



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

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Elizabeth A. Brown
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September 23, 2020

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. VINNIE ADAMS aka VENNTE ADAMS

S.C. CASE: 81782

D.C. CASE: C-19-342405-1

Dear Ms. Brown:

In response to the e-mail dated September 23, 2020, enclosed is a certified copy of the Decision and Order filed August 13, 2020 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", with a long horizontal flourish extending to the right.

Heather Ungermann, Deputy Clerk

1 **DAO**

2 **EIGHTH JUDICIAL DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4
5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 VINNIE ADAMS,

9 Defendant.

Case No.

C-19-342405-1

Dept. No.

28

10
11 **DECISION AND ORDER**

12 Vinnie Adams was referred to competency proceedings in August of 2019. Mr. Adams was
13 found to be competent after treatment at Stein Forensic Facility, but the finding was challenged by
14 defense counsel. The matter came before the Court for a challenge hearing on July 17, 2020. After
15 review of the medical evaluations, expert testimony, and oral arguments, the Court finds that Mr.
16 Adams is not competent to proceed with adjudication.

17 **I. Factual and Procedural Background**

18 Vinnie Adams is charged with Child Abuse, Neglect, or Endangerment Resulting in
19 Substantial Bodily or Mental Harm for an alleged incident occurring on October 17, 2018. In
20 February of 2019, Dr. Jones-Forrester conducted a neurocognitive evaluation of Mr. Adams. Dr.
21 Jones-Forrester's evaluation determined that Mr. Adams suffered neurocognitive, intellectual, and
22 learning disabilities. The Las Vegas Justice Court subsequently referred Mr. Adams to the District
23 Court for a competency determination. In August of 2019, Mr. Adams was evaluated by Drs.
24 Paglini and Collins. Both doctors opined that Mr. Adams was not competent to proceed with
25 adjudication. Based on the doctors' opinions, Mr. Adams was referred to Stein Forensic Facility for
26 treatment and possible restoration of competency.

27 Mr. Adams did not receive a formal education due to his upbringing in the Roma culture.
28 Due to Mr. Adams's educational and cognitive deficits, Stein's treatment was supplemented with

1 specialized techniques such as using pictures to help explain the nature and purpose of court
2 proceedings. In December of 2019, Mr. Adams was evaluated at Stein by Drs. Damas, Roley, and
3 Abukamil. All three doctors diagnosed Mr. Adams with intellectual or cognitive deficits. Dr. Roley
4 also identified evidence of prenatal drug or alcohol exposure that contributed to neurodevelopmental
5 disorder. Despite Mr. Adams's deficits, the Stein doctors determined that Mr. Adams was
6 competent to proceed with adjudication. The doctors' determination was challenged by defense
7 counsel. Prior to the challenge hearing, Dr. Jones-Forrester conducted a second evaluation of Mr.
8 Adams on May 19, 2020. At the second evaluation, Dr. Jones-Forrester observed Mr. Adams's
9 interaction with defense counsel. The challenge hearing was held on July 17, 2020. The Court
10 heard testimony from Drs. Jones-Forrester, Abukamil, Roley, and Damas, as well as argument from
11 counsel.

12 The Court now finds that Mr. Adams is not competent to proceed with adjudication because
13 he does not understand the nature and purpose of the court proceedings, and because Mr. Adams is
14 unable to assist counsel during the proceedings with a reasonable degree of rational understanding.

15 **II. Discussion**

16 **A. Legal Standard**

17 The US Supreme Court has held that a defendant is competent to stand trial when the
18 defendant "has sufficient present ability to consult with his lawyer with a reasonable degree of
19 rational understanding" and the defendant "has a rational as well as factual understanding of the
20 proceedings against him." Dusky v. U.S., 362 U.S. 402, 402 (1960). Under Nevada Revised Statute
21 178.400, an incompetent defendant "may not be tried or adjudged to punishment for a public
22 offense." NRS 178.400(1). A defendant is incompetent when they do not have the ability to

23 (a) Understand the nature of the criminal charges against the person;

24 (b) Understand the nature and purpose of the court proceedings; or

25 (c) Aid and assist the person's counsel in the defense at any time during the
26 proceedings with a reasonable degree of rational understanding.

27 NRS 178.400(2).
28

1 The Nevada Supreme Court has held that Nevada's standard for competency complies with
2 the Dusky standard. Calvin v. State, 147 P.3d 1097, 1098 (Nev. 2006).

