdicts and the characteristic and roles of witnesses. Hood also acknowledged that he understood the plea bargain and that he could not be compelled to testify. Therefore, Dr. Lott concluded that Hood did not appear to need further testing or psychiatric treatment.

¶18. The general docket sheet reflects that Dr. Lott’s report was made a part of the record and that the court relied upon it when concluding that Hood was competent to stand trial. *See Magee*, 914 So. 2d at 736 (¶18) (“When . . . the trial court does not make express findings on its decision to forego a competency hearing, this Court ‘must assume that the trial court objectively considered all the facts and circumstances, including those which are not available to this Court, which bore upon [the defendant’s] competence to stand trial.’”). Therefore, as we did in *Magee*, here we must also “assume that the mental evaluation, considered in conjunction with the other facts and circumstances recited above, dispelled any reasonable doubt in the lower court’s mind that [Hood] could be incompetent to stand trial.” *Id.* On this record, Dr. Lott’s report supports the trial court’s decision to forego a competency hearing because there was nothing found or presented that would have raised a doubt about Hood’s competency. Hood failed to provide the trial court with information that would have reasonably raised a doubt about his competence and alerted the court of the possibility that he could neither understand the proceedings, nor rationally aid his attorney in his defense.

Therefore, this issue is without merit.

CONCLUSION

¶19. *Sanders* does not apply retroactively, and the trial court was not required to conduct a competency hearing. Therefore, the trial court did not err when it denied Hood's PCR motion.

¶20. **AFFIRMED.**

BARNES, C.J., CARLTON AND J. WILSON, P.JJ., GREENLEE, TINDELL, LAWRENCE, McCARTY AND C. WILSON, JJ., CONCUR. WESTBROOKS, J., NOT PARTICIPATING.

Appendix B

Motion for Rehearing

In the Court of Appeals of the State of Mississippi

No. 2017-LP-00165 - COA

Consolidated with

~~2008~~ - RA - 00099 - sct

Ronald Hood

Appellant

v

State of Mississippi

Appellee

Motion for a Rehearing

M.R.A.P. Rule 40

Come Now, Ronald Hood, Appellant filing his Pro-se Motion for a Rehearing on the Issue that the Trial Court Violated Hood's Due-process Rights by Failed to Conduct a Competency Hearing under U.R. C.C.C.P Rule 9.06. Mr. Hood is asking this Honorable Court to reconsider his case for Relief on the following reasons:

Introduction

The Facts of the Case

Mr. Hood defense attorney filed a Motion for a Mental Examination with the Court. In the Motion Counsel argued that "there is reason to question whether Ronald Hood will be able to assist in his defense at trial of this matter, that he does not have the present ability to consult with his lawyer with a reasonable degree of rational understanding to adequately assist with his defense". At this point Hood's Mental Competency had come into the light of the Trial Court attention and granted Hood's Motion for a Mental Examination and ruled that the Defendant shall undergo a Mental Examination. Upon the Facts of this Motion had shown a Reasonable Doubt to Mr. Hood Competency by his attorney to the Trial Court. By this Motion the contents has shown Reasonable Grounds of Mr. Hood Competency.

But under the Rule 9-06 stated when the Trial Court Judge has Reasonable Ground to Grant a Motion for a Mental Examination and order Mental Evaluation to be Conduct and after it shall be a Competency Hearing following by a Mental Evaluation. The both of them goes together under Rule 9-06. Mr. Hood went to Trial without a Competency Hearing in Violation of Rule 9-06 and Due process, and his Mental Health Records wasn't review by the Court or by Dr. Loft.

Ms. Supreme Court granted Hood's out of time 2nd PCR on one issue that "the Trial Court Violated Mr Hood's Due-process Rights by failed to Conduct a Competency Hearing." The case went back to Trial Court on that one issue alone and was denied. Mr Hood file an Appeal within Ms. Court of Appeals in which it was Affirmed and now he is asking this Court for a Rehearing.

Reason 1-

→ Competency Hearing Rule 9-06

In the Ms Court of Appeals decision on Hood's Appeal dated Feb 19 2020. On page 5 of this decision stated: Hood alleges that his Due process Rights were Violated because since his Conviction and Sentence, the Supreme Court has Mandated in Sanders V. State, 9 So.3d 1132, 1136 (9116) (Miss 2009), that when a court orders a Psychiatric Evaluation, it is an error for it to not hold a Competency Hearing.

