

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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THE STATE OF NEVADA,

Appellant,

v.

VINNIE ADAMS,

Respondent.

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)  
)

Case No. 81782

Electronically Filed  
Apr 01 2021 04:07 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT'S APPENDIX**

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## **CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 1, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
Nevada Attorney General

CLAUDIA ROMNEY  
Deputy Public Defender

ALEXANDER CHEN  
Chief Deputy District Attorney

BY /s/ E. Davis  
Employee, District Attorney's Office

AC/Brittni Griffith/ed

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: PC

**Court Minutes**



LD10080587

**PC18F19503X State of Nevada vs. ADAMS, VINNIE**

**10/18/2018 9:00:00 AM Initial Appearance  
Justice Court (PC Review)**

**Result: Signing Completed**

**PARTIES  
PRESENT:**

**Judge:** Pro Tempore, Judge  
**Court Clerk:** Velazquez, Stephanie  
**Pro Tempore:** Lal, Paul

**PROCEEDINGS**

**Hearings:** 10/19/2018 8:00:00 AM: 72 Hour Hearing

**Added**

**Events:** **Probable Cause Found**

**Bail Condition - Stay Away From Victim**

*Brenda Zito & L.Z*

**Release Order - Court Ordered EMP - Low**

*(Release Order - Court Ordered Electronic Monitoring - Low Level)*

RECEIVED

OCT 19 2018

LAS VEGAS JUSTICE COURT

CLERK IN OPEN COURT

Courtroom Services

OCT 19 2018

JUSTICE COURT, LAS VEGAS TOWN  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

VINNIE ADAMS, aka,  
Vennte Adams #2888779,

Defendant.

BY   
CLERK

CASE NO: 18F19503X

DEPT NO: 10

CRIMINAL COMPLAINT

The Defendant above named having committed the crime of CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY OR MENTAL HARM (Category B Felony - NRS 200.508.1 - NOC 55222), in the manner following, to wit: That the said Defendant, on or about the 17th day of October, 2018, at and within the County of Clark, State of Nevada, did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: L.Z., being approximately 3 weeks of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature, and/or cause L.Z. to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature, by picking up and shaking the said L.Z., resulting in substantial bodily or mental harm.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

  
10/18/18

18F19503X/ew  
LVMPD EV# 181000101387  
(TK10)

18F19503X  
CRM  
Criminal Complaint  
10083132



W:\2018\2018F\19503\18F19503-COMP-001.DOCX

AA 000002

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010083239

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**10/19/2018 8:00:00 AM 72 Hour Hearing (In Custody)**

Result: Matter Heard

<b>PARTIES PRESENT:</b>	.State Of Nevada	LoGrippto, Frank
	Attorney	Hubert, Alexander J.
	Attorney	Public Defender
	Defendant	ADAMS, VINNIE

<b>Judge:</b>	Pro Tempore, Judge
<b>Court Reporter:</b>	McCord, Donna
<b>Court Clerk:</b>	Wenz, William
<b>Pro Tempore:</b>	Jansen, William D.

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Hubert, Alexander J. ADAMS, VINNIE</b>	<b>Added</b>
	<b>Public Defender ADAMS, VINNIE</b>	<b>Added</b>
<b>Hearings:</b>	<b>11/1/2018 9:30:00 AM: Preliminary Hearing</b>	<b>Added</b>
<b>Events:</b>	<b>Criminal Complaint</b>	
	<i>Filed In Open Court</i>	
	<b>Initial Appearance Completed</b>	
	<i>Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint</i>	
	<b>Public Defender Appointed</b>	
	<b>Release Order - Court Ordered EMP - Medium</b>	
	<i>(Release Order - Court Ordered Electronic Monitoring - Medium Level)</i>	
	<b>Release Order - from Electronic Monitoring</b>	
	<i>Low Level Electronic Monitoring Rescinded-Defendant must be released to Medium Level Electronic Monitoring.</i>	
	<b>Bail Condition - Stay Away From Victim</b>	
	<i>Brenda Zico and L.Z.</i>	

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010086564

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**10/23/2018 8:00:00 AM House Arrest Review (In custody (Electronic Monitoring - Medium))**

Result: Matter Heard

<b>PARTIES</b>	State Of Nevada	Jobe, Michelle
<b>PRESENT:</b>	Attorney	Coombs, Allison L., ESQ
	Attorney	Public Defender
	Defendant	ADAMS, VINNIE

**Judge:** Toblasson, Melanie A.

**Court Reporter:** Grime, Joanie

**Court Clerk:** Carrera, Socorro

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Coombs, Allison L., ESQ</b>	<b>ADAMS, VINNIE</b>	<b>Added</b>
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**Events:** **Comment**

*House Arrest Correspondence Reviewed*

**Motion by Defense for an O.R. Release**

*Objection by State - Motion Denied.*

**Custody Comment**

*Electronic Monitoring Rescinded*

**Bail Reset - Cash or Surety**

*Counts: 001 - \$50,000.00/\$50,000.00 Total Bail*

**No Contact with Victim**

*Brenda Zlco and L.Z*

**Future Court Date Stands**

*11/1/2018 at 9:30am (Preliminary Hearing)*

**Las Vegas Justice Court: Department 10**

LVJC\_RW\_Criminal\_MinuteOrderByEventCode

Case 18F19503X Prepared By: carrs

10/23/2018 12:04 PM

AA 000004

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010135129

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**11/1/2018 9:30:00 AM Preliminary Hearing (In Custody)**

Result: Matter Heard

<b>PARTIES</b>	State Of Nevada	Getler, Stephanie
<b>PRESENT:</b>	Attorney	Public Defender
	Attorney	Howell, Chris
	Defendant	ADAMS, VINNIE

<b>Judge:</b>	Tobiasson, Melanie A.
<b>Court Reporter:</b>	McCord, Donna
<b>Court Clerk:</b>	Carrera, Socorro

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Howell, Chris</b>	<b>ADAMS, VINNIE</b>	<b>Added</b>
<b>Hearings:</b>	<b>11/15/2018 8:00:00 AM: Negotiations</b>		<b>Added</b>
<b>Events:</b>	<b>Bail Stands - Cash or Surety</b> <i>Amount: \$50,000.00</i>		
	<i>Counts: 001 - \$50,000.00/\$50,000.00 Total Bail</i>		
	<b>No Contact with Victim</b>		
	<i>Brenda Zico and L.Z</i>		
	<b>Continued For Negotiations</b>		

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010188899

**18F19503X State of Nevada vs. ADAMS, VINNIE**

**Lead Atty: Public Defender**

**11/15/2018 8:00:00 AM Negotiations (In custody)**

**Result: Matter Heard**

<b>PARTIES PRESENT:</b>	State Of Nevada	Getler, Stephanie
	Attorney	Coombs, Alison L., ESQ
	Attorney	Public Defender
	Defendant	ADAMS, VINNIE

**Judge:** Toblasson, Melanie A.

**Court Reporter:** Murray, Loree

**Court Clerk:** Carrera, Socorro

**PROCEEDINGS**

**Hearings:** 12/10/2018 8:00:00 AM: Negotiations **Added**

**Events:** **Bail Stands - Cash or Surety** *Amount: \$50,000.00*

*Counts: 001 - \$50,000.00/\$50,000.00 Total Bail*

**No Contact with Victim**

*Brenda Zico and L.Z*

**Continued For Negotiations**



**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



LD10278350

**18F19503X      State of Nevada vs. ADAMS, VINNIE**

**Lead Atty: Public Defender**

**12/10/2018 8:00:00 AM Negotiations (In  
Custody)**

**Result: Matter Continued**

<b>PARTIES</b>	State Of Nevada	Jobe, Michelle
<b>PRESENT:</b>	Attorney	Public Defender
	Attorney	Howell, Chris
	Defendant	ADAMS, VINNIE

<b>Judge:</b>	Pro Tempore, Judge
<b>Court Reporter:</b>	McCord, Donna
<b>Court Clerk:</b>	Carrera, Socorro
<b>Pro Tempore:</b>	Jansen, William D.

**PROCEEDINGS**

<b>Hearings:</b>	2/4/2019 8:00:00 AM: Negotiations	<b>Added</b>
<b>Events:</b>	<b>No Contact with Victim</b>	
	<i>Brenda Zico and L.Z</i>	
	<b>Bail Stands - Cash or Surety</b>	<b>Amount: \$50,000.00</b>
	<i>Counts: 001 - \$50,000.00/\$50,000.00 Total Bail</i>	
	<b>Continued For Negotiations</b>	

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010487862

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**2/4/2019 8:00:00 AM Negotiations (In custody)**

Result: Matter Heard

<b>PARTIES</b>	State Of Nevada	DeMonte, Noreen
<b>PRESENT:</b>	Attorney	Harris, Belinda T.
	Attorney	Public Defender
	Defendant	ADAMS, VINNIE

**Judge:** Tobiasson, Melanie A.

**Court Reporter:** McCord, Donna

**Court Clerk:** Carrera, Socorro

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Harris, Belinda T.</b>	<b>ADAMS, VINNIE</b>	<b>Added</b>
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<b>Hearings:</b>	<b>3/4/2019 8:00:00 AM: Negotiations</b>	<b>Added</b>
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<b>Events:</b>	<b>Bail Stands - Cash or Surety</b>	<b>Amount: \$50,000.00</b>
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*Counts: 001 - \$50,000.00/\$50,000.00 Total Bail*

**No Contact with Victim**

*Brenda Zico and L.Z.*

**Continued For Negotiations**

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010599487

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**3/4/2019 8:00:00 AM Negotiations (In custody)**

Result: Matter Continued

<b>PARTIES</b>	State Of Nevada	Jobe, Michelle
<b>PRESENT:</b>	Attorney	Public Defender
	Attorney	Howell, Chris
	Defendant	ADAMS, VINNIE

**Judge:** Pro Tempore, Judge

**Court Reporter:** McCord, Donna

**Court Clerk:** Carrera, Socorro

**Pro Tempore:** Jansen, William D.

<b>PROCEEDINGS</b>
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<b>Hearings:</b>	4/1/2019 8:00:00 AM: Negotiations	Added
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<b>Events:</b>	<b>Bail Stands - Cash or Surety</b>	<b>Amount: \$50,000.00</b>
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*Counts: 001 - \$50,000.00/\$50,000.00 Total Bail*

**Continued For Negotiations**

**Las Vegas Justice Court: Department 10**

LVJC\_RW\_Criminal\_MinuteOrderByEventCode

Case 18F19503X Prepared By: carrs

3/4/2019 2:18 PM

AA 000009



## NEUROPSYCHOLOGICAL EVALUATION

Patient Name: Vinnie (Vennte) Adams  
Date of Examination: February 7, 2019  
Date of Report: March 13, 2019  
Place of Examination: Office of the Clark County Public Defender  
Examiner: Sharon Jones-Forrester, Ph.D.  
Referral Source: Christopher T. Howell, Esq., Public Defender

THE CONTENTS OF THIS REPORT ARE STRICTLY CONFIDENTIAL AND ARE NOT TO BE REPRODUCED OR DISSEMINATED IN WHOLE OR IN PART BY ANY MEANS WITHOUT WRITTEN CONSENT OF THE PATIENT.

Vinnie is a 25-year-old (DOB: 01/02/94) left-handed man currently incarcerated at the Clark County Detention Center awaiting trial. A neuropsychological evaluation was requested to assist in understanding his overall neurocognitive and intellectual functioning, as well as to examine his psychosocial and medical history to assess any clinical factors that may be pertinent to his case. A review of records follows the body of this report.

### Informed Consent

I informed Vinnie that the present evaluation was requested by his defense team. I explained the limits of confidentiality and the importance of effort in this forensic context. He agreed to continue with the interview and evaluation, having had the limitations explained to him, and after being given an opportunity to discuss concerns, and ask any questions.

### Understanding of Legal Charges and Proceedings

It should be noted that this neuropsychological evaluation is intended to examine his intellectual, neurocognitive, and psychological functioning in depth rather than to address only competency specifically, although these factors certainly may intersect in this case. With that caveat in mind, Vinnie has intellectual disability, very poor comprehension skills, and struggles with clearly understanding complex legal information. He reads at the K.7 grade level, has extremely low literacy, has significant learning disabilities over and above what would be expected from his intellectual disability alone, and will be unable to understand written information that is presented to him. He has a good rapport with his defense attorney, is comfortable admitting when he does not understand information, and willingly asks for clarification and repetition of information. However, his significant intellectual disability will limit his ability to accurately identify the consequences of misunderstanding information, and will make it challenging for him to effectively advocate for himself when he is unsure of the consequences of his legal decisions. With regard to competency, he was able to state some but not all of his charges in depth, and had an only very concrete and rudimentary understanding of potential sentencing issues. He was able to demonstrate a very concrete understanding of the roles played by various members of the legal community, but demonstrated a misunderstanding of the function of a jury, believing that the jury "is the evidence" and "wants to push charges". He had significant difficulty articulating his own role in the legal process, or independently generating any ways in which he could assist counsel in his defense. He demonstrated a very concrete understanding of court proceedings and appropriate behavior in court, but was unable to articulate how he would appropriately identify or manage a situation in which someone said something in court that he did not agree with. More critically, his intellectual disability, learning disabilities, and significant neurocognitive deficits are likely to interact in a manner that would significantly compromise his ability to understand and process information under stressful conditions. Specifically, he will tend to be very concrete, easily confused, and will have marked difficulty understanding nuanced or complex information. He will also tend to be gullible and easily manipulated, has extremely slow processing, has poor expressive and receptive language skills, and will significantly struggle with reasoning, problem-solving, and thinking through the consequences of his actions and responses. As such, he will be very vulnerable to misunderstanding information, and may also readily agree to information that he has entirely misunderstood. Each of these difficulties will be more pronounced when he is stressed, rushed, anxious, in unfamiliar situations, or when information is presented to him in a rapid and complex manner. Ultimately, it is highly likely that his intellectual disability, learning disabilities, and significant neurocognitive deficits will negatively impact his ability to understand legal information and the legal consequences of his actions,

statements, and decisions with a reasonable degree of factual and rational understanding. It is critical to note that his intellectual disability and neurocognitive deficits is expected to be lifelong and not amenable to restoration. Further, his significant learning disabilities over and above what would be expected from his intellectual disability alone, while potentially amenable to improvement through educational interventions, will be clearly limited by his intellectual disability. His intellectual disability, learning disorders, and neurocognitive deficits are not amenable to improving to the point where they would not render significant day-to-day functional impairment for him. It is hoped that this evaluation will be of assistance for his defense attorneys and the court in further considering how his intellectual disability, learning disabilities, and neurocognitive deficits may ultimately impact his ability to fully and accurately understand legal information and participate in his defense with a reasonable and rational degree of understanding.

#### Behavioral Observations

Vinnie was polite, cooperative, and established and maintained good rapport. Affect was congruent to context. He had poor comprehension, was markedly concrete, and required repetition and clarification of complex or multistep directions, but otherwise followed directions well. He was a disorganized and sparsely detailed historian, but willingly elaborated on information when prompted to do so, and otherwise responded to questions in an appropriate and non-defensive manner. Eye contact was appropriate. Vision and hearing were adequate for testing. He was consistently on task throughout testing, and responded well to support and positive reinforcement. He appeared to have very poor insight into his cognitive limitations, but had good perseverance and effort throughout testing. These issues, while clinically notable, did not appear to impede his ability to engage in testing or complete all necessary tasks. No overt fatigue, anxiety, frustration, or resistance was evident in his test performance.

# NEUROCOGNITIVE TEST RESULTS

Neuropsychological measures possess high reliability and validity in detecting brain dysfunction, but should only be used to suggest the presence or absence of brain injury. Each score is compared to normative data derived from others of similar age, and whenever possible, of similar age, sex, and education. Test performance can be affected by mood, motivation, fatigue, natural variability in performance, and other factors. The neuropsychologist must interpret test results in light of these factors.

\* On the tables below, moving from left to right, the term SIG indicates a significantly impaired test score, MOD indicates a moderately impaired score, MILD indicates a mildly impaired score, LOW indicates a low average score, AVE indicates an average score, and HIGH indicates a high average test score.\*

## INTELLECTUAL FUNCTIONING

Index	Percentile	Measure
58	0.3	Full Scale IQ – combines skills related to four Indices below
68	2	Verbal Comprehension Index - Factors in only measures that load on verbal skills
60	0.4	Perceptual Reasoning Index - Factors in only measures that load on perceptual/spatial reasoning
71	3	Attentional buffering and mental tracking control (Working Memory Index) Index that factors in measures that load on attention and mental tracking.
56	0.2	Processing Speed Index - Factors in two measures that load on perceptual motor speed and dual attentional speed.
VCI > PSI; PSI < VCI, WMI		Discrepancy Significance - Typically discrepancies of more than 12 to 14 points are significant.

## ACADEMIC SKILLS

Measure	Percentile	Grade level	Measure	Percentile	Grade level
Letter-word Identification		K.8	Writing Fluency		< K.0
Reading Fluency		<K.2	Passage Comprehension		K.7
Calculations		K.7	Applied Problems		1.4
Math Fluency		< K.2	Word Attack		< K.0
Spelling		K.2			

## ATTENTION, MENTAL TRACKING, PROCESSING SPEED

SIG	MOD	MILD	LOW	AVE	HIGH	6/4	Digit Span Forward -Attentional Buffer Capacity - repetition of digits (Reliable)
SIG	MOD	MILD	LOW	AVE	HIGH	3/2	Digit Span Reverse - Simple Mental Tracking Capacity - repetition of digits in reverse order. (Reliable)
SIG	MOD	MILD	LOW	AVE	HIGH	3	Working Memory Index - Mental Control – factors two measure of attentional buffering and mental tracking. (%)
SIG	MOD	MILD	LOW	AVE	HIGH	0.2	Processing Speed Index – (PSI, WAIS III/IV) factors perceptual motor speed and dual attentional speed. (%)
SIG	MOD	MILD	LOW	AVE	HIGH	3	Symbol Search - Timed dual attention task - Subject simultaneously searches for two symbols (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	1	Coding - Perceptual Motor Speed with symbol transcription - rapid transcription of numbers into symbols (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	4	Arithmetic – Moderate Mental Tracking (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	1	Color Naming Condition 1 - Simple Visual Based Processing Speed (DKEFS Color Word) (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	75	Trails A - Perceptual Motor Speed with Visual Search - Connect the Dots type task (Raw)
SIG	MOD	MILD	LOW	AVE	HIGH	77	CPT-II - Vigilance/Focused Attention - Omissions (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	53	Commissions
SIG	MOD	MILD	LOW	AVE	HIGH	64	Hit Reaction Time
SIG	MOD	MILD	LOW	AVE	HIGH	62	Hit Reaction Time standard error
SIG	MOD	MILD	LOW	AVE	HIGH	56	Variability
SIG	MOD	MILD	LOW	AVE	HIGH	55	Detectability
SIG	MOD	MILD	LOW	AVE	HIGH	52	Response Style (B)
SIG	MOD	MILD	LOW	AVE	HIGH	57	Perseverations
SIG	MOD	MILD	LOW	AVE	HIGH	41	Hit RT Block Change
SIG	MOD	MILD	LOW	AVE	HIGH	49	Hit SE Block Change
SIG	MOD	MILD	LOW	AVE	HIGH	52	Hit RT ISI Change
SIG	MOD	MILD	LOW	AVE	HIGH	45	Hit SE ISI change
ADHD = 77.28%/Neurological = 67.58%							Confidence Index

## LANGUAGE SKILLS

SIG	MOD	MILD	LOW	AVE	HIGH	5	Vocabulary - Vocabulary Knowledge (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	36	Boston Naming Test - Confrontation Naming - Ability to name schematic depictions of objects (Raw)
SIG	MOD	MILD	LOW	AVE	HIGH	4	Category Exemplar - Semantic Fluency - Rapidly generating words from specific semantic categories (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	3	Similarities - Abstract Language Proficiency - Similarities - Providing abstract categorizations of two disparate concepts
SIG	MOD	MILD	LOW	AVE	HIGH	4	Proverbs - Abstract Language Proficiency - Proverbs (ss)

## SPATIAL PROCESSING AND CONSTRUCTIONAL SKILLS

SIG	MOD	MILD	LOW	AVE	HIGH	20	Judgment of Line Orientation - Angle Orientation - Estimating angles (Raw)
SIG	MOD	MILD	LOW	AVE	HIGH	10.5	Rey Osterrieth Complex Figure - Low Structure Complex Construction - Drawing - Copying a complex geometric figure (Raw)
SIG	MOD	MILD	LOW	AVE	HIGH	1	Spatial Reasoning Skills - Matrix Reasoning (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	3	Block Design - High Structure Complex Construction - Blocks - Timed replication of geometric designs using colored cubes (ss)

## MEMORY AND NEW LEARNING

SIG	MOD	MILD	LOW	AVE	HIGH	3	Logical Memory, WMS-II - Immediate memory for highly structure verbal material - Immediate recall of two stories (%)
SIG	MOD	MILD	LOW	AVE	HIGH	5	Logical Memory II, WMS-II - 30 minute delayed recall - Recall of the above story after a 30 minute delay. (%)
SIG	MOD	MILD	LOW	AVE	HIGH	-2.0	Trial 1 - Immediate recall of unstructured verbal material - Immediate recall of a long list of words (CVLT II Trial 1)
SIG	MOD	MILD	LOW	AVE	HIGH	-1.0	Trial 5 - Learning capacity after five trials - Recall on the fifth trial (CVLT II Trial 5)
SIG	MOD	MILD	LOW	AVE	HIGH	39	Total Recall Trial 1-5 - Learning Efficiency - Recall performance over five presentations of the word list (CVLT II Total) (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	-1.5	Delay 1 - Proactive Interference (ability to recall target information after an interfering task) (CVLT II Delay 1)
SIG	MOD	MILD	LOW	AVE	HIGH	-2.5	Delay 2 - Delayed Retrieval of List - Retrieval of target words after a 20 minute activity filled delay (CVLT II Delay 2)
SIG	MOD	MILD	LOW	AVE	HIGH	-1.5	Recognition - Simple Recognition - Recognition of the target words from a long list of words (CVLT II Recognition)
SIG	MOD	MILD	LOW	AVE	HIGH	-(2.0)	Recognition Intrusion Errors - subject's ability to differentiate target words from non-target words
SIG	MOD	MILD	LOW	AVE	HIGH	-(1.0)	Intrusion Errors in free recall - Words recalled that were never even on the list presented
SIG	MOD	MILD	LOW	AVE	HIGH	8	Rey Osterrieth Delayed Recall - Delayed Retrieval of Spatial Material - 30 minute delayed recall of the Rey complex figure (Raw)

## EXECUTIVE CONTROL SKILLS

SIG	MOD	MILD	LOW	AVE	HIGH	236	Trails B - Simple Set Shifting Efficiency - Rapid alternation between numbers and letters in order. (Raw)
SIG	MOD	MILD	LOW	AVE	HIGH	3	Similarities - Abstract Language Proficiency - Providing abstract categorizations of two disparate concepts (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	53	Commission Errors - Impulsivity - CPT-II Score derived from tendency to impulsively respond to non-target letters (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	4	VERBAL FLUENCY - Letter - internal searches for verbal information- (DKEFS) generating words beginning with a given letter (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	4	Category - generating words belonging to a given category (i.e. Flowers) (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	2	Switching Total Correct - switching between two categories (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	5	Switching Accuracy (ss)
SIG	MOD	MILD	LOW	AVE	HIGH	7	TWENTY QUESTIONS Number of Questions Asked - Deductive Reasoning (DKEFS twenty Questions)(ss)
SIG	MOD	MILD	LOW	AVE	HIGH	7	Total Weighted Achievement
SIG	MOD	MILD	LOW	AVE	HIGH	5	Tower - Spatial Conceptual Problem Solving - Tower of Hanoi task - forethought, spatial tracking, and planning. (DKEFS Tower)
SIG	MOD	MILD	LOW	AVE	HIGH	4	PROVERBS Total Achievement - Abstract Reasoning - Proverbs (DKEFS Proverbs)
SIG	MOD	MILD	LOW	AVE	HIGH	< 1	Multiple Choice (%)

## MOTOR SKILLS

SIG	MOD	MILD	LOW	AVE	HIGH	49.6	Finger Tapping - Motor Speed Dominant Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	37.2	Finger Tapping - Motor Speed Non-Dom. Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	100	Grooved Pegboard - Fine Motor Dexterity Dom. Hand (t-score)
SIG	MOD	MILD	LOW	AVE	HIGH	100	Grooved Pegboard - Fine Motor Dexterity Non-Dom. Hand (t-score)

## SYMPTOM VALIDITY MEASURES

							Available upon request to qualified, formally trained neuropsychologists only.
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## NEUROCOGNITIVE TESTING: INTERPRETATION AND DISCUSSION

### Issues Affecting the Validity of Interpretation

*Effort is analyzed in a number of ways, including the administration of measures empirically shown to identify suboptimal effort or purposeful exaggeration. In addition, when possible the overall pattern of performance is analyzed for consistency between measures, consistency with the expected severity of impairment, and the presenting symptoms are compared against base rates of symptoms in other patients with similar problems. Based on the analysis, the neurocognitive data is valid for interpretation and is unlikely the result of suboptimal performance or exaggeration.*

### NEUROCOGNITIVE PROFILE

#### Intellectual Capacity

- Overall intellectual functioning is in the extremely low range. Verbal comprehension, perceptual reasoning, and processing speed indices were all in the extremely low range. His working memory index (attention and mental tracking skills) was at the lower end of the borderline range. His processing speed index was significantly lower than his verbal conceptual reasoning and working memory indices on the IQ test. Each of these skills will be discussed in greater detail separately, below.

#### Academic Skills

- Letter word identification and phonemic recognition are at the K.8 and < K.0 grade level. Reading fluency is at the <K.7 grade level, and reading comprehension is at the K.7 grade level. Spelling and writing are at the K.2 and < K.0 grade level. Calculation, math fluency, and arithmetic problem-solving skills are at the K.7, < K.2, and 1.4 grade levels, respectively.

#### Attention, Speed, Mental Tracking

*Areas assessed include: auditory and visual attention span, the ability to continuously track internal and external stimuli without distraction, mental speed, mental tracking skills, and the ability to shift attentional focus.*

- Basic attention for short time spans (attentional buffering) is in the low average to average range.
- Sustained attention for long time spans is moderately impaired.
- Processing speed is in the moderately to significantly impaired range across multiple measures.
- Mental tracking skills are at the mildly to moderately impaired range.

#### Language

- Basic language skills with regard to conversational word finding, comprehension, and repetition, are significantly impaired. In particular, he was highly concrete, and had significant difficulties with comprehending complex and multistep directions.
- Vocabulary is in the mildly impaired range. Confrontation naming skills are in the significantly impaired range.
- Phonemic and semantic fluency are both in the moderately impaired range.
- Abstract language processing skills are in the moderately to significantly impaired range.

#### Spatial Processing

- Angle estimation skills are in the mildly impaired range.
- Drawing of a complex figure was significantly impaired, primarily due to poor planning and significant difficulty with organizing the complex drawing task.
- Construction of three-dimensional geometric designs was in the moderately impaired range.
- Overall, spatial processing, spatial reasoning, and constructional skills are in the mildly to significantly impaired range.

#### Memory and New Learning

*Memory and new learning involve the orchestration of multiple cognitive skills, including attention, mental tracking, language processing, and executive control. Likewise, depression, psychiatric problems, and motivation/effort play a role in performance.*

- Memory for longer prose (stories) is moderately impaired. Recall after a long delay was mildly impaired.
- New learning skills were assessed with a list learning task which involved in the presentation of a long word list over five trials. On this measure, mild to moderate problems were noted with the initial acquisition of information over repeated trials suggesting a great difficulty encoding information for recall. Recall further deteriorated on attempts to throw the patient off balance with a distracting word list. Delayed recall and recognition were in the moderately and mildly impaired range, respectively. Memory performance is also notable for a slow learning curve, poor organizational strategies, multiple intrusion errors, and little benefit from repetition are cueing.
- Delayed recall for complex spatial information is in the moderately impaired range.



### **Executive Control Skills**

*Executive control skills relate to self-regulation, abstract and deductive reasoning, verbal fluency, set shifting, response inhibition/impulse control, and problem solving. Each of these skills can be independently impaired.*

- Executive skills related to cognitive flexibility and set shifting are in the mildly to severely impaired range. Response inhibition/impulse control skills vary from the average to significantly impaired range. Problem-solving skills are in the mildly impaired range. Verbal fluency skills are in the mildly to moderately impaired range. Deductive reasoning skills are in the mildly impaired range, but abstract reasoning skills are in the moderately to severely impaired range.

### **Motor Functioning**

- Finger tapping speed is average for the left dominant hand but mildly impaired for the right nondominant hand.
- Fine motor dexterity is moderately impaired for the left hand, and mildly impaired for the left hand.

### **Personality/Psychological Functioning**

- Formal measures of personality/psychological functioning could not be administered due to Vinnie's extremely low (K.7 grade level) reading comprehension level. Subjectively, he denies any significant depression, anxiety, mood swings, suicidal or homicidal thoughts, or auditory or visual hallucinations, and this appears to be consistent with his clinical presentation on neurocognitive testing and throughout clinical interviews.

### **ADAPTIVE FUNCTIONING SUMMARY:**

In order to meet criteria for a diagnosis of intellectual disability, an individual must have significant limitations in both intellectual functioning, as demonstrated by his IQ and examination of intellectual functioning above, and significant limitations in day-to-day adaptive functioning, which is measured across multiple domains. Further, these limitations and intellectual and adaptive functioning must have originated before the age of 18. With regard to adaptive functioning, per clinical interviews, assessment, and review of records, he is noted to have clear and consistent adaptive functioning deficits in the conceptual, social, and practical domains, as outlined by the American Association on Intellectual and Developmental Disabilities.

- **Adaptive Functioning Deficits in the Conceptual Domain:**

- Vinnie has significant cognitive and academic difficulties, including extremely low literacy and numeracy, and has had no formal education. His performance across formal academic measures was consistent with significant learning disabilities across academic domains, over and above what would be expected from his intellectual disability alone. His lack of formal education has also profoundly limited his ability to gain core academic skills. Each of these issues, in addition to his intellectual disability and significant neurocognitive deficits, have all limited his ability to engage in educational and vocational pursuits. He has also had lifelong difficulties with attention, processing speed, abstract reasoning skills, planning, organization, cognitive flexibility, problem solving, and thinking through the consequences of his actions.

- **Adaptive Functioning Deficits in the Social Domain:**

- Vinnie has had to rely on family members to assist him with managing day-to-day demands. He has had lifelong difficulty with determining other's intentions and motivations, tends to be gullible and excessively trusting, and will be easily confused, misled, and vulnerable to getting taken advantage of. He has also had lifelong difficulty with carefully and accurately assessing social situations, planning appropriate responses, and thinking through the potential consequences of his decisions.

- **Adaptive Functioning Deficits in the Practical Domain:**

- In the practical domain, Vinnie never went to school and never worked formally, beyond spending time with his father helping repairing and buying and selling cars. He consistently did this under his father's supervision, and not independently. He has never received any formal supports or training through programs providing supervised assistance and support for individuals with intellectual disability, such as Desert Regional Center (DRC) and Opportunity Village, although he would certainly have qualified for these supports. Since he has no formal education, he was unfortunately also not provided with the high level of academic and social supports and accommodations available for students with intellectual disability, although he would have qualified for these. He was able to obtain a driver's license after paying someone to take the written portion of the test for him. He had a bank account but his uncle assisted him with money management. He has never lived independently. He lived with his parents until they died approximately two years ago, then stayed briefly with his uncle, before living with his girlfriend who he met through family members. He does not have any records of receiving medical treatment, but his intellectual disability and significant neurocognitive difficulties

• predict that he would also have a lifelong inability to independently manage his own medical care, or the medical care of others, and to appropriately think through the consequences of his medical decision making difficulties. He has consistently had assistance with making important day-to-day decisions.

**Diagnostic Considerations with regard to Intellectual Disability:**

• Taken as a whole, the above deficits across neurocognitive domains, significant learning disabilities over and above what would be expected from his intellectual disability alone, IQ test results, and adaptive functioning factors clearly represent life-long adaptive functioning deficits, which, in combination with his low IQ, and onset before age of 18, clearly qualify him for a diagnosis of Moderate Intellectual Disability (formerly Moderate Mental Retardation).

**PSYCHOSOCIAL HISTORY**

**SUBJECTIVE COMPLAINTS:**

*Various areas of day-to-day functioning were specifically addressed during the interview. It should be kept in mind that these are subjective complaints and may not be accurate appraisals or may not even be measurable upon objective testing.*

- Vinnie denied depression, anxiety, mood swings, mania or hypomania, suicidal thoughts, or auditory or visual hallucinations. No past suicide attempts or psychiatric hospitalizations. He denies difficulties with frustration.
- He has some difficulty with sleep onset, and occasional daytime fatigue. No other sleep difficulties reported.
- Appetite is intact.
- He tends to be clumsy, and has poor balance.
- He reports driving well in familiar settings, but has a poor sense of direction. He reportedly paid someone to assist him with taking the written portion of his written driver's test, so he did not have to do so.
- He has slow reaction time and very slow processing.
- Vision is corrected with glasses. Hearing and olfactory functioning are intact.
- He has poor word finding skills, poor comprehension, and struggles with expressing himself. He also has very low literacy and numeracy.
- He denies difficulties with attention, concentration, or memory.
- Socially, he describes lifelong difficulties with social cognition, has poor judgment, and has difficulty trusting others outside of his family. He also struggles with understanding other's intentions. He describes "trying to read body language" to determine other's intentions, but was unable to articulate the limitations of this. He describes bullying towards him in school and in his current housing, but tries to ignore this. Growing up, most of his friends tended to be girls and he described a belief that "guys were just trying to get me into trouble". He was close to his parents before they died approximately two years ago. His uncle and stepmother are supportive and visit him when they are able.
- He denies any difficulties with headaches, seizures, dizziness, or lightheadedness. No pain complaints.

**DETAILED HISTORY:**

*A psychosocial history was collected during clinical interviews, and is discussed below:*

**Family and Residential History Summary:**

Vinnie was reportedly informally taken from his biological mother, as was passed along to other community members "hand to hand" within the Romany community until he was finally taken by his adoptive parents at age 3. He did not have formal identification and does not have records related to his birth and early development. His biological mother was known to have substance abuse difficulties, and he is suspected to have had prenatal alcohol and substance exposure during his fetal development. Per his uncle, he was physically abused as a baby and was observed to have multiple cigarette burns on his body before coming into the care of his adoptive parents. He had a close relationship with his adoptive parents. His adoptive father also had a low level of literacy, but his adoptive mother helped Vinnie and his adoptive father when things had to be read. He was also close with his uncle growing up, and Vinnie and his adoptive parents would live with him at times when they were struggling financially. His family moved frequently and struggled financially throughout his childhood. They were never homeless, but were on welfare and received food stamps. Vinnie reportedly had two biological sisters from the same mother, but did not know them growing up. He had one half sister but was not raised with her. He describes a relationship with a woman Sonia Adams who he refers to as his "stepmother" and would also stay with her on and off. She is married to his father's first cousin, and despite the same surname, he did not believe that she was related to his biological mother. His adoptive mother reportedly died of congestive heart failure

in 2017, and his adoptive father died approximately 9 months later. He then stayed for a period of time with his uncle, before moving in with his girlfriend, Brenda Zico.

#### **Children and Relationship History:**

As noted above, Vinnie lived with family members, and did not live independently until he met his girlfriend Brenda Zico. They were not legally married, but he considered her his wife culturally because his family paid a dowry for her, as is consistent with his culture. He met Brenda through family members, and did not have any other serious relationships before meeting Brenda. They had one child together, a daughter, who is the subject minor in his current charges.

#### **Childhood Abuse History:**

With regard to abuse history, per his uncle, Vinnie was reportedly taken from his biological mother who was known to have alcohol and substance abuse problems, leading him to have probable prenatal alcohol and polysubstance exposure. He was then passed "hand to hand" from various community members until he was informally adopted by his adoptive parents when he was 3. He is suspected to have had significant abuse and neglect throughout early childhood, and per his uncle, had multiple cigarette burns on him when he was a baby. Vinnie denies any physical, emotional, or sexual abuse from his adoptive parents or any other community members after he was of an age to recall. He describes frequent teasing and bullying towards him in childhood, adolescence, and currently, due to his intellectual disability, illiteracy, and appearance, but generally tries to cope with this by ignoring it.

#### **Educational and Employment History:**

As noted above, Vinnie has never had any formal education and has no formal work history. He would assist his adoptive father with fixing, buying, and selling cars. His adoptive father was also reportedly illiterate, and his adoptive mother would help both of them with any reading tasks related to the family business. He has never worked independently, and appears to have had a limited and supervised role in the business. No educational or employment records are available.

#### **Medical and Neurodevelopmental History:**

With regard to medical and neurological/neurodevelopmental history, Vinnie has physical characteristics that are strongly suggestive of prenatal alcohol and substance exposure and potential fetal alcohol syndrome/fetal drug effects including early vision difficulties, small and closer set eyes, subtly smooth skin surface between his nose and upper lip, and head size that appears subtly smaller than average. He also has the relatively poor balance and motor coordination, and the significant intellectual disability and neurocognitive deficits often seen in individuals with fetal alcohol syndrome/fetal drug effects. Certainly, further genetic testing would be needed to confirm this diagnosis, but these features, in addition to his reported family history of prenatal alcohol and polysubstance exposure is strongly suggestive of fetal alcohol syndrome/fetal drug effects. He denies any current medical problems, medications, or history of concussion. Family medical history is unknown beyond a history of maternal alcohol/substance abuse, and strongly suspected prenatal alcohol/polysubstance exposure during Vinnie's fetal development. No family or individual medical records are available.

#### **Psychological History/Substance Abuse:**

Vinnie denies any history of depression, anxiety, mania/hypomania, auditory/visual hallucinations, or suicidal thoughts. No past suicide attempts or psychiatric hospitalizations. No history of alcohol or substance abuse. No history of psychiatric or psychotherapeutic treatment. Family history is notable for maternal alleged alcohol and substance abuse. Family psychiatric history is otherwise unknown. No mental health records are available.

