

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

PEOPLE OF THE VIRGIN ISLANDS,)

Plaintiff,)

vs.)

LIONEL COAKER,)

d/o/b: 3/25/57)

Defendant,)

CASE NO. ST-10-CR-644

V.I. Code Ann. tit. 14 § 331(a)

V.I. Code Ann. tit. 14 § 252(a)

Cite as 19 V.I. Super 48U

MEMORANDUM OPINION

¶1 **THIS MATTER** is before the Court on Defendant's competency to stand trial. For the reasons set forth herein the Court finds Defendant Lionel Coaker is not competent to stand trial. Therefore, the Court will direct the V.I. Bureau of Corrections to place Coaker in a forensic unit until such time as he regains competency.

STATEMENT OF THE CASE.

¶2 On or about November 15, 2010, a warrant was issued for the arrest of Defendant Lionel Coaker for crimes allegedly committed on April 30, 2010, when the People allege Defendant set fire to the home of his neighbor. The affidavit in support of the arrest warrant states that one witness saw Coaker briskly walking out of [the victim]'s backyard and minutes later the witness saw flames coming from [the victim]'s residence. Another witness also saw Coaker running from [the victim]'s house toward the area where Coaker resided. The victim told police that Coaker had threatened her several times and on one occasion Coaker told her he was "going to use gasoline next time." Coaker was then living in an abandoned building on the same block as the victim's home.

¶3 On or about November 18, 2010, Coaker was arrested and charged with Attempted First Degree Murder in violation of V.I. Code Ann. tit. 14 § 331(a), and First Degree Arson in violation of V.I. Code Ann. tit. 14 § 252(a). Coaker has not posted bail and has remained in custody since his arrest. Over the course of the years since his arrest, each side has requested a competency exam and the Court requested a competency exam to obtain a second opinion. The Court has two written reports from Dr. Leighmin Lu and one report from Dr. Derek Spencer, as well as a Psychological Evaluation by Dr. Barbara Mactavious, Clinical Psychologist.¹ There have been three competency hearings. The Court heard the testimony of Dr. Lu during two separate competency hearings and Dr. Spencer's testimony during the third competency hearing.²

¶4 Because Dr. Lu gave varying and sometimes contradictory testimony during the hearings, the Court will not rely on his expert opinion regarding Coaker's ability to stand trial, but the Court accepts Dr. Lu's testimony as a treating physician: his historical knowledge of Coaker, his treatment and his family background and will include those herein.

ISSUES. Is Defendant competent to stand trial?

Is he a danger to himself or others?

¹ Dr. Lu's reports are dated November 8, 2011, June 30, 2014 and November 30, 2016. Dr. Mactavious' report is dated April 15, 2014. Dr. Spencer's report is dated February 17, 2018.

² Dr. Lu testified at competency hearings on September 9, 2015 and April 20, 2017, and Dr. spencer testified at a competency hearing on July 5, 2018.

FACTS.

¶5 Coaker is now 62 years old and has a long history of mental illness, substance abuse and an arrest record. Coaker's mother passed away when he was 13 and he was placed in a foster home and then with adopted parents. He dropped out of school at the 9th grade. At some point he became homeless. Coaker was hospitalized on several occasions at the psychiatric unit at the Knud Hansen Hospital with a diagnosis of Paranoid Schizophrenia and substance abuse disorder. Dr. Lu has been familiar with Coaker since Coaker was just 19 or 20 years old, and Dr. Lu has treated him several times over the years, including during his current stay at the Bureau of Corrections. Coaker has no relative willing to assume his care and he is indigent.

¶6 During a competency hearing on September 9, 2015, Dr. Lu stated that Coaker's mental state had improved since arrest (and treatment) in jail. By the time of the hearing, Coaker was more pleasant, and spontaneous and displayed more appropriate behavior than at the time of his arrest. He was then showing no signs of hallucination, but he maintained delusional thinking. He was then being treated with psychotropic drugs. Dr. Lu also reported that Coaker stated that the neighbor has his things.

