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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA23-857

Filed 3 September 2024

Person County, Nos. 21 CRS 50163, 22 CRS 132

STATE OF NORTH CAROLINA

v.

MARCUS ANTONIO SATTERFIELD

Appeal by defendant from judgment entered 15 November 2022 by Judge Edwin G. Wilson, Jr., in Person County Superior Court. Heard in the Court of Appeals 11 June 2024.

Attorney General Joshua H. Stein, by Special Deputy Attorney General Melody R. Hairston, for the State.

The Carolina Law Group, by Kirby H. Smith, III, for defendant-appellant.

ZACHARY, Judge.

Defendant Marcus Antonio Satterfield appeals from the trial court's judgment entered upon a jury's verdicts finding him guilty of felony assault by strangulation, misdemeanor breaking or entering, misdemeanor resisting a public officer, and attaining habitual-felon status. We conclude that Defendant received a fair trial, free from error.

I. Background

On 3 February 2021, Roxboro Police Department Detective James Seifert arrested Defendant at the residence of Defendant's former girlfriend in Person County. Defendant was alleged to have broken into her mobile home and attacked her. On 4 February 2021, Defendant was charged with felony assault by strangulation, felony breaking or entering, and misdemeanor resisting a public officer.

On 8 February 2021, Attorney Pressley was appointed to represent Defendant. On 9 March 2021, Pressley filed a motion pursuant to N.C. Gen. Stat. § 15A-1002 seeking an order committing Defendant to Central Regional Hospital to determine his capacity to proceed to trial. In that motion, Pressley, who regularly represented Defendant, explained that "Defendant has a history of mental illness but is an intelligent individual. When stable[,] he is able to make rational and reasonable decisions. Unfortunately, his present state is disorganized and combative." Pressley's ultimate concern was that Defendant "[cannot] stay focused and is combative and appears unable to assist counsel at this time in his defense." The same day, the district court ordered that Defendant be committed "for observation and treatment . . . to determine [his] capacity to proceed."

Pressley subsequently withdrew as Defendant's counsel, and Attorney Simmons was assigned to represent Defendant. Thereafter, on 21 April 2021, Central Regional Hospital Senior Psychologist Dr. Matthew R. McNally conducted a forensic

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evaluation of Defendant lasting more than three hours. Dr. McNally submitted his written report on 17 May 2021.

As part of Dr. McNally’s evaluation, he reviewed records from previous treatment providers, which evinced a pattern of mental impairment when Defendant failed to take antipsychotic medications. Dr. McNally reported that Defendant was not taking antipsychotic medications at the time of the evaluation and that Defendant “demonstrated ongoing impairment from mental health symptoms (e.g., Schizophrenia Spectrum and Other Psychotic Disorders and/or Bipolar and Related Disorders)[.]” Dr. McNally determined that Defendant “demonstrated adequate knowledge” of the legal proceedings against him and awareness of his situation, but concluded that Defendant was “unable to rationally and reasonably assist in the preparation of his defense” and therefore was “incapable to proceed at [the] time.”¹ However, in Dr. McNally’s opinion, Defendant could “be restored to capacity in a reasonable period of time” with treatment, including “tak[ing] medications as prescribed[.]”

¹ Dr. McNally’s report is under seal, and thus we limit our discussion of its contents as necessary to our analysis.

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Several weeks after the forensic evaluation, on 3 June 2021, the matter came on for hearing before the district court to determine Defendant’s capacity to proceed. The court reviewed Dr. McNally’s report and heard Defendant’s testimony.²

By order entered 8 June 2021, the district court concluded that Defendant (1) was “capable of demonstrating an adequate factual understanding of the nature and object of the proceedings against him”; (2) “comprehend[ed] his situation in reference to the proceedings against him”; and (3) had “sufficient ability to assist his attorney in his defense in a rational or reasonable manner in the proceedings against him[.]” The court determined that Defendant was “capable to proceed to trial and other proceedings[.]” Additionally, in consideration of Defendant’s strong—but “not unreasonable”—desire to have a probable cause hearing “to assist in evaluating the cases against him[.]” the district court ordered that a probable cause hearing be held on 10 June 2021.