### **SUMMARY**

#### **Neurocognitive Evaluation:**

The present evaluation was found valid for interpretation. Vinnie did not demonstrate any indications of suboptimal performance or exaggeration. Overall intellectual functioning is in the moderate intellectual disability range (formerly moderate mental retardation), and reading comprehension skills are at the K.7 grade level. His pattern of performance on neurocognitive testing predicts that he will have substantial problems with attention, concentration, mental tracking, and processing information rapidly and efficiently. He has a low vocabulary, will be very concrete, and will significantly struggle with generating rapid, well-thought-out verbal responses, or understanding nuance or ambiguity in information that is presented to him. He will have substantial problems with the organization and completion of spatial tasks, and his poor fine motor speed and dexterity will exacerbate these spatial difficulties. He will have mild to more substantial

problems with organizing his approach to memory and new learning tasks, and with weeding out unnecessary information. These memory problems will persist even after opportunities for repetition and review, and multiple exposures to the same information. He will also have substantial problems with cognitive flexibility, set shifting, abstract and deductive reasoning, problem solving, generating alternative solutions, and thinking through the consequences of his actions. His performance on formal academic testing was consistent with significant learning disabilities over and above those that would be expected from intellectual disability alone. These difficulties, in addition to his moderate intellectual disability and low adaptive functioning, raise concerns with regard to competency, which will be discussed below.

#### Potential Impact of Neurocognitive Deficits on Competency:

As noted in the understanding of legal charges and proceedings section on page 1-2 of the present report, I am concerned that Vinnie's intellectual disability, learning disabilities, and significant neurocognitive deficits that are lifelong and not amenable to restoration, will compromise his competency, and may render him unable to meet the Dusky Standard or Nevada NRS 178.400. While the present evaluation is intended to specifically evaluate his neurocognitive functioning rather than to solely address competency, neurocognitive, learning, and intellectual disabilities can clearly and directly impact competency across multiple neurocognitive domains. Summarily, these deficits include moderate intellectual disability (formerly moderate mental retardation); severe learning disabilities and functional illiteracy; attention and processing speed deficits; expressive and receptive language skill deficits, spatial skill deficits; memory deficits; and executive functioning deficits, all of which will negatively impact his ability to have a clear factual and rational understanding of information related to his case and court proceedings, and his ability to participate in his defense with a reasonable and rational degree of understanding. It is hoped that a consideration of these factors will be of assistance to the court in making an ultimate determination with regard to any potential barriers to legal competency.

#### Psychosocial History Pertinent Clinical Factors:

There are several key clinical factors that are critical to consider in Vinnie's case. Concisely, these include:

##### Prenatal/Childhood Developmental Factors:

- Suspected prenatal alcohol and substance exposure during fetal development.
- Neglect and physical abuse in infancy.
- Early poverty, nutritional and educational neglect, and chaotic home, community, and neighborhood environment.
- Lack of formal education and access to special educational interventions for children with intellectual disability.
- Lack of access to medical diagnosis and treatment for suspected fetal alcohol syndrome/fetal drug effects.
- Lack of access to therapeutic interventions for children with intellectual disability and suspected fetal alcohol syndrome/fetal drug effects.
- Isolation from supportive interventions available within the larger community throughout childhood.
- Extreme inconsistency in caretakers by being passed "hand to hand" among multiple community members for the first 3 years of his life until his informal adoption by his adoptive parents at age 3. Lack of access to medical, mental health, educational, and legal supports available to babies and toddlers going through formal legal adoption.
- These all may have potential negative impacts on his early childhood physical, cognitive, and emotional development.

##### Later Childhood/Early Adolescence Developmental Factors:

- Ongoing intellectual disability, learning disabilities, academic and cognitive difficulties, and bullying.
- Continued educational neglect and lack of access to formal education.
- Continued lack of medical or psychotherapeutic treatment for intellectual disability, learning disabilities, and suspected fetal alcohol syndrome/fetal drug effects.
- Lack of access to educational and occupational opportunities available for individuals with intellectual disability.
- These all likely had negative impacts on his late childhood and early adolescent physical, emotional, and cognitive development.

Late Adolescence/Early Adulthood Developmental Factors:

- Ongoing moderate intellectual disability (moderate mental retardation), and significant neurocognitive and learning disabilities.
- Continued educational neglect and lack of access to formal education.
- Continued lack of access to educational and occupational opportunities for individuals with intellectual disability.
- Loss of his adoptive parents who were his primary source of financial and emotional support within 9 months of each other in 2017.
- Lack of mature brain development in the context of the above concerns.
- These all likely had negative impacts on his late adolescent and early adult physical, emotional, and cognitive development.

Ongoing and Persistent Factors:

Neurodevelopmental and Medical Factors:

- Suspected prenatal alcohol and polysubstance exposure, and suspected fetal alcohol syndrome/fetal drug effects.
- Immature brain development at time of offense due to chronological age, over and above moderate intellectual disability, significant learning disabilities, and neurocognitive deficits.
- As noted above, genetic testing to confirm suspected fetal alcohol syndrome/fetal drug effects may also be considered.

Summarily, Vinnie appears to have several developmental, lifelong, and persistent factors that should be carefully considered with regard to his case.

DIAGNOSTIC IMPRESSION

F71 Moderate Intellectual Disability.

R41.9 Unspecified Major Neurocognitive Disorder.

F81.0 Specific Learning Disorder with Impairment in Reading.

F81.2 Specific Learning Disorder with Impairment in Mathematics.

F81.81 Specific Learning Disorder with Impairment in Written Expression.

Probable alcohol and polysubstance exposure during fetal development, per history.

Suspected Fetal Alcohol Syndrome/Fetal Drug Effects, pending confirmation of diagnosis with genetic testing.

Thank you for this most interesting referral. Respectfully Submitted,



Sharon Jones-Forrester, Ph.D.  
Clinical Neuropsychologist

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010718981

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**4/1/2019 8:00:00 AM Negotiations (In Custody)**

Result: Matter Heard

<b>PARTIES</b>	State Of Nevada	Jobe, Michelle
<b>PRESENT:</b>	Attorney	Cooper, Jonathan
	Attorney	Public Defender
	Defendant	ADAMS, VINNIE

**Judge:** Tobiasson, Melanie A.

**Court Reporter:** McCord, Donna

**Court Clerk:** Carrera, Socorro

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Cooper, Jonathan</b>	<b>ADAMS, VINNIE</b>	<b>Added</b>
<b>Hearings:</b>	<b>4/17/2019 8:00:00 AM: Negotiations</b>		<b>Added</b>
<b>Events:</b>	<b>Bail Stands - Cash or Surety</b> <i>Amount: \$50,000.00</i>		
	<i>Counts: 001 - \$50,000.00/\$50,000.00 Total Bail</i>		
	<b>No Contact with Victim</b>		
	<b>Continued For Negotiations</b>		

**Las Vegas Justice Court: Department 10**

LVJC\_RW\_Criminal\_MinuteOrderByEventCode

Case 18F19503X Prepared By: carrs

4/1/2019 1:30 PM

AA 000020

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010793707

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**4/17/2019 8:00:00 AM Negotiations (In Custody)**

Result: Matter Heard

<b>PARTIES</b>	State Of Nevada	Jobe, Michelle
<b>PRESENT:</b>	Attorney	Public Defender
	Attorney	Wiersch, Catherine
	Defendant	ADAMS, VINNIE

**Judge:** Toblasson, Melanie A.

**Court Reporter:** McCord, Donna

**Court Clerk:** Carrera, Socorro

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Wiersch, Catherine</b>	<b>ADAMS, VINNIE</b>	<b>Added</b>
<b>Hearings:</b>	<b>5/23/2019 8:00:00 AM: Negotiations</b>		<b>Added</b>
<b>Events:</b>	<b>Bail Stands - Cash or Surety</b> <i>Amount: \$50,000.00</i>		
	<i>Counts: 001 - \$50,000.00/\$50,000.00 Total Bail</i>		
	<b>No Contact with Victim</b>		
	<b>L.Z.</b>		
	<b>Continued For Negotiations</b>		

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L010954355

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**5/23/2019 8:00:00 AM Negotiations (In custody)**

Result: Matter Heard

**PARTIES**  
**PRESENT:** State Of Nevada Jobe, Michelle  
Attorney Craig-Rohan, Christy L.  
Attorney Public Defender

**Judge:** Pro Tempore, Judge

**Court Reporter:** Broka, Christa

**Court Clerk:** Carrera, Socorro

**Pro Tempore:** Jansen, William D.

**PROCEEDINGS**

**Attorneys:** Craig-Rohan, Christy ADAMS, VINNIE Added  
L.

**Hearings:** 6/13/2019 8:00:00 AM: Negotiations Added

**Events:** **Bail Stands - Cash or Surety** Amount: \$50,000.00

Counts: 001 - \$50,000.00/\$50,000.00 Total Bail

**No Contact with Victim**

L.Z

**Continued For Negotiations**



**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L011048292

**18F19503X State of Nevada vs. ADAMS, VINNIE**

Lead Atty: Public Defender

**6/13/2019 8:00:00 AM Negotiations (In Custody)**

Result: Matter Heard

<b>PARTIES</b>	State Of Nevada	Jobe, Michelle
<b>PRESENT:</b>	Attorney	Coombs, Allison L., ESQ
	Attorney	Public Defender
	Defendant	ADAMS, VINNIE

**Judge:** Tobiasson, Melanie A.

**Court Reporter:** McCord, Donna

**Court Clerk:** Carrera, Socorro

**PROCEEDINGS**

**Hearings:** 8/1/2019 9:30:00 AM: Preliminary Hearing

Added

**Events:** **Motion to Continue - Defense**  
*Objection by State - Motion Denied.*

**Court reviews history of case**

**Bail Stands - Cash or Surety** Amount: \$50,000.00

*Counts: 001 - \$50,000.00/\$50,000.00 Total Bail*

**No Contact with Victim**

**Las Vegas Justice Court: Department 10**

LVJC\_RW\_Criminal\_MinuteOrderByEventCode

Case 18F19503X Prepared By: carrs

6/13/2019 1:10 PM

AA 000023

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 10

**Court Minutes**



L011274857

**18F19503X State of Nevada vs. ADAMS, VINNIE**

**Lead Atty: Public Defender**

**8/1/2019 9:30:00 AM Preliminary Hearing (In custody)**

**Result: Matter Heard**

<b>PARTIES</b>	State Of Nevada	Jobe, Michelle
<b>PRESENT:</b>	Attorney	Craig-Rohan, Christy L.
	Attorney	Public Defender
	Attorney	Howell, Chris
	Defendant	ADAMS, VINNIE

**Judge:** Tobiasson, Melanie A.

**Court Reporter:** Grime, Joanie

**Court Clerk:** Carrera, Socorro

**PROCEEDINGS**

**Events:** Side Bar Conference Held

**Bail Stands - Cash or Surety** Amount: \$50,000.00

*Counts: 001 - \$50,000.00/\$50,000.00 Total Bail*

**Competency Bind Over to District Court**

Review Date: 8/2/2019

*Defendant conditionally bound over to District Court regarding Competency. Defendant to appear in District Court Department 7.*

**Competency Court Date Set**

*Aug 23 2019 10:00AM: In Custody*

**Request for Evaluation for Competency**

*Request and Order filed in open Court*

**Additional Information for Evaluating Doctor**

*Page two of Request and Order for Competency.*

**Plea/Disp:** 001: Child abuse/neglect, w/SBMH [55222]

**Disposition:** Competency Bindover

**Las Vegas Justice Court: Department 10**

LVJC\_RW\_Criminal\_MinuteOrderByEventCode

Case 18F19503X Prepared By: carrs

8/1/2019 12:39 PM

AA 000024

*Heather L. Lavin*

CLERK OF THE COURT

**EIGHTH JUDICIAL DISTRICT COURT**

**Clark County, Nevada**

STATE OF NEVADA,

Plaintiff,

District Court Case:

-v-

Justice Court Case: 18F19503X JC10

**C-19-342405-1**

**XXVIII**

VINNIE ADAMS #2888779,

Defendant,

\_\_\_\_\_ /

**COMMITMENT and ORDER**

An Order having been made by Justice of the Peace, Las Vegas Township this date that VINNIE ADAMS to be held to answer before the Eighth Judicial District Court for the purpose of a finding of competency.

**IT IS HEREBY ORDERED** that said defendant is commanded to appear in the Eighth Judicial District Court, Department VII at 10:00 AM on August 23, 2019 for competency hearing.

DATED this 2nd day of August, 2019

*LB*

Chief Judge Linda Marie Bell

**COMPETENCY EVALUATION – COVERSHEET**

☐ competent  
☒ not competent

**DEFENDANT'S NAME:** Vinnie Adams

**CASE #:** 18F19503X

**EVALUATION DATE:** 08/13/2019    **LENGTH OF EVALUATION:** 40 minutes

**REPORT DATE:** 08/19/2019    **INFORMED CONSENT:** ☒ YES ☐ NO

**SUMMARY OF RESULTS PERTAINING TO DUSKY VS UNITED STATES**

<b>Is there substantial impairment or gross deficit in the following areas:</b>	<b>YES</b>	<b>NO</b>
1. Capacity to understand the nature of the criminal charges.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Capacity to understand that nature and purpose of court proceedings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Capacity to aid and assist counsel in the defense.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DSM V DIAGNOSTIC IMPRESSIONS**

Moderate Intellectual Disability;  
Unspecified Neurocognitive Disorder;  
Multiple Learning Disorders;  
Rule Out Suspected Fetal Alcohol Syndrome/Fetal Drug Effects, pending confirmation from genetic testing.

**PSYCHIATRIC HISTORY**

	<b>YES</b>	<b>NO</b>	<b>UNKNOWN</b>
<b>Currently taking medication for mental illness:</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>If yes, specify:</b>			
<b>Prior mental health treatment:</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Prior hospitalizations:</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>If yes, dates and duration:</b>			

**MALINGERING**

Is there a substantial degree of weakness in the interview, response style, or testing data that suggests a malingered disorder is present?

☐ YES   ☒ NO   ☐ NOT RULED OUT

**REVIEW OF RECORDS – collateral information**

☒ Discovery  
☒ Jail Medical records  
☐ Jail disciplinary records  
☒ Mental health records  
☐ Other

**SUBMITTED BY:** John Paglini, Psy.D.

**SIGNATURE**



# *John Paglini, Psy.D.*

Licensed Psychologist  
9163 West Flamingo, Suite 120  
Las Vegas, Nevada 89147

Phone: (702) 869-9188

Fax: (702) 869-9203

August 19, 2019

## COMPETENCY EVALUATION

CLIENT:	Vinnie Adams
CASE NUMBER:	18F19503X
DATE OF BIRTH:	January 2, 1994
AGE:	25-years
SEX:	Male
STATUS:	Single
ETHNICITY:	Caucasian
REFERRAL SOURCE:	Specialty Courts
EVALUATOR:	John Paglini, Psy.D.

### REASON FOR REFERRAL

The Specialty Courts requested an assessment of Mr. Vinnie Adams to determine if he is competent to stand trial and aid and assist counsel in defense of his case. The Dusky Standard was utilized.

Mr. Adams is not competent to stand trial and aid and assist counsel in defense of his case secondary to intellectual disorder, moderate. Restoration is unlikely.

### PROCEDURES OF EVALUATION

1. Competency evaluation of Mr. Vinnie Adams conducted by John Paglini, Psy.D., at Clark County Detention Center on August 13, 2019.
2. Telephonic Interview of Attorney Chris Howell and Ms. Michelle Bruening, Public Defender Social Worker, August 12, 2019.
3. Utilization of Revised Competency Assessment Instrument.
4. Review of Discovery provided by Specialty Courts:
  - CCDC Behavioral Medical Records of Mr. Adams; Neuropsychological evaluation of Mr. Adams conducted by Sharon Jones-Forrester, PhD., February 7, 2019; Competency Evaluation of Mr. Adams conducted by Phil Colosimo, PhD., March 15, 2019; Clark County Courts Request for Competency, August 1, 2019; State of Nevada vs. Vinnie Adams Criminal Complaint and Court Minutes.

### CRIMINAL CHARGES

Mr. Adams is charged with Child Abuse, Neglect or Endangerment Resulting in Substantial Bodily or Mental Harm on or about October 17, 2018.

AA 000027

#### INFORMED CONSENT

Mr. Vinnie Adams was advised that this is a court ordered competency evaluation. Mr. Adams was advised there is no confidentiality. Mr. Adams was informed that a report will be submitted to the presiding judge, and then disseminated to the district attorney and defense counsel. Mr. Adams provided written and verbal consent for this evaluation.

#### MENTAL STATUS EXAMINATION/BEHAVIORAL OBSERVATIONS

Mr. Vinnie Adams is a 25-year old single Caucasian male who was dressed in detention center clothing and exhibited good hygiene. Mr. Adams did not know the date. He believed the month was "third month," and the day of the week "11<sup>th</sup>," and the year was "2020." He was correct on that the current President is Donald Trump as well as the city and state. His speech quantity was unsponaneous with normal speech quality and no speech impairment. His mood was neutral with appropriate range of affect. His thought processes were simplistic and concrete yet goal oriented. His thought content was appropriate to issues discussed. He exhibited impaired cognitive functioning. Mr. Adams is a poor historian which is reflective of his cognitive impairment. Mr. Adams could not provide appropriate responses to the following mathematic questions: 5+5; 7+4; 3x7; 4x2; 3+1; 2+1; 1+0. Mr. Adams exhibits poor insight pertaining to his cognitive limitations.

#### BRIEF PSYCHOSOCIAL HISTORY

Mr. Adams was born on January 2, 1994. He was eventually adopted and raised by his adoptive parents who were described in positive terms. He described a "cool" childhood. He denied that he has ever been diagnosed with a learning disability or intellectual disability. He believes his thinking is "okay." When asked why he can't read "I never went to school. People tell me in jail that I'm slow. I don't know what they're trying to say. They say I'm slow."

As noted, Mr. Adams claimed that he never attended school. He reported that he never worked nor has he ever been on social security disability. Mr. Adams denied prior psychiatric hospitalizations or any type of psychiatric medication usage. Mr. Adams denied all psychological problems. Mr. Adams denied alcohol or drug related issues.

Mr. Adams reported that he is healthy (Mr. Adams wears glasses). Mr. Adams denied psychiatric medication usage. He reported that he has previously been arrested for an unknown crime and his father bailed in out two years ago. Mr. Adams reported that he has a daughter named Leddy. He could not recall her date of birth. His girlfriend is Ms. Brenda Ziko and he is aware that the judge placed a restraining order against him. He reported that he resided with her for approximately one year.

Mr. Adams reported he was born in Los Angeles, California where he resided for 12 years. He has been in Las Vegas, Nevada since the age of 12. He rarely works, but he sometimes helps individuals buy and sell cars. He reported his mother died two years ago and his father died nine months later.

Record Review:

Sharon Jones-Forrester, PhD., conducted a neuropsychological evaluation Mr. Adams for the Public Defender's Office on March 13, 2019. Dr. Jones-Forrester opined that Mr. Adams has a diagnosis of moderate intellectual disability; unspecified major neurocognitive disorder; specific learning disorder with impairment in reading; specific learning disorder with impairment in mathematics; and specific learning disorder with impairment in written expression. Also probable of alcohol poly substance exposure during fetal development per history. Dr. Jones-Forrester highlighted on page 9 regarding his current criminal charges, "I am concerned that Vinnie's intellectual disability, learning disability and significant neurocognitive deficits are lifelong and not amendable to restoration, will compromise his competency and render him unable to meet Dusky Standard of Nevada NRS 178.400. While the present evaluation is intended specifically to evaluate his neurocognitive functioning rather than to solely address competency, neurocognitive, learning and intellectual disabilities can clearly and directly impact competency across multiple neurocognitive domains. Summarily, these deficits include moderate intellectual disability (formerly moderate mental retardation; severe learning disabilities and functional illiteracy; attention and processing speed deficits; expressive and receptive language skill deficits, spatial skills deficits, memory deficits; and executive functioning deficits, all of which will negatively impact his ability to have a clear factual and rational understanding of information related to his case and court proceedings, and his ability to participate in his defense with a reasonable and rational degree of understanding. It is hoped that a consideration of these factors will be of assistance to the court in making an ultimate determination with regard to any potential barriers to legal competency."

Phil Colosimo, PhD., conducted an evaluation on Mr. Adams on March 15 and 19, 2019. He opined that Mr. Adams was not competent to stand trial, and he had reviewed Dr. Jones-Forrester's evaluation.

COMPETENCY EVALUATION

Mr. Adams is aware that he is charged with child abuse and neglect. He is aware of the victim. He reported a public defender stated that the current charge is a felony. He did not know the difference between a felony or a misdemeanor. Regarding who the defendant is "I don't know, what is it?" He is aware of the definition of guilty and not guilty. He did not know the definition of public defender, district attorney or jury. The judge "puts you away, stuff that people did." The judge and the district attorney are supposed to be fair. He does not know if defendants have to testify in their own cases, nor can he differentiate between a court trial and a jury trial. He did not know the definition of a plea bargain, "never heard of it." Evidence is "something against you." Mr. Adams reported that he is represented by Attorney Chris Howell. He can help his attorney by "he tells me what happened." He did not know the definition of confidentiality or testify.

Mr. Adams is aware that he is expected to act calm in the courtroom and he does not know when he can speak out. He stated that if he acts out he can be tazed. He does not know how he can resolve the case. When asked what a good deal would be in his case, he deferred to his attorney.

This evaluator utilized a brief hypothetical legal story to assess Mr. Adams' legal reasoning abilities. He was erroneous responding to the first three questions, yet he was accurate on the

fourth question. He did not understand whether or not the hypothetical defendant should take a deal or go to trial.

#### ANALYSIS OF CASE

Mr. Vinnie Adams is a 25-year single Caucasian male referred by the Specialty Courts for a competency evaluation. Mr. Adams is charged with child abuse, neglect or endangerment resulting in substantial bodily harm. Sharon Jones-Forrester, PhD., conducted a neuropsychological evaluation of Mr. Adams on March 13, 2019. She opined that Mr. Adams has a diagnosis of moderate intellectual disability (formally mental retardation), unspecified major neurocognitive disorder and numerous specific learning disorders. Dr. Jones-Forrester opined that Mr. Adams exhibits significant neurocognitive deficits that are lifelong and not amenable to restoration. That these deficits interfere with his competency abilities.

#### DSM-V PROVISIONAL DIAGNOSTIC IMPRESSION

Moderate Intellectual Disability;  
Unspecified Neurocognitive Disorder;  
Multiple Learning Disorders;  
Rule Out Suspected Fetal Alcohol Syndrome/Fetal Drug Effects, pending confirmation from genetic testing.

Mr. Adams is clearly not competent to stand trial and aid and assist counsel in defense of his case. He exhibits significant impairment pertaining to understanding of the current charges, ability to aid and assist counsel in defense of his case, and in factual rational understanding of competency. I defer regarding Mr. Adams being incompetent without probability, however I also agree with Dr. Jones-Forrester's assessment pertaining to that he exhibits a lifelong neurocognitive disorder and his ability for restoration is highly doubtful.

I appreciate this interesting referral.

Respectfully submitted,



John Paglini, Psy.D.  
Licensed Psychologist  
JPsw: 08.19.19



### COMPETENCY EVALUATION – COVERSHEET

☐ Competent  
☒ Not Competent

DEFENDANT NAME: Vinnie Adams  
EVALUATION DATE: 08/19/19  
REPORT DATE: 08/20/19

CASE NO: 18F19503X  
LENGTH OF EVALUATION: 60 minutes  
INFORMED CONSENT: ☒ YES ☐ NO

#### **SUMMARY OF RESULTS PERTAINING TO DUSKY vs. UNITED STATES**

Is there substantial impairment or gross deficit in the following areas:	YES	NO
1. Capacity to understand the nature of the criminal charges	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Capacity to understand the nature and purpose of court proceedings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Capacity to aid and assist counsel in the defense	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **DIAGNOSTIC IMPRESSIONS:**

RULE OUT Neurodevelopmental Disorder (neurodevelopmental disorder associated with prenatal substance exposure)  
RULE OUT Unspecified Intellectual Disability

#### **PSYCHIATRIC HISTORY:**

	<u>YES</u>	<u>NO</u>
Currently taking medication for mental illness:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, specify:		
Prior mental health treatment:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Prior hospitalizations:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, dates and duration:		

#### **MALINGERING:**

Is there a substantial degree of weakness in the interview, response style, or testing data that suggests a malingered disorder is present?

☐ YES ☐ NO ☒ NOT RULED OUT

#### **REVIEW OF RECORDS-COLLATERAL INFORMATION**

☒ Discovery ☒ Jail Medical Records  
☒ Jail Disciplinary Records ☐ Mental Health Records  
☒ Other: Neuropsychological Evaluation Report

 PsyD

Submitted by: Sunshine Collins, PsyD

Signature: \_\_\_\_\_

AA 000031

Sunshine Collins, PsyD  
Licensed Psychologist  
Clinical, Forensic, & Family Psychology

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COMPETENCY EVALUATION

Name: Vinnie Adams  
Case Number: 18F19503X  
Date of Birth: 01/02/94  
Sex: Male  
Examiner: Sunshine Collins, PsyD  
Date of Evaluation: 08/19/19  
Date of Report: 08/20/19

FINDING

Given available data, it is my opinion that patient is not competent to stand trial.

ASSESSMENT PROCEDURES

1. Interview with patient at Clark County Detention Center by video
2. Interview with attorney (Attempted 08/13/19 and 08/15/19)
3. Review of records provided by the Specialty Court Division of the 8<sup>th</sup> Judicial District Court
  - o Jail Records
  - o Discovery
  - o Neuropsychological Evaluation Report by Sharon Jones-Forrester, PhD 08/01/19

REASON FOR REFERRAL

Patient was referred for an evaluation for competency to stand trial on charges of Child Abuse, Neglect, or Endangerment Resulting in Substantial Bodily or Mental Harm. Attorney questioned patient's ability to understand the adversarial nature of the legal process, disclose to defense attorney pertinent facts, understand the range and nature of the penalties, and provide relevant testimony. According to attorney, prior evaluations indicate that patient is not competent to proceed and unlikely to attain competency.

#### LIMITS OF CONFIDENTIALITY

Patient was informed that the referral for competency evaluation was made by the Specialty Courts. Patient was informed that the information provided during the evaluation would not be confidential and that a report would be prepared and sent to the presiding judge. Patient acknowledged the limits of confidentiality and agreed to participate in the evaluation under those conditions.

#### BRIEF PSYCHOSOCIAL INFORMATION

Psychosocial information was obtained from patient self-report, except where otherwise indicated, and has not been corroborated.

##### Education

Education history was denied.

##### Employment

Employment history was denied. Receipt of Social Security Disability benefits was denied.

##### Medical

Per the neuropsychological evaluation report, patient may have been prenatally exposed to alcohol and other unnamed substances. Document notes presence of dysmorphic facial features consistent with prenatal alcohol exposure.

##### Mental Health

Mental health diagnosis or treatment was denied.

##### Substance Use

Patient reported using alcohol once every 2 months. He denied use of other recreational substances, past and present.

##### Legal

Patient reported he has been arrested one time. He denied having ever been to prison.

#### COMPETENCY ASSESSMENT

##### Current Charges and Consequences:

Patient stated that his current charges are "child abuse and neglect." He was unable or unwilling to identify possible consequences, if convicted.

Legal Concepts:

Patient indicated that he does not know the meaning of the term guilty.

Court Process:

Patient indicated he does not know the role of the jury, judge, district attorney, or defense attorney. Later in the interview, he identified that his attorney is helping him "to go home."

Assist Attorney:

Patient reported that he has an attorney named Chris Howell. He stated he last spoke to his attorney "a while ago." Patient was asked with what his attorney is helping him. He stated, "If there's a home or something like that." On follow-up questioning, he amended his response to state his attorney is helping him "to go home."

Patient was asked why he is in detention currently. He responded, "because of the child abuse and neglect charge." Patient was asked on what his case is waiting. He indicated that he does not know. Patient was asked what comes next in his case. Patient indicated that he does not know. Patient was asked if he can speak to his attorney about these types of questions. He responded, "Yeah."

REVIEW OF RECORDS

Clark County Detention Center disciplinary records from 10/20/18 include the statement "while talking with inmate Adams, it appeared that inmate Adams may have some sort of learning/mental disability."

Disciplinary records from 03/20/19 suggest that patient is able to advocate for himself appropriately in that they state that patient approached the corrections officer's desk and stated that he was refusing housing due to not feeling safe in his housing environment.

A neuropsychological evaluation report by Sharon Jones-Forrester, PhD from examination date 02/07/19 yielded an IQ score from an unnamed test, presumably an edition of the Wechsler Adult Intelligence Scale, falling in the extremely low range (IQ standard score = 58, 0.3<sup>rd</sup> percentile). Performance on component indices fell in the extremely low to borderline or below average range (VCI standard score = 68, PRI standard score = 60, WMI standard score = 71, PSI standard score = 56). An unnamed measure of academic achievement was administered as part of that evaluation. Scores are not provided in the report. Reported grade level estimates from the academic achievement scores ranged from below kindergarten/0 month to 1<sup>st</sup> grade/4<sup>th</sup> month.

Diagnoses made in that report are moderate intellectual disability, unspecified major neurocognitive disorder, specific learning disorder with impairment in reading, specific learning disorder with impairment in mathematics, and specific learning disorder with impairment in written expression. Document goes on to note suspected fetal alcohol syndrome/fetal drug effects pending confirmation via genetic testing. It is unclear to what possible neurocognitive disorder the diagnosis is referring and it is most likely that the neuropsychologist incorrectly diagnosed a neurocognitive disorder when intention was to diagnose a possible neurodevelopmental disorder associated with possible prenatal substance exposure. Determination as to if specific learning disorders are an appropriate diagnosis cannot be made from the data available as no scores on academic achievement testing were provided in the report and cannot, therefore, be compared by this writer with estimated intelligence scores to determine if a discrepancy exists (such a discrepancy representing the hallmark of a specific learning disability). See OPINION REGARDING COMPETENCY below for further response about the suitability of the tests administered as part of the neuropsychological evaluation report conducted in 2019.

Clark County Detention Center medical records note history of essential hypertension.

Multiple patient written requests were available for review and indicate functional literacy. Vocabulary used in those documents include proper use and spelling of terms such as "grievance."

Patient written request from 03/05/19 states "I need to see the Psych nurse for my Anger Management and talk to somebody about what ticks me off before I make a choice out of anger without thinking." Records show that patient participated in a mental health evaluation on 03/22/19 associated with his written request. He was characterized as explaining that the reason for his visit was "people get me angry. I can't deal with stuff." Symptom was reported to occur both in and out of custody. Behavior out of custody was reported as fighting and throwing things. Patient reportedly described himself as blanking out and later coming to when he is calm. Patient reported never having attended school and having difficulty with reading. He denied attending home schooling. Employment history of buying cars, fixing them, and selling them was reported. Patient reported his family gave him up for adoption and he was ineligible to attend school because there were no formal adoption papers. Patient also reported being married approximately 5 times without a legal marriage certificate and reported an episode where his father came home and said, "son you want to get married." Document states that thought content was negative for psychosis and patient denied suicidal and homicidal ideation,

auditory and visual hallucinations, self-injurious behavior, and suicide attempts. Prior mental health history, treatment, and medication was denied by patient. Document concludes that a possible neurodevelopmental disorder is present.

#### MENTAL STATUS EXAMINATION

Patient was oriented to person and to setting. Grooming was within normal limits. Facial expression was bland. Motor status was within normal limits. Self-reported current mood was "okay." Speech was suggestive of low cognitive functioning. Patient did not appear to be responding to internal stimuli but did have periods of response latency before responding. Speech was coherent. Suicidal ideation and history of suicide attempt were denied. Concentration and attention span were within normal limits. Insight and judgment were poor.

Patient was asked if he hears things other people do not hear. He responded, "About that, I seen another doctor, but I didn't tell him. I told him no because I thought he'd make fun of me but since nobody here, I'll tell you. I kinda hear spirits." He reported that he hears spirits "talk and stuff like that" to him. He stated this occurs "once in a great while or whatever." Patient was asked if the experience is scary. He stated that he has gotten used to it. He stated that it began "a while ago," and first presented prior to this period of detention.

Psychosocial history information reported in the 2019 neuropsychological evaluation report made available for review indicates that patient is of Romany descent and was raised in a Romany community. Document states that patient has no formal education and no formal work history. Document states that patient is illiterate. Document states that patient lived with family prior to living with his mate and has no history of living independently. That report fails to note that absence of formal education and presence of illiteracy is culturally appropriate. Absence of independent living is also consistent with that culture, as well as is absence of formal employment.

Notably, procedures of this evaluation were administered in English and patient's Romany heritage was not known to the evaluator at the time of the interview. As such, patient was not queried as to his relative comfort participating in the evaluation in English. It is possible that he is more comfortable speaking in Romani than in English.

#### DIAGNOSTIC IMPRESSIONS

RULE OUT Neurodevelopmental Disorder (neurodevelopmental disorder associated with prenatal substance exposure)

RULE OUT Unspecified Intellectual Disability

#### OPINION REGARDING COMPETENCY

According to the Dusky v. United States standard, substantial impairment or gross deficit in (1) the capacity to understand the nature of the criminal charges, (2) the capacity to understand the nature and purpose of the court proceedings, or (3) the capacity to aid and assist counsel in defense, substantiate incompetence to stand trial.

- 1) Fail. Patient demonstrated a clear understanding of the charges but not the possible consequences.
- 2) Fail. Patient did not demonstrate an understanding of legal terms, the court process generally, and the adversarial nature of the court process specifically.
- 3) Fail. Reviewed records indicate that patient functions in the extremely low range cognitively and would have difficulty meaningfully participating in defense preparation.

For these reasons, it is this examiner's opinion that patient is not competent to stand trial. It is recommended that patient be transferred to an inpatient forensic psychiatric facility for further evaluation and treatment to restore competence to stand trial. It is possible that patient will not be able to attain competency through competency restoration treatment, however, further evaluation and treatment to restore competence is recommended. This is because reviewed neuropsychological evaluation report appears to have overstated patient's relative level of illiteracy and overvalued the meaning of no formal education, employment, or independent living history, failing to recognize these as all culturally consistent. Additionally, patient drives and has been living independently with his significant other and their child. These factors would tend to suggest that administered testing has underestimated patient's true intellectual capacity. Many tests of intelligence rely heavily on traditional literacy factors and are not suitable for estimating the intelligence of someone whose culture differs greatly from the culture of the individuals on whom the test was normed. Patient may also speak English as a secondary language which could also invalidate the intelligence test administered. Whether or not that is the case in this circumstance is unclear, as the neuropsychologist did not see fit to provide the names of the intelligence measure administered.

Evaluation in an inpatient setting will provide those examiners with a better understanding of patient's functioning. It is anticipated that they will then be able to speak more definitively as to patient's potential for attaining competence to proceed with adjudication.

Thank you very much for this interesting referral. If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SC' followed by a stylized flourish.

Sunshine Collins, PsyD  
Licensed Psychologist



Case Number: C-19-342405-1

1 Public and Behavioral Health of the Department of Health and Human Services or his or her  
2 designee for detention and treatment at a secure facility operated by that Division; and, it is

3 FURTHER ORDERED that, pursuant to NRS 433A.165, before the defendant may be  
4 transported to a public or private mental health facility he must:

5 1. First be examined by a licensed physician or physician assistant or an  
6 advanced practitioner of nursing to determine whether the person has a medical problem, other  
7 than a psychiatric problem, which requires immediate treatment; and

8 2. If such treatment is required, be admitted to a hospital for the appropriate  
9 medical care; and, it is

10 FURTHER ORDERED that the Defendant is required to submit to said medical  
11 examination which may include, but is not limited to, chest x-rays and blood work; and, it is

12 FURTHER ORDERED that the cost of the examination must be paid by Clark County,  
13 unless the cost is voluntarily paid by the Defendant or on his behalf, by his insurer or by a state  
14 or federal program of medical assistance; and, it is

15 FURTHER ORDERED that, pursuant to NRS 178.425(2), the Defendant must be held  
16 in such custody until a court orders his release or until he is returned for trial or judgment as  
17 provided in NRS 178.450, 178.455 and 178.460; and, it is

18 FURTHER ORDERED that, pursuant to NRS 178.425(4), these proceedings against  
19 the Defendant are suspended until the Administrator or his or her designee finds him capable  
20 of standing trial as provided in NRS 178.400; and, it is

21 FURTHER ORDERED that, pursuant to NRS 178.435, the expenses of the examination  
22 and of the transportation of the Defendant to and from the custody of the Administrator of the  
23 Division of Public and Behavioral Health of the Department of Health and Human Services or  
24 his or her designee are chargeable to Clark County; and, it is

25 FURTHER ORDERED that the Administrator of the Division of Public and Behavioral  
26 Health of the Department of Health and Human Services or his or her designee shall keep the  
27 Defendant under observation and evaluated periodically; and, it is

28 //

1 FURTHER ORDERED that the Administrator or his or her designee shall report in  
2 writing to this Court and the Clark County District Attorney whether, in his opinion, upon  
3 medical consultation, the Defendant is of sufficient mentality to be able to understand the  
4 nature of the criminal charge against him and, by reason thereof, is able to aid and assist his  
5 counsel in the defense interposed upon the trial or against the pronouncement of the judgment  
6 thereafter. The administrator or his or her designee shall submit such a report within 6 months  
7 after this order and at 6 month intervals thereafter. If the opinion of the Administrator or his  
8 or her designee about the Defendant is that he is not of sufficient mentality to understand the  
9 nature of the charge against him and assist his own defense, the Administrator or his or her  
10 designee shall also include in the report his opinion whether:

11 1. There is a substantial probability that the Defendant can receive treatment  
12 to competency and will attain competency to stand trial or receive pronouncement of judgment  
13 in the foreseeable future; and

14 2. The Defendant is at that time a danger to himself or to society.

