

Relevant Competence-Related Domains and Areas of Inquiry

Domain	Relevant Areas of Inquiry
Capacity to understand the arrest process	<p>Ability to provide an account of police behavior at the time of arrest</p> <p>Comprehension of the <i>Miranda</i> warning</p> <p>Confession behavior (influence of mental disorder, suggestibility, and so forth on confession)</p>
Capacity to comprehend and appreciate the charges or allegations	<p>Factual knowledge of the charges (ability to report charge label)</p> <p>Understanding of the behaviors to which the charges refer</p> <p>Comprehension of the police version of events</p> <p>Understanding of the severity of the charges</p>
Capacity to disclose to counsel pertinent facts, events, and states of mind	<p>Ability to provide a reasonable account of one's behavior around the time of the alleged offense</p> <p>Ability to provide information about one's state of mind around the time of the alleged offense</p> <p>Ability to provide an account of the behavior of relevant others around the time of the alleged offense</p>
Capacity to comprehend and appreciate the range and nature of potential penalties that may be imposed in the proceedings	<p>Knowledge of penalties that could be imposed (e.g., knowledge of the relevant sentence label associated with the charge, such as "5 to life")</p> <p>Comprehension of the seriousness of the charges and potential sentences</p>
Capacity to appreciate the likely outcome of the proceedings	<p>Capacity to provide a realistic appraisal of the likelihood of being convicted</p> <p>Understanding of the finality of the court's decision and the authority of the court</p>
Basic knowledge of legal strategies and options	<p>Understanding of the meaning of alternative pleas (e.g., guilty, not guilty, NGRI, GBMI, <i>nolo contendere</i>, as applicable)</p> <p>Knowledge of the plea bargaining process</p>
Capacity to engage in reasoned choice of legal strategies and options (decision making)	<p>Capacity to comprehend legal advice</p> <p>Capacity to participate in planning a defense strategy</p> <p>Ability to deal appropriately with disagreements with counsel</p> <p>Plausible appraisal of likely outcome (e.g., likely disposition for one's own case)</p> <p>Comprehension of the implications of a guilty plea or plea bargain (i.e., the rights waived on entering a plea of guilty)</p> <p>Comprehension of the implications of proceeding <i>pro se</i> (e.g., the rights waived and the ramifications of the waiver)</p> <p>Capacity to make a reasoned choice about defense options (e.g., trial strategy, guilty plea, plea bargain, proceeding <i>pro se</i>, pleading insanity) without distortion attributable to mental illness (an ability to rationally apply knowledge to one's own case and make decisions)</p>

Capacity to understand the adversary nature of the proceedings	<p>Understanding of the roles of courtroom personnel (i.e., judge, jury, prosecutor)</p> <p>Understanding of courtroom procedure (the basic sequence of trial events)</p> <p>Understanding of legal procedure (types of information that can be used as evidence, what is meant by an oath/pledge, how certain a judge or jury has to be to find one guilty)</p>
Capacity to manifest appropriate courtroom behavior	<p>Appreciation of appropriate courtroom behavior</p> <p>Capacity to manage one's emotions and behavior in the courtroom</p>
Capacity to participate in trial	<p>Capacity to track events as they unfold (not attributable to the effects of medication)</p> <p>Capacity to challenge witnesses (i.e., recognize distortions in witness testimony)</p>
Capacity to testify relevantly	<p>Capacity to manage one's emotional or communication difficulties</p> <p>Capacity to track oral questions and respond appropriately</p>
Relationship with counsel	<p>Recognition that counsel is an ally</p> <p>Appreciation of the attorney-client privilege</p> <p>Confidence in and trust in one's counsel</p> <p>Confidence in attorneys in general</p> <p>Particular relationship variables that may interfere with the specific attorney-client relationship (i.e., attorney skill in working with the client; problematic socioeconomic or demographic differences between counsel and client)</p>
Medication effects on CST	<p>Capacity to track proceedings given sedation level on current medication</p> <p>Potentially detrimental effects of medication on the defendant's courtroom demeanor</p>