The next month, on 28 July 2021, a Person County grand jury returned a true bill of indictment charging Defendant with felony assault by strangulation, felony breaking or entering, and misdemeanor resisting a public officer.

On 18 March 2022, the superior court allowed Simmons to withdraw as Defendant’s counsel. Thereafter, Attorney Jones was appointed to represent

² The record does not contain a transcript of the district court capacity hearing. Nonetheless, as Defendant notes, it is evident from the capacity order that the court reviewed Dr. McNally’s report and heard Defendant’s testimony.

Defendant. On 31 May 2022, a grand jury indicted Defendant for attaining habitual-felon status.

On 20 September 2022, the superior court ordered that Defendant be transferred from the county jail to the North Carolina Division of Adult Correction for safekeeping pursuant to N.C. Gen. Stat. § 162-39, so that he could receive “medical or mental health treatment[.]” Approximately two months later, on 14 November 2022, Defendant’s case came on for trial. Neither Jones nor Defendant raised any objection or voiced any concern regarding Defendant’s capacity to proceed before or during his trial.

On 15 November 2022, the jury returned verdicts finding Defendant guilty of felony assault by strangulation, misdemeanor breaking or entering, and misdemeanor resisting a public officer. The jury also found Defendant had attained habitual-felon status. After consolidating Defendant’s offenses for sentencing, the trial court imposed a term of 84 to 113 months in the custody of the North Carolina Division of Adult Correction.

Defendant gave oral notice of appeal.

II. District Court Capacity Order

Defendant first argues that neither the district court’s findings of fact nor the evidence supports the court’s conclusion that Defendant had “sufficient ability to assist his attorney in his defense in a rational or reasonable manner in the proceedings against him”; Defendant contends that the record instead shows that he

lacked capacity to proceed.

A. Preservation

As a preliminary matter, the State asserts that Defendant neglected to preserve for appellate review the issue of his capacity to proceed in that neither the record nor the transcript reflect that Defendant appealed the district court’s 8 June 2021 capacity order or that there were “any further proceedings relating to Defendant’s capacity to stand trial.”

Where, as here, defense counsel files a motion for a capacity hearing “alleging that [the] [d]efendant was not competent to stand trial[,]” and the court subsequently conducts a capacity hearing and determines that the defendant is capable of standing trial, the defendant has “presented to the trial court a timely motion and obtained a ruling upon that motion” in accordance with Rule 10(a)(1) of the Rules of Appellate Procedure. *State v. Bethea*, 291 N.C. App. 591, 593, 896 S.E.2d 277, 279 (2023), *disc. review denied*, ___ N.C. ___, ___ S.E.2d ___ (2024); N.C.R. App. P. 10(a)(1). Accordingly, the issue of Defendant’s capacity to stand trial was properly preserved for review.

B. Standard of Review

“When the capacity of the defendant to proceed is questioned, the court shall hold a hearing to determine the defendant’s capacity to proceed.” N.C. Gen. Stat. § 15A-1002(b)(1) (2023). The trial court’s order “shall contain findings of fact to support its determination of the defendant’s capacity to proceed.” *Id.* § 15A-1002(b1).

“[F]indings of fact as to [a] defendant’s mental capacity are conclusive on appeal if supported by the evidence.” *Bethea*, 291 N.C. App. at 593, 896 S.E.2d at 279 (citation omitted).

A trial court’s determination that a defendant has the capacity to proceed “will not be overturned, absent a showing that the trial judge abused his discretion.” *State v. McClain*, 169 N.C. App. 657, 663, 610 S.E.2d 783, 787 (2005). Under this standard of review, a trial court abuses its discretion only where its action is “manifestly unsupported by reason” or is “so arbitrary that it could not have been the result of a reasoned decision.” *State v. Whaley*, 362 N.C. 156, 160, 655 S.E.2d 388, 390 (2008) (citation omitted).