15 DATED this 23 day of August, 2019.

16   
17  
18 DISTRICT JUDGE

19 STEVEN B. WOLFSON  
20 District Attorney  
21 Nevada Bar #001565

22 BY

23   
24 CHRISTOPHER J. LALLI  
25 Assistant District Attorney  
26 Nevada Bar #005398  
27  
28

mc

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C-19-342405-1      State of Nevada  
                                 vs  
                                 Vinnie Adams

---

**August 23, 2019      10:00 AM      Further Proceedings: Competency**

**HEARD BY:**      Bell, Linda Marie      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Estala, Kimberly

**RECORDER:**      Vincent, Renee

**REPORTER:**

**PARTIES PRESENT:**

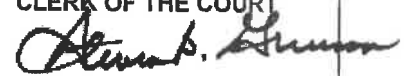
**Vinnie Adams      Defendant**

### **JOURNAL ENTRIES**

Also present: Glen O Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Danika Navar of the Specialty Courts.

Court NOTED Drs. Paglini and Collins indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he is not capable of understanding the charges against him and is unable to assist counsel in his defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings.

CUSTODY



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-19-342405-1
	)	
Plaintiff,	)	
	)	DEPT. VII
vs.	)	
	)	
VINNIE ADAMS aka	)	
VENNTE ADAMS,	)	<b>Transcript of Proceedings</b>
	)	
	)	
Defendant.	)	

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

**FURTHER PROCEEDINGS: COMPETENCY**

FRIDAY, AUGUST 23, 2019

APPEARANCES:

FOR THE STATE: GLEN P. O'BRIEN  
Chief Deputy District Attorney

FOR THE DEFENDANT: CLAUDIA ROMNEY  
Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, AUGUST 23, 2019, 11:03 A.M.

2

3 THE COURT: Page 33, State of Nevada versus Vinnie  
4 Adams, Case Number C342405. He's present in custody. He's  
5 found incompetent. Any challenge to that finding?

6 MS. ROMNEY: No challenge.

7 THE COURT: Pursuant to NRS 178.425 I find Mr. Adams  
8 incompetent to proceed based on the reports of Dr. Paglini and  
9 Dr. Collins, and remand him to the custody of the sheriff for  
10 transport to Lakes or Stein for further treatment and  
11 restoration to competence.

12 MR. O'BRIEN: If I may approach?

13 THE COURT: And I'm signing the order of commitment  
14 this morning.

15 THE PROCEEDINGS CONCLUDED AT 11:04 A.M.

16

17

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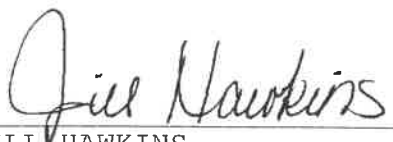
20 ATTEST: I do hereby certify that I have truly and correctly  
21 transcribed the audio-video proceedings in the above-entitled  
case to the best of my ability.

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JILL HAWKINS  
Court Recorder

## ADJUDICATIVE COMPETENCE EVALUATION

**Report Date** December 12, 2019

### Identifying Information

**Name:** Vinnie Adams  
**Charges:** Child abuse, neglect, or endangerment resulting in substantial  
bodily harm [category B felony]  
**Case Number:** C-19-342405-1  
**Referral Source:** Clark County District Court (Judge Bell)  
**Date of Admission:** September 5, 2019  
**Date of Birth:** January 2, 1994

### Court Referral Question

Vinnie Adams, a 25-year-old man, arrived at Stein Forensic Hospital (Stein) on September 5, 2019 for the restoration of his competency to stand trial. He faced a child abuse charge related to his alleged conduct on October 17, 2018. This report addresses his understanding of the nature of the criminal charges against him, purpose of the court proceedings against him, and his ability to assist counsel.

### Sources of Information

1. Interview of Mr. Adams for approximately 1 hour at Stein on December 9, 2019
2. Entries to Mr. Adams's Stein medical record including initial assessments and progress notes from September 5 to December 6, 2019
3. Order of Commitment pursuant to NRS 178.425, Clark County District Court, August 23, 2019
4. Competency Evaluation report, John Paglini, Psy.D., August 19, 2019
5. Competency Evaluation report, Sunshine Collins, Psy.D., August 20, 2019
6. Competency Evaluation report, C. Philip Colosimo, Ph.D., March 20, 2019
7. Request for Evaluation(s) for Competency and Order for Competency Evaluation(s), August 1, 2019
8. Clark County Detention Center (CCDC)-NaphCare medical records, August 28, 31, October 17, 24, 30, 2018, and March 22, 2019
9. Criminal Complaint, Justice Court, Las Vegas Township, October 19, 2018
10. Arrest report, Las Vegas Metropolitan Police Department, October 16, 2018

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## ADJUDICATIVE COMPETENCE EVALUATION

### Statement of Disclosure

Before I examined Mr. Adams, I explained that the evaluation was not confidential. I told him that the hospital would send copies of the report to the judge, prosecutor, and his attorney, and that the results of the evaluation might aid in determining the disposition of his case. To learn whether Mr. Adams had understood this information, I asked him to restate what I had told him in his own words. He said, "it's not a secret the court will know."

### Background Information

Mr. Adams was born and raised in Los Angeles, California and moved to Las Vegas at age 12 years. He never received any formal education, he worked selling cars previously. Before his arrest, he lived with his girlfriend and was unemployed.

### Psychiatric History

Mr. Adams reported no previous psychiatric treatment. SNAMHS do not show any documented history of psychiatric treatment.

### Substance Use

Mr. Adams drank "a couple of beers" occasionally. He reported no previous illicit drug use.

### Medical History

Mr. Adams has amblyopia "lazy eye" which is corrected with glasses. At times Mr. Adams told me that he could not remember biographical information at times. I ordered an MRI of the brain to evaluate for organic causes. His MRI showed that he had no signs of head injuries or other structural brain abnormalities.

### Previous Competence Assessments

Dr. Paglini conducted his evaluation of Mr. Adams on August 19, 2019. In his report, he states that Mr. Adams did not know the date, could not provide answers to basic arithmetic equations, and had "poor insight" into his cognitive limitations. Mr. Adams told Dr. Paglini that he did not know who that defendant, the public defender, the district attorney, or the jury were. He said that evidence was "something against you."

In her report dated August 20, 2019, Dr. Collins stated that Mr. Adams was "unable or unwilling to identify possible consequences" to the charge he faced. He stated that he did not know the meanings of the guilty plea nor the roles of the jury, judge, district attorney, or public defender. Dr. Collins referenced neuropsychological testing conducted by Dr. Sharon Jones-Forrester. Although Dr. Collins opined that Mr. Adams was incompetent to

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proceed when she evaluated him, Dr. Collins noted the possible cultural factors that could have contributed to Mr. Adams's incompetence, illiteracy and lack of employment.

### Stein Hospital Course

During the September 5, 2019 initial psychiatric evaluation, Mr. Adams told Stein psychiatry resident Austen Christensen that he heard "spirits in his brain" but reported no other hallucinations or psychiatric symptoms. I took over Mr. Adams's care on September 10. He said that his public defender told him he faced charges of "child abuse and neglect," but he did not know what the possible penalties were. When I asked questions related to his charges, he answered "I don't know." When I met with Mr. Adams on September 23, I noticed that talked to himself. He told me he spoke to "Mickey Mouse." I refocused his attention to competency related matters. Despite reviewing the criminal complaint and police report with him three times, he stated that he did not know the name of the alleged victim (his child) nor could he recall the contents of the police report. I ordered an MRI of his brain to assess for possible anatomical causes of his reported memory problems.

Throughout September and October, Mr. Adam's met with instructor Bobbette Jamison-Smith to learn about competency restoration topics. Because Mr. Adams could not read or write and there were reports that he had learning impairments, Ms. Jamison-Smith taught Mr. Adams using diagrams and the Slater method (a technique used to teach those who have intellectual disabilities). Mr. Adams cooperated with Ms. Jamison-Smith's effort and followed her efforts. For example, on September 30, he associated the "DA" with "a sad face because he wants me to lose" and his attorney with a "happy face because he wants me to win."

When I met with Mr. Adams on October 7, he said that he was "worried about going to prison" because in competency restoration classes he learned that a felony could result in "1 to 20 years in prison." According to Mr. Adams, his attorney told him that he received a plea deal "the first offer was 6 -15 years, my lawyer said that is like six Christmases." At times, Mr. Adams reported strange beliefs. For example, on October 15, he told me that the FBI had "flies that change their shapes to dogs so they could spy on people." When I asked him to elaborate further, he asked "you don't believe me?"

On November 5, Mr. Adams discussed competency related matters with the treatment team. He understood the difference between pleading guilty and not guilty. With cues, he knew what a no contest plea meant. He knew the possible penalty associated with his

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charge and that the verdict at trial is decided based on evidence. When asked what could be used as evidence, he paused and said that he did not know initially, but with some encouragement from the treatment team, he answered, "a piece of paper. I guess anything."

Stein psychiatrist Patrick Bennet took over Mr. Adams's care during the second week of November. In his progress note dated November 24, Dr. Bennet wrote Mr. Adams was "able to state pertinent things about his case, states his charges. He states he can go to classes, unit activities. Able to care for his activities of daily living."

### Mental Status Examination

I interviewed Mr. Adams on C-Pod of Stein in an interview room on December 09, 2019. He was casually dressed. Mr. Adams did not have any abnormal or involuntary movements. Mr. Adams was cooperative throughout the interview and openly discussed competency related questions.

Mr. Adams spoke with a good volume and variation in tone, but he had difficulties finding the correct words to express his thoughts at times. Asked about his mood, Mr. Adams responded that it was "good." He displayed a full range of emotional facial expression.

### Competence Evaluation

As part of the evaluation, I administered the Georgia Court Competency Test-1992 Revision (GCCT). The GCCT assesses a defendant's knowledge of basic courtroom layout and functions of courtroom participants. The test also assesses a defendant's factual knowledge of his current charge and of his relationship to the defense attorney. Most defendants who are competent to stand trial score above 70 on the GCCT. When I evaluated Mr. Adams, he scored 84 out of 100 points. The following paragraphs describe his responses to the queries about courtroom roles and procedures:

- Mr. Adams correctly identified where all the courtroom participants sat.
- Mr. Adams described the roles of court personnel as follows:
  - Judge: "Referees, figures stuff out about your case like sentence-years you have to do prison, and decides if you go to prison or not, decides guilty or not guilty."
  - Jury: "Find you guilty or not."
  - His attorney: "Help me, so I don't go to prison."

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- Prosecutor: "Wants to prosecute me, send me to prison, punish me."
- Witnesses: "someone who saw something stuff like that."
- When I asked Mr. Adams what charges he faced, he responded, "They say child abuse and neglect." He identified the alleged victim as well as the alleged victim's mother who provided a statement. Initially, he could not recall the details of what he was accused of doing. I reviewed the criminal complaint and police report with him. He summarized his understanding as, "they are trying to say I shook the kid. The C.T scan thinking showed blood in the brain." He understood that the alleged victim had a C.T scan, which "took pictures, that's like the thing I went into" (referring to head imaging he underwent while at Stein). He stated that the report alleged, "I told the police I did it, they asked if I called an ambulance, and that I said she started twitching and was not crying."
- Mr. Adams stated that his charge "sounds bad, it's a felony," but he could not recall what category. He understood that he could face up to 20 years. He told me that he received an offer of "6-15 years" and expressed concerns about going to prison.
- When asked, "If the jury finds you guilty, what might they do to you?" Mr. Adams responded, "I could do max of 20 years"
- Mr. Adams knew his attorney's name and contact information. Mr. Adams said he would want to sit with his lawyer "and know what's going on with the case" and "tell him everything, I don't lie to him."
- Mr. Adams said that a plea deal was "like lower the sentence. You plead guilty for some time off." He said an advantage of accepting a plea deal was "they could reduce the time," but he said, "I heard that people can take it to trial and win." When asked how a judge might decide if a defendant "loses or wins" at trial, he replied, "evidence."
- When asked what factors he would consider in his decision to accept a plea deal he stated, "what is happening in court, is it too long of a sentence? Will they drop the years?" He stated that should he take the case to trial it might be "taking a gamble." He stated that this is a serious case because "its messing with my life." He added, "I could lose and get the maximum penalty."
- I asked Mr. Adams to identify possible evidence, he replied, "what the doctors said, machine CT scan, bleeding in the brain and me telling them 'I fucked up.'"

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- When asked about plea options, Mr. Adams did not understand my question initially. I rephrased my question and asked, "If the court asks you whether you did it or not, what can you tell them?" He replied, "I can say yes or no." I explained to him that in court, saying "Guilty meant he did it, and not guilty meant he denies it."
  - He said he recalled the meanings of guilty and not guilty from legal process classes at Stein but did not know what a no contest plea meant. After explanation, he understood that it meant he would not fight the charges, but the Court would "blame me."
- If someone lied about him in court, Mr. Adams said he would "tell me lawyer."

### Forensic Opinion

Vinnie Adams, a 25-year-old man, arrived at Stein Forensic Hospital (Stein) on September 5, 2019 for the restoration of his competency to stand trial. He faced a child abuse charge related to his alleged conduct on October 17, 2018. Mr. Adams displayed cognitive deficits and required individual meetings and visual aids to restore competency.

N.R.S. § 178.400 states that:

1. A person may not be tried or adjudged to punishment for a public offense while incompetent.
2. For the purposes of this section, "incompetent" means that the person does not have the present ability to:
  - (a) Understand the nature of the criminal charges against the person;
  - (b) Understand the nature and purpose of the court proceedings; or
  - (c) Aid and assist the person's counsel in the defense at any time during the proceedings with a reasonable degree of rational understanding.

**It is my opinion, held with a reasonable degree of medical certainty that when I evaluated Mr. Adams, he had the capacities required to proceed. This opinion is based on Mr. Adams's following abilities:**

- 1) **He understood the nature of the criminal charges against him.** The following findings support this conclusion:
  - Mr. Adams correctly identified his charge and what he was accused of doing.

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- Mr. Adams knew he faced a felony. He understood the possible punishment associated with the charge.
- 2) **He understood the nature and purpose of the court proceedings.** The following findings support this conclusion:
- Mr. Adams identified his role as the defendant. He correctly described the roles of his attorney, the prosecutor, the judge, the witnesses, and the jury. This showed that he knew basic facts about what these individuals would do during disposition of his case and the adversarial nature of trial.
- 3) **He was able to assist counsel in preparing a defense with rational understanding.** The following findings support this conclusion:
- Mr. Adams described a positive relationship with his attorney and was prepared to work with him to obtain a favorable outcome for his case.
  - Mr. Adams listed advantages and disadvantages of accepting a plea deal compared to going to trial. Mr. Adams identified possible evidence that could be used in his case. He described how that evidence would factor into his decision of accepting a plea deal.
  - When I evaluated M. Adams, he still experienced cognitive deficits, but his mood was stable. Due to his cognitive impairments, I met with him on several occasions to review the materials, used simple terms, and visual aids. He accepted and followed my efforts. This set of findings showed that with appropriate guidance and support from his attorney, he could participate rationally in his legal proceedings.

To optimize his chance of remaining competent, he should remain abstinent from all non-prescribed drugs, especially ones that could impair his memory, mood, concentration, or perception.



Rami Abukamil, M.D.  
Senior Psychiatrist  
Stein Forensic Hospital

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Stein Forensic Hospital

**State of Nevada | Division of Public and Behavioral Health**  
**Southern Nevada Adult Mental Health Services | Stein Forensic Facility**  
*Confidential: For Professional Use Only*

**Adjudicative Competency Evaluation**

**Name:** Vinnie Adams aka Vennte Adams  
**Case No:** C-19-342405-1  
**Date of Birth:** January 2, 1994  
**Age:** 25 years  
**Date of Admission:** September 5, 2019  
**Examiner:** Lia Roley, Psy.D.  
**Length of Interviews:** 45 minutes  
**Date of Evaluation:** December 11, 2019  
**Date of Report:** December 16, 2019

**Opinion Regarding Competency:** With reference to the Dusky Standard and Nevada Revised Statute 178.400, it is my opinion that, Vinnie Adams, as of the date of my evaluation, is seen as competent to proceed. Mr. Adams:

- 1) **Does demonstrate** a rational and factual understanding of the criminal charges against him;
- 2) **Does demonstrate** a rational and factual understanding of the nature and purpose of the court proceedings;
- 3) **Does demonstrate** the ability to aid and assist counsel in his defense with a reasonable degree of rational understanding.

**Evaluation Procedures:**

1. Interview with Mr. Adams conducted by Lia Roley, Psy.D. and Jessica Crellin, M.A., at Stein Forensic Facility on December 11, 2019
2. Review of Records
  - a. Legal Records
    - Las Vegas Metropolitan Police Department, Declaration of Arrest Report, dated October 16, 2018
    - Las Vegas Township Justice Court, Criminal Complaint, dated October 19, 2018
    - Clark County Courts, Request for Evaluation(s) for Competency, dated August 1, 2019
    - District Court of Clark County, Orders of Commitment, dated August 23, 2019
  - b. Previous Competency Evaluations by:
    - Charles Colosimo, Ph.D., dated March 20, 2019
    - John Paglini, Psy.D., dated August 19, 2019
    - Sunshine Collins, Psy.D., dated August 20, 2019
  - c. Clark County Detention Center (CCDC) Medical Records/NaphCare/Wellpath
  - d. Clark County Courts Civil/Criminal Case Records Online
  - e. Division of Public and Behavioral Health Medical and Mental Health Records

**Limits of Confidentiality:** Mr. Adams was advised the usual doctor/client confidentiality privilege did not apply since he has been court ordered for an evaluation of competency to stand trial. He was informed the information provided during the evaluation would be put into a report, which would be provided to the court. He agreed to participate in the evaluation.

AA 000052

### **Reason for Referral/Relevant History**

Mr. Adams is charged with Child Abuse, Neglect, or Endangerment Resulting in Substantial Bodily or Mental Harm (Category B Felony) for alleged events occurring on or about October 17, 2018. According to the Las Vegas Metropolitan Police Department, Arrest Report, Mr. Adams arrived at Southern Hills Hospital carrying a baby. According to the report, the child's face was red and purple, she had irregular breathing patterns, and a bulging fontanel. Mr. Adams told police that the baby rolled off the bed when he turned to get a baby wipe. Mr. Adams stated that he heard a thump and the baby was on the floor hardly moving. Mr. Adams stated he then picked up the baby's mother, at Sun Coast Hotel, and then drove to Southern Hills Hospital. At the hospital, the baby underwent a CT scan that showed a severe global brain bleed. The baby was later transferred to UMC and Mr. Adams made several incriminating statements to the police.

Mr. Adams was referred for competency evaluations by his attorney, Christopher Howell, on August 1, 2019. Mr. Howell indicated concerns that Mr. Adams does not appear to understand the charges or allegations; disclose to defense attorney pertinent facts; understand the range and nature of penalties; or demonstrate the ability to provide relevant testimony. Mr. Howell indicated Mr. Adams was facing a sentencing range of 2 to 20 years.

Mr. Adams was opined incompetent to proceed on August 19, 2019. Dr. Paglini provided numerous diagnoses including Moderate Intellectual Disability; Unspecified Neurocognitive Disorder; and Multiple Learning Disorders. Mr. Adams's thought process was described as "simplistic and concrete yet goal oriented." He reported he had a daughter named Leddy and was aware the judge placed a retraining order for the child's mother. Mr. Adams reported awareness of his charges, the alleged victim in the case, and the level of his charge. When asked during the evaluation what a good deal in his case would be, he deferred to his attorney.

On August 20, 2019, Dr. Collins opined Mr. Adams was incompetent to stand trial. She provided two diagnoses to consider including Neurodevelopmental Disorder and Unspecified Intellectual Disability. Dr. Collins reportedly reviewed a report conducted by Dr. Sharon Jones-Forrester (dated February 7, 2019) who diagnosed Mr. Adams with "moderate intellectual disability, unspecified major neurocognitive disorder, specific learning disorder with impairment in reading, specific learning disorder with impairment in mathematics, and specific learning disorder with impairment in written expression." Dr. Collins noted that the evaluation "appears to have overstated the patient's relative level of illiteracy and overvalued the meaning of no formal education, employment, or independent living history, failing to recognize these as all culturally consistent. Additionally, patient drives and has been living independency with his significant other and child." Dr. Collins opined Mr. Adams was incompetent with respect to all three prongs of the Dusky Standard.

Mr. Adams was committed to the Division of Public and Behavioral Health on August 23, 2019 pursuant to NRS 178.425 for competency restoration and evaluation. He was admitted to Stein Forensic Facility on September 5, 2019 for competency restoration and evaluation.

### **Mental Status Examination/Behavioral Observations**

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AA 000053

Mr. Adams is a 25-year-old male of Eastern European decent. He presented with adequate grooming and hygiene. Mr. Adams wore glasses and a gray T-shirt and black jeans. He indicated that he did not know the month but estimated the day as the "20<sup>th</sup> or something" and the most recent holiday was Thanksgiving. Mr. Adams accurately reported the year, his identifying information, name of the facility, and the immediately prior President of the United States. Mr. Adams stated that he had not watched the news recently because "there is a new girl here and she watches movies and stuff." Mr. Adams recalled 0/3 words after a brief delay. When provided with multiple choice options, he chose the incorrect word each time. Mr. Adams initially responded, "I don't know to questions" to numerous legal questions. However, when told to take his time and think about his responses, he revealed that he knew more information than initially presented.

Mr. Adams appeared superficially cooperative with the evaluation. He made appropriate eye contact and there were no abnormalities noted in his motor movements. He reported his mood as "pretty good" and presented with a full range of affect that was congruent with topics discussed. The pace, volume, and clarity of his speech was produced within normal conversational limits. His thought content was appropriate to topic and thought process were linear and goal-oriented but concrete and simplistic. There was no evidence that Mr. Adams was responding to internal stimuli. He denied current thoughts of harm to self and others.

#### **Brief/Relevant Psychosocial History**

Mr. Adams reported he was born and reared in California. He stated he has lived in Las Vegas, Nevada for the past 12 years. He stated at the time of his arrest he was living in an apartment with his girlfriend.

Mr. Adams stated that his family is of Yugoslavian decent and are part of the Romany culture. Mr. Adams reported that during his childhood his family would "go hustle the streets. Basically, pan handle." Mr. Adams stated that as a toddler, he was unofficially adopted by his cousin because his mother and father were "treating me bad." Mr. Adams stated that he was never officially adopted by his cousin and did not have the right "papers" so he was unable to attend school. He stated that he does not know how to read or write. Mr. Adams stated that he has supported himself by buying cars and fixing them up and "posting them on Craig's List." He denied ever receiving SSI or SSDI.

Mr. Adams denied a history of inpatient or outpatient psychiatric treatment. He denied a history of symptoms associated with depression, mania, and anxiety. He reported no history of suicide attempts or a family history of mental illness. Mr. Adams denied a history of previous interactions with the legal system.

Mr. Adams reported no chronic medical conditions. He stated that he put his hand through "a window a while back and they put stitches in there." Mr. Adams denied a history of head injuries resulting in a loss of consciousness. While discussing his medical history, Mr. Adams added that during his incarceration in CCDC, "This guy tried to stomp on my head...I was ready to fight back. I told the CO [correctional officer] what happened, and they took him out of there."



Mr. Adams endorsed drinking one beer every two to three months. He denied historic use of cannabis, synthetic drugs, illicit drugs, and misuse of prescription drugs.

### **Review of Records**

#### **Online Search of Clark County Courts Civil/Criminal Case Records**

No additional records were found for Mr. Adams on the Eighth Judicial District Court or Clark County Justice Court websites.

#### **Clark County Detention Center/NaphCare**

Mr. Adams was booked on October 17, 2018. In a physical assessment, dated October 30, 2018, Mr. Adams was described as having appropriate appearance, behavior, perception, and affect. On March 22, 2019, Mr. Adams participated in a Mental Health Evaluation and stated, "People get me angry. I can't deal with stuff." He did not demonstrate any symptoms associated with psychosis and described his strength as "I'm independent." Mr. Adams was not prescribed with any psychotropic medications during his incarceration.

#### **Division of Public and Behavioral Health Medical and Mental Health Records**

There are no records of previous psychiatric hospitalizations or outpatient treatment with the Division of Public and Behavioral Health, including Southern Nevada Adult Mental Health Services (SNAMHS), Northern Nevada Adult Mental Health Services (NNAMHS), Rural Community Health Services, and Lake's Crossing Center (LCC).

#### **Current Hospitalization**

Mr. Adams was admitted to Stein Forensic Facility on September 5, 2019 and participated in an initial psychiatric evaluation with Dr. Austin Christensen. Mr. Adams stated his chief complaint as "I'm good." Mr. Adams endorsed hearing "spirits in his brain" but indicated he did not know what they said. He denied experiencing symptoms associated with depression, anxiety, and mania. He was not prescribed psychotropic medications upon admission.

On September 7, 2019, Dr. Steve Alcazar, MD Resident, met with Mr. Adams who described himself as "being slow" and stated, "I hear spirits talking back and forth to each other, but it doesn't bother me." Staff reported that Mr. Adams responded appropriately during interactions. Treating psychiatrist, Dr. Rami Abukamil, met with Mr. Adams on September 10, 2019. Mr. Adams stated, "My PD [public defender] said I was accused of child abuse and neglect." Dr. Abukamil noted that during treatment team that same day, Mr. Adams answered "I don't know" to most basic questions. Staff shared that his behavior and statements made during treatment team were incongruent with his behavior on the unit and with peers. Dr. Abukamil noted that Mr. Adams will be further evaluated to distinguish if his statements and behaviors are related to cognitive impairments or poor effort.

On September 17, 2019, Clinical Social Worker, Lisa Johnson, documented that she spoke with Mr. Adams's cousin who had custody of Mr. Adams beginning at age 3. They noted Mr. Adams's mother used numerous substances while she was pregnant with Mr. Adams including crack, heroin, and alcohol. Mr. Adams reportedly demonstrated developmental delays and

cognitive deficits during childhood, such as delayed speech. His cousin noted that their culture is the 'Rom'(Romany).

Mr. Adams began participating in competency restoration groups in mid-September. Psychiatric caseworker, Bobette Jamison-Smith, documented on September 19, 2019 that Mr. Adams appeared to purposefully avoid attending group. When he eventually attended, he was asked if he remembered anything from the previous day's group lesson. He stated, "Mickey Mouse doesn't remember." He added, "Mickey Mouse goes everywhere with me and he talks to me." Mr. Adams responded "I don't know" to numerous questions related to the legal system. That same day, Mr. Adams participated in individual competency restoration session and accurately placed numerous legal participant figures in the appropriate place in a courtroom diagram. He picked up the picture of the court reporter and asked, "Why do they type everything?"

On September 23, 2019, Dr. Abukamil met with Mr. Adams who stated he was speaking to a spirit which was "Mickey Mouse." Dr. Abukamil reviewed Mr. Adams's criminal complaint with him three times and when asked what happened, Mr. Adams answered, "I don't know" to questions such as the name of his baby and what he is accused of doing. Staff described Mr. Adams's interaction with other clients as cooperative and social.

In mid-October, Mr. Adams met with Dr. Abukamil. Mr. Adams reported that he was worried about going to prison and had been assaulted in jail. He said that his attorney told him "I could get a long time in prison, I'm looking at 1 to 20 years, like what do I do?" When asked about his charge, Mr. Adams replied, "My lawyer said it's child abuse and neglect" and indicated that he received a plea deal offer for "6 to 15 years." Also, in October, Mr. Adams requested dietary changes and transfer to another unit at Stein.

On October 15, 2019, Mr. Adams met with his treatment team and talked about "flies on leashes" that "come from the helicopter from the FBI people." He continued to discuss flies that turn into "German Shepherds." After leaving the treatment team, the forensic specialist shared that Mr. Adams discussed visiting strip clubs and converses normally with peers and staff on the unit. Throughout October, Mr. Adams intermittently attended competency restoration groups.

In November, Mr. Adams began attending competency restoration groups with more frequency. On November 5, 2019, Ms. Jamison-Smith documented that Mr. Adams has "made much improvement in learning legal terms, and what courtroom official duties are." He met his treatment team that same day and demonstrated understanding of plea options, penalties associated with his charge, and that a verdict at a trial could be decided on evidence. On November 13, 2019, Psychologist, Dr. Vincent Brouwers noted that Mr. Adams did not demonstrate any signs of mental illness and noted there were no apparent barriers to Mr. Adams's competency.

In December, Mr. Adams began participation in rational decision-making groups. On December 13, 2019, he described a jury as "six to twelve people who decide if the defendant is guilty or not after listening to evidence and stuff." He added, "After they decide, they tell the judge their decision about guilty or not guilty." Mr. Adams was not prescribed any scheduled medications during his hospitalization.

### Diagnostic Impressions

- (Provisional) Other Specified Neurodevelopmental Disorder associated with prenatal illicit drug/alcohol exposure

### Adjudicative Competence Assessment

According to *Dusky v. United States* (1960), defendants must have “sufficient present ability to consult with his attorney with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him.”

Nevada Revised Statute 178.400 specifies that an individual cannot be tried or adjudicated while incompetent. In order to be considered competent according to NRS 178.400 a person must have the present ability to:

- (a) Understand the nature of the criminal charges against them;
- (b) Understand the nature and purpose of the court proceedings; and
- (c) Aid and assist their counsel in their defense at any time during the proceedings with a reasonable degree of rational understanding.

Mr. Adams reported his charge as “they said child endangerment.” Mr. Adams stated that a defendant convicted of the charge could receive 2 to 20 years in prison. He stated he did not know the level of his charge. When asked if his charge was serious, he stated, “Yeah, I guess so.” When asked if his charge was a felony or gross misdemeanor, Mr. Adams stated, “It’s a misdemeanor.” Mr. Adams was provided with education regarding the level of his charge and accurately relayed this information later during the evaluation. Mr. Adams stated that he is accused of “shaking the kid.” Mr. Adams estimated that for a misdemeanor conviction a defendant could receive “probably a year.” He was provided with education that this was typically the length of sentencing for a gross misdemeanor charge. When asked again to provide the length of sentencing for a misdemeanor charge, Mr. Adams responded, “Five or six months.”

Mr. Adams was asked to provide a definition of the term probation, Mr. Adams responded, “When you get out and live your life” and indicated that the judge provides the defendant with their sentence and rules to follow while on probation. Mr. Adams indicated that a defendant would likely have to “go back to court” if they were on probation. When asked for additional conditions a probationer may have to follow, Mr. Adams responded, “I don’t know.” Mr. Adams was told to take his time prior to providing a response. He then stated, “Probably get a job, community service from what I’ve heard, do good time, stay out of trouble.” He also agreed that a probationer would not be able to use illicit drugs. Mr. Adams indicated that a probationer would likely have to check in with the judge. When asked what would happen if a probationer violated the conditions of their probation, Mr. Adams indicated that the probationer “most likely would be given more time [on probation].” Mr. Adams was provided with education regarding probation violations. Later during the evaluation, Mr. Adams was asked about what would happen if a probationer violated the conditions of their probation and he responded, “Give you time of the probation thing or jail like you said.”

Mr. Adams described the role of the judge as the “one who sees what’s going on with the case and sentences them too.” The prosecutor was described as the attorney who “gives you time...”

Prison time.” The defense attorney is there to “help me get the best deal possible” and would “tell the judge my side of the story.” Mr. Adams provided examples of evidence as confessing to crimes and “people saying you did it.” He indicated that items such as a gun or knife could be used as evidence. Mr. Adams reported that the child he is accused of abusing was placed on a “respirator” after the alleged event and her medical records could be used as evidence against him. Witnesses were described as “people there that saw you did it [the crime].”

Mr. Adams described a plea bargain as “instead of giving you the max penalty, give you a shorter sentence or something.” Mr. Adams indicated that he would discuss any deal offered to him by the district attorney with his lawyer. He stated if he accepted a plea bargain, his charges would be “less serious.” Mr. Adams indicated a defendant can plead guilty or no contest when accepting a deal and relinquishes the right to remain silent and participate in a trial. Mr. Adams indicated that he was open to discussing the plea bargain options with his attorney.

Mr. Adams was provided with a hypothetical crime scene scenario and was asked whether the defendant should accept a plea bargain or take their case to trial. Mr. Adams indicated that the defendant should take the plea bargain based on the amount of evidence in the case and the defendant would likely be found guilty if they took their case to trial. Mr. Adams indicated the risk of taking a case to trial is “if you lose trial you get the maximum penalty.” Mr. Adams indicated that evidence and witnesses would be presented in a trial to make a decision regarding the defendant’s guilt or innocence.

Mr. Adams described the plea of guilty as “you did it.” The plea of not guilty was described as “you didn’t do it” and indicated the defendant would participate in a “trial.” A plea of no contest was described as “say you are guilty you don’t want to fight the charge.”

Mr. Adams reported the name of his attorney as Chris Howell. He stated that he attempted to call his public defender with Dr. Abukamil the previous day but “there was no answer.” He indicated that he met Mr. Howell on one occasion in jail and described him as “cool.” Mr. Adams stated he can help his attorney in his defense by “tell[ing] him everything. Tell him what’s up.” If Mr. Adams had disagreements with his attorney, he would “think about what the attorney was asking. Call him back and talk about it.” Mr. Adams indicated that he would ask his attorney if he did not understand something in court. When asked how a defendant should behave in court, Mr. Adams responded, “Sit down and don’t say nothing, whisper to your attorney, you don’t want to be too loud or the judge will say be quiet and can throw you out of court.”

### **Summary and Conclusion**

Mr. Adams is a 25-year-old male of Eastern European decent who is charged with Child Abuse, Neglect, or Endangerment Resulting in Substantial Bodily or Mental Harm (Category B Felony) for alleged events occurring on or about October 17, 2018. Mr. Adams was referred for competency evaluations by his attorney, Christopher Howell, on August 1, 2019. Mr. Howell indicated concerns that Mr. Adams does not appear to understand the charges or allegations; disclose to defense attorney pertinent facts; understand the range and nature of penalties; or demonstrate the ability to provide relevant testimony. Mr. Adams was opined incompetent to proceed by two pre-commitment competency evaluators in August of 2019.

Mr. Adams was committed to the Division of Public and Behavioral Health on August 23, 2019 pursuant to NRS 178.425 for competency restoration and evaluation. He was admitted to Stein Forensic Facility on September 5, 2019 for competency restoration and evaluation. Early in his admission to the hospital, Mr. Adams endorsed experiencing auditory hallucinations that were atypical of someone who experiences genuine psychosis. He reported speaking to Mickey Mouse and "spirits" during treatment team, but staff noted that his presentation during treatment team was incongruent with his presentation with peers where he discussed visiting strip clubs. Mr. Adams denied a history of mental health treatment and there are no records of him participating in any services with Division of Public and Behavioral Health. Mr. Adams was not prescribed any psychotropic medications during his hospitalization and eventually ceased discussing his self-reported conversations with cartoon characters.

Mr. Adams initially did not attend competency restoration groups and frequently reported, "I don't know" to questions related to his charges including the name of his daughter and what he is accused of doing. However, during subsequent interactions and interactions with other staff members, Mr. Adams would reveal that he knew more information than he was providing. Although he is suspected to have some cognitive impairments and collateral reports indicate that he may have been exposed to drugs/alcohol in utero, he is also believed to be providing poor effort in terms of relaying his legal knowledge. Mr. Adams has been provided with a provisional diagnosis of Other Specified Neurodevelopmental Disorder associated with prenatal illicit drug/alcohol exposure. Although the exact level of his cognitive limitations remains unknown, these impairments do not impact his competency to stand trial.

In terms of legal knowledge, Mr. Adams has adequate factual and rational understanding of his charges and penalties he may face if convicted. He also has adequate understanding of legal processes and courtroom participants. Mr. Adams has a rational understanding of the accusations against him and is capable of working with his attorney in his defense. As previously noted, Mr. Adams appears to have some cognitive impairments. It is recommended that counsel present information simplistically and have Mr. Adams relay the information back to ensure comprehension. Mr. Adams is knowledgeable regarding appropriate courtroom behavior and it is believed that he can comply with these rules. Given Mr. Adams's presentation, it is my opinion that he meets the requirements of Nevada Revised Statute 178.400 and the Dusky Standard for Mental Competency at this time.

Respectfully submitted,



Lia Roley, Psy.D.  
Licensed Psychologist 1

**State of Nevada | Division of Public and Behavioral Health**  
**Southern Nevada Adult Mental Health Services | Stein Forensic Facility**  
*Confidential: For Professional Use Only*

**Adjudicative Competency Evaluation**

**Name:** Vinnie Adams (AKA: Vennte Adams)  
**Case Nos:** C-19-342405-1  
**Date of Birth:** January 2, 1994  
**Age:** 25 years  
**Date of Admission:** September 5, 2019  
**Examiner:** Sarah Damas, Psy.D.  
**Length of Evaluation:** 60 minutes  
**Date of Evaluation:** December 11, 2019  
**Date of Report:** December 17, 2019

**Opinion Regarding Competency:** With reference to the Dusky Standard and Nevada Revised Statute 178.400, it is my opinion that Vinnie Adams, as of the date of my evaluation:

- 1) **Does demonstrate** a rational and factual understanding of the criminal charges against him;
- 2) **Does demonstrate** a rational and factual understanding of the nature and purpose of the court proceedings;
- 3) **Does demonstrate** the ability to aid and assist counsel in his defense with a reasonable degree of rational understanding.

**Evaluation Procedures:**

1. Interview with Mr. Adams at Stein Forensic Facility on December 11, 2019.
2. Review of Records
  - a. Legal Records
    - Las Vegas Metropolitan Police Department, Arrest Report, dated October 16, 2018
    - Las Vegas Township Justice Court, Criminal Complaint, filed October 19, 2018
    - Clark County Courts, Request for Evaluation(s) for Competency, dated August 1, 2019
    - Clark County District Court, Order of Commitment, dated August 23, 2019
  - b. Pre-commitment Competency Evaluations by:
    - Charles P Colosimo, Ph.D., dated March 20, 2019
    - John Paglini, Psy.D. dated August 19, 2019
    - Sunshine Collins, Psy.D., dated August 20, 2019
  - c. Clark County Detention Center (CCDC)/NaphCare/Wellpath Medical Records
  - d. Clark County Courts Civil/Criminal Case Records Online
  - e. Division of Public and Behavioral Health Medical and Mental Health Records

**Limits of Confidentiality:** Mr. Adams was advised the usual doctor/client confidentiality privilege did not apply since he has been court ordered for an evaluation of competency to stand trial. He was informed the information provided during this evaluation would be put into a report, which would be provided to the court. Mr. Adams acknowledged the limits of confidentiality and agreed to participate in the interview.