3 **B. Mr. Adams does not understand the nature and purpose of the court proceedings, nor**
4 **is Mr. Adams able to assist counsel during the proceedings with a reasonable degree of**
5 **rational understanding.**

6 There is no dispute that Mr. Adams understands the nature of the charges against him. Dr.
7 Jones-Forrester's findings, however, raise doubt about Mr. Adams's ability to understand the nature
8 and purpose of the court proceedings. Dr. Jones-Forrester determined that Mr. Adams's IQ is 58,
9 which is extremely low against the average of 100. Mr. Adams's intellectual deficits are
10 compounded by neurocognitive deficits. Mr. Adams academic skills were generally at the
11 kindergarten level, with the exception of Mr. Adams's problem solving skills which were at the first
12 grade level. The low academic skills render Mr. Adams functionally illiterate and impair Mr.
13 Adams's ability to understand numbers. Dr. Jones-Forrester also found significant difficulties in Mr.
14 Adams's attention, mental tracking, and processing speed. Difficulties in these and other
15 neurocognitive areas make Mr. Adams vulnerable to missing or misunderstanding information. Dr.
16 Jones-Forrester asserts that Mr. Adams's deficits affect his ability to understand court proceedings.

17 At the challenge hearing, all three Stein doctors acknowledged that Mr. Adams suffered from
18 intellectual disabilities. The Stein doctors did not perform testing on the extent of Mr. Adams's
19 intellectual disability. But, the Stein doctors disputed the degree to which Mr. Adams was affected
20 by his mental deficits and noted the improvement of Mr. Adams's ability to understand court
21 proceedings while at Stein. The Stein doctors acknowledged, however, that Mr. Adams's
22 understandings of court proceedings may slip over time. Drs. Abukamil and Roley both
23 recommended that Mr. Adams undergo regular reeducation on court proceedings. At the May 2020
24 evaluation, Dr. Jones-Forrester observed the slippage of Mr. Adams's understandings of court
25 proceedings. Mr. Adams failed to retain what he had learned at Stein on courtroom procedures and
26 the roles of the participants in judicial proceedings. At one point, Mr. Adams stated that the role of
27 the prosecution was to find Mr. Adams not guilty, whereas Mr. Adams's relationship with defense
28 counsel was described as a friendship. One of Mr. Adams's primary concerns was not to anger any

1 of the court participants. The May 2020 evaluation demonstrated that Mr. Adams did not have an
2 understanding of the adversarial nature of the legal process.

3 Mr. Adams's intellectual and neurocognitive deficits also impair Mr. Adams's ability to
4 assist counsel in Mr. Adams's defense. At the May 2020 evaluation, Mr. Adams did not understand
5 who would make the decision to go to trial, nor did Mr. Adams show a rational understanding of the
6 consequences of going to trial. Mr. Adams stated that he believed that he would receive probation
7 as long as he apologized to the trial judge. Mr. Adams's limited intellectual ability and
8 neurocognitive deficits would also affect his ability to rationally assist counsel during court
9 proceedings. Dr. Abukamil acknowledged that Mr. Adam would face difficulties during court
10 proceedings, but opined that the difficulties would be mitigated by the use of simple language,
11 speaking slowly, using concrete concepts, and taking frequent breaks. But, such techniques would
12 not be practicable at court proceedings like witness testimony. If Mr. Adams is unable to understand
13 court proceedings, he cannot rationally assist counsel in his defense.

14 Based on Mr. Adams's intellectual and neurocognitive deficits, Mr. Adams does not
15 presently understand the nature and purpose of court proceedings, nor can Mr. Adams assist counsel
16 during the proceedings with a reasonable degree of rational understanding.

17 **III. Conclusion**

18 Mr. Adams is able to understand the nature of the criminal charges against him, as well as
19 the nature and purpose of the court proceedings. But, Mr. Adams's intellectual and neurocognitive
20 deficits impair his ability to understand the nature and purpose of the court proceedings. Mr.
21 Adams's deficits also prevent Mr. Adams from aiding and assisting counsel in his defense with a
22 reasonable degree of rational understanding. Therefore, the Court finds that Mr. Adams is not
23 competent to proceed with adjudication.

24 Dated this 13th day of August, 2020

25 September 23, 2020



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9CA 29C C6D5 207C
Linda Marie Bell
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 State of Nevada

CASE NO: C-19-342405-1

7 vs

DEPT. NO. Department 28

8 Vinnie Adams
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
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