¶7 During the competency hearing on September 9, 2015, Coaker testified and maintained innocence and volunteered that he is pleading not guilty. He had limited knowledge of the personnel in court; he could identify the judge, and knew the prosecutor is an attorney, but he thought the prosecutor might be his attorney. He also thought the persons who sit in a jury box might be witnesses. Coaker correctly stated his vision is impaired and he takes medication. He accurately reported that he had then been in jail

for five years. He also said the lady has his things (a likely reference to the victim in this matter) and he will use a "hand grenade and blow up her house if she does not give me my things" (3 tvs and DVDDs and cameras), and "she has millions of dollars for me". Coaker gave further ramblings, stating that the devil talks to him, God is a Rastafari who lives in New York, and his mother has been resurrected and come back to life.

¶18 On March 14, 2014, Dr. Barbara Mactavious, Clinical Psychologist with the V.I. Department of Health, administered tests, including The Weschler Adult Intelligence Scale-Third Edition, to Coaker. At the time of examination and testing, Coaker was coherent and oriented to place, person and situation, but was disoriented as to time. He did not know day or date. He stated he had been placed in foster care after his mother could not care for him and siblings. He also told Dr. Mactavious that his neighbor has his tv and radio and as soon as he is released he will go back to his property to live.

¶19 Coaker also told Dr. Mactavious that his father died but is resurrected and Coaker reports to having seen his father since his resurrection. The test results revealed Coaker's cognitive ability is in the very low range on intellectual functioning. Dr. Mctavious concedes that Coaker's vision problems compromised his performance on the tests requiring discernment of certain stimuli, but Dr. Mactavious states that most questions were read to him. Tests reveal Coaker's IQ is approximately 54, which falls in the extremely low range. He has poor communication skills and his emotional IQ is also very low. He showed evidence of intrinsic thought disorder and hallucinations and has poor judgment and poor insight into his illness. She also reports that Ms. Ruth Warren, Mental Health Coordinator at BOC, reports Coaker was then actively hallucinating (hearing

voices) and using cotton in his ear to keep out the voices. Dr. Mctavious concluded that Coaker presents a danger to self and others and should receive long term psychiatric care and treatment to address long standing history of mental illness and substance abuse.

¶10 Dr. Derek Spencer, a psychiatrist retained by the V.I. Department of Health examined Mr. Coaker on February 17, 2018 and gave testimony during a competency hearing on July 5, 2018. At the time of the exam, Dr. Spencer found Mr. Coaker alert and fairly oriented; he knew the day, but not the date. Dr. Spencer has not observed hallucinations, but Coaker has admitted to hearing voices. Coaker reported to Dr. Spencer that his mother is dead, but he plans to meet her someplace. Coaker also reported his mother is resurrected and lives [on St. Thomas]. Dr. Spencer states that Coaker is not in touch with reality. He also stated that Coaker is taking medication for psychotropic disorders.

¶11 Dr. Spencer stated Coaker has fixed delusions. Dr. Spencer diagnosed Coaker with Chronic Paranoid type schizophrenia, found that his IQ is below average, and he is not competent to stand trial as he does not understand the nature of charges against him, is too delusional to assist his attorney and cannot reasonably consult with an attorney. He also found Coaker is a danger to himself and others. He also stated that no medications can cure hallucinations; at best medications can only control behavior and make a patient more subdued. Therefore, it is unlikely that Coaker will ever become competent to stand trial.

PRINCIPLES OF LAW

¶12 It is well-settled that the “criminal trial of an incompetent defendant violates due process.” *Government of the V.I. v. Durant*, 49 V.I. 366, 376 n.12 (V.I. 2008) (“See *Medina v California*, 505 U.S. 437, 453, 112 S. Ct. 2572, 2581, 120 L. Ed. 2d 353 (1992)”). This “prohibition is fundamental to an adversary system of justice.” *Id. Drope v. Missouri*, 420 U.S. 162, 172, 95 S. Ct. 896, 904, 43 L. Ed. 2d 103 (1975). “[A] state cannot constitutionally confine without more a non-dangerous individual who is capable of surviving safely in freedom.” *People v. Richardson*, 52 V.I. 211, 217 (V.I. Super 2009) quoting *U.S. v. Perry*, 788 F.2d 100, 112-13(3d Cir. 1986).