AA 000060

**Reason for Referral/Relevant History**

Mr. Adams is currently charged with Child Abuse, Neglect, or Endangerment Resulting in Substantial Bodily or Mental Harm (Category B Felony) for an alleged incident occurring on or about October 17, 2018. According to the Arrest Report, Mr. Adams is accused of shaking a 19-day old infant girl, resulting in a "severe global brain bleed."

Mr. Adams was recommended for competency evaluations on August 1, 2019 by his attorney Christopher Howell due to concern regarding his ability to understand the adversarial nature of the legal process, the range and nature of the penalties, his ability to disclose pertinent facts to his defense attorney, and his ability to provide relevant testimony. Mr. Howell noted the potential sentence range if Mr. Adams is convicted is 2 to 20 years in prison. He was subsequently evaluated by Drs. Colosimo, Paglini, and Collins who all opined he was incompetent to proceed. All three evaluators noted they reviewed a neuropsychological evaluation that was completed by Dr. Sharon Jones-Forrester on March 13, 2019. However, Dr. Jones-Forrester's report was not available at the time of this evaluation.

Dr. Colosimo's report, dated March 20, 2019, indicates Mr. Adams presented as tangential and circumstantial and was "extremely concrete and limited in response style." Dr. Colosimo noted that Mr. Adams spoke in the third person for most of the interview. He wrote that Mr. Adams knew his charge and the potential penalty ("2 to 20") if convicted; however, he did not appear knowledgeable of the procedural steps of the court process. He added that Mr. Adams' "intellectual inefficiency prevents him from being cognizant of his legal situation." Dr. Colosimo diagnosed Mr. Adams with Moderate Intellectual Disability, "Unspecified major neurocognitive disorder. Specific learning disorder with impairment in reading, Specific learning disorder with impairment in mathematics," and "Specific learning disorder with impairment in written expression." He suggested "Fetal alcohol syndrome (genetic testing needed)" as a diagnostic consideration.

In his report dated August 19, 2019, Dr. Paglini diagnosed Mr. Adams with Moderate Intellectual Disability, Unspecified Neurocognitive Disorder, and "Multiple Learning Disorders." He suggested "Suspected Fetal Alcohol Syndrome/Fetal Alcohol Effects, pending confirmation from genetic testing" as a diagnostic consideration. Dr. Paglini described Mr. Adams' thought process as "simplistic and concrete yet goal oriented." He noted that Mr. Adams believed it was the "third month," that the day of the week was the "11<sup>th</sup>" and that the year was "2020." Dr. Paglini noted that Mr. Adams was aware of his charge, the alleged victim, and that the judge placed a restraining order against him. However, Dr. Paglini concluded that Mr. Adams exhibited "significant impairment pertaining to understanding of the current charges," the ability to assist his attorney in his defense, and in the "factual and rational understanding of competency." He opined that Mr. Adams is incompetent to proceed "without probability" of future restoration and agreed with "Dr. Jones-Forrester's assessment pertaining that he exhibits a lifelong neurocognitive disorder and his ability for restoration is highly undoubtful."

Dr. Collins' evaluation, dated August 20, 2019, noted that Mr. Adams' speech was suggestive of low cognitive functioning and that there was "periods of response latency before responding."

Dr. Collins suggested Neurodevelopmental Disorder “associated with prenatal substance exposure” and Unspecified Intellectual Disability as diagnoses to consider. On the evaluation cover page, she indicated that Malingering was not ruled out as a potential diagnosis.

Dr. Collins mentioned several issues in Dr. Jones-Forrester’s neuropsychological evaluation, such as a lack of cultural consideration for Mr. Adams’ Romany heritage, the fact that English may be Mr. Adam’s secondary language which could invalidate the intelligence test administered, and that Dr. Jones-Forrester “did not see fit to provide the names of the intelligence measure administered.” Dr. Collins admitted that her own evaluation with Mr. Adams was administered in English as she did not have knowledge of Mr. Adams’ Romany background prior to the interview. Dr. Collins concluded that Mr. Adams failed all essential competency criteria and that further evaluation is recommended based on Dr. Jones-Forrester appearing to have “overstated patient’s relative level of illiteracy and overvalued the meaning of no formal education, employment, or independent living history, failing to recognize these as all culturally consistent.”

Mr. Adams was subsequently committed to the Division of Public and Behavioral Health (DPBH) on August 23, 2019, pursuant to NRS 178.425. He was admitted to Stein Forensic Facility on September 5, 2019 for treatment and further evaluation.

#### **Mental Status Examination/Behavioral Observations**

Mr. Adams is a 25-year-old Caucasian male. He presented with adequate grooming and hygiene and was appropriately dressed in hospital issued attire. He was well-groomed, and his hygiene was adequate. Mr. Adams was polite, cooperative, and well-related. He maintained appropriate eye contact and there were no abnormalities in his motor movements. His self-reported mood was “pretty good,” and his emotional expression was consistent with his stated mood. The rate, tone, and volume of speech were within normal limits and there were no problems with articulation. His thought process was concrete but linear and goal directed. His thought content was appropriate to topic. No evidence of paranoid or delusional ideations were observed. Mr. Adams denied experiencing current auditory and visual hallucinations and there were no behavioral indicators he was experiencing internal stimuli during the interview. He denied suicidal and homicidal ideation. When asked for the date, Mr. Adams answered, “I don’t know...January?” and provided the correct year and season. He named “Obama” as both the current and immediately prior Presidents of the United States. He indicated he did not know of any current events. He identified Thanksgiving as the most recent holiday. He correctly recalled 3 of 3 words immediately and 1 of 3 words after a short delay when provided cues. Mr. Adams demonstrated adequate knowledge of legal terms and of his legal situation.

#### **Brief/Relevant Psychosocial History**

Mr. Adams reported he was born in California. He relocated to Las Vegas, Nevada with “mom and dad” at age 12. He reported he was adopted by family members because his biological parents did drugs. He explained he never attended any schooling and that he cannot read and “just learned how to write my name here.” He denied participating in home schooling and explained he was not allowed to go outside “until 3:30.” When asked about previous employment, Mr. Adams stated, “I used to buy and sell cars with my girlfriend.” He reported that

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he also made money helping his father with autobody work and by panhandling. Mr. Adams reported he resided with his girlfriend and her baby prior to his arrest.

Mr. Adams denied prior psychiatric hospitalizations and outpatient mental health treatment. He endorsed prior auditory hallucinations of “spirits and stuff” that began around age 8. He explained, “Sometimes I’ll be talking in my room to Johnny” who he described as a friend “no one else can see.” He stated he never told anyone about hearing things “until [age] 12 or 13 when I told my mom but she thought I was crazy.” He denied ever experiencing visual hallucinations, paranoia, or symptoms of depression and mania. He denied a history of chronic medical conditions, head injuries, and undergoing surgical procedures.

Mr. Adams denied use of any illicit substances, synthetic drugs, or misuse of prescription drugs. He stated he first consumed alcohol during his teenage years. He stated he typically consumes “a bottle of beer,” once every couple of months. He denied a legal history.

#### Review of Records

##### Online Search of Clark County Courts Civil/Criminal Case Records

An online search of the Eighth Judicial District Court, Las Vegas Justice Court, and Henderson Municipal Court websites revealed no prior convictions for Mr. Adams.

##### Clark County Detention Center (CCDC)/NaphCare/Wellpath Medical Records

Mr. Adams was booked into CCDC on October 17, 2018. Records indicate he was alert, oriented, and cooperative with intake assessments. He denied suicidal and homicidal ideation. He denied drug and alcohol use. Records did not reflect if he was prescribed any psychotropic medications.

##### Current Hospitalization

Mr. Adams was admitted to Stein Forensic Facility on September 5, 2019. Psychiatry Resident Dr. Austin Christensen described Mr. Adams as cooperative but with limited insight into his medical condition. He noted that Mr. Adams endorsed experiencing auditory hallucinations of “spirits in his brain” but that he did not know what they say. He denied experiencing any other psychiatric symptoms and was not prescribed any psychotropic medications.

Mr. Adams attended his first treatment team meeting on September 10, 2019. Treating psychiatrist Dr. Rami Abukamil noted he answered, “I don’t know” to the most basic questions such as “what do you like to watch on TV and “what is your favorite meal.” Mr. Adams said, “My PD said I was accused of child abuse and neglect.” Mr. Adams could identify his attorney but said he did not know how his attorney could help him. Dr. Abukamil diagnosed Mr. Davis with Intellectual Disability and he was referred for individual competency restoration in addition to his group lessons.

On September 13, 2019, Mr. Adams scored a 26 percent on a test of legal knowledge. The following week, Psychiatric Caseworker Bobbette Jamison-Smith wrote, “It appears that if Vinnie doesn’t want to respond he will respond with ‘I don’t know.’” He uses distractors such as Mickey Mouse “to avoid responding to something he doesn’t want to answer.” She wrote that if

Mr. Adams is asked to think about “what you’re asking him,” or is offered “prompting\leading words,” he will respond.

On September 16, 2019, Clinical Social Worker Lisa Johnson spoke with Mr. Adams’ uncle to obtain more of Mr. Adams’ background information. His uncle shared that Mr. Adams was taken in by his “uncle’s brother, a cousin,” at about age 3. He stated that Mr. Adams’ mother used drugs and alcohol while pregnant with him. He stated that Mr. Adams is like a child and has the “mind of a 12-year-old boy.” He told Ms. Johnson that Mr. Adams “couldn’t walk right,” had vision impairments, did not make eye contact, did not speak until age five, and could not hold a conversation until age eight or nine. His uncle stated that when Mr. Adams was upset, he rocked back-and-forth and hit himself.

In October, progress notes indicate that Mr. Adams was attending group competency restoration classes but not his individual sessions. On October 15, 2019, Dr. Abukamil met with him individually to assess his ability to process information. Dr. Abukamil wrote that Mr. Adams “becomes anxious when discussing legal matters.” Dr. Abukamil indicated he noticed Mr. Adams had two books on his desk which he explained, “I don’t know how to read, so I look at the pages and made up a story.” That day during a treatment team meeting, Dr. Abukamil noted that Mr. Adams “wanted to discuss his beliefs that “the FBI has flies that change shapes to dogs to spy on people.” However, when questioned further he said, “Oh you don’t believe me?”

In November Mr. Adams was transferred to a different unit and treatment team. On November 13, 2019, treating psychologist Dr. Vince Brouwers indicated Mr. Adams correctly named his charge, his sentencing range, and accurately defined a plea bargain. He said that he would consider a plea bargain in his case but would “have to talk to my public defender before I make a choice.” Dr. Brouwers described him as “friendly with bright affect and linear thoughts.” Dr. Brouwers added that there were no signs of mental illness and he appeared motivated to proceed with his case. In December, treating psychiatrist Dr. Patrick Bennet noted Mr. Adams is able to state his charges and pertinent information about his case.

#### **Diagnostic Impressions**

- Unspecified Intellectual Disability

#### **Adjudicative Competence Assessment**

According to *Dusky v. United States* (1960), defendants must have “sufficient present ability to consult with his attorney with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him.”

Nevada Revised Statute 178.400 specifies that an individual cannot be tried or adjudicated while incompetent. In order to be considered competent according to NRS 178.400 a person must have the present ability to:

- (a) Understand the nature of the criminal charges against them;
- (b) Understand the nature and purpose of the court proceedings; and
- (c) Aid and assist their counsel in their defense at any time during the proceedings with a reasonable degree of rational understanding.

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Mr. Adams identified his charge as “child abuse and neglect,” which he correctly identified as a felony. He said that a felony charge carries up to a “life” sentence. He incorrectly stated that a misdemeanor conviction could result in “probably a year” of incarceration and that he did not know of any other levels. Mr. Adams indicated he could potentially receive “1 to 20” years in prison if he is convicted. He provided a rational description of the accusations against him and indicated he has a no-contact order to stay away from his girlfriend and her baby.

Mr. Adams identified himself as the defendant. He explained that the public defender’s role is to “help me, talk things out” and is on his side. He explained that the district attorney’s role is to “put you in prison.” He said that the judge “sentences you” and is “probably on both sides.” He explained the jury is who “finds you guilty or not guilty.” Mr. Adams indicated that money and fingerprints could be used as evidence in a case. He stated that both evidence and witnesses can be for or against the defendant.

Mr. Adams listed guilty, not guilty, “reason of insanity,” and no contest as the different pleas entered in court. He explained that the plea of guilty means “you did it” and then “you go to prison.” He stated that a plea of not guilty means “you didn’t do it” and is followed by a trial. He required education regarding the plea of no contest. Mr. Adams indicated that the benefit of agreeing to plea bargain is “less time” and “dropped” charges. He indicated the defendant must plead guilty, and with minimal prompting, “no contest” to accept a plea deal. He indicated that the defendant gives up “the right to remain silent” and “they don’t get to go to trial” when accepting a plea bargain.

Mr. Adams identified his attorney as, “Chris Howell.” He reported no perceived issues working with his Mr. Howell and he is willing to listen to his advice. When asked how he could help his attorney, he answered, “Tell him everything.” Mr. Adams explained that he would whisper to his attorney if he had a question during the court process or if a witness was lying about him. He indicated that a defendant should “be quiet” while in a courtroom and can only speak “when the judge tells you to speak.”

#### **Summary and Conclusion**

Mr. Adams is a 25-year-old, Caucasian male. He is currently charged with Child Abuse, Neglect, or Endangerment Resulting in Substantial Bodily or Mental Harm (Category B Felony) for an alleged incident occurring on or about October 17, 2018. He was referred to competency by his attorney Christopher Howell on August 1, 2019 and was subsequently opined incompetent by Drs. Colosimo, Paglini, and Collins. Mr. Adams was committed to the Division of Public and Behavioral Health (DPBH) on August 23, 2019, pursuant to NRS 178.425, and subsequently admitted to Stein Forensic Facility on September 5, 2019 for treatment and evaluation.

Mr. Adams has no reported or documented history of psychiatric treatment. During his Stein hospitalization, Mr. Adams consistently presented as concrete and somewhat child-like. Providers noted he frequently answered legal process questions with “I don’t know”; however, with prompting he eventually provided the correct responses. All three precommitment evaluators noted they reviewed the neuropsychological evaluation by Dr. Jones-Forrester, who,

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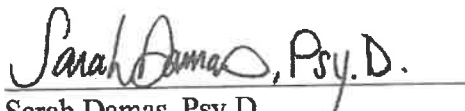
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after conducting cognitive testing (testing instruments were not identified), diagnosed Mr. Adams with Moderate Intellectual Disability, Unspecified Major Neurocognitive Disorder, and numerous learning disorders. Unfortunately, Dr. Jones-Forrester's evaluation was not available for review at the time of this evaluation.

Based on the results quoted by the evaluators, the collateral information provided by his uncle regarding his developmental deficits, and Mr. Adams presentation over the past two months, Mr. Adams does appear to have an intellectual disability. However, his observed cognitive impairments do not interfere with his competency at this time. During the evaluation, Mr. Adams demonstrated a basic yet factual understanding of his charges and potential sentencing. He provided correct responses to most of the legal process questions and demonstrated an understanding of the roles of legal participants and courtroom procedures. During his hospitalization, Mr. Adams reported he is willing to work with his attorney and given his presentation with staff and peers, he is capable of effectively communicating with his attorney.

Given Mr. Adams's presentation, it is my opinion that he meets the requirements of Nevada Revised Statute 178.400 and the Dusky Standard for Mental Competency at this time.

Respectfully submitted,

  
Sarah Damas, Psy.D.  
Licensed Psychologist 1

Steve Sisolak  
Governor  
  
Richard Whitley, MS  
Director



DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**  
Division of Public and Behavioral Health  
*Helping people. It's who we are and what we do.*



Lisa Sherych  
Administrator  
  
Ihsan Azzam, Ph.D., M.D.  
Chief Medical Officer

December 18, 2019

The Honorable Linda Bell  
Eighth Judicial District Court  
Courthouse – 200 South Third Street  
Las Vegas, Nevada 89155

RE: Vinnie Adams  
Case#: C-19-342405-1

Dear Judge Bell:

**This is a request to calendar a hearing date no later than 10 days from the date of receipt of this letter.**

Pursuant to the above court order dated August 23, 2019, Mr. Vinnie Adams was evaluated by Drs. Abukamil, Roley, and Damas, and at this time they find that Mr. Adams meets the criteria to be considered competent to proceed with adjudication. Since the client was sent to Stein Forensic Facility pursuant to NRS 178.425, three examiner's reports are required. Enclosed you will find copies of the doctors' reports.

If I can provide you with any further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley Cornell".

Stanley Cornell, M.S.  
Agency Manager

SC/lh

cc: Glen O'Brien, Deputy District Attorney  
Claudia Romney, Attorney for Defendant

Enclosures: Psychiatric Evaluation (1)  
Psychological Evaluation (2)

*Steven D. Grierson*

**ORDR**

Linda Marie Bell  
District Court Judge, Department VII  
200 Lewis Avenue  
Las Vegas, Nevada 89155  
(702) 671-4344

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

Vinnie Adams,  
ID # 2888779,

Defendant.

Case No: C-19-342405-1

Dept No: 7

**ORDER TO TRANSPORT DEFENDANT FROM SOUTHERN NEVADA ADULT  
HEALTH RAWSON-NEAL PSYCHIATRIC HOSPITAL**

TO: SOUTHERN NEVADA ADULT HEALTH RAWSON-NEAL  
PSYCHIATRIST HOSPITAL AND/OR CLARK COUNTY DETENTION  
CENTER:

WHEREAS, on the 23<sup>rd</sup> day of August, 2019 pursuant to Order of the above-entitled  
Court, you were directed to transport the above-named Defendant to the custody of the  
Division of Mental Health and Developmental Services of the Department of Human  
Resources, or his designee, for necessary care and treatment; and,

WHEREAS, the Defendant having been examined by Drs. Abukamil, Roley, and  
Damas pursuant to NRS 178.455, with the reports of that examination being forwarded to  
the Court for its review thereof;

IT IS ORDERED that you, the Sheriff of Clark County and/or designee(s) of the  
Division of Mental Health and Developmental Services of the Department of Human  
Resources, are hereby ordered to transport the Defendant from the Southern Nevada Adult  
Health Rawson-Neal Psychiatric Hospital, Clark County, Nevada, to the Clark County

RECEIVED

DEC 23 2019

CLERK OF THE COURT

AA 000068

2

1 Detention Center, Las Vegas, Nevada, by Friday, December 27, 2019 at 10:00 a.m. when  
2 further proceedings have been scheduled by the Court in this matter.

3 IT IS FURTHER ORDERED that the Sheriff of Clark County, Nevada, shall accept  
4 and retain custody of said Defendant in the Clark County Detention Center pending  
5 completion of proceedings in the above-captioned matter, or until the further Order of this  
6 Court, and that you continue the course of treatment of the Defendant as prescribed by the  
7 Administrator of the Division of Mental Health and Developmental Services of the  
8 Department of Human Resources or his designee.

9 DATED: December 18, 2019

10  
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12 \_\_\_\_\_  
13 LINDA MARIE BELL  
14 DISTRICT JUDGE  
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Felony/Gross Misdemeanor

COURT MINUTES

December 27, 2019

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C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

---

December 27, 2019      10:00 AM      Further Proceedings: Competency-Return From Stein

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Courtroom 10C

COURT CLERK: Trujillo, Athena

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

Bryan A Cox      Attorney for Defendant

Maria Lavell      Attorney for Plaintiff

State of Nevada      Plaintiff

Vinnie Adams      Defendant

**JOURNAL ENTRIES**

Mr. Cox requested a 30 day continuance to allow Lakes Crossing to review an additional report, noting the Defendant's attorney already sent it to them. COURT ORDERED, matter CONTINUED two weeks.

CUSTODY

CONTINUED TO: 1/10/20 10:00 AM



Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2020

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C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

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January 10, 2020      10:00 AM      Further Proceedings: Competency-Return From Stein

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Courtroom 10C

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

Also present: Glen O Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Ms. Romney requested a continuance for the doctors to review additional medical records.  
COURT SO ORDERED.

CUSTODY

CONTINUED TO: 02/07/20 10:00 AM



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	CASE NO. C-19-342405-1
Plaintiff,	)	
vs.	)	DEPT. VII
	)	
VINNIE ADAMS aka	)	
VENNTE ADAMS,	)	<b>Transcript of Proceedings</b>
	)	
Defendant.	)	

BEFORE THE HONORABLE JOSEPH T. BONAVENTURE, DISTRICT COURT JUDGE

**FURTHER PROCEEDINGS: COMPETENCY-RETURN FROM STEIN**

FRIDAY, FEBRUARY 7, 2020

APPEARANCES:

FOR THE STATE:	GLEN P. O'BRIEN
	Chief Deputy District Attorney

FOR THE DEFENDANT:	CLAUDIA ROMNEY
	Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, FEBRUARY 7, 2020, 10:38 A.M.

2  
3 THE COURT: C342405, Vinnie Adams.

4 MS. ROMNEY: He's present in custody, Your Honor. I'm  
5 going to ask for a continuance of two weeks. This is a  
6 situation where we had a neuropsych test done. We sent those  
7 reports to the doctors who evaluated him at Stein. They didn't  
8 acknowledge in their reports whether they reviewed that  
9 information and took it into consideration. We reached out to  
10 them to try to get some answers and we haven't heard back yet.  
11 So I'm asking --

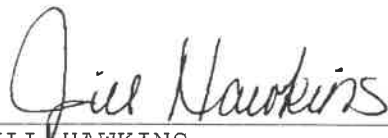
12 THE COURT: All right. Let's pass it two weeks.

13 MS. ROMNEY: Thank you.

14 THE COURT CLERK: February 21st at 10:00 a.m.

15 THE PROCEEDINGS CONCLUDED AT 10:39 A.M.

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19  
20 ATTEST: I do hereby certify that I have truly and correctly  
21 transcribed the audio-video proceedings in the above-entitled  
22 case to the best of my ability.

23   
24 JILL HAWKINS  
25 Court Recorder

Felony/Gross Misdemeanor

COURT MINUTES

February 07, 2020

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C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

---

February 07, 2020      10:00 AM      Further Proceedings: Competency-Return From Stein

HEARD BY:      Bonaventure, Joseph T.      COURTROOM: RJC Courtroom 03F

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

Also present: Glen O Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Ms. Romney advised Defendant has a neuro exam done and the results were sent to the doctors however information has not been received as to their findings. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 02/21/20 10:00 AM

Felony/Gross Misdemeanor

COURT MINUTES

February 21, 2020

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C-19-342405-1      State of Nevada  
                                 vs  
                                 Vinnie Adams

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February 21, 2020      10:00 AM      Further Proceedings: Competency-Return From Stein

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Courtroom 10D

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:


**JOURNAL ENTRIES**

Also present: Glen O'Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Ms. Romney advised documents have been provided to the Doctors and their opinion did not change therefore a hearing will need to be set. COURT ORDERED, matter CONTINUED for hearing to be set.

CUSTODY

02/28/20 10:00 AM STATUS CHECK: SET CHALLENGE HEARING



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-19-342405-1
Plaintiff,	)	
vs.	)	DEPT. VII
VINNIE ADAMS aka	)	
VENNTE ADAMS,	)	<b>Transcript of Proceedings</b>
Defendant.	)	

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

**FURTHER PROCEEDINGS: COMPETENCY-RETURN FROM STEIN**

FRIDAY, FEBRUARY 21, 2020

APPEARANCES:

FOR THE STATE: GLEN P. O'BRIEN  
Chief Deputy District Attorney

FOR THE DEFENDANT: CLAUDIA ROMNEY  
Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, FEBRUARY 21, 2020, 10:40 A.M.

2

3 THE COURT: Page 17, State of Nevada versus Vinnie  
4 Adams, Case Number C342405. He's present in custody. This had  
5 been continued at defense counsel's request.

6 MS. ROMNEY: So we had been waiting -- we had had a  
7 neuropsych done that was passed along to the doctors to see if  
8 it had any impact on their opinions. The doctors at Stein let  
9 us know that it does not. So at this point I think -- we need  
10 to check the availability of Dr. Jones-Forrester who did that  
11 neuropsych to see what her availability would be to testify at a  
12 challenge hearing. So if we could set this for a status check  
13 in two weeks. Then hopefully at that -- or --

14 THE COURT: Can we do one week, or we just need to get  
15 her schedule; right?

16 MS. ROMNEY: Yep.

17 THE COURT: Okay.

18 MS. ROMNEY: That's fine.

19 THE COURT CLERK: February 28th at 10:00 a.m.

20 THE PROCEEDINGS CONCLUDED AT 10:41 A.M.

21 ATTEST: I do hereby certify that I have truly and correctly  
22 transcribed the audio-video proceedings in the above-entitled  
23 case to the best of my ability.

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25

  
JILL HAWKINS/Court Recorder

Felony/Gross Misdemeanor

COURT MINUTES

February 28, 2020

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C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

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February 28, 2020      10:00 AM      STATUS CHECK: SET CHALLENGE HEARING

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

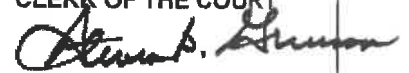
Also present: Glen O'Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Ms. Romney advised records were just received and need to be provided to the doctors for review and requested a continuance. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 03/20/20 10:00 AM





TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	CASE NO. C-19-342405-1
Plaintiff,	)	
vs.	)	DEPT. VII
	)	
VINNIE ADAMS aka	)	
VENNTE ADAMS,	)	<b>Transcript of Proceedings</b>
	)	
Defendant.	)	

BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE

**STATUS CHECK**

FRIDAY, FEBRUARY 28, 2020

APPEARANCES:

FOR THE STATE:	GLEN P. O'BRIEN
	Chief Deputy District Attorney

FOR THE DEFENDANT:	CLAUDIA ROMNEY
	Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, FEBRUARY 28, 2020, 11:01 A.M.

2  
3 THE COURT: Page 48 is C342405, State of Nevada versus  
4 Vinnie Adams.

5 MS. ROMNEY: He's present in custody. This is a  
6 status check on a possible challenge hearing. We just received  
7 some records from Stein and need to provide those to our expert.  
8 So we are asking for a status check in two weeks so that our  
9 expert can give us a timeline on how long it will take her to  
10 review all of the records, and also provide her availability to  
11 testify at a challenge hearing. And then -- so that we'll be  
12 able to set it, hopefully, at the next date.

13 THE COURT: Okay. So how long did you want?

14 MS. ROMNEY: Just two weeks.

15 THE COURT: Two weeks.

16 MS. ROMNEY: Oh, are we dark?

17 THE COURT: We're dark, so three.

18 MS. ROMNEY: Let's go three.

19 THE COURT CLERK: March 20th, 10:00 a.m.

20 THE PROCEEDINGS CONCLUDED AT 11:02 A.M.

21 ATTEST: I do hereby certify that I have truly and correctly  
22 transcribed the audio-video proceedings in the above-entitled  
23 case to the best of my ability.

24   
25 JILL HAWKINS/Court Recorder

C-19-342405-1

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 20, 2020**

C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

**March 20, 2020      10:00 AM      STATUS CHECK: SET CHALLENGE HEARING**

**HEARD BY:**      Bell, Linda Marie      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Estala, Kimberly

**RECORDER:**      Vincent, Renee

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

Also present: Glen O Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Ms. Romney requested a continuance. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 03/27/20 10:00 AM

Felony/Gross Misdemeanor

COURT MINUTES

March 27, 2020

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C-19-342405-1      State of Nevada  
                                 vs  
                                 Vinnie Adams

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March 27, 2020      10:15 AM      STATUS CHECK: CHALLENGE HEARING

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

Also present: Glen O'Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Colloquy regarding scheduling of hearing. COURT ORDERED, matter SET for hearing.

CUSTODY

05/29/20 11:15 AM CHALLENGE HEARING



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	CASE NO. C-19-342405-1
Plaintiff,	)	
vs.	)	DEPT. VII
	)	
VINNIE ADAMS aka	)	
VENNTE ADAMS,	)	<b>Transcript of Proceedings</b>
	)	
Defendant.	)	

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

**STATUS CHECK - SET CHALLENGE HEARING**

FRIDAY, MARCH 27, 2020

APPEARANCES:

FOR THE STATE:	GLEN P. O'BRIEN
	Chief Deputy District Attorney

FOR THE DEFENDANT:	CLAUDIA ROMNEY
	Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, MARCH 27, 2020, 10:38 A.M.

2

3 THE COURT: This is Vinnie Adams, Case Number C342405.  
4 This is on for a challenge hearing -- so setting a challenge  
5 hearing.

6 MS. ROMNEY: That's correct, Your Honor. We had  
7 continued it to check the availability of our expert, Dr. Jones-  
8 Forrester. She gave us a date that she is available to testify  
9 on May 29th. I don't know if the Court has an opening that day  
10 to do the hearing.

11 THE COURT: Why are we waiting so -- that's two months  
12 from now.

13 She doesn't have any availability before then?

14 MS. ROMNEY: Unfortunately, that was the earliest date  
15 she gave us.

16 THE COURT: Does she know she can appear by video?

17 MS. ROMNEY: She does.

18 THE COURT: I don't even know. What day is that?

19 THE COURT CLERK: May 29th is a Friday.

20 MR. O'BRIEN: I understand this is not Ms. Romney's  
21 case so she's sort of -- it's not really her problem, but my  
22 concern is he came back from Stein back in January, we passed it  
23 several times while the public defender's office was doing some  
24 testing, and we were going to set the challenge hearing. We  
25 kept continuing it. So by that point he'll go back four months

1 since the doctors have even seen him, not to mention the case  
2 has just been on hold this entire time. And that's still --

3 MS. ROMNEY: Part of the delay was the doctors waiting  
4 to get back to us. I don't know if you remember the -- Dr.  
5 Jones-Forrester had actually done her neuropsych exam prior to  
6 his commitment to the hospital. It was -- the report was sent  
7 to them, but they didn't review it or acknowledge it. And then  
8 we continued it to see if it had any impact on their decision,  
9 and we had to pass it once, maybe even twice, just to hear back  
10 from the doctors.

11 So I do understand that it has taken quite some time,  
12 but a large portion of that was due to the lack of response from  
13 the doctors at Stein.

14 THE COURT: It's all right. Well, I will set it at --  
15 let's see.

16 What is our time slot for this?

17 THE COURT CLERK: 12:00 to 1:30. Well, 10:15 to 1:30.  
18 For this or our whole time slot?

19 THE COURT: I'll set it for 11:15 on the 29th, because  
20 I think we'll be able to do it then.

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MS. ROMNEY: Okay.

THE COURT: All right.

MS. ROMNEY: Thank you.

THE PROCEEDINGS CONCLUDED AT 12:02 A.M.

ATTEST: I do hereby certify that I have truly and correctly  
transcribed the audio-video proceedings in the above-entitled  
case to the best of my ability.

  
JILL HAWKINS  
Court Recorder





## ADDENDUM TO NEUROPSYCHOLOGICAL AND COMPETENCY EVALUATION

Patient Name: Vinnie (Vennte) Adams

Date of Initial Neuropsychological Examination: February 7, 2019

Date of Competency Evaluation/Direct Observation with Attorney: May 19, 2020

Date of Addendum Report: May 22, 2020

Place of Examination: Office of the Clark County Public Defender

Examiner: Sharon Jones-Forrester, Ph.D.

Referral Source: Christopher T. Howell, Esq., Deputy Public Defender

THE CONTENTS OF THIS REPORT ARE STRICTLY CONFIDENTIAL AND ARE NOT TO BE REPRODUCED OR DISSEMINATED IN WHOLE OR IN PART BY ANY MEANS WITHOUT WRITTEN CONSENT OF THE PATIENT.

Vinnie is a 26-year-old (DOB: 01/02/94) left-handed man currently incarcerated at the Clark County Detention Center awaiting trial. An initial neuropsychological evaluation was completed 02/07/19. At that point, his attorney expressed ongoing concerns about his competency. He was then sent for competency evaluation, and evaluation reports from Dr. Colosimo on 03/20/19, Dr. Paglini on 08/19/19, and Dr. Collins on 08/20/19 were reviewed. He was deemed incompetent by each of these evaluators. He was then committed to Stein Forensic Facility for competency restoration 08/23/19, and was admitted for inpatient competency restoration 09/05/19. During his admission to Stein Forensic Facility, he was evaluated by Dr. Abukamil 12/12/19, Dr. Roley 12/16/19, and Dr. Damas 12/17/19, and was deemed competent by each of these evaluators. Records from his initial competency evaluations and from his admission to Stein were reviewed in entirety. A list of records reviewed follows the body of this report.

### Informed Consent

I informed Vinnie that the present competency evaluation to directly observe his interactions with his attorney was requested by his defense attorney. I explained the limits of confidentiality and the importance of effort in this forensic context. He agreed to continue with the interview and evaluation, having had the limitations explained to him, and after being given an opportunity to discuss concerns, and ask any questions.

### Opinion Regarding Competency:

With reference to the Dusky Standard and Nevada Revised Statute 178.400, it is my opinion that Vinnie (Vennte) Adams is not competent to proceed. Currently, Vinnie:

- 1) Does demonstrate a rational and factual understanding of the charges against him; but;
- 2) Does not demonstrate a rational and factual understanding of court proceedings; and
- 3) Does not demonstrate the ability to aid and assist counsel in his defense with a reasonable degree of rational understanding.

It should also be noted that his lifelong intellectual disability and significant neurocognitive deficits as outlined in his 02/07/19 neuropsychological evaluation are expected to be permanent and are not significantly amenable to restoration. It is hoped that his initial neuropsychological evaluation and this addendum will be of assistance to the Court in considering the manner in which these concerns will continue to undermine competency, despite all best efforts at restoration.

### Competency Related Concerns:

As stated in his 02/07/19 neuropsychological evaluation report, neuropsychological evaluation examines overall intellectual and neurocognitive functioning comprehensively, and his 02/07/19 report thus includes neurocognitive testing data over and above what would typically be included in an evaluation of his competency evaluation alone. Significant intellectual and neurocognitive disability can clearly undermine competency, and do so in this case. As such, I discussed concerns with regard to Vinnie's competency on 02/07/19, in addition to having completed his neuropsychological

evaluation' on this date. A summary of these competency related concerns from his neuropsychological evaluation is first discussed below.

After this, I then met with Vinnie, his defense attorney, Deputy Public Defender Christopher Howell, and his defense team Social Worker Michelle Bruening, MSW, LSW on 05/19/20 via video visit from CCDC rather than contact visit, due to the Covid-19 pandemic. The purpose of this meeting was to directly observe Vinnie's interactions with his attorney in order to assess his ability to consult with counsel and assist in his defense with a reasonable degree of factual and rational understanding. During this visit, Vinnie was masked and met with us from CCDC via video visit. Myself, his defense attorney Public Defender Christopher Howell, and his Social Worker Michelle Bruening met with him together in an office at the Clark County Public Defender's Office during this meeting, utilizing CDC Guidelines with regard to appropriate safety and social distancing precautions. During this meeting, I was able to specifically assess Vinnie's abilities across multiple areas of legal knowledge during his direct interactions with his attorney, and results of this 05/19/20 competency evaluation will next be discussed below.

#### Competency-Concerns in his 02/07/19 Neuropsychological Evaluation:

As measured by the WAIS-IV, Vinnie has a full-scale IQ of 58 (at the 0.3 percentile). His WAIS-IV index scores were a VCI of 68 (2<sup>nd</sup> percentile), a PRI of 60 (0.4 percentile), a WMI of 71 (3<sup>rd</sup> percentile), and a PSI of 56 (0.2 percentile). His academic skills were next assessed using the Woodcock Johnson Third Edition (WCJ-III) Achievement subtests. These subtests were named in his neuropsychological evaluation report, and include the Letter-Word Identification, Reading Fluency, Calculations, Math Fluency, Spelling, Writing Fluency, Passage Comprehension, Applied Problems, and Word Attack Achievement Subtests. This evaluation of his academic achievement indicated very low literacy and numeracy, and include consideration of his history of having no formal education. Specifically in terms of his scores, his Letter Word Identification and Word Attack phonemic recognition skills were at the K.8 and < K.0 grade level. With regard to his reading skills, his Reading Fluency was at the < K.2 level, whereas his reading comprehension, as measured by the Passage Comprehension achievement subtest was at the K.7 grade level. His Spelling and Writing Fluency skills, were at the K.2 and < K.0 grade level, respectively. With regard to his math skills, his Calculations, Math Fluency, and Applied Problems skills were at the K.7, <K.2, and 1.4 grade level, respectively.

With regard to his broader neuropsychological skills, all neuropsychological tests administered were listed in his results section. Throughout his neuropsychological evaluation, Vinnie demonstrated very poor comprehension skills. Aside from his moderate intellectual disability (formerly moderate mental retardation) and learning disabilities, he also has neurocognitive deficits in attention, processing speed, expressive and receptive language skills, spatial skills, memory, and executive functioning, all of which will negatively impact his ability to have a clear factual and rational understanding of information related to his case and court proceedings, and his ability to participate in his defense with a reasonable and rational degree of understanding. Each test administered with regard to his neurocognitive functioning is listed in the test results section of his initial 02/07/19 neuropsychological evaluation. He has a good rapport with his defense attorney, is comfortable admitting when he does not understand information, and willingly asks for clarification and repetition of information. However, his significant intellectual disability and neurocognitive deficits will limit his ability to accurately identify when he has failed to understand information, and will also limit his ability to understand and appreciate the consequences of misunderstanding or failing to understand legal information. His intellectual disability is likely to make it challenging to effectively advocate for himself when he is unsure of the consequences of his legal decisions.

