Star Chamber

Ancient meeting place of the king of England's councilors in the palace of Westminster in London, so called because of stars painted on the ceiling. The court of the Star Chamber developed from the judicial proceedings traditionally carried out by the king and his council, and was entirely separate from the common-law courts of the day. In the 15th cent., under the Lancastrian and Yorkist kings, the role of the council as an equity and prerogative court increased, and it extended its jurisdiction over criminal matters. Faster and less rigid than the common-law courts, its scope was extended by the Tudors. Under Chancellor Wolsey's leadership (1515–29), the Court of Star Chamber became a political weapon, bringing actions against opponents to the decrees and edicts of Henry VIII. Wolsey also encouraged petitioners to use the Court of the Star Chamber as a court of original jurisdiction, not as a last resort after the common-law courts had failed. Depositions were taken from witnesses, but no jury was employed in the proceedings. Although its sentences included a wide variety of corporal punishments, including whipping, pillorying, and branding, those convicted were never sentenced to death. The court remained active through the reigns of James I and Charles I. The traditional hostility between equity and common law was aggravated by the use made of the Star Chamber by the Stuarts as a vehicle for exercising the royal prerogative, particularly over church matters, in defiance of Parliament. It was abolished by the Long Parliament in 1641. In its later period the court was so reviled that *Star Chamber* became a byword for unfair judicial proceedings.

Transcript of 04.07.2003
Docket 158

Page 3, Lines 9-10
Defendant's Counsel: "Gregory Nicolaysen appearing for the defendant, who is *not present*, Your Honor."

Lines 11-17, Ibid.
Court: "Okay. I arranged this status conference because I had some questions about the ***joint proposed amended*** order[1] that was lodged last week under Rule 43[2]. The defendant's presence is not necessary, given that he's currently represented by Mr. Nicolaysen. This is primarily an issue, at the very least, a mixed issue of fact and law, probably a legal issue."

Page 4, Lines 4-7
Court: [a]nd under the applicable provisions of the federal statute involved, 18 U.S.C. 4241(D), I was directing that he be examined in an FMC for the purposes of *evaluating*[3] that determination. *I did not make a finding*.[4]

Lines 24-25, Id.
Prosecutor: "[a]nd even though we were aware that the *court didn't make the specific finding at the hearing,…"*

Page 5, Lines 20-24

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[1] A court's decision to order a psychiatric or psychological examination is reviewed for an abuse of discretion. United States v. George, 85 F.3d 1433, 1347 (9th Cir. 1996).

[2] Rule 43 @ http://www.law.cornell.edu/rules/frcrmp/Rule43.htm

[3] 18 U.S.C. § 4241(d), which permits custodial ***treatment*** "for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed." 18 U.S.C. § 4241(d)(1), NOT EVALUATION.

[4] **(e)** Discharge.— When the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, ***he shall promptly file a certificate*** to that effect with the clerk of the court that ordered the commitment. In the instant case this was never done, yet the court proceeded to have another competency hearing anyway. **See Sentencing Transcript. Page 6, Lines 3-21.**

Prosecutor: “Having reviewed that, we are actually of the opinion - - and I’ll take as much responsibility as I need to for this - - that the order that was submitted and signed on March 20th, is a little bit of a hybrid; and it needed to be clarified.”

Page 6, Line 17
Prosecutor: “That’s where we all ended up with this hybrid kind of order,”

Page 7, Lines 22-25
Defendant’s Counsel: “Yeah. It is a scenario that does involve a hybrid, to borrow the government’s word, and we used the word hybrid when we spoke on Friday, and again on Saturday; and we found that that would be the inherent legal defect in the order …”

Page 8, Lines 12-14
Defendant’s Counsel: “And third, Your Honor did, in fact, speak in terms of restorationional ***treatment*** …

Page 10, Lines 14-24
Judge: “Ok. Well, here are my findings. I think that, particularly, in light of what happened at the hearing, and the language in Dr. Backer’s supplemental report, there is a sufficient basis to find that Mr. Sutcliffe is already afflicted with a disease or a defect that makes him incompetent for purposes of standing trial. The reason I didn’t want to make that finding and declined to make that finding was primarily because I didn’t want to inflame him; not because I had any doubts about applying the applicable standards to what I perceived to be his then condition.”

If the court finds reasonable cause, and, after the requisite hearing, determines by a preponderance of the evidence **that defendant is in fact**[5] incompetent, then the defendant must be hospitalized for treatment in a suitable facility for up to four months or until such time as defendant attains the capacity to permit the trial to proceed. See 18 U.S.C. § 4241(d)(1)

We have held that there is **no reasonable cause** to hold an initial competency hearing where "all the information from the [examining] psychiatrist, the defense counsel and the judge himself [from a plea colloquy] were [sic] in

[5] A finding of incompetence is a finding of fact, not law.

agreement." United States v. Lebron, 76 F.3d 29, 33 (1st Cir. 1996); see also United States v. Pryor, 960 F.2d 1, 2 (1st Cir. 1992) (affirming conviction without competency hearing where "**the court had seen defendant vigorously, and rationally, participating in his defense**").