

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAYMOND EUGENE LLOYD, JR., also known as
RUFUS BROWN,

Defendant-Appellant.

UNPUBLISHED

January 25, 2000

No. 186131

St. Clair Circuit Court

LC No. 94-002308 FC

ON REMAND

Before: Saad, P.J., and Holbrook, Jr., and Doctoroff, JJ.

SAAD, P.J. (dissenting in part and concurring in part).

I respectfully dissent from the majority’s decision to remand for a competency hearing. I concur in the majority’s resolution of the remaining issues.

A criminal defendant is presumed competent to stand trial absent a showing that the defendant “is incapable because of his mental condition of understanding the nature and object of the proceedings against him or of assisting in his defense in a rational manner.” MCL 330.2022(1); MSA 14.800(1020)(1). A defendant is entitled to a competency hearing if there are facts before the trial court which raise a “bona fide doubt” as to the defendant’s capacity to stand trial. *People v Whyte*, 165 Mich App 409, 412; 418 NW2d 484 (1988). We will reverse a trial court’s decision with respect to the existence of a “bona fide doubt” only where the trial court abused its discretion. *People v Harris*, 185 Mich App 100, 102; 460 NW2d 239 (1990).

Here, defendant’s counsel stipulated before trial that defendant was competent to stand trial. Defendant’s conduct at trial demonstrated that he was capable of assisting in his defense. He helped select an expert witness, convinced his trial counsel to pursue a diminished capacity defense, and personally wrote to the court to request a forensic examination. Because defendant initially conceded his own competence before trial, and demonstrated his competence over the course of the trial, I cannot agree that the trial court abused its discretion in denying a nunc pro tunc competency hearing. See, for contrast, *Harris, supra* 103, where this Court concluded that the trial court erred in refusing to reevaluate defendant’s competence where the trial court record was “replete with instances of bizarre statements and behavior of defendant.” Accordingly, I would affirm defendant’s conviction.

/s/ Henry William Saad