C. Discussion

There are two potential sources of a criminal defendant’s right to a capacity hearing: statutory and constitutional. *State v. Wilkins*, 287 N.C. App. 343, 346, 882 S.E.2d 454, 456 (2022), *disc. review denied*, 385 N.C. 313, 890 S.E.2d 903 (2023). The statutory right arises from §§ 15A-1001 and 1002 of our General Statutes. *Id.*

N.C. Gen. Stat. § 15A-1001 provides:

No person may be tried, convicted, sentenced, or punished for a crime when by reason of mental illness or defect he is unable to understand the nature and object of the proceedings against him, to comprehend his own situation in reference to the proceedings, or to assist in his defense in a rational or reasonable manner.

N.C. Gen. Stat. § 15A-1001(a).

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“The statute provides three separate tests in the disjunctive. If a defendant is deficient under any of these tests[,] he or she does not have the capacity to proceed.” *State v. Shytle*, 323 N.C. 684, 688, 374 S.E.2d 573, 575 (1989). However, “[t]he defendant bears the burden of demonstrating” that he lacks the capacity to stand trial. *McClain*, 169 N.C. App. at 663, 610 S.E.2d at 787.

With regard to the requirement that a defendant be able to assist in his defense, our Supreme Court has explained that “a defendant does not have to be at the highest stage of mental alertness to be competent to be tried.” *Shytle*, 323 N.C. at 689, 374 S.E.2d at 575. Where a defendant “can confer with his or her attorney so that the attorney may interpose any available defenses for him or her, the defendant is able to assist his or her defense in a rational manner. It is the attorney who must make the subtle distinctions as to the trial.” *Id.*

Here, Defendant does not challenge his ability to understand the nature and object of the proceedings against him or his ability to comprehend his own situation in reference to the proceedings. Instead, Defendant maintains that he lacked the ability to assist his attorney in his defense in a rational or reasonable manner in the proceedings against him and that the district court’s conclusion to the contrary is not supported by its findings of fact or competent evidence.

Defendant’s capacity hearing was conducted in district court on 3 June 2021. The hearing was not recorded and there is no narration of the proceedings;

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nevertheless, as Defendant notes, it is evident from the order that the court reviewed Dr. McNally's report and that Defendant testified.

Dr. McNally evaluated Defendant on 21 April 2021, when Defendant was not taking antipsychotic medications. In his 17 May 2021 report, Dr. McNally concluded that Defendant demonstrated adequate knowledge of the legal proceedings and comprehension of his situation. Nonetheless, Dr. McNally further concluded that while Defendant "showed the ability to disclose relevant information[,] his "elevated/irritable mood; rambling, loud, and tangential speech; pressure to keep talking; and potentially delusional ideas" rendered him incapable of rationally and reasonably assisting in his defense. Yet the district court order reflects that at a hearing in June, several weeks after the psychiatric evaluation, Defendant was able to explain his case to the presiding judge and indeed, persuaded the judge that it would be appropriate to schedule a probable cause hearing "to assist in evaluating the cases against him."

There was sufficient evidence from which the district court could determine that Defendant had the capacity to assist his attorney in his defense in a rational or reasonable manner, Dr. McNally's opinion notwithstanding. While it is undisputed that Defendant suffers from mental illness, this "is not dispositive on the issue of competency." *State v. Pratt*, 152 N.C. App. 694, 697, 568 S.E.2d 276, 278 (2002), *cert. denied and appeal dismissed*, 357 N.C. 168, 581 S.E.2d 442 (2003). Here, "the trial judge had the opportunity to personally observe [D]efendant and draw independent

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conclusions regarding his capacity to proceed, the determination of which was within the trial court's discretion." *Id.* at 697, 568 S.E.2d at 278–79; *see State v. Newson*, 239 N.C. App. 183, 192, 767 S.E.2d 913, 918 (2015) (“[The d]efendant has not presented this Court with any authority indicating that [an examining doctor’s] lone medical opinion was conclusive of [the d]efendant’s competence”). Moreover, “a defendant’s competency to stand trial is not necessarily static, but can change over even brief periods of time.” *State v. Whitted*, 209 N.C. App. 522, 528–29, 705 S.E.2d 787, 792 (2011). The district court capacity hearing took place several weeks after Dr. McNally’s evaluation of Defendant, in which Dr. McNally reported that with treatment, including “tak[ing] medications as prescribed,” Defendant “c[ould] be restored to capacity in a reasonable period of time.”

