

# Competency Workbook

## I. ITP:

1. The letters "ITP" stand for "Incompetent to Proceed" (with your court case).
2. What do you have to do to be considered Restored to Competency?
  1. Know the legal issues in your case.
    - a. Courtroom Procedures and Roles of Officers of the Court
    - b. Specific Charges and Potential Penalties
  2. Be able to work with your attorney (to formulate a defense strategy).

## II. Legal Issues:

1. Lawyer's Name: \_\_\_\_\_
2. Charges against you: \_\_\_\_\_
3. Why did the police arrest you? (What is it they say you did?)
4. You are the Defendant.
5. What does the Judge do?
  1. Keeps order in the court (sees that the laws and rules are followed in order for the defendant to get a fair trial).
  2. Sentences defendant if found guilty.
  3. Rules on what evidence can be used.
  4. Instructs the jury about the law.
  5. In a Bench Trial, the judge decides the Verdict (Guilt or Innocence).
6. What does the Jury do?
  1. In a Jury Trial, the jury decides the Verdict (Guilt or Innocence).
  2. Listens to both sides of the case.
7. What does the Prosecutor or District Attorney (DA) do?
  1. Prosecutes the defendant – against you and wants to get a conviction.
8. What does your Lawyer (Public Defender/Defense Attorney) do?
  1. Defends the Defendant – for you and wants you found not guilty.
9. Witnesses testify on the stand. They tell what they know about your case. There can be Witnesses for the Prosecution (say things against you) and Witnesses for the Defense (say things for you).
10. What is your job in the courtroom?
  1. Listen and pay attention to all the events in the courtroom.

2. **Help your attorney** (for example: if you hear a witness lying on the stand then quietly tell your attorney).
11. **5th Amendment to the Constitution**: the right not to incriminate yourself. This means you have the right not to testify if doing so might make you appear guilty.
12. What are the pleas that you can enter and what do they mean??
  1. **Guilty – I did it.**
  2. **Not Guilty – I didn't do it.**
  3. **No Contest – Not going to fight it (Throw yourself on the mercy of the court).**
  4. **Not Guilty by Reason of Insanity (NGRI) – I was insane at the time of the crime.**
13. What is a **Plea Bargain**? You must plead Guilty to a lesser charge (to get a lesser penalty).
14. **Pleading Guilty**. When you plead guilty you give up the following rights:
  1. Right to a trial.
  2. Right to force the prosecution to prove its case.
  3. Right to offer proof of your innocence in court.
  4. Right to remain silent.
  5. Some rights to appeal the case.
15. If you are found not guilty you have been **Acquitted**.
16. **Potential Penalty**: If convicted you could be sentenced to\_\_\_\_\_.
17. **The harshness of the penalty can depend on the seriousness of the crime.**  
There are several possible sentencing options including: Commitment, Fine, Probation.
18. **Probation** – means you will be supervised and will need to:
  1. Report to your assigned probation officer.
  2. Follow all rules imposed on you by the court.

### III. Working Effectively with Attorney(s).

1. Understand that your Attorney is trying to help you.
2. Maintain or develop trust your in Attorney.
3. Understand that your Attorney is not working against you.
4. Understand that you do not have to do what your Attorney tells you to do.
  1. You must decide what to do since it is your case.
5. Understand that your Attorney does not have to do what you tell him/her to do?
  1. He or she cannot do anything unethical or illegal.

#### 6. **Evidence** can be of **two kinds**.

1. **Physical Evidence**. (examples: blood stains, hair fibers, fingerprints)
  2. **Witness Statements**. (examples: testimony on the stand or at time witness was interviewed by police)
7. Know what evidence there is against you (if any).
  8. Show that you will be able to understand what your Attorney tells you.
  9. Show that you can testify in a courtroom.
  10. Show that you can follow all the events in the courtroom.
  11. Show that you can tell the truth when questioned.
  12. Understand that if a witness tells a lie that is called **Perjury**.
  13. Understand what to do if a witness tells a lie in Court. **Quietly tell your attorney.**



## STEPS IN CRIMINAL PROCEEDINGS

1. You are accused of a crime (a violation of a law).
2. The court has assigned a DEFENSE ATTORNEY/PUBLIC DEFENDER to help you. He or she tries to prove that you are not guilty of the crime(s) you are charged with, or if you are guilty, that what you did was not very bad.
3. You will go to court where a judge (and/or jury) will review the evidence and decide if you really did commit a crime. The court proceeding is set up as "The State" against you or "The People vs. you".
4. The judge will ask you "How do you plead?" You are being asked if you want to say you did the crime or are saying that you are innocent. These are the pleas you can enter:

GUILTY: I did it.

NOT GUILTY: I didn't do it.

NO CONTEST: I choose not to fight the charge (e.g. I feel I cannot prove my innocence because I have no evidence).

NOT GUILTY BY REASON OF INSANITY: I was insane at the time of the crime (You are admitting to the court that you did commit the crime, but that at the time you did not know the difference between right and wrong due to a mental illness/disease/defect).

5. The state will have a PROSECUTING LAWYER (the District Attorney). He or she will try to prove that you are guilty of the crimes(s) you are charged with and that what you did was very bad.
  6. The JUDGE is in charge of the courtroom. In a Bench Trial, the judge will decide whether you are guilty or not guilty. If you are found guilty, the judge will decide on the sentence or penalty.
  7. The U.S. Constitution says that you may have the right to a trial by a jury of your peers. The jury will have 6 people (for a misdemeanor) or 12 people (for a felony). The jury decides the verdict; tells the judge whether they think you are guilty or not guilty. In some cases the jury may help the judge decide on the length of the sentence.
  8. In a trial, the prosecuting lawyer has to prove that you are guilty. The prosecution has the "burden of proof". You are considered innocent until they can do that.
- You cannot be forced to testify against your will. You and your attorney make the decision about whether you testify or not (5<sup>th</sup> Amendment).