

INCOMPETENCY FINDING RESULTS IN DISMISSAL OF RAPE CHARGE

Adair Circuit Court Judge James Weddle found a young man incompetent to stand trial after a hearing at which Stanziano & Catron, PSC represented the accused on charges of rape of a woman who was attending a college-sponsored dance. The case has since been dismissed.

“No one disputed that the accused was mildly mentally retarded. His IQ was around 65. It was a question of what did he have the capacity to do to assist in his defense and how well could he really understand the legal concepts involved,” said Mark Stanziano, the accused’s counsel. My client was not quite a turnip, but I would venture to say that a turnip may have had a better understanding of its place in the world, and at least as good an idea of how the justice system worked.” My client was just not able to understand what it was going to take to assist me in defending him. God love him, he really had no clue.” Stanziano added, I think the judge understood that from the testimony of both doctors who examined my client.”

Following the incompetency finding, the case lingered on the Court’s docket for almost another year and a half before being dismissed upon the prosecution’s agreement that the accused was not likely to regain competency.