“[T]he findings of the trial court are binding on appeal if supported by any competent evidence, and the court’s ruling may be disturbed only where there is a manifest abuse of discretion, or if the ruling is based on an error of law.” *State v. Rogers*, 219 N.C. App. 296, 299, 725 S.E.2d 342, 345, *appeal dismissed and disc. review denied*, 366 N.C. 232, 731 S.E.2d 171 (2012), *cert. denied*, 568 U.S. 1238, 185 L. Ed. 2d 595 (2013). In the present case, the district court’s findings were supported by the evidence, which in turn supported its conclusion that Defendant was able to assist in his defense in a rational and reasonable manner and had the capacity to stand trial under the test set forth in N.C. Gen. Stat. § 15A-1001(a).

Thus, the district court did not abuse its discretion in determining that Defendant had the capacity to proceed, and Defendant's arguments on this point are overruled.

III. Due Process Claim

Next, Defendant contends that the trial court erred by failing to sua sponte conduct a second inquiry into his capacity to stand trial at the commencement of his trial, in violation of his rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

A. Standard of Review

The issue of whether the court improperly failed to conduct, sua sponte, a second capacity hearing "is a question of law, and is reviewed de novo." *State v. Chukwu*, 230 N.C. App. 553, 560, 749 S.E.2d 910, 916 (2013). In addition, questions of law regarding a violation of a defendant's constitutional rights are reviewed de novo. *State v. Flow*, 384 N.C. 528, 546, 886 S.E.2d 71, 84 (2023).

B. Discussion

"A defendant is deemed to be incapable of standing trial when he 'lacks the capacity to understand the nature and object of the proceedings against him, to consult with counsel, and to assist in preparing his defense.'" *State v. Allen*, 377 N.C. 169, 181, 856 S.E.2d 494, 503 (2021) (quoting *Drope v. Missouri*, 420 U.S. 162, 171, 43 L. Ed. 2d 103, 113 (1975)).

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The trial court's failure to "protect a defendant's right not to be tried or convicted" while lacking the capacity to proceed "deprives him of his due process right to a fair trial." *State v. McRae*, 139 N.C. App. 387, 389, 533 S.E.2d 557, 559 (2000). Thus, "a trial court in this jurisdiction has a constitutional duty to institute, *sua sponte*, a competency hearing *if there is substantial evidence before the court* indicating that the accused may be mentally incompetent." *Allen*, 377 N.C. at 169, 856 S.E.2d at 503 (cleaned up). The evidence must support "a *bona fide* doubt as to the defendant's competency" to proceed to trial. *State v. Mobley*, 251 N.C. App. 665, 668, 795 S.E.2d 437, 439 (2017) (citation omitted).

Our Supreme Court has explained that "[t]here are, of course, no fixed or immutable signs which invariably indicate the need for further inquiry to determine fitness to proceed; the question is often a difficult one in which a wide range of manifestations and subtle nuances are implicated." *Allen*, 377 N.C. at 181, 856 S.E.2d at 503–04 (citation omitted). "The mere existence of evidence tending to show that the defendant has exhibited certain signs of mental disorder in the past or has engaged in what might be deemed unusual behavior during trial does not necessarily require the trial court to inquire" into the defendant's capacity *sua sponte*. *Id.* at 182, 856 S.E.2d at 504.

Here, it is evident that the duty to assess Defendant's capacity to proceed was correctly recognized and completed approximately 17 months prior to trial in a district court capacity hearing in June 2021. Nevertheless, Defendant contends that

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his mental state deteriorated after June 2021, and that by the commencement of the trial in November 2022 he lacked the capacity to proceed because he did not have the ability to assist in his defense.