¶13 A demonstration of dangerousness justifies deprivation of liberty by civil commitment without offending the substantive due process limitations upon government. *Id.*

ANALYSIS

¶14 Virgin Islands law does not provide a clear-cut procedure once a defendant in a criminal matter is deemed not competent to stand trial. See *People of the Virgin Islands v. Parrilla*, 58 V.I. 148, 165-166 (V.I. Super 2013) and *People of the Virgin Islands v. Richardson*, 52 V.I. 211, 215 (V.I. Super 2009). However, the V.I. Supreme Court has pointed out that Virgin Islands law is not completely void of direction on how to proceed. *Government of the V.I. v. Durant*, 49 V.I. 366, 375 n.9 (V.I. 2008). In that matter, the V.I. Supreme Court vacated an order of dismissal and remanded a matter for further

proceedings after the trial court dismissed charges against a defendant found not competent to stand trial. The V.I. Supreme Court states:

Title 5 V.I.C § 3637 applies not only to persons committed to a forensic unit who have been found not guilty by reason of insanity, but also to those committed "otherwise in accordance with law." See 5 V.I.C. § 3637(b). Moreover, Chapter 45 of Title 19 provides for the commitment and release of "[a]ny patient held on order of a court having criminal jurisdiction in any action or proceeding arising out of a criminal offense." 19 V.I.C. § 1201(c); see also 19 V.I.C. § 1202 (regulating procedure regarding mentally ill prisoners). Additionally, Section 723 of Title 19 provides for the involuntary commitment of mentally disturbed, alcoholic and drug dependent persons.

V.I. v. Durant, 49 V.I. 366, 375 n.9 (V.I. 2008).

¶15 Therefore, the Court will take guidance from *Durant* and invoke the various provisions in the Virgin Islands Code to order Coaker be placed in a forensic unit that can provide long term psychiatric care until he becomes competent to stand trial.

¶16 Title 5 V.I.C § 3637(a) provides for a defendant who has been found not guilty by reason of insanity or mental illness to be placed in a forensic unit until he regains his capacity. Coaker has not been tried and certainly not been found not guilty by reason of mental illness. However, Title 5 V.I.C § 3637(b) provides for the release of any person confined in a forensic unit by virtue of Title 5 V.I.C § 3637(a) *or otherwise in accordance with law*. Therefore, the Court finds that Title 5 V.I.C § 3637(b) contemplates that persons may be confined in a forensic unit for reasons other than having been found not guilty by reason of mental illness. *Durant*, at 375 n.9. Thus, the Court will order Coaker be confined to a forensic unit until he is competent to stand trial or he is no longer a danger to others and may be housed in a different facility.

¶17 If no forensic unit exists in the Territory, the defendant shall remain in the custody of the Bureau of Corrections to be treated by the appropriate physicians until it makes the necessary arrangements to transfer the defendant to a forensic unit outside the territory. V.I. Code Ann. tit. 19 § 3637(a).

¶18 The superintendent or head of the forensic unit shall provide annual reports to the Court addressing the following, 1) Coaker has regained his competency to stand trial, 2) whether Coaker has regained his capacity for judgment, discretion and control of the conduct of his affairs and social relations, and 3) whether in the opinion of such superintendent or head, Coaker is for the reasonable future no longer a danger to himself or others, and such reports shall be filed with the Court, and a copy to the V.I. Department of Justice. V.I. Code Ann. tit. 5 § 3637(b). At no time shall Coaker be released from the forensic unit without order of the Court. V.I. Code Ann. tit. 19 § 1201(c).

CONCLUSIONS OF LAW

¶19 Coaker has been mentally ill for most of his adult life. He is not competent to stand trial. Most significant, Coaker is charged with Attempted First Degree Murder and First Degree Arson, and he remains fixated on the victim in this matter, and despite his years in jail while awaiting trial he has repeatedly threatened to return to do harm to the same victim, including during a hearing in this matter. Therefore, the Court concludes that Coaker is a danger to himself and others if he were released. Accordingly, he must be placed in a forensic unit until he becomes competent to stand trial or is no longer a danger to himself or others. He may only be released upon court order after a hearing.

¶20 An Order will issue in accordance herewith.

DATED: April 4, 2019



Kathleen Mackay
Judge of the Superior Court
of the Virgin Islands

ATTEST:
ESTRELLA H. GEORGE
Clerk of the Court

By: 

LORI BOYNES TYSON
Chief Deputy Clerk 4/8/19