

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	MD-470-2022
v.	:	
	:	
CODY RUHL,	:	COMPETENCY
Defendant	:	DETERMINATION

OPINION AND ORDER

On April 9, 2022, a criminal complaint was filed against the Defendant under the OTN R272632-2, Rape of a Child. On April 13, 2022, a second criminal complaint was filed against the defendant under the OTN R274362-4, Rape of a Mentally Disabled Person.

Testimony and Expert Reports

The Defendant has had two medical evaluations by professionals/experts in the field. On June 8, 2022, by request of the Defense, an Incompetency Evaluation was ordered by the Court to be conducted by Dr. Scott Scotilla. On or about August 4, 2022, defense counsel provided the Commonwealth with a copy of Dr. Scotilla’s expert report dated August 2, 2022. Dr. Scotilla’s report stated that the “Defendant did not meet the minimum requirements for being competent to proceed” due to “his poor judgement and insight combined with a lack of understanding of the nature and the roles of the players in the legal system.” Due to the findings in the defense’s expert report, the Commonwealth requested the opportunity to have the Defendant examined by Dr. John O’Brien. On October 5, 2022, the Court granted the Commonwealth’s request for an evaluation to be conducted by Dr. O’Brien. On March 15, 2023, the Commonwealth received Dr. O’Brien’s report finding that the is competent to stand trial. The Commonwealth filed a Praeceptum for a Competency Hearing, which was held on October 16, 2023.

Dr. Scott Scotilla's Report and Testimony

Dr. Scotilla issued a report stating his medical opinion and conclusion as to Defendant's competency to stand trial. Counsel stipulated that Dr. Scotilla is an expert in the field of forensic psychology. Dr. Scotilla testified that he evaluated the Defendant prior to looking at any records other than the charges because he did not want to be influenced by any past diagnoses. The interview was done via Telehealth, with his legal guardian as well as the manager of the group home where he was residing at the time also participating.

Dr. Scotilla testified that he found the Defendant to be a very poor historian, poor at sequencing, and if not evasive then definitely tangential. He stated that the Defendant could not provide him with an adequate understanding of the possible ranges of penalties for the charges against him, did not understand the adversarial nature of the courtroom proceedings, and did not show an ability to rationally communicate with his attorney and assist in his defense. The Defendant did not give him a satisfactory answer as to the role of the judge in court, nor could he answer what a jury, witness, defendant, etc. was. Dr. Scotilla did, however, indicate that he described what a defense attorney and probation are in a satisfactory manner. Dr. Scotilla testified that his review of the Defendant's records following his interview produced two separate IQ tests with scores of 57 and 58, which would classify him as mildly intellectually disabled. Dr. Scotilla indicated that he does not expect the Defendant's intellectual disabilities to improve over time, and that is likely the major component contributing to his lack of competency. Dr. Scotilla opined that in his professional opinion he does not find it likely that the Defendant will be able to testify relevantly or respond to cross-examination, and it is doubtful that his competency will ever be restored.

On cross-examination, Dr. Scotilla testified that he was unaware if the Defendant had received any type of education on the basics of courtroom procedure or the key role players, or if he had even ever met his defense attorney prior to the interview. He indicated that he did not explain the rules of the courtroom or the roles of the people involved and ask the Defendant to recite them to test his understanding, nor did he administer any type of tool or test to determine whether the Defendant was being truthful every time he answered “I don’t know” to an interview question. On cross, Dr. Scotilla stated the Defendant “appears marginally able to disclose pertinent facts to his attorney” including facts about the underlying offense.

Dr. John O’Brien’s Report and Testimony

Dr. O’Brien is a physician and attorney. He was qualified as an expert in the field of forensic psychiatric and legal competency determinations. He conducted an in-person examination of the Defendant at the Lycoming County Courthouse on November 14, 2022, indicating that it is the most effective format for obtaining verbal answers and observing the person to be evaluated. Dr. O’Brien testified that he tries to honor requests to have the defendant’s attorney present so the interview was conducted in the presence of the paralegal for the Defendant’s Public Defender, which Dr. O’Brien testified was somewhat disruptive. Dr. O’Brien wrote a report regarding the evaluation which is dated March 15, 2023.