In Sanders, prior to Trial, the appellant filed a Motion for a Psychiatric Evaluation pursuant to Rule 9-06 of the Uniform Rules of Circuit and County Court Practice. Id at 1134 (917). The Court granted that Motion, and a Doctor filed the Psychiatric Evaluation report with the court. Id at (918). Thereafter, a trial was held, and Sanders was convicted of murder. Id. at 1135 (919). On appeal, Sanders argued that "the Trial Court erred in failing to conduct a Competency Hearing."

Just from this Paragraph above being said about Sanders Case is much similar with Hood's Case when it comes to the issue of denied a Competency Hearing. Back to the Court decision in Hood case. Id. at (911) on Sanders case The Supreme Court noted:

Rule 9.06 requires an on-the-record hearing to determine Competency once the Court has Reasonable Ground to believe that the defendant is Incompetent. The rule clearly uses the directive "Shall" and not the permissive "may" language. The requires that the Trial Court First "shall conduct a Hearing to determine if the defendant is Competent" and, Second, "shall make the finding a matter of Record". URCC 9.06. In the face of this Plain Language, it is evident that it would be Error Not to hold a Competency Hearing once a Trial Court orders a Psychiatric Evaluation to determine Competency to Stand Trial.

From reading the Supreme Court noted in Hood's decision at (911) had shown the Fact that Mr. Hood Trial Court failed to conduct the "First shall conduct a Hearing to determine if the defendant is Competent." We know that on the record the Trial Court didn't conduct a Hearing in giving Mr. Hood a Full Competency Hearing

the opportunity to subpoena witnesses to testify on Hood's mental competency and cross-examine Dr Lott on his mental evaluation report and produce additional information like mental health records and confronted defense attorney. and "second shall make the finding a matter of record. URCC § 9-06". This is refer to the outcome from having a competency hearing under Rule 9-06, since there was fact no competency hearing, how the trial court finding a matter of record? "It would be error not to hold a competency hearing once a trial court orders a psychiatric evaluation to determine competency to stand trial". This is plain understanding that what supreme court stated in Sanders is true facts, this shows Mr Hood trial court did violated his due-process rights failed to conduct a competency hearing under Rule 9-06.

There is one point MS court of appeal stated in the decision (91 12) "Hood is correct that Sanders interpreted Rule 9-06 to mandate a competency hearing in every case when the court orders that a mental evaluation be conducted. But we have held that Sanders is not to be applied retroactively."

At (91 11) of the court decision in Hood's case one more point out on a foot note stated:

"We note that the Uniform Rules of Circuit and County Court Practice relating to Criminal Practice have been supplanted by the Mississippi Rules of Criminal Procedure, effective July 1, 2017. But because the former rules were still in effect at the time of the Trial Court's decision, Rule 9.06 is Applicable in Hood's Case."

Under the one point Ms Court of Appeals had said that Hood is correct that Sanders interpreted Rule 9.06 to mandate a competency hearing in every case when the court orders that a mental evaluation be conducted. Sounds like the court agreed with Mr Hood by saying Hood is correct entitled a mandate competency hearing. And the other point was made the court said that Rule 9.06 is applicable in Hood's case. If Hood case is under Rule 9.06 the 6 caselaws has been "over rule" are Sanders, Jay, Beasley, Smith, Hollie, and Coleman mention in Pitchford v State, 240 So.3d 1061 (2017). should applied to Hood's case as well because at the time of Hood trial and his pending case has been in the court system ~~when~~ ^{when} these supported caselaws of Rule 9.06 (Competency Hearing after Mental Examination) other words if Hood case is under Rule 9.06, and it should be for (caselaws supported Rule 9.06 included the 6 caselaws was over ruled). P.6

Reason 2

Mental Health Records

Mr. Hood had a Mental Examination on Oct 4, 2007 conducted by Dr. Christopher Lott. At the Mental Evaluation, Hood told Dr. Lott of his Mental Health problems of his diagnosis disorders and existing Mental Health Records. There are Mental Health Records mention in case laws stated that it can be helpful in determine someone Mental Competency. The facts that Dr. Lott didn't review or request Hood's past records from the places he been for Mental Therapy of his disorders he told Dr. Lott and it was mention in Dr Lott Evaluation Report he filed with the Trial Court of these Mental Health Clinics. The failure of Not Review these Records could be classified his report to be Incomplete and Inacurate of Hood's Mental Competency.

Mr. Hood didn't know that Rule 9.06 and Competency Hearing exist when his case was still in Trial Court, he learn of this right of Due process when he was in Prison. Mr Hood was blinded in most of the law of his rights but he mention of his Existing Mental Condition and his Mental Health Records to his Attorney and Dr. Lott but it was Ignored.