During his initial 02/07/19 neuropsychological evaluation, with regard to competency, he was able to state some but not all of his charges in depth, and had an only very concrete and rudimentary understanding of potential sentencing issues. He was able to demonstrate a very concrete understanding of the roles played by various members of the legal community, but demonstrated a misunderstanding of the function of a jury, believing that the jury "is the evidence" and "wants to push charges". He had significant difficulty articulating his own role in the legal process, or independently generating any ways in which he could assist counsel in his defense. He demonstrated a very concrete understanding of court proceedings and appropriate behavior in court, but was unable to articulate how he would appropriately identify or manage a situation in which someone said something in court that he did not agree with. More critically, his intellectual disability, learning disabilities, and significant neurocognitive deficits are likely to interact in a manner that would significantly compromise his ability to understand and process information under stressful conditions. As such, he will tend to be very concrete, easily confused, and will have marked difficulty understanding nuanced or complex information. He also has extremely slow processing, has poor expressive and receptive language skills, and will significantly struggle

with reasoning, problem-solving, and thinking through the consequences of his actions and responses. As such, he will be very vulnerable to misunderstanding information, and may also readily agree to information that he has entirely misunderstood. As such, his intellectual disability, learning disabilities, and significant neurocognitive deficits will negatively impact his ability to understand legal information and the legal consequences of his actions, statements, and decisions with a reasonable degree of factual and rational understanding.

With regard to cultural and linguistic considerations, Vinnie identified his first language is English. While he does speak some Romani, he is not fluent and does not consider this to be his primary language. These cultural and linguistic considerations appear to be consistent with his 09/17/19 Social Work Progress Note at Stein Forensic Facility by Lisa Johnson, CSW II, which again stated that while his cultural identity is Roma, he is not fluent in Romani. It should be noted that cultural and linguistic considerations are a critical and inherent aspect of all neuropsychological evaluation, and are considered for every patient, regardless of their cultural or linguistic background, consistent with APA Ethics Codes and with APA Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations. While it is not explicitly stated in my initial neuropsychological evaluation that I considered cultural and linguistic factors, this is inherent in all psychological and neuropsychological evaluation, and is presumed to be a core part of all of our clinical considerations, regardless of patient background. In accordance with professional ethics and guidelines, if a patient does not have English as their primary language, it is my policy to refer out to a neuropsychologist fluent in a patient's primary language if at all possible, or to use a Certified Court and Medical Interpreter where this is not possible. When this is the case, it certainly would be explicitly stated in my report. When this is not the case (i.e. when an individual's primary language is English and they are evaluated in their primary language), this is typically presumed, rather than being explicitly stated. However, it should be noted that Vinnie's culture is explicitly referenced in his detailed history in my initial 09/17/19 neuropsychological evaluation, and was considered throughout his evaluation. While I agree with Dr. Collins 08/20/19 competency evaluation assertion that relatively low levels of formal education are common within his Roma culture, formal intellectual disability diagnosis and adaptive functioning deficits are not considered to be culturally normative, nor are the severity of his neurocognitive deficits culturally normative, even when his lack of formal education is taken into account.

Given the severity of his intellectual disability and neurocognitive deficits, direct observation of Vinnie's interactions with his attorney was also strongly recommended. As such, I then met with Vinnie, his defense attorney, Deputy Public Defender Christopher Howell, and his defense team Social Worker Michelle Bruening on May 19, 2020 via video visit, as outlined above to specifically assess his abilities across multiple areas of legal knowledge during his direct interactions with his attorney. Results of this are discussed below.

#### Competency-Concerns Across Observed in his Direct Interactions with his Attorney May 19, 2020:

During this 1.5-hour meeting, I was able to specifically assess Vinnie's abilities across multiple areas of legal knowledge during his direct interactions with his attorney. Specifically addressed areas of legal knowledge included his charges and facts of his case; roles of members of the legal community and court proceedings; sentencing structure and case negotiations; legal rights; retention of counsel's advice; ability to engage in hypothetical reasoning with regard to the possible outcome of going to trial; ability to weigh strengths and weakness of evidence and witnesses against him; ability to appreciate the adversarial nature of the legal process; and his understanding of the competency process. Each of these areas are discussed separately below for organizational purposes, although they are all mutually influential with regard to the limits in each of these areas posed by his significant intellectual and neurocognitive disabilities.

With regard to his charges, Vinnie demonstrated a very concrete, but generally accurate understanding of his charges. However, he had significant difficulty with accurately recalling timelines related to case facts, including his arrest date, time served to date, and the frequency of contacts he has had both in person, and via phone and video with his attorney. He also appeared to significantly struggle with recounting details of the facts leading up to his arrest in detail, or details of statements he made the police after his arrest. When asked by his attorney if his charges were serious, Vinnie replied "probably", but he appeared to be unable to elaborate on this, despite prompting from his attorney to do so. Thus, while he demonstrates a factual understanding of the charges against him sufficient for the Dusky Standard and Nevada Revised Statute 178.400, his difficulty with accurately recalling timelines and case facts may continue to undermine his rational understanding of these matters and ability to effectively assist counsel in his defense.

With regard to his understanding of the roles of members of the legal community and court proceedings, Vinnie demonstrated clear confusion. For example, he was able to accurately identify the role of the defense is to “defend me”. However, when asked by counsel to elaborate on this, he expressed a belief that his defense attorney would defend him by “talking to the judge and the DA”. He appeared to understand the concept that defense would attempt to get him the best deal possible. When asked about the role of the prosecution or District Attorney, Vinnie responded that the role of the District Attorney is to “find me guilty or not guilty”. When asked to elaborate on this further, in terms of the role of the prosecution, he responded that “they talk to the judge and the defender” and that the District Attorney can also “talk to the judge and make me lose”, but he did not appear to appreciate any further nuances about the role of the prosecution. When asked about the role of the judge, he responded that the judge “decides guilty or not”. When asked about the role of the jury should there be one, he responded “they select if guilty or not”, but was unable to determine how the role of the judge differs from the role of the jury. When asked about his own role in his defense, he demonstrated a concrete but otherwise accurate understanding that it is important for him to be open with his defense attorney, and tell him everything. However, he struggled with understanding the precise role and professional boundaries of the defense, and how this professional relationship differs from other relationships. Specifically, although he has a good and trusting relationship with his defense attorney, he did not appear to understand the importance of communicating collaboratively with his defense attorney, and expressing disagreement should it occur. For example, he responded that he would talk to his defense attorney and listen, but would not want to make him mad, because “you don’t want to mess up the friendship”. This is likely exacerbated both by Vinnie’s clear comprehension difficulties, and his tendency to be agreeable and compliant. Vinnie also demonstrated an excessively concrete understanding of court proceedings. For example, when asked how he should behave in court, he responded “act normal”. When asked to elaborate on what he meant by this, he responded that you should be “calm, cool, and collected” in court. When asked by his defense attorney what he should do if something was said during the trial that he knew not to be true, Vinnie responded “tell the judge it’s not true” with no apparent notion that he should notify or discuss concerns with his defense attorney first. Vinnie also expressed anxiety about court proceedings in general. When he was asked how he responded if the judge asked him what happened in his case, Vinnie responded “I’d be nervous, I’d probably sweat and stutter”. Vinnie appears to have very low insight into his comprehension difficulties, and continues to be unable to appreciate any potential risks related to failing to understand information or appropriately alert his attorney of inaccuracies during court proceedings sufficient to assist in his defense with a reasonable degree of factual and rational understanding.

With regard to sentencing structure and case negotiations, Vinnie appeared to have minimal understanding of counsel’s explanation of the range of sentencing, or the relative likelihood of each end of the sentencing range. Although he was able to identify his sentencing range as 6-15, when he was asked to identify the minimum and maximum sentence, he repeated “6-15” for both, without being able to elaborate further. When asked by counsel if he believed that he would be offered probation, Vinnie responded “probably”. When he was asked to elaborate on this and if he felt that it was likely that he would get probation, Vinnie responded “Yes, should be no problem”. When asked further by counsel to explain his reasons for this belief, Vinnie responded “everyone else is getting it (probation)” and “other people said I’d get it”, and expressed a belief that he would be granted probation “if I tell the judge I’m sorry”. When asked if he knew any other reasons why he may be offered probation, he responded “because it’s my first crime and I wasn’t in trouble on the streets”. When asked by his attorney to define probation, Vinnie responded that “it means I stay home and stay out of trouble”, and added “there may be classes”. When asked by his attorney about possible deals, Vinnie was able to identify probation or 6-15 years, but could not identify any other possible deals, despite this being reviewed by his attorney. When his defense attorney asked him how he would determine if he should accept a deal, Vinnie responded “I don’t know”. When he was asked to identify what he would believe is a good deal, he responded “probation is a good deal”, but was unable to rationally consider other options in the context of sentencing structure. When asked to elaborate on the decision-making process if he were offered a deal, he responded “talk to you (his defense attorney) and listen”. When asked who typically decides on a deal, he responded “the District Attorney” but it was unclear if he was referring to how an offer is generated or how it is decided upon, and he could not clarify this further. When asked again by his attorney to clarify who ultimately decides to accept a deal, he responded “Chris and Vinnie”, but was able to identify that it is ultimately his choice, only with significant prompting and further concrete questioning by his attorney. When asked by his defense attorney to identify any legal rights he has, Vinnie responded “I don’t know”. When asked further concrete questions about his legal rights, including being asked “do you have the right to come to court?”, “do you have the right to talk to the judge?” and “can you be kept in jail forever?”, Vinnie was unable to demonstrate any factual or rational understanding of these matters, other than a concrete understanding that it is his right to decide to accept a deal, only with significant

prompting, as noted above. It is concerning that each of these areas of poor understanding is likely to undermine his ability to effectively assist in his defense with a reasonable degree of factual and rational understanding.

With regard to his ability to remember and relate back advice of counsel, Vinnie demonstrated clear and consistent difficulties. First, he demonstrated significant difficulty recounting the frequency of visits he has had with counsel. When his attorney asked about previous visits, he estimated that he has met with his attorney "once in person", and "5-6 times on the phone", but this is a very significant underestimate of the frequency of their actual visits. More concerning, when asked what advice his attorney had given him in the past, Vinnie initially responded "I can't remember off the top of my head". With further prompting and encouragement, he was only able to identify one example of advice of counsel, replying "don't talk to nobody else". He could not identify any other advice he had been given by counsel, despite significant prompting. When asked to explain in his own words why counsel had advised him not to talk to others about his case, Vinnie responded "you don't want inmates or police to know" but could not elaborate further on why this would be important. When his attorney discussed the concept of confidentiality with him, and asked him to define it in his own words, Vinnie responded "you can't tell other people" (referring to the concept of attorney-client privilege). However, when he was asked why this was important, he responded "you don't want (others) to know what happened". When his defense attorney asked him why this was the case, Vinnie responded "it's bad for outsiders to know", but he could not elaborate further, despite significant prompting. He was unable to identify any other concrete advice from past visits with counsel, nor does he appear able to retain advice of counsel from visit to visit, all of which undermines his ability to effectively assist in his defense with a reasonable degree of factual and rational understanding.

With regard to his ability to weigh the possible outcomes of going to trial, and to weigh the relative strength and weakness of evidence and witnesses against him, Vinnie demonstrated significantly poor insight and very limited understanding. For example, even after his attorney attempted to discuss issues related to trial, and asked him if he believed that he should go to trial, Vinnie variously responded "I don't know", "probably", and "probably not". When asked who decides if he should go to trial, Vinnie responded "the judge", but with assistance and prompting from counsel about who ultimately decides to go to trial, he was able to respond "I do", without appearing to have a significant understanding of the decision-making process. When asked by his attorney what would happen if he were to go to trial, Vinnie responded "probably lose" and "you'll get sent to prison". When asked by his attorney what would happen if he were to win at trial, Vinnie responded "you get out of trial and out of the court house". When asked to elaborate, he appeared confused, but then responded "everything's dropped". When asked by his defense attorney to discuss the State's burden of proof, and to identify evidence against him, Vinnie was able to demonstrate a very concrete, but otherwise accurate understanding. When asked if he should testify at trial, he had difficulty defining the term "testify", but with prompting, he defined testify as "saying you did it or not". When asked by his attorney if anyone could force him to testify, he responded "probably not". When asked about to identify witnesses, Vinnie responded "me, you (his defense attorney), the judge, and the District Attorney". When prompted further by his defense attorney, he responded "Uncle and the Police". When asked to identify and explain who the most important witnesses are, Vinnie responded "my Uncle, because he'd defend me" and "the Police will say bad things". When asked to engage in hypothetical reasoning about the possible risks of going to trial, Vinnie responded "I don't know" but when he was concretely asked to estimate his odds, with examples from his attorney, he responded "90% sure I'd lose". Thus, while he does appear to have some minimal concrete understanding of trial, evidence, and witnesses as noted above, he has an extremely poor rational understanding of these matters, and appears to be very easily confused. These comprehension difficulties will continue to undermine his ability to effectively assist counsel in his defense with a reasonable degree of factual and rational understanding.

When his understanding of the adversarial nature of the legal process was discussed, Vinnie appeared confused. When he was asked concretely how he would manage difficult or challenging questions during the trial, or being questioned sternly, Vinnie responded "I'd probably just sit there". He also expressed anxiety about trial and about making others unhappy. When asked by his defense attorney to concretely imagine if he were in court, and what he would do if someone were to raise their voice or speak harshly to him, he responded "do nothing". When asked about why he may be questioned sternly, he responded "to scare me". When asked to elaborate further on why, he responded "I don't know". When asked why the District Attorney may be frustrated if he responded "I don't know" to questioning, Vinnie responded "I don't know", but when asked if the DA would be angry about him responding this way, he answered "probably". When asked why he would not want his defense to be angry, he responded "because you don't want to mess up the friendship (with his attorney)" as previously noted above. It should be noted that even with a high level of structure, support, and prompting, Vinnie often responds "I don't know". With significant prompting, he can occasionally further elaborate, as outlined

above. However, confusion and "I don't know" responses are unfortunately frequent for him, and appear to be accurate in his case. When these concerns are weighed as a whole, Vinnie clearly demonstrates low insight into the adversarial nature of the legal process.

When he was asked about his understanding of competency, Vinnie replied competent means "see if I go to court". When asked by his attorney why competency is important, he responded "because we want to know what's going on". When asked to explain what he had learned in his competency restoration program at Stein Forensic Facility from his own perspective, Vinnie explained that he had been at Stein for 4 months, and they "asked me about court and stuff" but could not elaborate further. When asked by his attorney if he believed that Stein found him competent, he replied affirmatively. When asked about the consequences of being found competent, Vinnie responded "if I'm competent, I face charges". He also has low insight into the extent of his intellectual and neurocognitive disabilities, and these have clearly limited his ability to retain information from his competency restoration program.

For organizational purposes, each of the above abilities related to competence were discussed and assessed separately. However, it is clear that each of these abilities intersect and are mutually influential, particularly when considered in the context of his intellectual disability, learning disabilities, and significant neurocognitive deficits over and above what would be expected from his intellectual disability alone. Ultimately, his difficulties in each of the above areas of legal knowledge will continue to undermine his ability to effectively communicate with counsel and participate in his defense with a reasonable degree of factual and rational understanding sufficient to meet the Dusky Standard or Nevada Revised Statute 178.400. These difficulties have unfortunately persisted despite clearly diligent attempts of his defense counsel to simplify information and accommodate for his intellectual and neurocognitive disabilities to the greatest extent possible.

#### Competency Restoration History and Records:

As noted above, I initially conducted a neuropsychological evaluation with Vinnie 02/07/19, and his defense attorney, Deputy Public Defender Christopher Howell expressed ongoing concerns about Vinnie's competency. After this neuropsychological evaluation, Vinnie was sent for competency evaluation. Records reviewed include a competency evaluation report by Dr. Colosimo on 03/20/19, a competency evaluation report by Dr. Paglini on 08/19/19, and a competency evaluation report by Dr. Collins on 08/20/19. He was deemed incompetent by each of these evaluators. He was then committed to Stein Forensic Facility for competency restoration 08/23/19, and was admitted for inpatient competency restoration 09/05/19. While at Stein, he was evaluated by Dr. Abukamil 12/12/19, Dr. Roley 12/16/19, and Dr. Damas 12/17/19, and was deemed competent by each of these evaluators. Records from his initial competency evaluations and from his admission to Stein were reviewed in entirety. A list of records reviewed follows the body of this report. Per Stein records, the Slater Method was used, which is a competency restoration tool that uses simplified language and visual aids to assist with competency restoration efforts for individuals with low cognitive functioning or intellectual disability. In reviewing reports and progress notes from his 09/05/19 to 12/19/19 competency restoration program at Stein Forensic Facility, it does not appear that any of his evaluators had the opportunity to directly observe Vinnie's interactions with his defense attorney, Deputy Public Defender Christopher Howell with regard to his attorney's ongoing concerns about Vinnie's competency. Throughout his competency restoration commitment, it is clear that the Slater Method was used, and records indicate that his low cognitive functioning was appropriately considered and accommodated for to the greatest extent possible while he was at Stein. However, I am concerned that Vinnie's polite and cooperative manner, agreeableness, and the opportunities he had for high levels of structure and support, and frequent repetition of competency-related training at Stein may have made him able to engage in rote memorization of concepts sufficient to appear to be restored to competency without the necessary accompanying ability to functionally engage in legal decision-making and effectively assist counsel in his defense with a reasonable degree of factual and rational understanding.

Specifically, as noted above, with reference to the Dusky Standard and Nevada Revised Statute 178.400, it is my opinion that Vinnie (Vennte) Adams is not competent to proceed. Currently, he:

- 1) Does demonstrate a rational and factual understanding of the charges against him; but:
- 2) Does not demonstrate a rational and factual understanding of court proceedings; and
- 3) Does not demonstrate the ability to aid and assist counsel in his defense with a reasonable degree of rational understanding.

Finally, his lifelong intellectual disability and significant neurocognitive deficits are unfortunately expected to be permanent and are not significantly amenable to restoration. His lifelong learning disabilities over and above what would be expected from his intellectual disability and lack of formal education alone, while potentially amenable to improvement with training, will be significantly limited by his intellectual disability and significant neurocognitive deficits. It is hoped that a consideration of his neuropsychological evaluation and his ongoing competency concerns demonstrated in direct observations of his interactions with his attorney will be of assistance to the Court in considering the manner in which these factors will continue to substantially undermine competency, despite all best efforts at restoration.

Thank you for this most interesting referral. Respectfully Submitted,

*Sharon Jones-Forrester*

Sharon Jones-Forrester, Ph.D.  
Clinical Neuropsychologist

Records Reviewed

- 12/12/19 Adjudicative Competence Evaluation by R. Abukamil, M.D.
- 12/16/19 Adjudicative Competence Evaluation by Lia Roley, Psy.D.
- 12/17/19 Adjudicative Competence Evaluation by S. Damas, Psy.D.
- Southern Nevada Adult Mental Health Services Discharge Summary.
- 09/05/19 Psychiatric Evaluation.
- 09/05/19 DPBH History and Physical.
- 09/05/19 to 12/21/19 Stein Forensic Inpatient Adult Progress Notes.
- 03/20/19 Competency Psychological Evaluation by C. P. Colosimo, Ph.D.
- 08/19/19 Competency Evaluation by J. Paglini, Psy.D.
- 08/20/19 Competency Evaluation by S. Collins, Psy.D.

C-19-342405-1

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 29, 2020**

C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

**May 29, 2020      10:00 AM      STATUS CHECK: SET CHALLENGE HEARING**

**HEARD BY:**      Bell, Linda Marie      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Estala, Kimberly

**RECORDER:**      Vincent, Renee

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

Also present: Glen O'Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

COURT ORDERED, matter SET for hearing.

CUSTODY

06/26/20 8:30 AM CHALLENGE HEARING





TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	CASE NO. C-19-342405-1
Plaintiff,	)	
vs.	)	DEPT. VII
	)	
VINNIE ADAMS aka	)	
VENNTE ADAMS,	)	<b>Transcript of Proceedings</b>
	)	
Defendant.	)	

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

**STATUS CHECK - SET CHALLENGE HEARING**

FRIDAY, MAY 29, 2020

APPEARANCES:

FOR THE STATE: GLEN P. O'BRIEN  
Chief Deputy District Attorney

FOR THE DEFENDANT: CLAUDIA ROMNEY  
Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, MAY 29, 2020, 11:51 A.M.

2

3 THE COURT: State of Nevada versus Vinnie Adams,  
4 C342405. This is on to set a challenge hearing.

5 MS. ROMNEY: Your Honor, I believe Mr. Howell and Mr.  
6 O'Brien have tentatively agreed to a date of June 26th, if the  
7 Court has availability that day.

8 MR. O'BRIEN: That correct.

9 THE COURT CLERK: That's fine.

10 THE COURT: Great.

11 THE COURT CLERK: 8:30?

12 THE COURT: Yep.

13 June 26th at 8:30.

14 MR. O'BRIEN: Judge, the only thing I would caution is  
15 the defense has an expert and there are three Stein doctors.  
16 I'm not sure we can get it done between 8:30 and 10:00 o'clock.

17 THE COURT: I'll have until 11:00, because after this  
18 week the competency -- we're just going to move the competency  
19 calendar to 11:00. So we'll have a little more time. If we  
20 don't get through it all at that point --

21 MR. O'BRIEN: Two and a half at a minimum.

22 THE COURT: Okay. Yeah. We'll have to find another

23 / / /

24 / / /

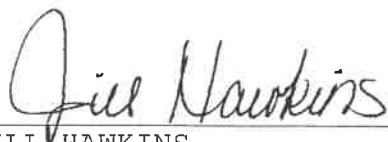
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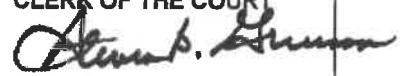
1 chunk of -- well, I'll try to figure it out. We might be able  
2 to complete it in lower level. I'll figure something out.  
3 We'll start with that.

4 THE PROCEEDINGS CONCLUDED AT 11:53 A.M.

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ATTEST: I do hereby certify that I have truly and correctly  
transcribed the audio-video proceedings in the above-entitled  
case to the best of my ability.

  
JILL HAWKINS  
Court Recorder



1 **RTRAN**

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3  
4 **DISTRICT COURT**  
5 **CLARK COUNTY, NEVADA**  
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7 THE STATE OF NEVADA, )  
8 )  
9 Plaintiff, ) **CASE NO. C-19-342405-1**  
10 ) **DEPT. NO. 7**  
11 vs. )  
12 VINNIE ADAMS, )  
13 )  
14 Defendant. )

15 **BEFORE THE HONORABLE LINDA MARIE BELL, CHIEF DISTRICT JUDGE**  
16 **FRIDAY, JULY 17, 2020 AT 9:18 A.M.**

17 **RECORDER'S TRANSCRIPT RE:**  
18 **CHALLENGE HEARING (COMPETENCY COURT)**

19 **APPEARANCES BY VIDEO CONFERENCE:**

20 **FOR THE STATE:** **GLEN P. O'BRIEN**  
21 **Chief Deputy District Attorney**  
22 **FOR THE DEFENDANT:** **CHRISTOPHER T. HOWELL**  
23 **Deputy Public Defender**  
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25 **Recorded by: RENE VINCENT, COURT RECORDER**

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(FRIDAY, JULY 17, 2020 AT 9:18 A.M.)

THE COURT: All right. State of Nevada versus Vinnie Adams.  
This is on for a Challenge Hearing.

MR. HOWELL: Christopher Howell, Number 13504, on behalf of Mr.  
Adams who is present in custody.

MR. O'BRIEN: Glen O'Brien for the State.

THE COURT: All right. Mr. Howell, go ahead.

MR. HOWELL: Thank you, Your Honor. The defense calls Dr.  
Sharon Jones-Forrester.

THE WITNESS: Good morning.

THE COURT: Good morning.

THE WITNESS: Good morning, Your Honor.

THE COURT: All right. Ma'am, if you'll go ahead and stand up the  
Clerk will swear you in.

THE WITNESS: Certainly. Thank you.

SHARON JONES-FORRESTER,  
having been called as a witness, was duly sworn and testified as follows:

THE CLERK: Will you please state your name again for the record?

THE WITNESS: Certainly. Dr. Sharon Jones-Forrester.

THE CLERK: Thank you.

THE COURT: All right. Mr. Howell, go ahead.

MR. HOWELL: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. HOWELL:

1 Q Dr. Sharon Jones-Forrester, can you tell us a little bit about your  
2 educational background, please?

3 A Certainly.

4 MR. O'BRIEN: We can stipulate to Dr. Jones-Forrester's  
5 qualifications to testify.

6 THE COURT: Thank you. Parties will stipulate to her qualifications.

7 MR. HOWELL: Thank you.

8 Q (By Mr. Howell) Doctor, what is your current position?

9 A I'm a clinical neuropsychologist in private practice.

10 Q And how long have you been in this position?

11 A I began my private practice in 2010 while still completing my post-  
12 doctoral fellowship and have been in independent private practice since 2011.

13 Q What exactly is a clinical neuropsychologist?

14 A Clinical neuropsychologists are specialists within the field of  
15 psychology that focus on the relationship between brain and behavior, and in  
16 order to become a clinical neuropsychologist one must complete all of the  
17 training necessary to become a clinical psychologist, all of the doctoral training,  
18 and then complete a one year pre-doctoral fellowship and a two year post-  
19 doctoral fellowship specializing in neuropsychology.

20 Q And do you – what do you – what do you do in your private practice?

21 A I do both forensic and non-forensic work. In the context of forensic  
22 work I evaluate – I do primarily criminal – a handful of civil work but primarily  
23 criminal work, most commonly capital and non-capital murder cases, and in my  
24 clinical work I evaluate adults, older adults, adolescents and children age six and  
25 up.

1 Q Okay. And can you tell us a little bit about your forensic work?

2 A Certainly. As I stated, my forensic work is primarily criminal. In that  
3 context I've completed neuropsychological evaluations on 91 inmates primarily  
4 facing serious criminal charges as well as approximately 23 psychological  
5 evaluations and a few dementia evaluations in the context of forensic work.

6 Q And how many times have you testified in court?

7 A This is my twelfth time.

8 Q In what context did you see Mr. Adams in this case?

9 A I was retained to see Mr. Adams to complete a neuropsychological  
10 evaluation that was completed over the course of a full day at the Public  
11 Defender's office, and I also then saw him on – so that was February 7<sup>th</sup> of 2019,  
12 and then I also saw him May 19<sup>th</sup> of this year to observe his direct interactions  
13 with Mr. Howell in order to have a better understanding of ongoing concerns Mr.  
14 Howell had regarding his competency.

15 MR. HOWELL: A brief aside, Your Honor, would it be okay if Mr.  
16 Adams had a seat?

17 THE COURT: Oh, that's fine. I'm so sorry. I can't see – everybody  
18 is about like the size of a postage stamp, so I can't see that. I'm so sorry. Thank  
19 you.

20 MR. HOWELL: Vinnie, if you'd like go ahead and take a seat if you  
21 can hear me.

22 Q (By Mr. Howell) All right. So what did you do in the context of this  
23 neuropsychological evaluation you completed on February 7<sup>th</sup>?

24 A So I completed a clinical interview with Mr. Adams, I administered  
25 the Wechsler Adult Intelligence Scale 4th Edition to examine his IQ, I



1 administered academic achievement tests from the Woodcock-Johnson and then  
2 also completed 42 additional datapoints using neuropsychological testing to  
3 better understand his neurocognitive functioning over and above his IQ and  
4 academic skills.

5 Q So since you mentioned it first I believe in your report what were his  
6 IQ results?

7 A His full scale IQ is 58.

8 Q And where is that on the range of IQ?

9 A So IQ, the average IQ would be 100 with the standard deviation of  
10 15, so it falls within the extremely low range.

11 Q So it's also important to do a neuropsychological evaluation beyond  
12 just IQ; correct?

13 A That's correct. IQ tells us some important information about  
14 intellectual functioning, however, it doesn't tell us about academic skills or  
15 measures of attention, processing speed, language, spatial skills, memory and  
16 executive skills that really help us understand his functioning over and above IQ  
17 alone.

18 Q Okay. And is it possible to fake a low IQ score --

19 A Well, when we -- I'm sorry, Mr. Howell. I missed the last part of what  
20 you said.

21 Q I apologize. I cut you off a little bit. How do you know that the  
22 person isn't just faking or trying to appear as though they have some difficulties?

23 A I understand. So in all evaluations, both IQ and across  
24 neuropsychological testing, validity is important to consider. This is critical in  
25 forensic context and it's critical in clinical context as well. So we look at both

1 standalone and imbedded measures of validity because it's critical that we  
2 understand that full effort is being made and someone isn't trying to appear either  
3 worse or better functioning than they are, and Mr. Adams passed all embedded  
4 and standalone validity measures.

5 Q So what were the results of your neuropsychological evaluation  
6 ultimately?

7 A My neuropsychological evaluation revealed that aside from his low  
8 IQ he had very, very significantly low academic skills generally at the  
9 kindergarten level with the exception of applied problems which looks at his  
10 arithmetic problem solving skills, and that was at the 1.4 grade level. Moving  
11 past academic achievement, with neuropsychological testing we found him to  
12 have very significant difficulties with regard to attention, mental tracking,  
13 processing speed, language and spatial skills, memory and executive skills, so in  
14 some he had significant deficits of cross neurocognitive domains.

15 Q So specifically his academic skills, what were his skills and why –  
16 why was it important, the tests for that?

17 A So as I mentioned briefly just a moment ago, his academic skills  
18 were generally at the kindergarten level with the exception of the applied  
19 problems test which is at 1.4. What that suggests is he will have very significant  
20 difficulty with reading, writing and numeracy skills. Essentially with scores like  
21 this we would say that he has functional illiteracy and he has very, very poor  
22 numeracy, so his ability to understand numbers and number concepts, his ability  
23 to write and his ability to read is all significantly low.

1 Q In your report you have a section entitled, Attention, Mental Tracking  
2 and Process Speed. Can you just give a brief definition and then we'll kind of get  
3 into what his testing showed in those areas?

4 A Sure thing. So with – attention is fairly straightforward. It looks at  
5 our ability to focus and remain focused, our ability to avoid distraction. Mental  
6 tracking looks at our ability to briefly work on something until we provide a  
7 response. A great day-to-day example of that is reciting a phone number in your  
8 mind until you have a chance to write it down. A processing speed is our ability  
9 to process information rapidly and efficiently.

10 Q What were Vinnie's test results in these areas?

11 A He had significant difficulties in all of these areas.

12 Q And why is that important in terms of his competency ultimately?

13 A Well, ultimately it suggests that he will be very vulnerable to missing  
14 and misunderstanding information, he will process information very slowly and  
15 because of that he's even more likely to miss and misunderstand information.

16 Q Next in your report you have a section entitled, Language Skills.  
17 What were his results here?

18 A His results with regard to language skills show that he has a very low  
19 vocabulary. He'll tend to be concrete. He'll have significant difficulty with  
20 generating just rapid, well thought-out verbal responses to questions that are  
21 posed to him. He's also very likely to struggle with abstract reasoning, so  
22 understanding abstract concepts, and that leads to significant vulnerability with  
23 regard to missing and misunderstanding information.

1           Q     Next in your report you have a section entitled, Spatial Processing  
2 and Constructional Skills. Just a brief description of what those are and how he  
3 – how he fared in that area.

4           A     He struggled with spatial skills as well. Spatial skills look at just our  
5 ability to understand non-verbal information. A good day-to-day example of that  
6 is we have a good understanding that there's a right way to pack groceries, so  
7 we don't put heavy items on top of lighter items so we don't want them to be  
8 squished. Spatial skills are also dependent on fine motor skills, and his poor fine  
9 motor, speed strength and dexterity likely exacerbates or makes worse these  
10 spatial skills.

11          Q     Thank you. And the next section in your report is -- regards -- is  
12 titled, Memory. Can you tell us a little bit about your testing of Mr. Adams'  
13 memory skills?

14          A     Sure. This was also an area that he struggled with significantly, and  
15 memory is complex. It's dependent on our ability to pay attention, to process  
16 information, to encode information and later retrieve it, to avoid distractions, so  
17 memory actually involves multiple complex skills, and he has significant  
18 memories across the board in his test -- significant memory difficulties, I  
19 apologize, across the board.

20          Q     The next section is titled, Executive Control Skills. How did he do in  
21 this area and why is it important?

22          A     Executive control skills are often called frontal lobe skills. They look  
23 at things like reasoning, planning, impulse control, problem solving and set  
24 shifting or our ability to shift our intention, and across the board he had significant  
25 difficulties in this area as well. What this suggests is that his ability to reason, to

1 carefully think through the consequences of his action, to engage in effective  
2 problem solving and to manage impulsive responding are all challenged.

3 Q So aside from just his cognitive functioning we also retained you to  
4 evaluate his competency. What was involved in that?

5 A That's correct. So in my neuropsychological evaluation I addressed  
6 some concerns with regard to competency just based on the significantly low IQ  
7 and neuropsychological deficits, however, because of these significant  
8 neuropsychological concerns and your ongoing concerns with regard to  
9 competence I also thought it was very important to directly observe his  
10 interactions with counsel, and in that context I met with you, with Social Worker  
11 Michelle Bruening and with Mr. Adams to directly observe his understanding  
12 across multiple areas of legal information.

13 Q And when did we conduct that observation and for about how long  
14 did he – did that observation last?

15 A I'm just going to consult my notes with regard to the exact date for  
16 accuracy for the Court, and that was May 19<sup>th</sup> of 2020 and that was for 1.5 hours.  
17 I apologize. I didn't want to rely entirely on my memory for that precise date.

18 Q Sure. So we did – basically you wrote an addendum to your initial  
19 report, your initial neuropsychological evaluation; correct?

20 A That's correct.

21 Q But you also did express some competency concerns in the  
22 neuropsychological evaluation prior to the attorney observation also?

23 A That's correct.

24 Q And what was it about -- from the neuropsychological evaluation that  
25 really – really made you concerned about his competency?

1           A     From the neuropsychological evaluation for organizational purposes  
2 we separate out these domains of cognitive functioning, IQ, memory, attention,  
3 processing speed, executive skills and so forth, but of course all of these work in  
4 coordination such that areas in one difficulty lead to areas – difficulties in other  
5 areas, and he has difficulties across the board. In some what that suggests with  
6 regard to competency is he's likely to miss and misunderstand information, he's  
7 likely to have difficulty with recalling information with regard to competency and  
8 he is likely just from the neuropsychological evaluation alone to have very  
9 significant comprehension difficulties.

10           Q     So we talked a little bit about the observation that was conducted on  
11 May 19<sup>th</sup>. What exactly – maybe just kind of describe the – the corners of it.  
12 What were we – what did we do and what did – what were some of the areas you  
13 were looking – you were paying attention to?

14           A     So one of the things I thought was very important, given the  
15 significant – significantly low IQ and the neurocognitive deficits, is for me to just  
16 observe his interaction with you and his understanding of legal information, so we  
17 looked at things like his understanding of his charges, his understanding of the  
18 rules of members of the legal community and court proceedings, his  
19 understanding of sentencing ranges, his ability just to understand and retain  
20 advice of counsel, his ability to understand the adversarial nature of the legal  
21 process and his ability to understand competency as well.

22           Q     Did we – did we ever attempt to engage his ability of hypothetical  
23 reasoning?

24           A     Yes.

25           Q     How did he fare in that area?

1           A     Poorly. So as a concrete example he had really significant difficulty  
2 with just engaging in reasoning about weighing the relative strengths and  
3 weaknesses of evidence, weighing the potential consequences of going to trial,  
4 understanding his legal rights. Engaging in all of those areas of reasoning were  
5 very difficult for him.

6           Q     So specifically addressing the three prongs of the competency  
7 standard I guess we'll start at the beginning. You first mentioned in your  
8 addendum report his understanding of charges and case facts. What can you tell  
9 us about your observation and your evaluation of his understanding of charges  
10 and facts?

11          A     My belief is that Mr. Adams does understand charges against him.  
12 He does have difficulty with tracking really specific details with regard to case  
13 facts, particularly those that are quantitative that really gets to his numeracy  
14 difficulties, so things like tracking his arrest date, the amount of time he has  
15 served, understanding those sorts of issues. I don't think those are so severe as  
16 to undermine that first prong of *Dusky*. He otherwise does understand his  
17 charges.

18          Q     And why do you think he has these timeline problems just -- that we  
19 know? I mean how do we know he's not just being vague on purpose?

20          A     So difficulties with tracking dates and details and timelines are quite  
21 common in individuals with intellectual disability and with very poor numeracy  
22 skills. They're also very common in people with very significant memory deficits,  
23 and Mr. Adams has all three of those.

1 Q Okay. So in your addendum you next discuss understanding of roles  
2 in members of legal community and court proceedings. What problems did you  
3 find in this area?

4 A So across the board he seems to have confusion. I'll start with his  
5 relationship with you, Mr. Howell. So he has confusion about the boundaries of  
6 that relationship. He perceives his relationship with his defense attorney, Mr.  
7 Howell, as a friendship. I worry about that in the context that it's likely to lead him  
8 to have difficulty with disagreeing with defense strategy. He has some confusion  
9 with regard to the prosecution as well.

10 At times he says he seems to understand the role of the  
11 prosecution and at other times he says the role of the prosecution is to find me  
12 not guilty or guilty. He has difficulty with concretely understanding the role of  
13 Judge and jury and he seems to just not – not really understand the adversarial  
14 nature of the legal process, so understanding how both defense and the  
15 prosecution would use questioning and evidence and presentation of information  
16 in their roles. He seems to miss that portion entirely.

17 Q What is it about—what is it that he doesn't understand – do you think  
18 he has a problem with understanding the adversarial nature of the legal process?  
19 What specifically?

20 A One of my biggest concerns in this area is that because Mr. Adams  
21 has very significant intellectual and neurocognitive difficulties. He very often  
22 responds, I don't know. This is noted in his Stein records. I certainly noted it in  
23 my interactions with him as well. He has difficulty appreciating that often "I don't  
24 know" is frustrating to the Court. It may be perceived as being intentionally  
25 evasive, however, in looking at the data and in looking at his significant deficits I



1 truly believe that "I don't know" is accurate for him. Sometimes it's noted in the  
2 Stein records that with prompting and with support he can get a little bit more  
3 information but not so significantly as to overcome these comprehension  
4 difficulties.

5 Q We spent a significant amount of time trying to talk to him about the  
6 adversarial nature; correct?

7 A That's correct.

8 Q And we kind of gave him some situational – well, we gave him some  
9 situations and asked him how he'd respond; right?

10 A That's correct.

11 Q For instance, how you ethically were discussing with him how would  
12 you react if the – if the prosecutor was stern with you?

