

Drope v. Missouri

Drope filed a motion for continuance so that he might be further examined and receive psychiatric treatment, attaching thereto the report of a psychiatrist who had examined him and suggested such treatment. The motion was denied and the case proceeded to trial. Petitioner's wife testified, confirming information concerning petitioner's "strange behavior" which was contained in the report and stating that she had changed her mind about not wanting to prosecute him because he had tried to kill her on the Sunday prior to trial. On the second day of the trial, petitioner shot himself in a suicide attempt and was hospitalized, but despite his absence, the trial court denied a motion for a mistrial on the ground that his absence was voluntary, and the trial continued. The jury returned a guilty verdict and petitioner was sentenced to life imprisonment. His motion for new trial was denied and the Missouri Court of Appeals and Missouri Supreme Court affirmed.

The Court held that the record reveals a failure to give proper weight to the information suggesting incompetence which came to light during trial, such as the information available prior to trial, the testimony of petitioner's wife at trial, and the information concerning petitioner's suicide attempt, which, when considered together, created a sufficient doubt of his competence to stand trial to require further inquiry on the question. Evidence of a defendant's irrational behavior, his demeanor at trial, and any prior medical opinion on competence to stand trial are all relevant in determining whether further inquiry is required, but even one of these factors standing alone may, in some circumstances, be sufficient. There are, of course, no fixed or immutable signs which invariably indicate the need for further inquiry to determine fitness to proceed.