The purpose of a Mental Competency hearing under Rule 9.06 is to call witnesses to Testified on the behalf of the Defendant Competency, able to confronted the doctor who conducted the Mental Evaluation in filing the report to the court and

give the Defendant Opportunity to present any evidence in support of his Competence like his Mental Health Records and give him the chance to Testified on his Mental Condition - Mr Hood didnt have this chance or Rights in a Competency Hearing under Rule 9.06. There was noone acknowledge the facts of his Mental Disorders or his records but everyone knows his records exist, since anyone didnt take the time to request and review these records to know more about Mr. Hood Competency because they dont want to know.

Under Hood Court decision under (919) The order stated that Hood was found to be Competent to Stand Trial. Additionally, the Court stated that it "Received No Information which, objectively considered should reasonably have Raised a Doubt about the defendants Competence and Alerted it to the possibility that the defendant could neither understand the proceedings, nor rationally aid his attorney in his defense". The only Information the Trial Court has to base her decision on the issue of Hood's Competence, is the Motion for Mental Examination and Dr Lott report if the Trial Court Conduct a Competency Hearing it will have Hood's Mental Health Records in her decision making. The Contents will show or Raise a Doubt on Hood's Competency.

Under Hood's court decision under (9118) Id. "On this record, Dr. Lott's report supports the Trial Court's decision to Forgo a Competency Hearing because there was nothing found or presented that would have Raised a Doubt about Hood's competency. Hood failed to provide the Trial Court with information that would have reasonably Raised a Doubt about his competence and . . ." If the Trial Court inquire further in Mr. Hood Competency before Trial they will have access to have the information on Hood's Competence by Requesting and Reviewing his Past and Present Mental Health Records and also ask for his behavior while he was incarcerated in the County Jail, they will find that Mr Hood had attempted suicide by taken a hand full of pills. Hood was in the Psych Ward at CMMC Hospital, had his bond revoked and return back to the County Jail on June 7 2007. Mr Hood didn't failed to presented Mental Health evidence or information to Dr. Lott or to the Trial Court. If the Trial Court conducted a Competency Hearing the Court would have more information.

On the day before Trial on Dec 11 2007, Mr Hood was place in a Suicidal Cell by his attorney request because he was Mental Disturbed and unable to Think Clear. By this Fact that Mr Hood was in a Suicidal Cell make him unfit to go to Trial on Dec 12 2007.

Conclusion

Effective May 1, 1995 Mississippi Supreme Court adopted Uniform Rule of Circuit and County Court Practice 9.06, which safeguarded the Right of Criminal Defendants against being Tried while Mental Incompetent by providing the following procedure under Rule 9.06 . . .

The plain language of Rule 9.06 required a Competency Hearing after the Trial Court ordered a Mental Evaluation. After hearing all the Evidence at a Competency Hearing the Trial Court shall weigh the Evidence and Make a determination of whether the defendant is Competent to stand Trial. If the Court finds that the defendant is Competent to stand Trial, then the Court shall make the finding a Matter of Record and the Case will then Proceed to Trial. (There is Nothing mention under Rule 9.06 about Forgo a Competency Hearing but under Caselaws stated a Competency Hearing is Mandate or Mandotory).

Rule 9.06 has been used in cases Ruling by both High State Courts for 22 years and 2 months since it has been ineffect till July 1, 2017 when a New Rule went ineffect overruling the case's of Sanders, Jay, Beasley, Smith, Hollie and Coleman with the Majority decision to overrule with No Explanation, while Mr. Hood case was pending at the same time in the court who bring forth this

New Rule of Ms. R. Cr. P. 12(5a) by Ms. Supreme Court.
Mr. Hood case was in the Court system since
10-27-15 of his 2nd PCR. In his case he use and relying
on cases that supported Rule 9.06 on the issue when a
Trial Court ordered a Mental Evaluation a Competency
Hearing must follow, some of these caselaws that Ms.
Supreme Court supported of Rule 9.06 was overrule
and Ms Court of Appeals said in Hood's decision that
Sanders does, "Not apply Retroactively to his case",
and also said "Hood's case is under the old Rule 9.06",
then it by right should also be the same that Hood's
case be under caselaws like Sanders. This is very
unconstitutional because Hood's case was pending
at the time when New Rule came ineffect and the
6 caselaws on Rule 9.06 was overrule, in these Ms
Supreme Court cases, the court made rulings in the favor
supported the issue of Rule 9.06 on when Trial Court has
ordered a Mental Evaluation a Competency Hearing must
follow, these case's was the 6 case was overruled.