13 A Yes. So he responded that I'd be nervous and I probably wouldn't  
14 say anything. Now, just being nervous is common. I mean I'm nervous every  
15 time I testify. Most folks are nervous in court, so we don't want to, you know,  
16 overweigh the extent to which understandable anxiety is a difficulty. Where I'm  
17 more concerned, though, is that he struggles with understanding how to navigate  
18 that process. He seems to believe that he can speak directly to the Judge. He  
19 doesn't really understand how to effectively communicate those concerns with  
20 you and he responds by saying mostly I'd say, I don't know, so even in the  
21 context of not appreciating the difficulty with "I don't know" responses he  
22 continues to have "I don't know" responses.

23 Q Fair. And why do you think he has these problems with  
24 understanding the rules and court proceedings?  
25

1           A     Primarily due to intellectual disability and significant neurocognitive  
2 deficits.

3           Q     Are these disabilities and these deficits likely to increase his  
4 tendency to be agreeable and compliant?

5           A     Yes. That's well-documented within the literature working with folks  
6 with intellectual disability such that he's very concerned about making people  
7 angry. He is concerned about making the prosecution angry. He's worried about  
8 making the defense angry. This really gets back to his misunderstanding of  
9 roles. He sees it as a friendship where he doesn't want to offend or make  
10 anyone angry, and I think that's a really good concrete example of his tendency  
11 to be agreeable.

12          Q     Are his problems with understanding court proceedings so bad that  
13 they don't meet the *Dusky* standard?

14          A     Yes. I'm concerned that they don't particularly with regard to  
15 understanding court proceedings and the adversarial nature. I think it is a  
16 significant barrier to his ability to meet the *Dusky* standard.

17          Q     So then in your addendum report you also talked about observing his  
18 understanding of sentencing and negotiations. What did you observe in those  
19 areas?

20          A     This was an area of significant difficulty, and I'm just going to briefly  
21 consult my notes here because there were multiple areas that were puzzling for  
22 me. So with regard to understanding sentencing he identified his minimum and  
23 maximum range as 6 to 15. When you ask him his minimum he says to 6 to 15  
24 and his maximum 6 to 15. From my understanding, that 6 to 15 range is based  
25

1 on a plea offer and not based on the actual sentencing range of 2 to 20 that is  
2 related to his charges.

3 He also has very significantly concerning beliefs about the  
4 likelihood of probation, so he believes that it's likely he'll be granted probation  
5 and when you ask him about this understanding he says, well, because  
6 everybody else gets probation and because if I apologize to the Judge I get  
7 probation, and he seems to have no appreciation for the relationship between his  
8 charges and the likelihood of probation.

9 Q Will those problems affect his ability to aid and assist counsel in his  
10 defense?

11 A Absolutely, yes.

12 Q You mentioned that – in your report that you also observed his ability  
13 to remember and relate back advice of counsel.

14 A Yes.

15 Q What can you tell us about that?

16 A He seems to have almost no retention of your advice beyond a very  
17 concrete, generic, quote, don't talk to anyone. Even when you ask him about  
18 that understanding he says, don't talk to anyone because you don't want anyone  
19 to know. He doesn't retain any other advice. He also had a really significant  
20 difficulty with recalling how often he had met with defense counsel, Mr. Howell,  
21 how many contacts they had had either in-person visits or phone calls and he  
22 vastly underestimated that. Even with very significant support and prompting he  
23 wasn't able to generate any other advice of counsel.

24 Q You also discuss his understanding of possible outcomes of going to  
25 trial. What can you tell us about his thoughts on that?

1           A     That was also an area that he had significant difficulty. Again, I'm  
2 just going to just briefly consult my notes here. One of the biggest concerns for  
3 me is he did not seem to be able to meaningfully appreciate at what factors he  
4 would weigh in deciding to go to trial. He had some difficulty with understanding  
5 how the decision to go to trial was made. He variously said, it is the Judge that  
6 decides, it is the prosecution that decides, it is the defense that decides and only  
7 with significant support or prompting was he able to say, I decide or understand  
8 his role in that, but across the board he does not seem able to engage in  
9 reasoning and logical decision making about weighing what potential outcomes  
10 of going to trial might be.

11           Q     And will that affect his ability to aid and assist counsel in his  
12 defense?

13           A     It will.

14           Q     So you also discussed his understanding of the adversarial nature of  
15 the legal process, and what can you tell us about that?

16           A     As I discussed a moment ago, definitely having a sense of being  
17 really worried about making others angry, being worried about – or having really  
18 no insight into how his tendency to respond “I don’t know” might be perceived in  
19 court, that was very difficult for him to understand.

20           Q     And that – will that affect his ability to aid and assist counsel in his  
21 defense?

22           A     It will.

23           Q     Were these – were these problems, these last few things we were  
24 discussing, were they so bad that they would not meet the *Dusky* standard?

25           A     Yes.

1           Q     Okay. So when you met with Vinnie and his defense counsel did you  
2 have a chance to observe Vinnie's understanding of competency or ask what he  
3 had learned in his competency restoration program at Stein?

4           A     Yes, I did.

5           Q     And what can you tell us about that?

6           A     He seems to have significant difficulty with retaining any information  
7 that he received over the course of his time at Stein beyond saying, quote, they  
8 talked to me about court and stuff. He seems to have difficulty just appreciating  
9 that competency relates to his understanding of legal information, and I'm just  
10 going to consult briefly with my notes. The other thing that was be to me is he  
11 says, competency is about understanding what's going on.

12                     My understanding of that response was understanding what's  
13 going on with his case but absent of the understanding that competency relates  
14 to his legal knowledge and understanding. With significant support and probing  
15 he was able to get to competency is related to whether or not he will face  
16 charges but I felt that he only got there with a very significant amount of support.

17           Q     So as a timeline you – you indicated in your report that Mr. Adams  
18 was sent for neuro – for competency evaluations after your neuropsychological  
19 report; is that correct?

20           A     That's correct.

21           Q     And what reports did you review from those initial pre-commitment  
22 competency evaluations?

23           A     I reviewed the reports of Dr. Paglini, Dr. Colosimo and Dr. Collins.

24           Q     And ultimately those three doctors found him not competent at that  
25 time; is that correct?

1 A That's correct.

2 Q You then noted that he was committed to Stein Forensic facility for  
3 restoration?

4 A That's correct.

5 Q What records did you review from Stein?

6 A The records I reviewed from Stein -- I'm just going to crack my notes  
7 here. I apologize. This is my first video trial and it's funny to me not to be on the  
8 stand, so I apologize for consulting my notes here.

9 Q You're fine. You're doing very well.

10 A I'll make sure I don't miss anything. So I reviewed all of his records  
11 from Stein -- I'm looking at my last page here, here we go, I apologize, and so I  
12 looked at his progress notes, at his discharge, at his history and physical and  
13 initial psychiatric evaluation and then at the competency evaluations by Drs.  
14 Abukamil, Roley and Dr. Damas, and I apologize, I'm not sure I'm pronouncing  
15 Dr. Damas's name correctly. Thank you. Yes. I'm seeing the sign.

16 Q It was a thumb's up. And what were the findings from those  
17 competency evaluations at Stein?

18 A They all opine that he's competent.

19 Q And that would have been in December of 2019?

20 A That's correct. Would you like me to just reference my notes for the  
21 exact dates?

22 Q Sure.

23 A Okay. I have the evaluation from Dr. Abukamil as completed 12-12-  
24 19, Dr. Roley's completed 12-16-19 and Dr. Damas 12-17-19 were the report  
25 dates.

1 Q In reviewing those records from Stein including those competency  
2 evaluations, was Vinnie's intellectual disability taken into account?

3 A It was. In fact, Stein used the Slater Method with Mr. Adams, and  
4 the Slater Method is used specifically for individuals with intellectual disability or  
5 low cognitive functioning. It uses pictures and simplified language to try to  
6 restore competency to individuals with intellectual disability.

7 Q In reviewing the records from Stein were Vinnie's neuropsychological  
8 problems taken into account?

9 A No, they were not. It was noted in those evaluations that they did not  
10 have the neuropsychological report for review, so I'm assuming that they  
11 wouldn't have had the neurocognitive deficits to take into account during that  
12 restoration.

13 Q So I guess to state it another way, they were aware that the  
14 neuropsychological report that you completed was – existed?

15 A That's correct but didn't have it for review, so wouldn't have had the  
16 information with regard to his neurocognitive deficits.

17 Q Did anyone at Stein reach out to you regarding the  
18 neuropsychological evaluation?

19 A No.

20 Q Do you believe that a consideration of the neuropsychological  
21 evaluation beyond his intellectual disability may have made a difference in his  
22 competency restoration?

23 A I do, however, may I just take a brief step backwards?

24 Q Sure.

25

1           A     I should have clarified further on my last question. No. No one  
2 reached out to me, however, in the context of a competent – of competency or  
3 challenge hearings it would typically be provided through counsel, so it's not  
4 atypical that I wasn't reached out to directly. I just wanted to clarify that for the  
5 record.

6           Q     Let's see –

7           A     And then I apologize, Mr. Howell. I believe your next question was  
8 about whether or not I thought his neurocognitive functioning might have been  
9 important to consider. Am I capturing and recalling your question accurately?

10          Q     I think it was more – the question was more do you believe that the  
11 consideration of your neuropsychological evaluation beyond just his intellectual  
12 disability may have made a difference in his competency restoration at Stein?

13          A     I do in the sense that while I think Stein was very careful to use the  
14 Slater Method, it might have just provided additional assistance with  
15 understanding his memory and executive functioning deficits and attention and  
16 processing speed and language deficits and academic deficits over and above  
17 the IQ alone.

18          Q     Okay. So do you believe that most people with intellectual disability  
19 would be found incompetent?

20          A     Not at all. In fact, that's exactly why the Slater Method and other  
21 tools to restore competency exists. Most people with intellectual disability can be  
22 and are restored to competency.

23          Q     So what's different about Vinnie? I mean why do you think he may  
24 not be competent when some others with intellectual disability are?

25



1           A       So that is why neuropsychological testing looks at neurocognitive  
2 skills over and above IQ because IQ alone doesn't allow us to understand every  
3 aspect of cognitive functioning in the real world, and so understanding those  
4 cognitive deficits over and above IQ is really important. In Mr. Adams' case he  
5 has a low IQ and very significantly low literacy and numeracy. He's unable to  
6 write.

7                       He also has a history of prenatal alcohol and substance  
8 exposure, although medical records related to that were not available for review,  
9 and so that definitive diagnosis was not given but was rather listed as suspected.  
10 When we look at this as a whole he has very significant deficits over and above  
11 what we typically see in individuals with his level of intellectual functioning alone.

12           Q       Did you consider Vinnie's culture in your evaluation?

13           A       I did and I think culture is critical to consider in all evaluations. It is  
14 both ethically and professionally our responsibility, and in diagnosis as well I  
15 considered culture in each aspect.

16           Q       And then did you consider Vinnie's language as well? He is a  
17 Romani Gypsy; is that right?

18           A       I'm sorry, Mr. Adams – or Mr. Howell?

19           Q       He's a – he belongs to a – he's a Romani Gypsy; is that correct?

20           A       Yes. So he belongs to the Roma culture and I considered his culture  
21 throughout. One of the things that's really important in considering culture is to  
22 really go to the research literature and to make sure that we don't make  
23 assumptions about culture. That's particularly important with regard to education  
24 in this particular case.

1           Q     And so I guess my understanding is that a lot of people in the Roma  
2 culture do -- don't have a lot of formal education.

3           A     So when we look at the research literature a low level of participation  
4 in early childhood education is extremely common within the culture. Withdrawal  
5 from formal schooling by age 14 is extremely common. Having absolutely no  
6 education is significantly less common particularly with some -- of someone with  
7 Mr. Adams' age who didn't have a really significant amount of residential  
8 transience. What I mean by that is he grew up basically in two places.

9                     Also, so within the cultural understanding what's most  
10 important is that aside from the education issue it is highly atypical to have this  
11 level of low IQ and adaptive functioning deficits and neurocognitive deficits.  
12 None of those are culturally normative, per say, so we want to look at culture in a  
13 much more kind of careful and nuance manner.

14          Q     So is it fair to say that Vinnie's struggles are above and beyond  
15 others in that culture when it comes to education?

16          A     That's correct. And also with regard to IQ and neurocognitive  
17 functioning.

18          Q     Is it possible that his lack of formal education caused his intellectual  
19 disability?

20          A     When we look at intellectual disability the causes are complex and  
21 multifactorial. Certainly there are IQ tests that are sensitive to education.  
22 Vocabulary subtests and the arithmetic subtests are excellent examples of that.  
23 They could certainly lead to lower scores on those subtests but not scores so  
24 significantly low as to be in the intellectual disability range.

25

1 Q So in directly observing Vinnie's interactions with his attorney is it  
2 your opinion that he's competent?

3 A No.

4 Q How do you explain that he was found competent by – at Stein  
5 Forensic facility?

6 A I think Stein did several things that really did reflect a good  
7 understanding of his intellectual functioning. They were careful to use the Slater  
8 Method. They provided him with a very high level of structure and support. They  
9 considered carefully his reading difficulties and that's noted throughout the Stein  
10 records. The only thing that I think was missing was that they didn't have the  
11 direct observation with counsel, and direct observation with counsel in this case  
12 is so critical because it yielded understanding of his competency difficulties that  
13 are simply very difficult to get at in any other way.

14 The other thing with Stein that I think is important to consider is  
15 memory, and so while at Stein he is getting very regular repetition of competency  
16 information and yet by the time he's discharged and counsel – direct observation  
17 with counsel is observed in May he hasn't retained the information he was  
18 provided.

19 Q Because he would have discharged in December and then our  
20 observation was in May?

21 A That's correct.

22 Q What are Vinnie's current diagnoses?

23 A His current diagnoses are moderate intellectual disability,  
24 unspecified major neurocognitive disorder and specific learning disorders in  
25 reading, math and written expression. As I noted previously, he does have

1 probable alcohol and polysubstance exposure in utero, however, absent genetic  
2 testing or absent medical records I said that I would not give that diagnosis until  
3 he had either confirmation with genetic testing or we had other medical  
4 documentation.

5 Q Do you believe that Vinnie's difficulties are amenable to restoration?

6 A I do not. Unfortunately his low IQ and neurocognitive deficits are  
7 expected to be lifelong and are not significantly amenable to restoration.  
8 Certainly his learning difficulties could be improved upon by literacy and  
9 numeracy and writing training but the range of improvement would still be  
10 significantly limited by his low IQ and neurocognitive deficits.

11 Q Thank you very much, Doctor.

12 MR. HOWELL: I'll pass the witness.

13 THE WITNESS: Thank you.

14 THE COURT: Mr. O'Brien?

15 MR. O'BRIEN: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. O'BRIEN:

18 Q Doctor, you said you've been in private practice the entire time of  
19 your career; is that correct?

20 A That's correct.

21 Q You've never been employed in a forensic hospital?

22 A I have not.

23 Q Have you ever been employed in restoring someone to competency  
24 or do you just evaluate them for competency?  
25

1           A     I evaluate. I have never been employed in an agency that does  
2 competency restoration.

3           Q     You said that the first evaluation you did where you did the  
4 neurocognitive testing was done at the Public Defender's office; is that correct?

5           A     That's correct.

6           Q     And was the Defendant present at the Public Defender's office at  
7 that time?

8           A     He was, yes. I was – I evaluated him in a room at the Public  
9 Defender's office after he was transported from CCDC.

10          Q     And how long did that interview last or that testing last?

11          A     The clinical interview and testing was a full day. It began at 9:00  
12 a.m. To my recollection it ended shortly before 4:00 o'clock. I don't know the  
13 precise time but it was a full day.

14          Q     Was that and then the time in May of this year when you observed  
15 the interaction with the attorney the only two times you observed the Defendant?

16          A     Yes.

17          Q     The observed interaction in May of this year, was that just you  
18 observing the Defendant and his attorney interact or was there additional testing  
19 done during that time?

20          A     No. It was simply observation of his understanding of legal  
21 information in his direct interactions with his attorney. I did not do additional  
22 evaluation at that time.

23          Q     And that was all done over the computer or the phone because of  
24 our current issues with the pandemic?

25

1           A     With our current issues with the pandemic myself, Mr. Howell and  
2 Michelle Bruening met in Mr. Howell's office at the Public Defender's and Mr.  
3 Adams met via video --

4           Q     And who --

5           A     -- met with us by a video. I apologize.

6           Q     I understand. Who conducted that interaction? Was it Mr. Howell  
7 asking questions of the Defendant or interacting with the Defendant directly?

8           A     It was, and then I also asked for clarification at any point that I  
9 needed clarification but the purpose of that meeting was for me to directly  
10 observe his interaction with counsel, and so I tried to take an observational role  
11 and only ask questions when I didn't understand a response.

12          Q     When you say asking for clarification, can you elaborate on that what  
13 you mean?

14          A     Sure. So a good example of that is when he identified his role with  
15 counsel as a friendship I asked, can you tell me what you mean by that or can  
16 you say a little bit more about that so I understand --

17          Q     Did you make a suggest --

18          A     -- so try to not --

19          Q     I'm sorry. Go ahead, Doctor.

20          A     I apologize. So that's what I mean by asking for clarification.

21          Q     If Mr. Howell had difficulties talking to Mr. Adams, did you suggest to  
22 Mr. Howell different ways he could ask questions of the Defendant?

23          A     In my observation my impression was that Mr. Howell had taken into  
24 account Mr. Adams' intellectual and neurocognitive deficits, so he kept his  
25 questions very simple and his explanations very simple. He avoided using jargon

1 or technical language and tried to communicate with him in the simplest form  
2 possible accommodating for his difficulties.

3 Q So you didn't feel the need to help guide him in any way on how to  
4 conduct the interview or the interaction?

5 A We had a brief discussion beforehand where I said, I'd like to  
6 understand his understanding of legal information across these areas. I want to  
7 make sure that he understands his charges, sentencing ranges, his ability to  
8 identify what counsel has told him, all of the areas that I previously testified on  
9 this morning, but beyond that no other guidance.

10 Q As far as the Defendant's educational history is it your understanding  
11 that he has never been to school or that he's had very limited schooling in his  
12 life?

13 A My understanding is that he has never been to school.

14 Q So his abilities to read, write, some of those arithmetic abilities, he  
15 would never have been taught those in a formal school setting; is that correct?

16 A The "in a formal school setting" is a really important part of that  
17 question. While he's had no formal education, informal education occurs in all  
18 cultures as we're socialized, so even if you don't go to school formally you would  
19 still typically have exposure to some degree of reading and writing and number  
20 skills just as a result of your cultural socialization.

21 Q Well, forgive me, Doctor, but you don't know that he had that sort of  
22 exposure; correct? You know that he did not go to formal schooling, and  
23 anything he would have learned would have only been through family or through  
24 his other interactions in his culture; is that correct?

25 A That's correct.

1 Q All right. Did you see improvements in the way he interacted or his  
2 abilities between the time you saw him first back in 2019 and when you saw him  
3 in May of this year?

4 A No. I did not see –

5 Q He was – he was essentially exactly the same as you saw him the  
6 last time back in February of last year?

7 A I did not see any significant improvements.

8 Q Is it your opinion the Defendant doesn't have the sophistication of  
9 thought to understand the charges against him?

10 A I actually believe I addressed that earlier, but please let me clarify. I  
11 do believe he understands the charges against him. As I stated earlier, he does  
12 have some difficulty with tracking guidelines, but I do believe that he meets that  
13 prong of *Dusky* that he is able to understand the charges against him.

14 Q You had concerns – I think you expressed that you felt that Stein had  
15 done a number of things correctly but that they had not considered your  
16 neurocognitive testing; is that correct?

17 A That's correct.

18 Q If they observed him to be competent what would be the value, I  
19 guess, of that neurocognitive testing? If what they saw didn't need to be  
20 explained what would be the point of the neurocognitive testing?

21 A Throughout his time at Stein it might have helped just with regard to  
22 the implementation of the Slater Method in providing additional accommodation  
23 for his memory, executive and processing deficits, so I believe it might have been  
24 supportive of the work that they were doing.



1 Q You said just having a low IQ or having these deficits doesn't – that  
2 alone doesn't make someone not competent; correct?

3 A No. I think that it's critical to consider each case on an individual  
4 case-by-case basis, so I certainly wouldn't assume that all people with  
5 intellectual disability would be found incompetent. In fact, most would be found  
6 competent.

7 Q And someone with those deficits or those lacks of abilities, they can  
8 gain abilities, they can learn things; correct? I'm just thinking in general.

9 A Sure. In general, however, they will have limitations on what they  
10 can learn.

11 Q The second meeting in May of this year, that was about an hour and  
12 a half; is that correct?

13 A That's correct.

14 MR. O'BRIEN: Court's indulgence.

15 That's all I have, You Honor.

16 THE WITNESS: Thank you.

17 THE COURT: Mr. Howell, anything else?

18 MR. HOWELL: May I just have a brief Redirect?

19 THE COURT: Sure.

20 MR. HOWELL: Thank you.

21 REDIRECT EXAMINATION

22 BY MR. HOWELL:

23 Q Dr. Jones-Forrester, I just -- I guess I want to clear it up just a little bit  
24 that you did say, I believe, on Direct and then during Cross-Examination that  
25

1 some people with intellectual disabilities or even maybe most people with an  
2 intellectual disability could be found competent; correct?

3 A That's correct.

4 Q But there's something particular about Vinnie as to why not?

5 A Yes.

6 Q Elaborate on that just a little bit.

7 A Yes.

8 Q Thank you.

9 A Certainly. So aside from his low IQ he has very significant  
10 neurocognitive deficits and very significantly low academic skills. All of these  
11 things work in combination to make him very significantly impaired over and  
12 above what would be expected just from his low IQ alone, and I think that is  
13 where really directly observing his interaction with counsel is so important  
14 because these are – these are skills that are very difficult to get at any other way.

15 Q And just one last question. Are you aware of any competency  
16 evaluations or observations by anyone other than you after the May observation?

17 A Not that I've been made aware of.

18 Q So the last time that Vinnie was observed interacting with his  
19 attorney and was evaluated for competency would have been our – your  
20 observation of me and Vinnie's interactions in May?

21 A That is my understanding, yes.

22 MR. HOWELL: No further questions. Thank you.

23 THE WITNESS: Thank you.

24 THE COURT: Mr. O'Brien, anything else?

25 MR. O'BRIEN: No, Your Honor.

1 THE COURT: All right. Thank you, Doctor. You are free to go.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: Mr. Howell, do you have any other witnesses?

4 MR. HOWELL: No, Your Honor, we do not.

5 THE COURT: Mr. O'Brien?

6 MR. O'BRIEN: Yes, Your Honor. State calls Dr. Abukamil.

7 THE WITNESS: Yes.

8 THE COURT: Good morning, Dr. Abukamil. Stand up and raise  
9 your right hand. The Clerk will swear you in.

10 RAMI ABUKAMIL,

11 having been called as a witness, was duly sworn and testified as follows:

12 THE CLERK: Would you please state and spell your name for the  
13 record?

14 THE WITNESS: First name is Rami, R-a-m-i, last name is  
15 Abukamil, A-b-u-k-a-m-i-l.

16 THE CLERK: Thank you.

17 THE COURT: Mr. O'Brien, whenever you are ready.

18 MR. O'BRIEN: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. O'BRIEN:

21 Q Dr. Abukamil, how are you employed?

22 A I work for Stein Hospital as a forensic psychiatrist.

23 Q And how long have you been employed at Stein Hospital?

24 A I've been working at Stein since 2018.

25

1 MR. HOWELL: Mr. O'Brien, I will still stipulate to his – his  
2 credentials.

3 MR. O'BRIEN: Thank you, Mr. Howell.

4 THE COURT: Parties stipulate to the Doctor's qualifications.

5 MR. HOWELL: Thank you.

6 Q (By Mr. O'Brien) Doctor, in your current capacity did you have  
7 interactions with Defendant Vinnie Adams?

8 A Yes.

9 Q And how was it that you had interaction with him?

10 A I was his treating psychiatrist for the first two months, roughly the first  
11 two months at Stein.

12 Q And how long total was he at Stein?

13 A It was a little over three months.

14 Q As his true psychiatrist what treatment did the Defendant go through  
15 while at Stein Hospital?

16 A He attended weekly treatment team, that was with myself, the  
17 psychologist Dr. Roley, social worker Lisa Johnson as well as the instructors that  
18 we have who teach the competency restoration class, we usually have them sit in  
19 on the treatment team and that happens once a week. In addition I met with him  
20 once a week as part of the treatment.

21 Q So – I'm sorry.

22 A No. That's the treatment – the therapeutic part. Then there's a  
23 competency restoration part where they attend classes, and classes are offered  
24 a couple times a week. Vinnie also had individual competency restoration  
25 sessions with one of our instructors whom he met with at least once a week.

1 Q How often do you think you saw him during that time he was at  
2 Stein?

3 A Individually I saw him once a week, so roughly 15 or so times  
4 including for individual therapy and an equal amount of times as part of treatment  
5 team.

6 Q Ultimately were you also one of the evaluators that evaluated for  
7 competency at the conclusion of his stay at Stein?

8 A Correct.

9 Q And how was that competency evaluation conducted?

10 A So in addition to meeting with him individually once a week I did a  
11 formal competency evaluation. I did that at CPOD. At that time he had been  
12 transferred to Dr. Bennett Skerr (phonetic) at the CPOD unit, so I met with him  
13 for one hour at that time. It was on December 9<sup>th</sup>.

14 Q And that one hour, that was the basis of the competency evaluation  
15 or was it that hour plus your prior interactions with him?

16 A It was that hour plus my prior interactions with him.

17 Q Did you also have access to his records from his stay at Stein?

18 A Yes.

19 Q And is all that taken into account when you conduct your  
20 competency evaluation?

21 A Correct.

22 Q And how is the competency evaluation conducted?

23 A I meet with him and I do a general interview of past psychiatric and  
24 treatment history, and then I ask specific questions about their charges and then  
25 some general questions about court. I also conduct a test, I use a Georgia Court

1 Competency Test to conduct competency, and it's a more formal tool to assess  
2 competency in addition to asking further questions about their understanding of  
3 plea bargains, trial and all of the attorney and people in court.

4 Q When you're meeting with him who else is present in the interview?

5 A I usually do the interview alone. Occasionally we have a forensics  
6 present but that's just for security purposes.

7 Q When you evaluated did you evaluate him under the *Dusky*  
8 standard?

9 A Yes.

10 Q Did you find whether or not he had the present sufficient – has the  
11 sufficient present ability to consult with his lawyer with a reasonable degree of  
12 rational understanding?

13 A Yes.

14 Q And did you evaluate whether or not he had a rational and factual  
15 understanding of the proceedings against him?

16 A Yes.

17 Q Did he understand the nature and the purpose of the court  
18 proceedings?

19 A Yes.

20 Q Did he understand his own position in the proceedings as the  
21 accused?

22 A Yes.

23 Q Did he understand the role of his attorney in these proceedings?

24 A Yes.

25

1 Q Did he understand the role of the others in the proceedings such as  
2 the Judge, the prosecutor, the jury, the witnesses?

3 A Yes.

4 Q Did he understand the nature of the criminal charges against him?

5 A Yes.

6 Q Did he understand the possible outcomes or verdicts in the case?

7 A Yes.

8 Q Did he understand the range of punishments that he could face?

9 A Yes.

10 Q Were you aware at the time you were treating him of his intellectual  
11 deficits?

12 A Yes.

13 Q And did you take that into account when conducting your  
14 competency evaluation?

15 A Yes.

16 Q And what, if any affect did those deficits have on his competency?

17 A I think Dr. Jones-Forrester and I agree on a lot of things, a lot of the  
18 deficits that he is going to have. I think where we disagree is when you're looking  
19 at the *Dusky* standard I think – I agree that he's going to have problems with  
20 memory. He's going to have problems understanding information. Where we  
21 disagree is to what extent it requires to be competent. I find that he understood  
22 enough to be competent in this case. Dr. Jones-Forrester and I just have an  
23 honest, professional disagreement.

24

25

1 THE COURT: Doctor, can I ask you about that because it seems to  
2 me like when you were doing your interview of him you had to do a lot of  
3 prompting and I believe you used some pictures as well; is that right?

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: So how would you anticipate that working in a trial  
6 setting where that really is not possible? Like how would he understand  
7 everything that's going on in a trial where people are not going to use small  
8 words and show pictures and be able to prompt and explain to him as things are  
9 going?

10 THE WITNESS: Your Honor, this would be ultimately up to the  
11 Court to determine how much is enough for him to be found competent.

12 THE COURT: I know. I'm just asking your professional opinion.  
13 Like do you think he would be able to function? I understand when people break  
14 things down for him and it's fairly consistent, right, with it looks like the -- I think at  
15 this point seven doctors have seen him and evaluated him.

16 THE WITNESS: Yes.

17 THE COURT: Four of whom with basically the same information  
18 have found him incompetent and three have found him competent, but the real  
19 question for me at this point seems like everybody agrees whenever he's  
20 prompted and given information and things are broken down that he's -- he can  
21 manage that information at least at that particular time. I'm wondering how that  
22 would be if he didn't have that. If he's in a trial setting where they're asking  
23 complicated questions is he going to be able to follow along with that?

24 THE WITNESS: Your Honor, he will need things explained to him.  
25 For example, the National Center for Criminal Justice and Disability as well as



1 the American Prosecutor Research Institute have some guidelines about how to  
2 prosecute or how to assist an individual with intellectual disability at trial. These  
3 techniques include using simple language, speaking slowly and clearly, using  
4 concrete terms and ideas, asking open-ended questions, repeating questions,  
5 proceeding slowly and repeating information and working with him in short  
6 sessions and taking frequent breaks.

7                   So there's no question that he would have a lesser ability to  
8 help his lawyer than someone without an intellectual disability. I find that he has  
9 an understanding of the basics of what's going on and with accommodations he  
10 would be able to assist, but ultimately it would be up to the Court to decide are  
11 these accommodations possible and how important it is to have the  
12 accommodations.

13               THE COURT: So are there any accommodations other than the  
14 things that you listed that you think he would need in order to be able to proceed  
15 at a trial?

16               THE WITNESS: No additional accommodations, and I know we  
17 have talked about the pictures. That was initially. I don't know if he's ever been  
18 – you know, to what extent his experience was with the Court and because he  
19 can't read we had to use the visual aids initially to assist him.

20               THE COURT: Okay. Thank you.

21               Mr. O'Brien, did you have –

22               MR. O'BRIEN: Judge –

23               THE COURT: -- any -- yeah. Go ahead. Sorry.

24               MR. O'BRIEN: I'm sorry, Your Honor.

25               THE COURT: Go ahead.

1 Q (By Mr. O'Brien) Doctor, can you elaborate a little bit on that, on the  
2 pictures and what the purpose of that was?

3 A So when we started out we wanted to teach him about what the  
4 courtroom looks like, what goes on in the courtroom, who is in the courtroom,  
5 and, you know, we can't just write Judge or lawyer. He wouldn't be able to read  
6 that. He would need things explained to him, so we just had pictures of the  
7 people in the courtroom and we said, you know, this is where you would sit, this  
8 is your lawyer, this is the prosecutor.

9 For me I like to mix things up a little bit, and in order to build  
10 rapport I try to make things a little funny, and, you know, draw a happy face for a  
11 lawyer and then, you know, draw a sad face, and, you know, he was able to say  
12 that that's the DA, but that was just initially and then eventually he had an  
13 understanding of who is in court and what's going on. What was more important  
14 is using simple terms. For example, if you tell him, you know, please rise he'll be  
15 able to understand that but if you say, be careful not to incriminate yourself he  
16 may need that explained to him.

17 THE COURT: I'm sorry, Mr. O'Brien, one more question for the  
18 doctor. Do you believe that he is capable of making legal decisions like weighing  
19 out whether a negotiation is in his best interest?

20 THE WITNESS: Your Honor, I find that he was capable of making  
21 negotiations for a few reasons. For example, when we went over the criminal  
22 complaint he is able to point out potential evidence and statements that he made.  
23 He's able to elaborate on his answers. For example, you know, what went on.  
24 He said, well, they said they took a CAT scan. What is a CAT scan. It's a thing  
25 that takes pictures of the brain, and then he was able to make that connection

1 that he had also undergone brain imaging and he said, that is just like that thing I  
2 went through.

3 When we reviewed the criminal complaint he was able to point  
4 out possible evidence. For example, he said, well, they took a CAT scan, the  
5 doctors said the baby was injured and then he even said that the police, quote, I  
6 told them I fucked up. He understands that the police are saying he confessed to  
7 them, so he's able to understand that information, he's able to understand how  
8 information might be helpful or harmful to his case and he's able to process that  
9 information and make a decision about whether a plea would be in his best  
10 interest or taking a case to trial.

11 You know, in his own words, quote, I could take a plea deal to  
12 lower a sentence or, quote, take a gamble at trial and win. He even said, you  
13 know, this is messing with my life, so we've discussed this in many different ways  
14 and he understands that this is a serious situation.

15 THE COURT: And does he understand he could take a gamble at  
16 trial and lose?

17 THE WITNESS: Correct. Because he says, I could face a max of  
18 20.

19 THE COURT: Okay. All right. Thank you.

20 Q (By Mr. O'Brien) Doctor, you had mentioned the statement he made  
21 to the police. Were you aware that the reports indicate he had made a different  
22 statement when he first arrived at the hospital with the baby?

23 A I reviewed the criminal complaint. Yes. I was aware of that.

24 Q And what was – what was that initial statement that he made about  
25 how the baby was injured?

1           A     The statement that he allegedly made to the police in the police  
2 report, this is what the police are saying, they're saying that he initially told them  
3 that the baby fell and after a little while allegedly the police say that, you know,  
4 we talked to him about what was going on and what the doctors said and the  
5 police say that he had eventually confessed. That's what – that's their statement.

6           Q     But assuming that's true, that he gave a story that would not  
7 inculcate him and then changed that story (unintelligible) the evidence, do you  
8 weigh any significance of that as far as his competency?

9           A     Well, counsel, again, this is assuming it's true. Assuming that this is  
10 true it shows that he has the cognitive abilities to hide things from the police, that  
11 he knows that hey, I'm being accused of wrongdoing and that this is pretty  
12 serious.

13          Q     During his time at Stein did he show improvement in his abilities  
14 during the three months he was there?

15          A     Yes. The first two weeks things were a little slow as noted in Dr.  
16 Jones-Forrester's assessment. He answered, I don't know a lot of the times, but  
17 after a while he came through. He felt more comfortable meeting with the  
18 treatment team. We developed a rapport between us and Mr. Adams and he  
19 was able to accomplish a lot in the last few months. I was very proud to see how  
20 – how much Vinnie was able to accomplish in his time with us.

21          Q     So someone of his intellectual deficits can learn things, gain abilities,  
22 develop new skills; is that correct?

23          A     Yes.

24          Q     At the time that you evaluated him and found him competent did you  
25 have access to Dr. Jones-Forrester's evaluation, her initial evaluation?

1           A     Not at the time I evaluated him, no.

2           Q     Subsequent to that have you been provided with both that evaluation  
3 and the evaluation or the report she conducted in May of this year?

4           A     Correct.

5           Q     Did either one of those reports change your opinion as to  
6 Defendant's competency?

7           A     No. I found – I found it of limited use but in other ways it reinforces  
8 my opinion. Mr. O'Brien, it is clear Dr. Jones-Forrester and I, again, agree a lot  
9 on the facts of this case. I think where we disagree, and, you know, when you  
10 look at what it requires to be competent we have a few disagreements with that.  
11 You know, again, how much is enough, that would be the Court's decision, but I  
12 can tell you how it went in my interaction with him.

13                     In my opinion he had a rational understanding. Is this a  
14 complete understanding? In this case I would agree with Dr. Jones-Forrester it's  
15 not. Is this a precise understanding like a professional would have? I agree it's  
16 not that, but I find that he did have an understanding of what's going on and that  
17 he is able to use that information given to him to make decisions about his case.

18           Q     Did you have any concerns about the diagnosis –

19                     MR. O'BRIEN: I'm sorry, Your Honor. Go ahead.

20                     THE COURT: I didn't say anything.

21                     MR. O'BRIEN: I'm sorry. I thought you did.

22           Q     (By Mr. O'Brien) Doctor, did you have any concerns about the  
23 diagnosis that Dr. Jones-Forrester relayed in her report?

24           A     So I think we both agree that Mr. Adams has an intellectual disability  
25 based on my clinical observation and the access to the neuropsych reports. I

1 think as far as the learning disorder and the major neurocognitive disorder we  
2 don't have enough information, and as the Court may be familiar with the  
3 psychological/psychiatric diagnosis we have in medicine typically come from a  
4 book, the DSM 5. A learning disorder is one of them.

5 Now, the DSM 5 in the mental health profession don't consider  
6 learning disorder, they don't give that diagnosis until you've had some problems  
7 that have persisted and they've been addressed so that way you can rule out that  
8 this isn't an intellectual disability masking as a learning disorder, neurocognitive  
9 disability, so you have to work at it for six months as noted in the DSM 5 before  
10 you can say that.

11 Q And how would someone work at it to improve that?

12 A Well, you'd have to – as Dr. Jones-Forrester's testimony noted, you  
13 have to work at it, work with literacy education, provide education for a few  
14 months, six months as noted in the DSM 5 and then follow up and see how he's  
15 – how he's responded to those interventions. Only after those interventions have  
16 failed can you then diagnose the learning disability.

17 For neurocognitive disorder there has to be a decline from the  
18 baseline. There has to be a decline in the level of function, so we'd have to see  
19 how Mr. Adams was before, see if his knowledge or abilities declined over a  
20 period of time in order to diagnose neurocognitive disorder, and, again, that's  
21 making sure that you've ruled other things out to make sure that it's not an  
22 intellectual disability masking as or presenting as these other disorders.

23 Q Does his lack of formal education have any role to play in that  
24 diagnosis?

25 A Correct.

1 Q What sort of role does that play?

2 A Again, if someone – I wouldn't expect someone to be able to read or  
3 write if he's never been taught. He never went to school.

4 Q Would he require reinforcement of the competency education he  
5 received at Stein? What I mean is is it possible that he might need ongoing  
6 reeducation as the proceedings go as he gets further away from Stein?

7 A Sure. You would expect for there to be some slippage. It's natural  
8 for people with or without an intellectual disability to forget a timeline, so he  
9 would benefit, yes, from continuing education.