According to both Dr. O’Brien’s report and his testimony, there may have been a component of anxiety contributing to the interview. He indicated the Defendant was limitedly cooperative when asked about the criminal charges and sometimes changed the subject. Dr. O’Brien characterized the Defendant as “evasive” or “avoidant” when discussing his current legal circumstances and noted that there is a documented history of the Defendant displaying

those characteristics and denying involvement in behavioral situations. Dr. O'Brien testified that during his interview, the Defendant demonstrated a pattern significantly at odds to that of his response pattern to the questions of the Pennsylvania State Police ("PSP") at the time they interviewed them. His interview with PSP was conducted at the group home in which he resided at the time, and the Defendant repeatedly indicated to the trooper that he did not want to go to jail. Dr. O'Brien testified that in his interview with the Defendant, the Defendant indicated that he wanted to "put this behind him" and he was aware that there was an attorney against him.

Dr. O'Brien had no dispute with the diagnoses that had been previously rendered. With ASD and mild ID, his competency is unlikely to change. However, a person can be educated in layman's terms about the legal system and the roles of the players involved and Dr. O'Brien testified that the Defendant has demonstrated the potential to learn more. Additionally, Dr. O'Brien opined that the Defendant is able to disclose pertinent facts about the events in question. Dr. O'Brien stated that it was his opinion that the Defendant was able to understand the nature and object of the proceedings and respond to questioning. In fact, at times during the interview Dr. O'Brien found the Defendant to be hesitant and avoidant and expressed anxiousness about potential negative outcomes.

Dr. O'Brien concluded that the Defendant did not meet the definition of incompetency and that he is able to participate and assist in legal proceedings "to the extent he is able to." On cross-examination, Dr. O'Brien testified that "assistance in defense" could be "cooperativeness" and "attentiveness" and whether or not he would be a good candidate to take the witness stand would be a judgment call on the part of his attorney, but the Defendant

would understand a plea offer, could participate in negotiations, and can disclose facts that would assist his counsel throughout his representation.

Discussion

When a defendant “is found to be substantially unable to understand the nature or object of the proceedings against him or to participate and assist in his defense, he shall be deemed incompetent to be tried, convicted or sentenced so long as such incapacity continues.” 50 P.S. § 7402(a). A defendant is presumed competent and it is their burden to prove otherwise. *Commonwealth v. Sanchez*, 907 A.2d 47, 490 (Pa. 2006). At a hearing on the issue, incompetency must be proven by a preponderance of the evidence. 50 P.S. § 7402(d). That is to say Defendant must prove that more likely than not he is incompetent. *Commonwealth v. Hughes*, 865 A.2d 761, 779 (Pa. 2004). “Competency is measured according to whether the defendant has sufficient ability at the pertinent time to consult with counsel with a reasonable degree of rational understanding, and to have a rational as well as a factual understanding of the proceedings.” *Commonwealth v. Davido*, 106 A.3d 611, 639 (Pa. 2014) (citing *Commonwealth v. Uderra*, 862 A.2d 74, 88 (Pa. 2004)).

Analysis

The two experts differ on whether Defendant has the requisite capacity to understand the factual nature of his criminal proceedings and his ability to assist in his defense. Dr. Scotilla focused heavily on the Defendant’s lack of understanding of the nature and roles of the players in the legal system as evidence of his failure to meet the minimum requirements for being competent. He cited his undisputed IQ in the mid to high 50s, which classifies him as mildly intellectually disabled, as a major basis for his finding that the Defendant was incompetent. Based upon his interview and review of the notes, Dr. Scotilla found the

Defendant to only appreciate a basic piece of the charges related to the allegations against him and was only able to state that he was charged with “sexual assault.” *Dr. Scotilla Report*, 8/2/22, pg. 11. While he appeared “marginally able” to disclose pertinent facts to his attorney in aim of assisting in his defense, he did not recall who his attorney was nor was he able to explain an understanding of her role as a public defender. *Id.* at 12. Although Dr. Scotilla found that the Defendant appeared able to manifest appropriate courtroom behavior, he opined that when placed under stress, he was not likely to be able to testify relevantly, and his inability to communicate an adequate understanding of the adversarial nature of a court situation would make him not susceptible to cross-examination. *Id.* Defendant’s counsel argues that the Defendant does not know even the basics of the legal system and would not be able to assist her with his defense and urges the Court to find that they have satisfied their burden in demonstrating he is not competent.

