OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED112122
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
v.	)	Cause No. 20SL-CR01744-01
	)	
DEANDRE J. COTHRAN,	)	Honorable Nancy W. McLaughlin
	)	
Appellant.	)	Filed: May 27, 2025

Deandre Cothran ("Defendant") appeals from the judgment upon his conviction following a jury trial for one count of unlawful use of a weapon, one count of armed criminal action, and one count of unlawful possession of a firearm. On appeal, Defendant argues the trial court erred in allowing him to proceed to trial *pro se*, in finding Defendant competent to proceed to trial without holding a competency hearing, in failing to order a mental evaluation to determine Defendant's competence after trial, in failing to grant Defendant's motion to dismiss based upon his speedy trial rights, and in failing to *sua sponte* declare a mistrial after a witness commented on Defendant's post-arrest silence.

AFFIRMED.

Division One Holds:

(1) The trial court did not err in allowing Defendant to proceed to trial *pro se* because Defendant knowingly, voluntarily, and intelligently waived his right to counsel. The trial court held a sufficient *Faretta* hearing advising Defendant of his charges, possible penalties, and the constitutional rights he would be waiving should he proceed *pro se*. The trial court also presented Defendant with a waiver of counsel form, but Defendant refused to read or sign it and made no further effort to retain counsel.
(2) The trial court did not err in finding Defendant competent to proceed to trial without conducting a competency hearing. Following the issuance of the competency evaluation by the Department of Mental Health finding Defendant competent, Defendant did not contest the results and a hearing was not required.
(3) The trial court did abuse its discretion in not ordering a second competency evaluation following Defendant's conviction and before sentencing. Defendant alleged that a childhood traumatic head injury and his expressed sovereign citizen beliefs required a second competency evaluation. These allegations were not a change in circumstance since the original competency determination, and a defendant's expression of sovereign citizen beliefs does not render him incompetent.
(4) The trial court did not err in refusing to dismiss the case for violations of Defendant's right to a speedy trial. Although the delay was presumptively prejudicial, the reasons for delay weigh against Defendant because he failed to appear and requested a six-month continuance. Defendant also failed to invoke his speedy trial rights in a timely, frequent,

and forceful manner, and did not demonstrate actual prejudice. Defendant's right to a speedy trial was not violated.

(5) The trial court did not plainly err in failing to *sua sponte* declare a mistrial after the State elicited testimony commenting on Defendant's right to remain silent. The testimony did not run afoul of *Doyle v. Ohio* because Defendant did not exercise his right to remain silent and the interviewing detective did not ask specific, incriminating questions. Defendant also opened the door to this testimony by eliciting other, similar testimony on the subject.

Opinion by: Cristian M. Stevens, J.,
James M. Dowd, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Kent E. Gipson
Attorneys for Respondent: Daniel N. McPherson, Assistant Attorney General

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.