10 Q Do you today stand by, based on what you know, your opinion that  
11 he was competent to stand trial?

12 A Yes.

13 MR. O'BRIEN: I have nothing further, Your Honor.

14 THE COURT: Thank you. They're mowing the lawn out here. It's  
15 really loud. Mr. Howell, go ahead.

16 MR. HOWELL: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. HOWELL:

19 Q I don't have a ton. Thank you, Dr. Abukamil. I appreciate your  
20 candor on Direct regarding what you agree with and what you disagree with with  
21 Dr. Jones-Forrester. I just want to clarify I think you said that he doesn't – that he  
22 has a sufficient understanding but not a complete understanding of his situation?

23 A Correct. I think one of the concerns she had is that he does not  
24 understand the precise role of defense attorney, and I can say from my  
25

1 experiences doing these evaluations most people we evaluate don't have a  
2 precise understanding of what the attorneys do.

3 Q But regardless it's sufficient as far as the competency standard  
4 goes?

5 A In my opinion.

6 Q Fair enough. Now, you're a – I apologize and I think maybe I  
7 stipulated a little too soon. You're a psychiatrist, not a psychologist?

8 A Correct.

9 Q And I apologize for my not knowing the difference. Perhaps you can  
10 just explain the major distinction.

11 A Sure. Psychiatrists are physicians. We are medical doctors. I go  
12 through four years of medical school and then I do additional residency training.  
13 Physicians, after we graduate from medical school we go through specialty  
14 training, in this case I chose general psychiatry for four years, so we do hospital  
15 work primarily inpatient and outpatient, and then I pursued additional training in  
16 forensic psychiatry which is one additional year.

17 Q Okay. When you talk about Vinnie's understanding, not his complete  
18 understanding, his sufficient understanding of the three prongs of *Dusky*, these  
19 are all kind of just general – a general understanding, right, not specific to this  
20 case? Like he understands generally that a DA is a frowny face and that his  
21 attorney is a happy face but he doesn't know specifically, you know – I don't  
22 know, he doesn't specifically understand situations in this case?

23 A I think he's able to – in addition to general roles of people in the court  
24 he's able to understand specifics of his case. He's able to understand why he's  
25 being prosecuted. He's able to understand that in addition to the DA being the



1 sad face he's able to know the DA is there to lock him up. You know, the DA is  
2 the bad guy. The attorney is there to help him. The attorney is his friend, yes.

3 Q Okay. So I think you indicated that you were his treating psychiatrist  
4 his first two months at Stein, and did he move? Was he no longer your  
5 responsibility or what happened after two months?

6 A So he was transferred to a different unit. He went to CPOD, which is  
7 not in the main Stein campus, and he had a different psychiatrist at that time.

8 Q And what was the purpose of that move?

9 A It happens. It's an administrative reason, from time to time we move  
10 patients, but in Vinnie's case I think because he was doing very well that other  
11 unit has a nicer courtyard and so that was one of the reasons why he moved.

12 Q Can a change in his treatment team, can that be disruptive to his  
13 treatment plan?

14 A No. Because we've communicated clearly, so I didn't see any  
15 disruptions to his treatment plan. We gave -- we have a sign-out process where  
16 we discuss to the doctors, and I didn't see any disruptions that I observed or saw  
17 in that chart.

18 Q So I want to just ask you -- or maybe ask you related to the records  
19 that you reviewed, he was doing -- what I believe it was four times a week he  
20 was doing competence or restoration classes?

21 A They were offered four times a week. I'm not sure how many of  
22 those classes he attended. I'd have to go through the chart again.

23 Q He didn't -- he didn't -- he attended but not always?

24 A Correct.

25

1 Q Okay. And he participated sometimes but not always as well; is that  
2 correct?

3 A Sure.

4 Q Okay. One of the social workers, I believe, was a Lisa Johnson; is  
5 that correct?

6 A Yes.

7 Q I'm referencing a group – a date of group of October 22<sup>nd</sup> where she  
8 noted that Vinnie was reported to be receiving legal and dietary advice from  
9 another client at Stein. Do you recall reading that in the arrest records?

10 A Sure. I recall.

11 Q So what she noted here is that Vinnie's judgment is poor as  
12 evidenced by his following other clients' advice in the facility.

13 A Okay.

14 Q So I guess just going back to the hypothetical that Mr. O'Brien  
15 brought up, which was his change of stories to the police, you know, I think one  
16 of the questions we have about Vinnie and his understanding of the situation is  
17 whether or not he's susceptible to advice or bad – not badgering but repeated  
18 questioning to get ultimately – you know, to give you the answer that you want as  
19 opposed to the right answer, so isn't it also possible that his change of story  
20 could be more – could be related to his – his susceptibility to questioning and  
21 advice from other people as well?

22 A Okay. So I wasn't there at the time he was interviewed by police, so  
23 I'm going to focus my opinion on just my observations of him and his time at  
24 Stein. So it's possible, but I was proud to see Vinnie as we observed him at  
25 Stein for three months standing up for himself on many occasions and I can give

1 you a few examples. I think some time in September he was sick for a couple of  
2 days and he thought it was something in his diet, so he approached me and  
3 asked me to change the diet order. A few days later he felt better and he asked  
4 to be put back on a regular diet.

5 In November a client started a fight with Vinnie and Vinnie  
6 stood up for himself and then he talked to staff about it. He communicated his  
7 needs several times to me throughout the hospital, whether it was to get his  
8 glasses fixed because his glasses broke, he sought me out for privileges to get to  
9 the courtyard, so he wants to be cooperative where he can but he's also capable,  
10 based on my observations of three months, of making a stand where he feels it's  
11 important. He doesn't just go along with everything.

12 Q That's fair. And then, I guess, just to clarify the record, you did not at  
13 any point in time during the period that Vinnie was at Stein ever review Dr.  
14 Sharon Jones-Forrester's neuropsychological evaluation; correct?

15 A That is correct.

16 Q You were aware that it existed, though?

17 A Correct. Again, I didn't need to because we agree on most of the –  
18 you know, most of the facts of this case.

19 Q Okay. At no point during Vinnie's time at Stein did you do a direct  
20 observation of attorney interactions?

21 A Again, also we didn't find that to be a reliable datapoint or a  
22 necessary datapoint.

23 MR. HOWELL: No further questions. I have no further questions  
24 Your Honor. I apologize. Thank you.

1 THE COURT: Sorry. I was talking and muted. Doctor, can you  
2 explain the test that you use? Is it a Georgia –

3 THE WITNESS: The Georgia Court Competency Test is one of  
4 several competency assessment tools that's available.

5 THE COURT: Is that specifically for people with intellectual  
6 disabilities?

7 THE WITNESS: No, Your Honor. There is a test for people with  
8 intellectual disabilities but I chose not to do it. The test available for people with  
9 intellectual disabilities is the CAST\*MR, and the reason why I chose not to  
10 administer the CAST\*MR is because according to the American Academy of  
11 Psychiatry and the Law a weakness of the CAST\*MR is that it does not assess a  
12 defendant's understanding of their legal proceedings in depth, and that was one  
13 of the concerns that we all had with Mr. Adams.

14 The format of that test does not – may result in an  
15 overestimation of someone's abilities. Additionally, it's a multiple choice test and  
16 I chose the Georgia Court Competency Test because it's more open-source and  
17 open-ended, so it allows the defendants to use their own words to answer  
18 questions and allows them to elaborate on their answers.

19 THE COURT: Did you do any retesting of his IQ or of his cognitive  
20 abilities?

21 THE WITNESS: I did not.

22 THE COURT: So do you have any disagreement with the  
23 assessment that his full scale IQ would be 58?

24

25

1 THE WITNESS: Again, I don't have any disagreements. I think it  
2 might – for him it might be a little bit exaggerated, but for the most part I think we  
3 agree that he's got an intellectual disability.

4 THE COURT: Or that his cognitive functioning level was a  
5 kindergarten – that his – she did the Woodcock-Johnson test and it came out  
6 with a kindergarten level except for applied problem solving which was 1st  
7 Grade?

8 THE WITNESS: Your Honor, when I do the clinical assessments –  
9 so just to clarify how I incorporate the raw data, the raw data is like a blood test  
10 or an MRI, so you come to the emergency room, you have a blood test that's  
11 considered – consistent with maybe someone having a sickness, so what the  
12 doctors will do in addition to that is do a clinical exam and they look at the past  
13 history. So perhaps the raw data may have shown he functioned at the K-8 level.  
14 I think in the unit his functioning was a lot higher than that. You know, by the  
15 time we were done with him he took care of himself, he handled conflict well, he  
16 dealt with confrontation, he asked for things when he needed them, so I would  
17 say he has a higher ability than that based on my clinical observations.

18 THE COURT: But there was no retesting?

19 THE WITNESS: Correct.

20 THE COURT: Okay. Thank you.

21 Mr. O'Brien? Mr. O'Brien, do you have additional questions?

22 MR. O'BRIEN: Yes, Your Honor. Just one or two.

23 REDIRECT EXAMINATION

24 BY MR. O'BRIEN:  
25

1 Q Doctor, so you – the test that you did do to evaluate his competency  
2 you chose it because it was more open-ended, less suggestive of answers; is  
3 that correct?

4 A Correct. The CAST\*MR is a multiple choice test whereas the  
5 Georgia Court Competency is open-ended.

6 Q But your competency evaluation took into account his intellectual  
7 deficits; is that correct?

8 A That's correct, and, again, the reason why I didn't administer the  
9 CAST\*MR is because I know Vinnie will be able – if you give him an answer, if  
10 you ask him a question, who does this and you say, is it A, B or C he'll be able to  
11 answer that. I think we share the same concerns about how to assess Mr.  
12 Adams' understanding in depth and that's why I chose that instrument that asked  
13 open-ended questions.

14 Q Did anyone ever request that you do an attorney observation?

15 A No.

16 Q You said it would have limited – a limited datapoint; is that correct?

17 A Correct.

18 Q What do you mean by that?

19 A Well, first of all I think we all agree that Vinnie has a good  
20 relationship with his attorney. We agree that he is willing to work with his  
21 attorney and that he does not have symptoms of mental illness that would  
22 damage his relationship with his attorney, and the reason why I didn't think it was  
23 necessary is because competency evaluations are done by trained mental health  
24 professionals, not by attorneys, and what I saw in the addendum was that Dr.  
25 Jones-Forrester allowed Mr. Howell to take charge and ask the questions and

1 she primarily observed, and we usually don't have lawyers lead those  
2 evaluations because lawyers could influence the situation.

3 Q If you were doing an observed meeting as one that Dr. Jones-  
4 Forrester did how would you conduct that?

5 A It would – it's on a case-by-case basis, Mr. O'Brien, so I can tell you  
6 that an observed meeting is just that, it's a datapoint that allows us to take that  
7 information and incorporate that into our evaluation. It is not the evaluation. We  
8 still conduct our own evaluations in addition to that.

9 Q So you disagree with that observed meeting at the competency  
10 evaluation being sort of (unintelligible) or what?

11 A Correct. It was – I didn't see that as an evaluation, per say. It was  
12 an attorney/client observation. I understand that Dr. Jones-Forrester had asked  
13 for some clarification after that, but I'm not sure how many questions she had  
14 asked herself and if she spent any time alone with Mr. Adams after that.

15 Q Thank you, Doctor.

16 MR. O'BRIEN: That's all I have, Your Honor.

17 THE COURT: I just want to make sure I understand, I thought she  
18 did the observation of the meeting after he returned from Stein but she spent a  
19 day doing the neuropsych test prior. Am I not understanding that?

20 MR. HOWELL: That is correct, Judge. In February of 2019 she did  
21 a neurological psychological – neuropsychological evaluation which included  
22 some competency evaluation. She did a direct observation of my interactions  
23 with Mr. Adams in May of this year.

24 THE COURT: Okay. Okay. I just want to make sure I wasn't  
25 confused about that. Thank you.

1 Mr. O'Brien, I'm sorry. Were you done?  
2 MR. O'BRIEN: Yes. With Dr. Abukamil, Your Honor.  
3 THE COURT: All right. Mr. Howell, did you have any additional  
4 questions?  
5 MR. HOWELL: No. No, Judge. I have no further questions.  
6 THE COURT: All right. Thank you.  
7 THE WITNESS: Thank you.  
8 THE COURT: Thank you, Doctor. Have a good afternoon.  
9 THE WITNESS: Thank you, Your Honor.  
10 THE COURT: Mr. O'Brien, do you have any additional witnesses?  
11 MR. O'BRIEN: Yes, Your Honor. Dr. Lia Roley.  
12 THE WITNESS: Good morning.  
13 THE COURT: Good morning, Doctor. If you could please stand  
14 and raise your right hand the Clerk will swear you in.  
15 LIA ROLEY,  
16 having been called as a witness, was duly sworn and testified as follows:  
17 THE CLERK: Will you please state and spell your name for the  
18 record?  
19 THE WITNESS: Lia Roley, L-i-a, R-o-l-e-y.  
20 THE CLERK: Thank you.  
21 THE COURT: Doctor, you can go ahead and have a seat and if you  
22 would just – you can go ahead and have a seat, and, then, Mr. O'Brien, go ahead  
23 when you're ready.  
24 MR. O'BRIEN: Thank you, Your Honor.  
25 DIRECT EXAMINATION



1 BY MR. O'BRIEN:

2 Q Dr. Roley, how are you currently employed?

3 A I am employed at Stein Forensic facility as a licensed psychologist I.

4 Q And how long have you been employed at Stein?

5 A For three years.

6 Q And prior to Stein did you have any psychological employment?

7 A I did. I completed competency evaluations for the District Court in  
8 the Clark County Detention Center. I did outpatient private practice evaluations  
9 for the VA for compensation of pension, I have worked in a private practice, I've  
10 worked at HealthSouth Inpatient Medical Rehabilitation facility. Those are my  
11 primarily – my primary focuses of my career.

12 Q And how long have you been a licensed psychologist?

13 A Ten years.

14 Q And you're licensed in the State of Nevada; correct?

15 A Yes. I also have an inactive – voluntary inactive license in Arizona  
16 as well.

17 Q And could you just briefly summarize your education for the Court?

18 A Sure. I –

19 MR. HOWELL: I'll stipulate to her qualifications.

20 MR. O'BRIEN: Thank you, Mr. Howell.

21 THE COURT: All right. So the record will note that the parties  
22 stipulate to the Doctor's qualifications.

23 Q (By Mr. O'Brien) Doctor, were you familiar with Vinnie Adams during  
24 his stay at Stein Hospital?

25 A I was. I was the psychologist assigned to his treatment team.

1 Q And how long were you on his treatment team?

2 A I believe for approximately two, two and a half months. He was with  
3 us for three and he got transferred, like Dr. Abukamil said, to CPOD for a few  
4 weeks prior to his discharge.

5 Q And what was your role on his treatment team during the time he  
6 was assigned to your team?

7 A As an evaluator. I attended his treatment team meetings and asked  
8 him questions regarding his hospital stay, any issues he was having, helping to  
9 assign appropriate competency restoration tasks for him and as an evaluator –  
10 as an ongoing evaluator in weekly treatment teams to see how he was  
11 progressing.

12 Q Did you ever conduct any sort of testing of him while he was at  
13 Stein?

14 A I did not conduct any formal psychological testing, no.

15 Q Were you one of the persons tasked with evaluating him for  
16 competency at the conclusion of his stay?

17 A I was.

18 Q And did you evaluate him under the *Dusky* standard?

19 A I did.

20 Q And ultimately you completed a written report?

21 A Yes.

22 Q When you evaluated him did you find whether or not he had the  
23 sufficient present ability to consult with his lawyer with a reasonable degree of  
24 rational understanding?

25 A I did.

1 Q Did you find whether or not he had a rational and factual  
2 understanding of the proceedings against him?

3 A Yes.

4 Q Did he understand the nature and purpose of the court proceedings?

5 A Yes.

6 Q Did he understand his position in the proceedings as the accused?

7 A Yes.

8 Q Did he understand the role of his attorney in the proceedings?

9 A Yes.

10 Q Did he understand the role of others in the proceedings such as the  
11 Judge, the prosecutor, the jury, the witnesses?

12 A Yes.

13 Q Did he understand the nature of the charges against him as well as  
14 the possible outcomes of verdicts in the case?

15 A Yes.

16 Q And did he understand the range of punishment – nature of penalties  
17 of punishments he was facing?

18 A He did.

19 Q Ultimately did you find him competent under the *Dusky* standard?

20 A Yes.

21 Q Now, you've heard the testimony from Dr. Jones-Forrester and Dr.  
22 Abukamil about Defendant's intellectual deficits; correct?

23 A Yes.

24 Q Without repeating all that testimony again, did you take these  
25 intellectual deficits into account when conducting your evaluation?

1           A     I did.

2           Q     What, if any effect did they have in your competency evaluation?

3           A     It impacted the way I interacted with him. The way I interviewed him,  
4 it's important for evaluators who are interviewing individuals for competency to  
5 stand trial have knowledge of intellectual disabilities and how to best interview  
6 people with those problems, so I asked him open-ended questions, asked for  
7 clarification, things of that nature.

8           Q     What is the Slater Method?

9           A     It's a method of teaching competency restoration to individuals with  
10 intellectual disabilities or suspected neurocognitive impairments. It provides  
11 more repetition of lessons, uses more concrete terms to describe legal terms,  
12 they move at a slower pace. Usually we'll have someone who is undergoing the  
13 Slater Method participate in an individual competency restoration in addition to  
14 groups, so it meets them where they are.

15          Q     And Dr. Jones-Forrester said that this method was used during his  
16 restoration at Stein; is that correct?

17          A     Correct.

18          Q     His IQ level, did that impact your finding of his competency?

19          A     The level – can you be more specific?

20          Q     Well, Dr. Jones-Forrester said that he is on the low level of IQ's;  
21 correct?

22          A     That's what she said, correct.

23          Q     Did you disagree with that or do you have comment on how that  
24 affects his competency?

25

1           A     I did have some disagreements with the testing that was utilized, but  
2 I do agree that Mr. Adams suffers from an intellectual disability.

3           Q     When you're talking about the tests, you're talking about that initial  
4 evaluation she had back in I think it was February of 2019 where she spent the  
5 day with him; is that correct?

6           A     Correct.

7           Q     And what sort of issue did you have with the testing that was done?

8           A     Mr. Adams, as we discussed, is from the Romani culture. He never  
9 went to school which is culturally consistent for that culture. Many of the tests  
10 that Dr. Jones-Forrester administered are highly influenced by an individual's  
11 level of acculturation, their education, their verbal fluency, their – like I said, level  
12 of education, their fund of knowledge. All of these things impact – can have a  
13 high impact on – particularly some tests on their performance. Also level of  
14 motivation can really impact an individual's scores, so those were some of my  
15 concerns that his – if some of those factors weren't at issue that he would have  
16 had higher scores. Those tests are really developed for Western populations  
17 and people that are highly acculturated into the community.

18                     It's – there's a lot of literature on how people of minority  
19 cultures don't perform as well on these kind of tasks. They take into  
20 consideration a lot of activities that are learned in school such as things that we  
21 take for granted like the ability to participate in a timed task, to understand  
22 complex instructions at times. She had indicated that he had difficulties with  
23 verbal comprehension, so his even understanding the instructions that are  
24 provided, things like alternating 1 to A, 2 to B, things like this that if you don't  
25 know the alphabet, if you don't know numbers that you're going to automatically

1 not perform well on. Things like that that people – test taking skills that people  
2 learn in school that can really impact people's performance on these tests.

3 Q Are there ways to perform these tests to account for that or are there  
4 other tests that can be done that don't rely so heavily on that cultural  
5 association?

6 A There are more culture-free tests. The WAIS is a pretty well-known -  
7 - one that she administered is a pretty well-known test that relies on level of  
8 education, acculturation and kind of Western values. There's the Woodcock-  
9 Johnson measures academic achievement, so if somebody hadn't been to  
10 school they wouldn't be expected to perform well on those tests. There are other  
11 tests that kind of – the least non-biased tests, however, it's interesting that  
12 research suggests that even individuals from Romani culture who have been  
13 provided with these, let's say, quote, unquote culture-free tests still perform at an  
14 average IQ of 70.

15 In fact, they're considered to have a – in Serbia where they're  
16 from a large percentage of these people have what they call pseudo retarded  
17 children because they're going to perform and score about a 70. I think his full  
18 scale on these tests was at a 58 and these are even culture-free tests, so they  
19 still perform and are considered pseudo retarded because they're performing  
20 really poorly on these tests but function fairly, you know, adequately in everyday  
21 life.

22 Q Does that –

23 THE COURT: Can I ask you a question? I'm sorry. Doctor, did you  
24 perform any of those tests?

25 THE WITNESS: I did not.

1 THE COURT: So you – but you disagree with the IQ scores and the  
2 other scores in the –

3 THE WITNESS: You know -- sorry.

4 THE COURT: Go ahead.

5 THE WITNESS: I think they're – I think they're depressed. Even in  
6 the WAIS manual as Dr. Jones-Forrester – I think they would have probably been  
7 higher if he'd had more of these skills. Even in the WAIS manual for  
8 administration the WAIS is an inappropriate task – test to administer if someone  
9 has a diagnosis of a learning disability because it influences their test scores and  
10 lowers them, so I think that if she had – I think that when people do – a lot of  
11 times there's not a culture-free perfect test to give particularly for minorities when  
12 there's not tests that have been normed on people with his culture. It's hard to  
13 find a group to compare him to. When doing this it's important to note in your  
14 report the limitations and how their culture, education, social economic status  
15 have impacted test results and how they could impact your findings, diagnosis  
16 and recommendations.

17 THE COURT: Go ahead, Mr. O'Brien. I'm sorry.

18 MR. O'BRIEN: Thank you, Your Honor.

19 Q (By Mr. O'Brien) So Doctor, so that IQ score that Dr. Jones-  
20 Forrester testified to you said you believe that number is depressed, that his IQ is  
21 actually higher than that; is that correct?

22 A It appears that it would be higher, yes.

23 Q At the time that you conducted your evaluation did you have access  
24 to Dr. Jones-Forrester's report?

25 A I did not.

1 Q You've subsequently reviewed it as well as the report from her May  
2 2020 observed meeting with the Defendant and his attorney?

3 A Yes.

4 Q And did either one of those reports change your opinion?

5 A No.

6 Q At the time that you evaluated him you believed he was competent to  
7 stand trial; correct?

8 A Correct.

9 Q Notwithstanding whatever intellectual deficits he has?

10 A Correct.

11 Q Is IQ a fixed thing or can it be improved through education?

12 A It's an interesting topic. Can results on testing of IQ being scored  
13 improved with repetition of tasks and education? Yes. But what IQ tests  
14 measure is a culturally fixed concept, so it's measuring different aspects that we  
15 have created to measure what we're calling intelligence.

16 Q So is it fair to say you find it of limited value for someone like the  
17 Defendant?

18 A It's testing, you know, it's a place to start, it's a guess but – of how he  
19 can perform in these areas. For example, memory, you know, language  
20 comprehension, but like I said it's really important to state things that could  
21 influence his test scores like no education, like a culture that does not value  
22 education and keeps people in a community that's illiterate. They don't value,  
23 you know, growth or education, and so it's not something he's going to be  
24 exposed to in his life. So can education and acculturation and having, you know  
25



1 – being in the normative culture influence someone's test scores on IQ tests?

2 Yes.

3 Q Subsequent to his stay at Stein there was an observed meeting we  
4 discussed between his attorney and himself observed by Dr. Jones-Forrester;  
5 correct?

6 A Correct.

7 Q And you reviewed that report?

8 A I did.

9 Q And did you have any issues on the way that meeting was conducted  
10 based on what you read in the report?

11 A Similar to what Dr. Abukamil said, yes. The – one of the most  
12 important aspects of a competency evaluation is the clinical interview and having  
13 an evaluator asking the questions who is familiar with not only competency but  
14 working with people with intellectual disabilities, so to have – typically attorney  
15 observation meetings can be really beneficial if there's a relationship concern  
16 which isn't the situation here, so not knowing, and from the report not being able  
17 to glean what was – although it sounds like Mr. Howell asked most of the  
18 questions to see how questions were worded, how it was followed up because  
19 there – I mean it appears that he does have an intellectual disability, and there's  
20 a way to better asses someone with those deficits that takes a knowledgeable  
21 evaluator.

22 Q If one of those meetings is conducted at Stein do you just observe  
23 the meeting or is there interaction between the attorneys and the doctors on how  
24 to conduct the meetings?

25

1           A     It depends on what the presenting issue is, but both. I will usually  
2 have a conversation with the patient and attorney beforehand about, you know,  
3 in determining what the issue is for competency. Is it a relationship issue, is it a  
4 defense strategy issue, what is going on. So if I were to observe the interaction  
5 generally if there's anything – like, for example, for relationship issues I have  
6 made recommendations in the past about how to better work with people to the  
7 patient and to the attorney, so, yes, it's likely that if I saw areas that could be  
8 improved upon that I would have made those recommendations to both Mr.  
9 Adams and Mr. Howell.

10           Q     From what you know of the Defendant would he benefit from  
11 someone going – continuing competency restoration or education while at the  
12 jail?

13           A     Yes.

14           Q     Why is that?

15           A     Because I do believe he has intellectual deficits, and I think that  
16 having frequent meetings with attorney and reviewing competency restoration  
17 information and legal process information could only benefit him more.

18                   MR. O'BRIEN: Court's indulgence.

19                   That's all I have, Your Honor.

20                   THE COURT: All right. Mr. Howell?

21                   MR. HOWELL: Thank you, Your Honor.

22                                   CROSS-EXAMINATION

23 BY MR. HOWELL:

24           Q     Dr. Roley, I just want to maybe highlight some things. You didn't –  
25 you didn't do any testing on Mr. Adams; is that correct?

1           A     That's correct.

2           Q     But you did do – you are aware of -- I guess I don't know if it's an  
3 intake interview or what it is, but somebody sat down and spoke with Mr. Adams  
4 when he first arrived at Stein about his personal history; is that correct?

5           A     Yes.

6           Q     Like where he grew up and his education levels and things like that?

7           A     Yes.

8           Q     And Vinnie indicated he lived in North America his entire life; is that  
9 correct?

10          A     Correct.

11          Q     And that English was his primary language?

12          A     Yes.

13          Q     Okay. You sat through Dr. Jones-Forrester's testimony. She  
14 testified that she took culture and education into account; isn't that correct?

15          A     She did state that in her testimony.

16          Q     Okay. Is it fair to say that zero education is not normative even in  
17 the Romani culture?

18          A     From what I can see 80 percent of children in the Romani culture  
19 from the studies that I've found do not complete elementary school, so –

20          Q     Is it normative to not have any formal education, though?

21          A     Not that – not that I'm aware of. I think there were factors that led to  
22 him to not have any education including his lack of documentation.

23          Q     You – okay. So I think you agree that Mr. Adams does have some  
24 intellectual disability?

25          A     I do.

1 Q Despite not doing any IQ testing you believe that Mr. Adams' IQ  
2 testing was depressed from his actual IQ number?

3 A I do.

4 MR. HOWELL: Court's brief indulgence

5 Q (By Mr. Howell) Dr. Roley, was – has your practice been in  
6 neuropsychology or just psychology in general? I apologize for my ignorance of  
7 the issue.

8 A No, that's fine. Primarily my practice has not been in  
9 neuropsychology, it's been forensic and clinical, but I have worked at  
10 HealthSouth Neuro Rehabilitation Hospital on the neuropsychological unit  
11 focusing on traumatic brain injuries and I also participated in my post-doc which  
12 focused on neuropsychological and forensic issues.

13 Q So your responsibility as part of his treatment team was – for Mr.  
14 Adams' treatment team was to design competency restoration classes and things  
15 like that, a plan for him to help restore his competency; right?

16 A Make recommendations for – because I don't initially design it but  
17 make recommendations for his treatment, yeah.

18 Q Okay. You don't actually teach the classes, though; right? That's  
19 like a social worker or some other – a nurse or something to that effect?

20 A Psychiatric case workers teach the classes.

21 Q And then basically his progress is you observe that by reading their  
22 case notes; correct?

23 A Case notes and weekly interactions and treatment team, and Dr.  
24 Abukamil would meet with him individually, we'd discuss it along the way,  
25 progress and what needs to be done. It's a team approach.

1 Q Okay. I read the case notes too. It seems like there were several  
2 instances where Mr. Adams did not attend or did not participate in these – in  
3 some of this training. Is that fair to say?

4 A Yes. Particularly the beginning of his hospitalization.

5 Q I think that's all I have. Thank you.

6 A Thank you.

7 THE COURT: Anything else, Mr. O'Brien?

8 MR. O'BRIEN: No, Your Honor.

9 THE COURT: All right. Thank you, Doctor.

10 THE WITNESS: Thank you.

11 THE COURT: Mr. O'Brien, do you have any additional witnesses?

12 MR. O'BRIEN: State calls Dr. Damas.

13 THE COURT: Doctor, if you'll please stand and raise your right  
14 hand the Clerk will swear you in.

15 SARAH DAMAS,

16 having been called as a witness, was duly sworn and testified as follows:

17 THE CLERK: Please state and spell your name for the record.

18 THE WITNESS: My name is Sarah Damas, S-a-r-a-h, D-a-m-a-s.

19 THE CLERK: Thank you.

20 THE COURT: Thank you. All right. Mr. O'Brien, go ahead.

21 MR. O'BRIEN: Thank you.

22 DIRECT EXAMINATION

23 BY MR. O'BRIEN:

24 Q Dr. Damas, how are you currently employed?

25 A I am a licensed psychologist at Stein.

1 Q And how long have you been employed at Stein?

2 A Since September 2017.

3 Q And can you briefly summarize your educational experience for the  
4 Court?

5 A Yes. I have a doctorate in clinical psychology and I attended an  
6 internship and a practicum in forensic psychology specializing in forensic  
7 psychology, and I was just recently licensed.

8 Q Here in Nevada?

9 A In Nevada, yes.

10 Q And your internship in clinical psychology was conducted at Stein or  
11 somewhere else?

12 A Somewhere else.

13 Q And prior to your current position at Stein did you have experience in  
14 competency evaluations?

15 A Yes, I did.

16 Q What was that?

17 A During my internship in practicum, which is before internship while  
18 you're still in school, I worked with a licensed psychologist in training. We would  
19 do competency evaluations. I would help write the reports and did interviews.

20 Q And in your current position as a psychologist at Stein is one of your  
21 duties to conduct competency evaluations?

22 A Yes.

23 Q And did you, in fact, conduct a competency evaluation on the  
24 Defendant Vinnie Adams?

25 A Yes, I did.

1 Q And did you evaluate him under the *Dusky* standard?

2 A Yes.

3 Q Were you on his treatment team or were you just brought in in this  
4 case for the evaluation?

5 A I was not on his treatment team. I was just brought in for the  
6 evaluation.

7 Q Prior to conducting the evaluation did you have access to his various  
8 records of treatment while at Stein?

9 A Yes.

10 Q And the competency evaluation that you conducted, was that just  
11 you and him or were there other people present as well?

12 A It was just him and I --

13 Q And how long did that evaluation -- I'm sorry, go ahead, Doctor.

14 A Oh, no. It's okay. You're asking how long it lasted?

15 Q Yes.

16 A I believe about 45 minutes.

17 Q At the conclusion of that interview did -- and your evaluation did you  
18 find him competent to stand trial under the *Dusky* standard?

19 A Yes.

20 Q Did you find whether or not he had the sufficient present ability to  
21 consult with his lawyer with a reasonable degree of rational understanding?

22 A Yes.

23 Q And did he have a rational and factual understanding of the  
24 proceedings against him?

25 A Yes. In my opinion, yes.

1 Q And did he understand the nature and the purpose of the court  
2 proceedings?

3 A Yes.

4 Q And did he understand his own position in the court proceedings as  
5 the accused as well as the roles of the attorneys, the Judge, the witnesses and  
6 the jury?

7 A Yes.

8 Q Did he understand the nature of the criminal charges against him as  
9 well as the possible outcomes of verdicts?

10 A Yes.

11 Q And did he understand the range and nature of the penalties of  
12 punishment if he was convicted?

13 A Yes.

14 Q At the time you conducted your evaluation did you have access to  
15 the various reports conducted – completed by Dr. Jones-Forrester?

16 A No, I did not.

17 Q Have you subsequently been provided with those reports?

18 A Yes.

19 Q Do those reports change your opinion as to the Defendant's  
20 competency?

21 A No, they do not.

22 Q You've heard testimony from the various other doctors that  
23 subsequent to his stay at Stein there was an observed meeting between his  
24 attorney and the Defendant which Dr. Jones-Forrester observed. Do you  
25 remember that testimony?



1           A     Yes, I do.

2           Q     And the results of that were summarized in the report that you were  
3 provided?

4           A     Uh-huh. Yes.

5           Q     And did you have any issues with how the Defendant interacted with  
6 his attorney as summarized in that report?

7           A     Are you asking if I had issues how the Defendant spoke with his  
8 attorney? Is that what you're asking?

9           Q     Well, did the interaction summarized in her report cause you to  
10 question his competency in any fashion?

11          A     No.

12          Q     And did you have any concerns with the way that interview appeared  
13 to have been conducted based on the report?

14          A     Yes.

15          Q     And what sort of concerns did you have?

16          A     I felt like the questioning wasn't – I didn't see the exact way that Mr.  
17 Howell worded the questions, but the questioning didn't appear to be at his level,  
18 at Mr. Adams' level, so if he has an intellectual disability, which I think we all  
19 agree that he has, there's a certain way using simpler language that I don't know  
20 – I don't know if it was actually done. There's not any –

21                THE COURT: Doctor, let me ask you a question. So how does that  
22 work in trial where it really is impossible for every question to be asked at trial to  
23 be simpler, and I mean how is that supposed to work?

24

25

1 THE WITNESS: Well, as Dr. Abukamil stated, there's certain ways  
2 that I think the Court can adjust their questioning, but let's say for example they  
3 didn't adjust it and just asked normal –

4 THE COURT: So hang on a second because it isn't just the Court,  
5 right, there's the Court, there's the prosecutor, there's witnesses. There's no way  
6 to control, for example, what a witness says in an answer and what kind of  
7 language the witness uses, so I mean there's many people involved and there's  
8 – in a criminal case. There's police officers, there's going to be alleged victims, I  
9 mean will we have to train each of those people to talk in a – or speak in a  
10 certain way or how would you anticipate that working?

11 THE WITNESS: I think the training would be better with Mr. Adams,  
12 so if Mr. Adams was trained or taught how to interact in those situations and what  
13 to expect and what to do if he didn't understand what was going on, so if he was  
14 being questioned and he didn't understand he could ask for clarification and to be  
15 encouraged to do that along the way by his attorney.

16 THE COURT: Okay. All right. Go ahead, Mr. O'Brien.

17 Q (By Mr. O'Brien) Doctor, just so I'm understanding you correctly, are  
18 you saying that someone of his intellectual capabilities, if we ask questions that  
19 are too high he's not going to understand, we would find him incompetent,  
20 whereas if we could ask the questions at his level he would understand, and,  
21 therefore, as far as the competency evaluation he could be found competent?

22 A Yes. I think I understand what you're saying. So if you ask him  
23 these questions in a complex way or in a language that he hasn't heard before  
24 he could appear that he's not competent but if you adjust how you're wording it or  
25 explain exactly what you're looking for, which is what we did in our competency –

1 or what I did in my competency evaluation, it did appear that he understood what  
2 I was asking and understood the various aspects of the *Dusky* standard.

3 THE COURT: Here's my concern. I mean because one aspect of  
4 assisting counsel that occurs during trial is the person who's accused listening to  
5 all of the testimony and, you know, I mean it's very common, like defendants will  
6 write notes to their lawyers and say, that's not right or – I mean how is that going  
7 to work?

8 THE WITNESS: How is he going to communicate with his lawyer  
9 that he doesn't understand? Is that what you're asking?

10 THE COURT: Well, what I'm saying is that if he's not  
11 understanding, for example, technical, legal questions like establishing elements  
12 of a crime or – I mean just – it's more than just him. I guess that's my concern is  
13 that it's – it's not just that if he potentially testifies the questions are simple  
14 enough, it's can he understand everything that's going on in the trial at a level  
15 that he can assist his attorney?

16 THE WITNESS: I didn't see any reason to believe that he couldn't.  
17 I'm not sure how we could test for that other than asking him about the evidence  
18 against him and just what he knows already, and observing him on the unit and  
19 how he interacts with people and how he adjusts to his surroundings.

20 THE COURT: Okay. Thank you.

21 Mr. O'Brien, go ahead.

22 MR. O'BRIEN: Court's indulgence.

23 I don't have anything else, Your Honor.

24 THE COURT: Mr. Howell?

25 MR. HOWELL: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MR. HOWELL:

3 Q Dr. Damas, thank you. So you were not on the treatment team, you  
4 just did one competency evaluation; correct?

5 A Correct.

6 Q About 45 minutes long?

7 A Yes.

8 Q Okay. So I think in responding to the Judge's question regarding  
9 about how are we going to make sure that he's able to assist and aid counsel  
10 you said that they could potentially train Vinnie, Mr. Adams to be, I don't know, I  
11 guess more proactive about asking questions and things like that?

12 A Maybe I used the wrong word in saying training but in working with  
13 him and explaining the situation and reminding him to ask questions and if he  
14 doesn't understand, yeah.

15 Q And I think another thing you said is that, you know, we'd have to  
16 kind of observe how he interacts with other people in order to develop some kind  
17 of, I don't know, training – I don't want to say training again but some kind of way  
18 to help – develop a program to help him be better at those things; is that correct?

19 A No. I believe I said that that's what I did. I observed in the notes  
20 how he interacted. Not in person but in the notes I observed how.

21 Q So it was important for you to see his interactions with other people  
22 while he was there for restoration in order to determine any of his needs?

23 A It was a factor. I wouldn't say it was the sole –

24 Q It was one of many factors but it was an important factor? Is that fair  
25 to say?

1           A     How he interacted, yes.

2           Q     Would you also say it's important – would it be important to see how  
3 he interacts with his attorney?

4           A     I think that it would be a datapoint, and if I had the chance I would  
5 take it and observe but it's not typically something that's needed unless I see an  
6 issue as far as how he – I think he's working with his attorney or how he interacts  
7 with others.