Its unfair and Not equal protected of the same
Equal Rights when a case is pending while a New Rule
came into ineffect with overruling cases he used.
Hood case should have the same rights like in other
cases has been able to have a Competency
Hearing like it mention in Rule 9.06.

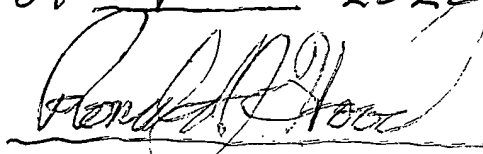
Mr. Hood is Hoping and Praying that this Honorable Court will reconsider his case and Grant relief of

Reverse Conviction and Sentence, and Remand case for a New Mantal Examination follow by a Competency Hearing and if finds Competent a New Trial.

P.S.

Thanks the Court for
its Time!

Signed, this the 21 day of April 2020



Appellant Signature
Ronald J Hood

I Ronald Hood sworn that this Motion for a Rehearing under M.R.A.P. Rule 40 in Mississippi Court of Appeals are True and Correct to the best of my Knowledge.

Signed, this the 21 day of April 2020

X Ronald J Hood

Appellant Signature

Ronald J Hood 50024
CMCF RC Sec 2C-47B
P.O. Box 88550
Pearl, MS. 39208

Rankin County

Ronald Hood Appellant, came before me at CMCF RC Sec 2-C for ILAP to be Mailed a Motion for a Rehearing to Ms Court of Appeals and a Copy to be Mailed to the Attorney General Office in the name Laura H. Tedder, witness there of Ronald Hood Signature on

Signed, this the 21 day of April 2020

X [Signature]

NOTARY PUBLIC
STATE OF MISSISSIPPI
ID # 119555
KIMBERLY PONDER
Commission Expires
March 19, 2021

P. 13

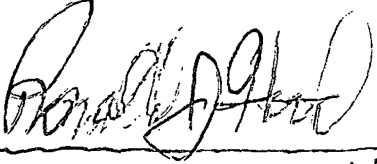
Certificate of Service

Motion for a Rehearing will be U.S. Postage Mail
to the Following Addresses Below:

Office of the Clerk
Supreme Court & Court of Appeals
Post Office Box 249
Jackson, Ms. 39205-0249

Laura H. Tedder
Attorney General Office
P.O. Box 220
Jackson, Ms. 39205

Signed, this the 21 day of April 2020



Appellant Signature

Appendix C

Court of Appeals Ruling (Letter)

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

D. Jeremy Whitmire
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082

e-mail:sctclerk@courts.ms.gov

July 28, 2020

This is to advise you that the Mississippi Court of Appeals rendered the following decision on the 28th day of July, 2020.

Court of Appeals Case # 2017-CP-00165-COA
Trial Court Case # 26-0119

Ronald Hood a/k/a Ronald J. Hood v. State of Mississippi

Current Location:
MDOC #50024
P. O. Box 88550
Pearl, MS 39208
Consolidated with:
2008-KA-00099-SCT
Ronald Hood v. State of Mississippi

The motion for rehearing is denied. Westbrooks, J., not participating.

*** NOTICE TO CHANCERY/CIRCUIT/COUNTY COURT CLERKS ***

If an original of any exhibit other than photos was sent to the Supreme Court Clerk and should now be returned to you, please advise this office in writing immediately.

Please note: Pursuant to MRAP 45(c), amended effective July, 1, 2010, copies of opinions will not be mailed. Any opinion rendered may be found by visiting the Court's website at: <https://courts.ms.gov>, and selecting the appropriate date the opinion was rendered under the category "Decisions."

FILED

AUG 19 2020

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

August 10, 2020
Monday

Dear Whitmine

Will you please file this Pro-se Petition
Writ of certiorari in the MS Supreme Court and stamp
the cover page filed and use the self-address-
stamp-envelope and mail me this copy.

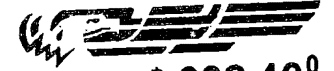
Thanks



Ronald J Hood



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02 4W
0000366972 AUG. 13. 2020

Ronald J Hood 50024

C. M. C. F.
P. O. Box 88550
Pearl, MS 39288

CMCF
APPROVED LEGAL MAIL

AUG 11 2020

D. Jeremy Whitmore

MS Supreme Court & Court of Appeals
P. O. Box 249
Jackson, MS 39205

Legal Mail Only