Defendant advances multiple alleged indicia of his incapacity. He first raises the withdrawal of two attorneys prior to his trial counsel's appointment. However, these attorneys withdrew several months before Defendant stood trial, and the reasons for their withdrawal are not revealed in the record. Defendant next argues that the September 2022 safekeeping order, transferring Defendant from the Person County Jail to a state facility for 30 days in order to receive "medical or mental health treatment[.]" shows that "[t]hings [had] c[o]me to a head" as Defendant's condition worsened. But there is no explanation in the record of the reason that Defendant needed "medical or mental health treatment[.]" Defendant further argues that his letters from the jail exhibit his incapacity to proceed at the time his case came on for trial. To the contrary, our review of these letters shows that they were sent many months before trial and, moreover, they were neither bellicose nor combative; in these letters Defendant expresses his frustration with the criminal justice system and his interest in asserting his rights. Finally, Defendant maintains that his rambling reply to the trial court's inquiry regarding Defendant's response to the State's plea offer reveals his lack of capacity. This Court has held that rambling, by itself, does "not amount to substantial evidence that [D]efendant was mentally incompetent at trial."

State v. Coley, 193 N.C. App. 458, 464, 668 S.E.2d 46, 51 (2008), *aff'd per curiam*, 363 N.C. 622, 683 S.E.2d 208 (2009).

The record in this case contains no indication that Defendant could not assist in his defense at trial in November 2022 and therefore lacked the capacity to proceed. Neither “trial counsel nor anyone else . . . expressed any concern: [D]efendant’s capacity to proceed during [his] trial, and . . . nothing had occurred during [the] trial that sufficed to raise questions about [D]efendant’s capacity to proceed.” *Allen*, 377 N.C. at 178, 856 S.E.2d at 501. The trial court had the opportunity to observe Defendant’s behavior and demeanor throughout the proceedings and did not discern any cause for concern; “[D]efendant was present in court . . . for trial and did not disrupt the proceedings or interfere with his attorney’s statements in any manner.” *Pratt*, 152 N.C. App. at 697, 568 S.E.2d at 279. As our Supreme Court has noted, “the trial court may have insights into a defendant’s competency that are not conveyed by the record available to an appellate court.” *Flow*, 384 N.C. at 552, 886 S.E.2d at 88 (cleaned up).

Accordingly, the record does not contain substantial evidence indicating that Defendant lacked the capacity to stand trial because he was unable to assist in his defense. Thus, the trial court “did not err by failing to initiate an inquiry into the issue of [D]efendant’s competence on its own motion.” *Allen*, 377 N.C. at 184, 856 S.E.2d at 505. Defendant’s arguments are overruled.

IV. Ineffective Assistance of Counsel Claim

Finally, Defendant argues that he received ineffective assistance of counsel because his trial counsel “failed to renew the motion to determine if [Defendant] had the capacity to proceed to trial[.]” We disagree.

“A defendant’s constitutionally[] guaranteed right to counsel includes the right to the effective assistance of counsel.” *State v. Beckham*, 145 N.C. App. 119, 125, 550 S.E.2d 231, 236 (2001). “To establish a claim for ineffective assistance of counsel, a defendant must show that his counsel’s assistance was deficient under the circumstances, and that such deficiencies prejudiced the defense.” *Id.*

We conclude, “as above, that there was insufficient evidence at trial of [D]efendant’s incompetency” to warrant a second capacity hearing. *Id.* at 126, 550 S.E.2d at 237. Therefore, Defendant has failed to show that his counsel was deficient in failing to move for such a proceeding. *Id.* Defendant’s arguments regarding this point are without merit.

V. Conclusion

For the reasons stated herein, we conclude that Defendant received a fair trial, free from error.

NO ERROR.

Judges TYSON and GRIFFIN concur.

Report per Rule 30(e).