8           Q     But it could be useful?

9           A     Yes.

10          Q     Fair to say. I think you said that you took – potentially had issues  
11 with the way that the client observation in May was conducted with Dr. Jones-  
12 Forrester and myself; is that correct?

13          A     Yes.

14          Q     You said you were concerned about potentially what questions were  
15 asked and how they were asked?

16          A     Yes.

17          Q     I've reviewed the report recently. Have you reviewed the report  
18 recently?

19          A     Which report?

20          Q     The addendum regarding that – her report where she talked about  
21 our May client/attorney observation. It doesn't say specifically what questions  
22 were asked, does it?

23          A     No, it does not.

24          Q     It doesn't say how they were asked; correct?

25          A     Correct.

1 Q So we don't – so to be fair you don't actually know what questions  
2 were asked or how they were asked; right?

3 A That's right.

4 Q You're just – a general opinion would be that if they weren't asked in  
5 a very simple form it could appear as though Vinnie had competency issues?

6 A If they were asking –

7 Q If they weren't asked in a very simple form –

8 A Yes.

9 Q -- and matched his intellectual level? You don't know that they  
10 weren't asked that way?

11 A That's correct. I don't know how they were asked but I do see the  
12 way that he answered, so the way that Dr. Jones-Forrester worded her report  
13 was the things that he did understand and the things that he didn't understand  
14 afterwards, and the way that she said that he didn't understand like the – I can't  
15 remember specifics, but how the District Attorney would question him or what he  
16 would do if the – if he were mad at him. I felt like his answers were appropriate  
17 given his level, and even not I mean I think that his answers were accurate, most  
18 of his answers were accurate, so I guess what I maybe should have alluded to  
19 was the bar competency that we're looking for.

20 Q You agree that Mr. Adams has an intellectual disability?

21 A Yes. I think he does.

22 Q No further questions. Thank you.

23 THE COURT: Mr. O'Brien?

24 MR. O'BRIEN: No further questions, Your Honor.

25 THE COURT: All right. Thank you, Doctor.

1 Does the State have any additional witnesses?

2 MR. O'BRIEN: No, Your Honor.

3 THE COURT: All right. And, Mr. Howell, do you have any rebuttal  
4 witnesses?

5 MR. HOWELL: No, Your Honor. Thank you.

6 THE COURT: All right. Argument. Mr. Howell?

7 MR. HOWELL: Thank you, Your Honor. So I think what we hear –  
8 what we heard in this case, and I guess I'll just start with something that really  
9 stood out to me, was Dr. Abukamil said that it's very clear that Mr. Adams has a  
10 – does not have a complete understanding of what's going on but that he has a  
11 sufficient understanding. I think that what – what we – maybe what was missing  
12 at Stein was kind of the nuances of Mr. Adams' insufficiencies in prongs two and  
13 three of the *Dusky* standard.

14 What we were able to determine, you know, what Dr. Jones-  
15 Forrester was able to determine from viewing – directly viewing our interactions  
16 during a one and a half hour video observation where there was lots of, you  
17 know, back and forth between the Doctor and myself and the questioning and the  
18 discussion with Mr. Adams was -- kind of flushed out some of the deeper  
19 concerns regarding his ability to aid and assist counsel and retain advice of  
20 counsel. I've met with Mr. Adams 40 to 50 times since taking the case via video,  
21 in person, we've done extensive testing.

22 I guess my concern is that, you know, they didn't reach out to  
23 me to do this observation and I guess I could have reached out to them. I wasn't  
24 certain he was going to come back as quickly as he did, but there was no direct  
25 observations of his interactions with his attorney, so nobody can really say the

1 difficulties that me and Mr. Adams have in communicating about his case and  
2 about how trial will work and about just procedural things. I'm very concerned  
3 about his susceptibility and agreeability when it comes to trial and how he  
4 understands the information related to his case.

5                   You know, a lot of the talk, I think at least in the records that I  
6 saw was about, you know, how his – he has – he's very competent at basic life  
7 functions, grooming and interacting with others but that doesn't get to his  
8 understanding of his charges, the adversarial nature of the – of the legal – of  
9 legal process and certainly not his ability to aid and assist. Clearly he has some  
10 intellectual disability. I think what Dr. Abukamil said, and I – and to be fair to  
11 everyone I think that because Dr. Abukamil spent the most time with him,  
12 (unintelligible) to note that his – that he agrees pretty much across the board with  
13 Dr. Sharon Jones-Forrester, it's just that they're questioning the degree to which  
14 that misunderstanding affects his ability to be competent.

15                   I think Dr. Sharon Jones-Forrester did a much more – a deeper  
16 dive, spent much more time with him related specifically to competency. A lot of  
17 the time that Mr. Adams spent his time was doing things that weren't completely  
18 related to competency restoration. There was interacting with other time, there  
19 was life behavioral, life coping skill type time there as well. He was doing  
20 competency things four times a week, and it's clear that I think with most people,  
21 you know, if you – most people after a period of time can parrot back information.  
22 What we've seen is that since he was found competent in December and in our  
23 May client/attorney observation is that it's all gone, mostly gone.

24                   He didn't know the range of penalties. He had a very difficult  
25 time talking about a jury and what their role was. He thinks the Judge is going to



1 find him guilty. He doesn't – he really doesn't truly understand the – he  
2 understands what a plea bargain is and he understands what the plea offer in  
3 this case was when he received it but he has no ability to appreciate whether it's  
4 a good deal, whether he should accept it or not, and I think honestly if I just told  
5 him to take it he might and that really concerns me, and it's continued to concern  
6 me which is why we've gotten – we've gotten to this point, why we've hired Dr.  
7 Sharon Jones-Forrester, why we've done these observations, why she did these  
8 reports and these addendums, and I'm concerned that despite having this  
9 datapoint, these possible datapoints, the neuropsychological evaluation, the  
10 ability to observe client/attorney observations, that Stein chose to find him  
11 competent without even considering it and then stick to their guns at this point  
12 because, you know, they found him competent, they can't now say, oh, well, that  
13 would have mattered. Of course their position is going to have to be that it didn't  
14 matter.

15 But, again, competency is a snapshot at a time. It's a  
16 snapshot of his – sorry, competency is a snapshot of his ability to understand the  
17 three prongs of *Dusky*, and even if they felt that way in December it's very clear  
18 by May he no longer retained that information, and our position is is that based  
19 on his intellectual disability, based upon his neurocognitive deficiencies he's not  
20 amenable to restoration because he can – he can parrot back information, but his  
21 actual understanding of it is limited by his ability to – his neurocognitive  
22 deficiencies that he's not amenable to restoration, and I would ask the Court to  
23 enter a finding of incompetent without probability of restoration.

24 THE COURT: Thank you, Mr. Howell.

25 Mr. O'Brien, anything else?

1 MR. O'BRIEN: Well, Your Honor –

2 THE COURT: Well, I guess you haven't had your turn yet in the first  
3 place. I'm sorry.

4 MR. O'BRIEN: A few more things.

5 THE COURT: We're out of the normal order.

6 MR. O'BRIEN: I think the problem here is that Dr. Jones Forrester's  
7 evaluation doesn't properly take into account the cultural aspect here, that how  
8 uneducated he is, how he doesn't have that literacy, he doesn't have those  
9 abilities that we would typically see in someone, and I think that her reports don't  
10 accurately reflect that and how that's –

11 THE COURT: Mr. O'Brien, and I just want to tell you what I'm  
12 thinking right now so you can address it. One of my concerns is that while the  
13 doctors said that I don't know what their scientific basis is for that, and if they  
14 were that concerned about it why didn't they use tests that they believed were a  
15 better measure so that we had accurate information?

16 MR. O'BRIEN: Well, I think Dr. Roley did address the scientific  
17 basis for that and did talk about the DSM and the proper tests you can use, Your  
18 Honor. As far as why they didn't do testing they didn't feel that that testing was  
19 necessary. They just have issues with the testing that Dr. Jones Forrester did  
20 and how she came to the conclusion that she did. Does he have intellectual  
21 deficits? Of course, he does. I don't think that's disputed by anybody across the  
22 board. To what extent that prevents him from being competent, I think that's the  
23 major issue here.

24 I think Dr. Jones-Forrester has set the bar for competency  
25 very, very high. I don't think the law sets it that high. Yes. There are the prongs

1 that are *Dusky* that he must meet. I think he meets those. I think the doctors all  
2 testified – the Stein doctors testified to that. I do take some issue with Mr. Howell  
3 saying, well, now they have to stick by their guns, they can't possibly – I don't  
4 think there's any evidence the doctors don't consider other information. They  
5 reviewed the reports.

6 THE COURT: So I mean I think, you know, look, these things are  
7 complicated and we have different standards, and I think part of the assistance of  
8 counsel issue is that, you know, we have people who are trained to be medical  
9 professionals and mental health professionals, not – they're not trial lawyers,  
10 right, so I think sometimes that's a difficult prong for them to evaluate because if  
11 somebody can interact with them in a particular setting it doesn't necessarily  
12 translate to what a trial is like, right, because they're very, you know, chaotic and  
13 it's – I just – I don't think it's that they're just sticking to – I didn't agree with Mr.  
14 Howell's comment on that. I guess that's what I was saying.

15 MR. O'BRIEN: I think the problem is also, though, that lawyers have  
16 a problem shifting to adjust to the psychological needs of a particular defendant.  
17 You know, we expect trials to operate in a certain way, the way we get trained to  
18 do trials in a certain way and I think that it's clear that for a defendant such as  
19 this that has to be adjusted, and I think ultimately that's the responsibility of  
20 whatever trial Court he has to be in front of, that it's not –

21 THE COURT: Well, and I have to say I feel like Mr. Howell has  
22 done a good job with that. I mean looking through the record things like him  
23 telling him how many Christmases and I don't – you know, I feel like that's  
24 happening, but I mean I don't know how much even as a Judge we can control  
25

1 everything that goes on in a trial to make sure – I don't know. It seems very  
2 challenging.

3 MR. O'BRIEN: I don't question that it's challenging, Your Honor, but  
4 I do think that the Court has a responsibility to, you know, keep the lawyers on  
5 both sides from getting out of line, from, you know, taking the breaks that are  
6 necessary for a defendant. There are a lot of accommodations we make for  
7 defendants of all mental abilities, age levels, maturity levels and the Court has to  
8 accommodate his needs. The – I don't criticize Mr. Howell for his interactions  
9 with the Defendant but I think this reliance of, well, things are going to be too  
10 complicated for him, I mean it's – partly it's going to be the defense's job to break  
11 things down for him. I think the Court is going to need to make sure that he has  
12 enough interaction with his attorney.

13 I think he probably could benefit from some ongoing  
14 competency restoration or education while in the jail because I think things are  
15 going to fade over time. I think that's just the reality of dealing with someone with  
16 his intellectual level, but to say, well, he can't function at the same level as  
17 someone else that's accused of a crime –

18 THE COURT: Will Stein do that?

19 MR. O'BRIEN: I don't know exactly how – I know we've done it in  
20 the past where we've had someone at the jail. I don't recall how it was that it was  
21 done that we gave someone ongoing education, but I absolutely know that we  
22 have done it in the past to give someone sort of continuing – almost a tune-up.  
23 That's not the right word obviously, but, you know, to try and keep them on track  
24 because I mean it's been seven months since he was in Stein. Things he learned  
25 there are going to fade for sure.

1                   This is a foreign thing to him and he has intellectual deficits, so  
2 both of those things in conjunction it's not like we're going to teach him  
3 something and it's going to last for his lifetime, but the question really becomes  
4 can he learn those things, can he interact with his attorney, can he assist his  
5 attorney and I think the evidence is that he can – that can he do it as well as  
6 some other defendants that are more higher functioning? Of course not, but I  
7 don't think that's what *Dusky* requires or in the subsequent case law. I think for  
8 better or worse it's a relatively low bar. He meets that bar.

9                   I think that's part of the reason for someone of his difficulties is  
10 why we have three evaluators from Stein do it, we don't just rely on one doctor  
11 and we don't just rely on doctors on his treatment team, that they pull in doctors  
12 from treatment team, from off the treatment team, there's a psychiatrist, there's  
13 psychologists, they work with him, I think even Dr. Jones-Forrester says she  
14 approved of the way that Stein had evaluated him, the way they worked with him,  
15 so for all those reasons I think he has been found – he's been restored to  
16 competency and should be found competent. I don't think there's any basis here  
17 to find him incompetent without probability.

18               THE COURT: All right. Thanks, folks. I'm going to issue a written  
19 order. I need to get off this. I didn't realize Judge Bluth had something that  
20 started half an hour ago, so I will get an order out to all of you. Thank you.

21               MR. HOWELL: Thank you, Your Honor.

22               MR. O'BRIEN: Do we need a status check, then, Your Honor?

23               THE COURT: Yeah. I'll set a status check in two weeks.

24               MR. O'BRIEN: Okay. Thank you.

25               THE COURT: Thanks.

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(Whereupon, the proceedings concluded.)

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.

A handwritten signature in cursive script, reading "Lisa A. Lizotte", followed by a horizontal line.

LISA A. LIZOTTE  
Court Recorder

Felony/Gross Misdemeanor

COURT MINUTES

July 17, 2020

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C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

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**July 17, 2020                      08:30 AM      Challenge Hearing (Competency Court)****HEARD BY:**      Bell, Linda Marie                      **COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Castle, Alan**RECORDER:**      Vincent, Renee**REPORTER:****PARTIES PRESENT:**

<b>Christopher T. Howell</b>	<b>Attorney for Defendant</b>
<b>Claudia Romney</b>	<b>Attorney for Defendant</b>
<b>Glen O'Brien</b>	<b>Attorney for Plaintiff</b>
<b>Public Defender</b>	<b>Attorney for Defendant</b>
<b>State of Nevada</b>	<b>Plaintiff</b>
<b>Vinnie Adams</b>	<b>Defendant</b>

**JOURNAL ENTRIES**

Also present: Dr. Sharon Jones Forrester, Dr. Rami Abukamil, Dr. Lia Roley, Dr. Sarah Dames, Michelle Bruening, Rachael Ponkerman, Michelle Tremar, Jessica Crellin, Shera Bradley,

Testimony presented. (See worksheets) Arguments by counsel regarding Defendant's challenge of competency and ability to assist counsel in defense of case at trial or acceptance of plea option. Court will issue a written decision and parties will be notified. Matter set for status check in two weeks.

**CUSTODY**

07/31/20 11:30 a.m. Further Proceedings: Competency Return from Stein

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2020

C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

July 31, 2020      11:30 AM      Further Proceedings: Competency-Return From Stein

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

Also present: Glen O Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

COURT ORDERED, matter CONTINUED for decision.

CUSTODY

CONTINUED TO: 08/14/20 11:30 AM





1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 VINNIE ADAMS, aka, VENNTE ADAMS,

9 Defendant.

CASE NO. C-19-342405-1

DEPT. NO. VII

10  
11 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE

12  
13 FRIDAY, JULY 31, 2020

14  
15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **FURTHER PROCEEDINGS: COMPETENCY-RETURN FROM STEIN**

17  
18 APPEARANCES:

19 For the Plaintiff:

GLEN P. O'BRIEN  
Chief Deputy District Attorney

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22 For the Defendant:

CLAUDIA L. ROMNEY  
Deputy Public Defender

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25 RECORDED BY: RENEE VINCENT, COURT RECORDER

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LAS VEGAS, NEVADA, FRIDAY, JULY 31, 2020, 12:02 P.M.

\* \* \* \* \*

THE COURT: Let's go to page 8, State of Nevada versus Vinnie Adams, C342405. He's present in custody.

MS. ROMNEY: Your Honor, this was on – Mr. Howell went forward with the Challenge Hearing. This was a status check for Judge Bell to issue a decision after that Challenge Hearing.

THE COURT: Yes, I did have a note –

MS. ROMNEY: So presumably we would –

THE COURT: I apologize, Ms. Romney. I did have a note from Judge Bell to continue two weeks. The written order is still being worked on.

MS. ROMNEY: Perfect.


THE COURT: Thank you.

THE CLERK: August 14<sup>th</sup> at 11:30.

PROCEEDING CONCLUDED AT 12:03 P.M.

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-video recording of this proceeding in the above-entitled case.

  
LARA CORCORAN  
Court Recorder/Transcriber

1 **DAO**

2 **EIGHTH JUDICIAL DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4  
5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

Case No. C-19-342405-1

8 VINNIE ADAMS,

Dept. No. 28

9 Defendant.

10 **DECISION AND ORDER**

11  
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 

26  
27 9CA 29C C6D5 207C  
28 Linda Marie Bell  
District Court Judge

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
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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AA 000189

C-19-342405-1

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2020

C-19-342405-1      State of Nevada  
   vs  
   Vinnie Adams

August 14, 2020      11:30 AM      Further Proceedings: Return from Competency Court

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Kirkpatrick, Jessica

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

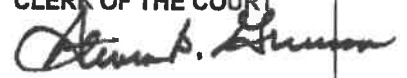
Also present: Glen O'Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

State requested a continuance to review decision issued by the Court. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 08/21/20 11:30 AM





1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 VINNIE ADAMS, aka, VENNTE ADAMS,

9 Defendant.

CASE NO. C-19-342405-1

DEPT. NO. VII

10  
11 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

12  
13 FRIDAY, AUGUST 14, 2020

14  
15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT**

17  
18 APPEARANCES:

19 For the Plaintiff:

GLEN P. O'BRIEN  
Chief Deputy District Attorney

20  
21  
22 For the Defendant:

CLAUDIA L. ROMNEY  
Deputy Public Defender

23  
24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, AUGUST 14, 2020, 12:19 P.M.

2 \* \* \* \* \*

3 THE COURT: State of Nevada versus Vinnie Adams, Case Number  
4 C342405. There's a decision and order filed yesterday finding Mr. Adams  
5 incompetent, so at this point I suppose we need to dismiss the charge without  
6 prejudice. Is that –

7 MR. O'BRIEN: You filed the order yesterday, Your Honor?

8 THE COURT: Filed the order yesterday.

9 MR. O'BRIEN: I haven't seen it.

10 THE COURT: Okay.

11 MR. O'BRIEN: Is it possible to pass it one week so I can –

12 THE COURT: Of course –

13 MR. O'BRIEN: – look at it –

14 THE COURT: – Mr. O'Brien.

15 MR. O'BRIEN: – and talk to our –

16 THE COURT: Absolutely.

17 MR. O'BRIEN: – unit? `

18 THE COURT: We'll pass it one week.

19 THE CLERK: August 21<sup>st</sup> at 11:30.

20 PROCEEDING CONCLUDED AT 12:20 P.M.

21 \* \* \* \* \*

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-  
23 video recording of this proceeding in the above-entitled case.

24

25



LARA CORCORAN  
Court Recorder/Transcriber

1 **DAO**

2 **EIGHTH JUDICIAL DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4  
5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

Case No. C-19-342405-1

8 VINNIE ADAMS,

Dept. No. 28

9 Defendant.

10 **AMENDED DECISION AND ORDER**

11  
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 incompetent without the possibility of restoration.

17 Pursuant to NRS 178.460(4)(d), Mr. Adams shall remain in the custody of the Administrator  
18 of the Division of Public and Behavioral Health of the Department of Health and Human Services or  
19 his or her designee for a period of not more than ten days, or until such time as a petition is filed  
20 within that ten day period to commit Mr. Adams pursuant to NRS 433A.200. If, within ten days, a  
21 petition is not filed to commit Mr. Adams pursuant to NRS 433A.200, then Mr. Adams shall be  
22 released from custody. Pursuant to NRS 178.425(5), the criminal proceedings against Mr. Adams in  
23 the above-entitled matter which have been previously suspended by the Court, are hereby dismissed  
24 without prejudice.

25 **I. Factual and Procedural Background**

26 Vinnie Adams is charged with Child Abuse, Neglect, or Endangerment Resulting in  
27 Substantial Bodily or Mental Harm for an alleged incident occurring on October 17, 2018. In  
28 February of 2019, Dr. Jones-Forrester conducted a neurocognitive evaluation of Mr. Adams. Dr.

1 Jones-Forrester's evaluation determined that Mr. Adams suffered neurocognitive, intellectual, and  
2 learning disabilities. The Las Vegas Justice Court subsequently referred Mr. Adams to the District  
3 Court for a competency determination. In August of 2019, Mr. Adams was evaluated by Drs.  
4 Paglini and Collins. Both doctors opined that Mr. Adams was not competent to proceed with  
5 adjudication. Based on the doctors' opinions, Mr. Adams was referred to Stein Forensic Facility for  
6 treatment and possible restoration of competency.

7 Mr. Adams did not receive a formal education due to his upbringing in the Roma culture.  
8 Due to Mr. Adams's educational and cognitive deficits, Stein's treatment was supplemented with  
9 specialized techniques such as using pictures to help explain the nature and purpose of court  
10 proceedings. In December of 2019, Mr. Adams was evaluated at Stein by Drs. Damas, Roley, and  
11 Abukamil. All three doctors diagnosed Mr. Adams with intellectual or cognitive deficits. Dr. Roley  
12 also identified evidence of prenatal drug or alcohol exposure that contributed to a  
13 neurodevelopmental disorder. Despite Mr. Adams's deficits, the Stein doctors determined that Mr.  
14 Adams was competent to proceed with adjudication. The doctors' determination was challenged by  
15 defense counsel. Prior to the challenge hearing, Dr. Jones-Forrester conducted a second evaluation  
16 of Mr. Adams on May 19, 2020. At the second evaluation, Dr. Jones-Forrester observed Mr.  
17 Adams's interaction with defense counsel. The challenge hearing was held on July 17, 2020. The  
18 Court heard testimony from Drs. Jones-Forrester, Abukamil, Roley, and Damas, as well as argument  
19 from counsel.

20 On August 13, 2020, the Court issued a decision and order. The August 13th decision found  
21 that Mr. Adams is not competent to proceed with adjudication because he does not understand the  
22 nature and purpose of the court proceedings, and because Mr. Adams is unable to assist counsel  
23 during the proceedings with a reasonable degree of rational understanding.

24 The Court now amends the August 13th decision to find that Mr. Adams is incompetent  
25 without the possibility of restoration.

26 ///

## II. Discussion

### A. Legal Standard

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

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

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

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

NRS 178.400(2).

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

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

There is no dispute that Mr. Adams understands the nature of the charges against him. Dr. Jones-Forrester’s findings, however, raise doubt about Mr. Adams’s ability to understand the nature and purpose of the court proceedings. Dr. Jones-Forrester determined that Mr. Adams’s IQ is 58, which is extremely low against the average of 100. Mr. Adams’s intellectual deficits are compounded by neurocognitive deficits. Mr. Adams academic skills were generally at the kindergarten level, with the exception of Mr. Adams’s problem solving skills which were at the first grade level. The low academic skills render Mr. Adams functionally illiterate and impair Mr. Adams’s ability to understand numbers. Dr. Jones-Forrester also found significant difficulties in Mr. Adams’s attention, mental tracking, and processing speed. Difficulties in these and other

1 neurocognitive areas make Mr. Adams vulnerable to missing or misunderstanding information. Dr.  
2 Jones-Forrester asserts that Mr. Adams's deficits affect his ability to understand court proceedings.

3 At the challenge hearing, all three Stein doctors acknowledged that Mr. Adams suffered from  
4 intellectual disabilities. The Stein doctors did not perform testing on the extent of Mr. Adams's  
5 intellectual disability. But, the Stein doctors disputed the degree to which Mr. Adams was affected  
6 by his mental deficits and noted the improvement of Mr. Adams's ability to understand court  
7 proceedings while at Stein. The Stein doctors acknowledged, however, that Mr. Adams's  
8 understandings of court proceedings may slip over time. Drs. Abukamil and Roley both  
9 recommended that Mr. Adams undergo regular reeducation on court proceedings.

10 At the May 2020 evaluation, Dr. Jones-Forrester observed the slippage of Mr. Adams's  
11 understandings of court proceedings. Mr. Adams failed to retain what he had learned at Stein on  
12 courtroom procedures and the roles of the participants in judicial proceedings. At one point, Mr.  
13 Adams stated that the role of the prosecution was to find Mr. Adams not guilty, whereas Mr.  
14 Adams's relationship with defense counsel was described as a friendship. One of Mr. Adams's  
15 primary concerns was not to anger any of the court participants. The May 2020 evaluation  
16 demonstrated that Mr. Adams did not have an understanding of the adversarial nature of the legal  
17 process.

18 Mr. Adams's intellectual and neurocognitive deficits also impair Mr. Adams's ability to  
19 assist counsel in Mr. Adams's defense. At the May 2020 evaluation, Mr. Adams did not understand  
20 who would make the decision to go to trial, nor did Mr. Adams show a rational understanding of the  
21 consequences of going to trial. Mr. Adams stated that he believed that he would receive probation  
22 as long as he apologized to the trial judge. Mr. Adams's vulnerability to missing or  
23 misunderstanding information would also affect his ability to rationally assist counsel during court  
24 proceedings. Dr. Abukamil acknowledged that Mr. Adam would face difficulties during court  
25 proceedings, but opined that the difficulties would be mitigated by the use of simple language,  
26 speaking slowly, using concrete concepts, and taking frequent breaks. But, such techniques would  
27 not be practicable at court proceedings like witness testimony. If Mr. Adams is unable to understand  
28 court proceedings, he cannot rationally assist counsel in his defense.

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

4 **C. Mr. Adams's intellectual and neurocognitive deficits render Mr. Adams incompetent**  
5 **without the possibility of restoration.**

6 At the challenge hearing, Dr. Jones-Forrester testified that Mr. Adams's low IQ and  
7 neurocognitive deficits would be lifelong disabilities. Mr. Adams's educational shortcomings may  
8 be improved upon with literacy, numeracy, and writing training, but Mr. Adams's intellectual and  
9 neurocognitive deficits would significantly limit the range of any improvement. Based on Mr.  
10 Adams's lifelong intellectual and neurocognitive deficits, the Court finds that Mr. Adams is  
11 incompetent without the possibility of restoration.

12 ///

1 **III. Conclusion**

2 Mr. Adams is able to understand the nature of the criminal charges against him. But, Mr.  
3 Adams's intellectual and neurocognitive deficits impair his ability to understand the nature and  
4 purpose of the court proceedings. Mr. Adams's deficits also prevent Mr. Adams from aiding and  
5 assisting counsel in his defense with a reasonable degree of rational understanding. Mr. Adams's  
6 intellectual and neurocognitive deficits are lifelong disabilities, and the disabilities would  
7 significantly limit the range of possible improvement. Therefore, the Court finds that Mr. Adams is  
8 incompetent without the possibility of restoration.

9 Pursuant to NRS 178.460(4)(d), Mr. Adams shall remain in the custody of the Administrator  
10 of the Division of Public and Behavioral Health of the Department of Health and Human Services or  
11 his or her designee for a period of not more than ten days, or until such time as a petition is filed  
12 within that ten day period to commit Mr. Adams pursuant to NRS 433A.200.

13 If, within ten days, a petition is not filed to commit Mr. Adams pursuant to NRS 433A.200,  
14 then Mr. Adams shall be released from custody.

15 Finally, pursuant to NRS 178.425(5), the criminal proceedings against Mr. Adams in the  
16 above-entitled matter which have been previously suspended by the Court, are hereby dismissed  
17 without prejudice.

18 Dated this 20th day of August, 2020

19   
20  
21

22 D88 2BD 0372 6C09  
23 Linda Marie Bell  
24 District Court Judge

25 LINDA MARIE BELL  
26 DISTRICT JUDGE  
27 DEPARTMENT VII  
28



1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-19-342405-1

7 vs

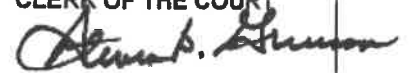
DEPT. NO. Department 28

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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AA 000199



1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 VINNIE ADAMS, aka, VENNTE ADAMS,

9 Defendant.

CASE NO. C-19-342405-1

DEPT. NO. VII

10  
11 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

12  
13 FRIDAY, AUGUST 21, 2020

14  
15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **FURTHER PROCEEDINGS: COMPETENCY**

17  
18 **APPEARANCES:**

19 For the Plaintiff:

GLEN P. O'BRIEN  
Chief Deputy District Attorney

20  
21  
22 For the Defendant:

CLAUDIA L. ROMNEY  
Deputy Public Defender

23  
24  
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 LAS VEGAS, NEVADA, FRIDAY, AUGUST 21, 2020, 11:17 A.M.

2 \* \* \* \* \*

3 THE COURT: Page 35, State of Nevada versus Vinnie Adams, Case  
4 Number C342405. This was on for a decision. I issued an order and then I issued a  
5 more clear order ordering – finding him incompetent without ordering a civil  
6 commitment or release to – we should just status check this in 60 days.

7 THE CLERK: October –

8 MR. O'BRIEN: Your Honor –

9 THE CLERK: – 23<sup>rd</sup> at –

10 MR. O'BRIEN: – can I clarify, was – is this defendant out of custody or  
11 in custody?

12 MS. ROMNEY: He was in custody and should still be in custody. So  
13 with today's finding then he should be released.

14 MR. O'BRIEN: We received the order. I just was instructed to inform  
15 the Court and the defense that we're appealing the order.

16 THE COURT: That's fine.

17 MR. O'BRIEN: And so if he does get out, he should sort of stay in  
18 contact with his attorney –

19 THE COURT: Okay.

20 MR. O'BRIEN: – pending that appeal.

21 THE COURT: Yeah. Thank you, Mr. O'Brien. I mean, I have no –  
22 look, you know what, I – honestly, I would welcome a little bit more guidance from  
23 the Nevada Supreme Court on some of these issues, so appeal away.

24 MS. ROMNEY: Does he –

25 MR. O'BRIEN: I won't actually be doing the appeal, but –

1 MS. ROMNEY: Since he is in custody, we made to need to just recall  
2 this so that the –

3 THE COURT: Oh.

4 MS. ROMNEY: – transport officers are notified –

5 THE COURT: Yep, got it.

6 MS. ROMNEY: – that he's now been ordered –

7 THE COURT: Yeah, thank you.

8 MS. ROMNEY: – released from custody.

9 THE COURT: I'll hang onto that one. It looked like something I could  
10 do easily, but you're right.

11 (Proceeding trailed until 12:09 p.m.)

12 THE COURT: Page 35, State of Nevada versus Vinnie Adams, Case  
13 Number C342405. So – all right, so Mr. Adams had been returned from Stein,  
14 where he was found competent to proceed with adjudication, but after the hearing  
15 that we had I made a finding that he's incompetent without probability of restoration  
16 and I'm signing an order of civil commitment or release. The charges are dismissed  
17 without prejudice.

18 So should he go – he go to Stein then or –

19 MR. O'BRIEN: Well –

20 THE COURT: I mean, not Stein, Rawson Neil?

21 MR. O'BRIEN: That's a good question because usually it's Stein  
22 Hospital that makes the decision whether or not to – he'd require civil commitment  
23 or not. So I guess – I don't know.

24 THE COURT: I mean, it's not really –

25 MS. ROMNEY: The issue – I mean, obviously, I'm not the doctor to

1 make the definitive conclusion, but Mr. Adams' –

2 THE COURT: Right, his –

3 MS. ROMNEY: – issues do not meet the statutory requirements for civil  
4 commitment because it is not –

5 THE COURT: All right. So I think it's just an order of –

6 MS. ROMNEY: – a severe mental illness.

7 THE COURT: Yep, you're right. So I think it's just—

8 MS. ROMNEY: So –

9 THE COURT: – charges dismissed without prejudice.

10 MR. O'BRIEN: And then –

11 MS. ROMNEY: And I would ask that he be released from custody  
12 today.

13 THE COURT: All right. He will be released.

14 MR. O'BRIEN: Obviously, Your Honor, that was over the State's  
15 objection, and I would ask the Court advise him to stay in contact with his attorney  
16 pending the –

17 THE COURT: Okay.

18 MR. O'BRIEN: – appeal in this.

19 THE COURT: So, Mr. Adams, so I made a decision that's a little  
20 different than what the doctors thought, and so the State is going to appeal that. It is  
21 possible that the Nevada Supreme Court will see it differently than I did. And so it's  
22 just really important that even though you're being released today that you need to  
23 stay in touch with your attorneys. I'm going to set a status check here in 60 days.

24 THE DEFENDANT: Okay, where do I – where do I go?

25 MS. ROMNEY: So, Vinnie, you get to go home today. You're going to

1 be released from custody, but you need to stay in touch with Mr. Howell in case  
2 there are any new developments on your case.

3 THE DEFENDANT: Okay, so what happens?

4 THE COURT: So you're going to go home. You just need to stay in  
5 touch with your lawyer. That's all.

6 THE DEFENDANT: Okay, just call him?

7 THE CLERK: Your Honor –

8 THE DEFENDANT: Okay.

9 THE COURT: Yep. Okay.

10 THE DEFENDANT: Thank you.

11 THE CLERK: Was there a release in the order or do I need to OR him  
12 here? I didn't read the order.

13 THE COURT: It's in the order, but I'd probably just do it to be safe.

14 THE CLERK: Do it today.

15 THE COURT: Yeah. Okay. All right.

16 MS. ROMNEY: So I'm sorry, just to clarify, no status check; it would  
17 just be if and when the State files an appeal?

18 THE COURT: I'm still going to do a status check in 60 just to see how  
19 it's going.

20 MS. ROMNEY: Oh, okay.

21 THE COURT: I mean, since we – that's what we always do.

22 MS. ROMNEY: Okay, no problem.

23 THE COURT: Just make – I mean, make sure he's doing all right.

24 THE CLERK: October 23<sup>rd</sup> at 11:30.

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THE DEFENDANT: Okay.

PROCEEDING CONCLUDED AT 12:12 P.M.

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-video recording of this proceeding in the above-entitled case.



LARA CORCORAN  
Court Recorder/Transcriber

Felony/Gross Misdemeanor

COURT MINUTES

August 21, 2020

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C-19-342405-1      State of Nevada  
                                 vs  
                                 Vinnie Adams

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August 21, 2020      11:30 AM      Further Proceedings: Competency

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

Also present: Glen O Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Court noted a Decision and Order was filed on August 20, 2020 finding Defendant incompetent without the probability of restoration. COURT ORDERED, Defendant RELEASED on his OWN RECOGNIZANCE and matter SET for status check.

O.R.

10/23/20 11:30 AM STATUS CHECK: TREATMENT/ DISCHARGE



DISTRICT COURT  
CLARK COUNTY, NEVADA

Defendant.

THIS MATTER having come on for hearing before the above-entitled Court on the 23rd day of August, 2019, and it appearing to the Court that, pursuant to NRS 178.425(1), the Sheriff was ordered to convey the defendant forthwith, together with a copy of the complaint and the physicians' certificate, if any, into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee for detention and treatment at a secure facility operated by that division; and it appearing that the Administrator or his or her designee has reported to the Court in writing his specific findings and opinion that the Defendant is not of sufficient mentality to be placed upon trial or to receive pronouncement of judgment and that there is no substantial probability that he will attain competency in the foreseeable future and the Court having reviewed and considered the said report finds: 1) that the said Defendant is still incompetent to stand trial; 2) that there is no substantial probability that the Defendant will attain competency to stand

1 trial in the foreseeable future; and, 3) that the Defendant is at this time a danger to himself or  
2 to society, now therefor, pursuant to NRS 178.460(4)(d),

3 IT IS ORDERED that the Defendant shall remain in the custody of the Administrator  
4 of the Division of Public and Behavioral Health of the Department of Health and Human  
5 Services or his or her designee for a period of not more than ten (10) days, or until such time  
6 as a petition is filed within that ten (10) day period to commit the Defendant pursuant to NRS  
7 433A.200; and

8 IT IS ORDERED that if, within ten (10) days, a petition is not filed to commit the  
9 Defendant pursuant to NRS 433A.200, the Defendant shall be released from custody, and

10 IT IS FURTHER ORDERED, pursuant to NRS 178.425(5), that the criminal  
11 proceedings against the Defendant in the above-entitled matter which have been previously  
12 suspended by the Court, are hereby dismissed without prejudice.

13  
14 Dated this 25th day of August, 2020

15  
16   
DISTRICT COURT JUDGE

17 STEVEN B. WOLFSON  
18 District Attorney  
Nevada Bar #001565

86B 667 6558 C9D3  
Linda Marie Bell  
District Court Judge

19  
20 BY /s/CHRISTOPHER J. LALLI

21 CHRISTOPHER J. LALLI

22 Assistant District Attorney

23 Nevada Bar #005398

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1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
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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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1 **NOASC**  
2 **STEVEN B. WOLFSON**  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 **ALEXANDER CHEN**  
6 Chief Deputy District Attorney  
7 Nevada Bar #010539  
8 200 Lewis Street  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA, )

10 Plaintiff, )

11 v. )  
12 VINNIE ADAMS,  
13 #2888779, )

14 Defendant(s). )

Case No. C-19-342405-1  
Dept. No. XXVIII

**NOTICE OF APPEAL**

15 TO: VINNIE ADAMS, Defendant; and

16 TO: CLAUDIA ROMNEY, Deputy Public Defender and

17 TO: LINDA MARIE BELL, District Judge, Eighth Judicial District Court,  
18 Dept. No. VII

19 NOTICE IS HEREBY GIVEN THAT THE STATE OF NEVADA, Plaintiff in the  
20 above entitled matter, appeals to the Supreme Court of Nevada from the Amended Decision  
21 and Order filed on August 20, 2020, dismissing case.

22 Dated this 9<sup>th</sup> day of September, 2020.

23 STEVEN B. WOLFSON,  
24 Clark County District Attorney

25 BY /s/ Alexander Chen  
26 ALEXANDER CHEN  
27 Chief Deputy District Attorney  
28 Nevada Bar #010539

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**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that service of the above and foregoing NOTICE OF APPEAL was made September 9, 2020, by electronic transmission to:

CLAUDIA ROMNEY  
Email: [GARCIACL@ClarkCountyNV.gov](mailto:GARCIACL@ClarkCountyNV.gov)

JUDGE LINDA MARIE BELL  
Email: [perrys@clarkcountycourt.us](mailto:perrys@clarkcountycourt.us)

BY /s/ J. Garcia  
Employee, District Attorney's Office

AC//jg