

MISSOURI COURT OF APPEALS – WESTERN DISTRICT  
SPECIAL DIVISION (HARDWICK, P.J., MITCHELL AND  
MARTIN, JJ.)  
MISSOURI GIRLS STATE JUNE 22, 2015  
UNIVERSITY OF CENTRAL MISSOURI

**WD 77257**

**State of Missouri, Respondent**

**vs.**

**Aroostook Mette-Njuldinir, Appellant**

In August of 2009, Appellant was a patient at the Fulton State Hospital. His case manager/social worker at the time was Alicia Simons. Appellant assaulted her by punching her in the head and stomach. She had to have surgery to repair multiple fractures of her cheekbone. Appellant was subsequently charged with second degree assault. Appellant's counsel filed a motion claiming, in March of 2009, Appellant had been found by the circuit court to be permanently incompetent to proceed. He also requested an evaluation of Appellant. Dr. Armour evaluated Appellant and reviewed other previous evaluations performed by other doctors. All of the reports concluded that Appellant suffered from Delusional Disorder. Dr. Armour gave Appellant a diagnosis of delusional disorder, persecutory type (characterized by the presence of one or more non-bizarre delusions that persist for one month). A non-bizarre delusion involves situations that can conceivably occur in real life. The persecutory type of delusional disorder is used when the central theme of the delusion involve the person's belief that he or she is being conspired against, cheated, spied on, followed, harassed, or somewhat obstructed in pursuit of long-term goals. Dr. Armour stated that Appellant believed: he had been followed and monitored by the National Security Administration because he invented an energy mechanism that runs on gravity; that a Federal Protection Services agent lied about the allegations against him; and that the Missouri Department of Mental Health had gone along with his psychiatric commitments to protect the agent, among other things. Dr. Armour found Appellant lacked the mental fitness to proceed. In July of 2011, Dr. Kline evaluated Appellant and found him competent to proceed to trial. After multiple other motions and proceedings, the trial began in October of 2013. Appellant was found guilty of assault in the second degree and the jury assessed punishment at three years of imprisonment. After the trial, the court ordered another mental evaluation of Appellant. Ultimately, the trial court determined that Appellant was competent to proceed with final disposition, denied his motion for new trial and sentenced him to three years of imprisonment

Appellant's points on appeal:

- (1) The trial court abused its discretion in not holding a hearing to determine whether Mr. M-N was competent to proceed to trial and to sentencing, in violation of §552.020.7 and Mr. M-N's right to due process, in that Mr. M-N contested the competency findings of Dr.

Armour, Dr. Kline, and Dr. Peterson, so he was entitled to a hearing on the issue of his competence to proceed, and: 1) the evidence that Mr. M-N was found permanently incompetent to proceed in both Jackson and Buchanan counties; 2) the §552.020 evaluation reports prepared in this case, 3) Mr. M-N's repeated complaints about counsel and requests to represent himself, and 4) Mr. M-N's trial testimony, all raised a bona fide doubt as to Mr. M-N's mental ability and gave the court reasonable cause to believe incompetency existed such that a hearing was necessary to present evidence upon the issue of Mr. M-N's mental fitness to proceed.

- (2) The trial court plainly erred in not *sua sponte* declaring a mistrial pursuant to §552.020.12, in violation of Mr. M-N's right to due process, in that Mr. M-N's testimony at trial raised a question of his mental fitness to proceed such that the court ordered a competency evaluation of him twelve days after trial, and based on the history of pre-trial mental examinations in this case, and the evidence that Mr. M-N was found to be permanently incompetent to proceed in two other counties in the state, the trial court should have ordered a mistrial pursuant to §552.020.12.