Based on Dr. O’Brien’s report and testimony, the Commonwealth argues that the Defendant has demonstrated an understanding not only of the nature of the charges, but also of the potential consequences thereof. This was shown initially in his interview with the PSP trooper where Dr. O’Brien observed the Defendant to “be fully able to listen to, comprehend, and respond appropriately, reasonably, and responsively to all questions posed to him.” *Dr. O’Brien Report*, 3/15/23, pg.4. During that interview, the Defendant initially lied by claiming to be the victim but later admitted to inappropriately touching the little boy, indicating that he knew he should not do so because he would get into trouble and specifically indicated that he did not want to be arrested. *Id.* Notably, when the interview with the PSP trooper was played for the Court at the Defendant’s competency hearing, the Defendant covered his face and cried. Although Dr. O’Brien’s interaction with the Defendant was much more variable and

evasive than the interaction he observed between the Defendant and the PSP trooper, Dr. O'Brien pointed to the Defendant's history of "manipulative misrepresentation in the context of his misbehavior" and opined that it was "acutely aware of the gravity of his circumstances and openly expresses his hope for a positive outcome." *Id. at 9.*

The Defendant has the burden to prove more likely than not that he is incompetent. *Hughes*, 865 A.2d at 779. The Court finds that he has not met that burden. Although Dr. Scotilla emphasized the Defendant's mild intellectual disability and lack of basic legal terms and role players when arriving at his conclusion, his expert opinion was limited by the fact that he did not ascertain what, if any, attempts had been made to educate the Defendant about the legal system or if he had even met with his attorney prior to the evaluation, nor did he administer any type of test or tool to determine whether the Defendant was being truthful in his responses. To the contrary, Dr. O'Brien's report considered the Defendant's history of manipulative misrepresentation, as well as the marked difference between Defendant's presentation and responsiveness when interviewing with the PSP trooper as compared to himself. The Court finds that the Defendant's avoidant behaviors when discussing his current legal circumstances during the interview with Dr. O'Brien including evasive responses or spontaneously bringing up other topics to discuss in addition to his admission that he "scared to go to court" and his stated desire to "put everything he had experienced behind him," as compared to his more open, focused, and coherent responses during the interview with the PSP trooper, to be evidence of his competency. The Court believes that, by the time of Dr. O'Brien's interview, the Defendant had an understanding of the serious nature of his behaviors, the potential consequences thereof, and a knowledge that he was already involved

in the court system and therefore intentionally provided as little information as possible consistent with his history of manipulation with regard to his behaviors.

At the competency hearing, Adam Welteroth, the Defendant's Bail Release Officer, testified that the Defendant was given a general set of conditions as well as specialized conditions that have been placed upon him as they progressed through the levels of supervision and the Defendant has verbalized an understanding of these conditions, as well as the consequences of noncompliance. Mr. Welteroth further testified that he and the Defendant have been able to work through any issues with the Defendant's noncompliance, and that the Defendant has even challenged certain conditions of his bail release, including expressing a desire to have his ankle monitor removed and permission to speak to/interact with children. The significance of this testimony to the Court as it relates to the Defendant's competency is twofold. First, it demonstrates that the Defendant has an understanding of rules and potential consequences if they are not followed, which the Court finds akin to his ability to understand the nature or object of the proceedings against him as it relates to his criminal charges and the court system. Second, it indicates to the Court that if the Defendant's bail release officer is able to work through issues of noncompliance with the Defendant using clearly defined and unambiguous layman's terms in such a way that it enables Defendant to cooperate sufficiently to remain out of prison, this Court finds that the Defendant should be able to participate and assist in his defense if his attorney and the other role players in the legal system communicate in the same manner.

Conclusion

Based upon the testimony of Dr. Scotilla and Dr. O'Brien and their respective expert reports, as well as the additional testimony and argument at the competency hearing, this

Court finds that Defendant has not met his burden to show his incompetence. Defendant specifically has not proven by a preponderance of the evidence that he is substantially unable to understand the nature or object of the proceedings against him or to participate and assist in his defense as is required by 50 P.S. §7402 and §7403. Accordingly, Defendant is found competent to stand trial for the charges being brought by the Commonwealth.

ORDER

AND NOW, this 30th day of April, 2024, based upon the foregoing Opinion, the Defendant is found to be competent to stand trial.

By the Court,

Ryan M. Tira, Judge

cc: DA
Jeana Longo, Esquire
Jennifer Linn, Esquire
Gary Weber, Esquire