

## A Victory for Competency

Congratulations to Jo-Carol Nasset Sale, and the other team of lawyers that assisted in the victory of the Sims case. The Georgia Supreme Court decided in *Sims v. State* that the "'any evidence' standard of review thwarts genuine review of an appeal from a verdict of competency because the presumption of competency would always provide some evidence in support of a finding of competency."



*Pictured: Jo-Carol Nasset Sale*

Instead, Georgia appellate courts will now review decisions regarding competency under the following standard, "whether after reviewing the evidence in the light most favorable to the State, a rational trier of fact could have found that the defendant failed to prove by a preponderance of the evidence that he was incompetent to stand trial."

The Court reviewed the facts of the case on its own (including that Sims has an IQ of 45 and functions at the mental age of a seven-year-old) and reversed the trial court's finding that Willie Sims was competent to stand trial.

This is a wonderful victory and the product of a lot of hard work on the part of Sims' lawyers.

For more information go to [www.gasupreme.us](http://www.gasupreme.us) case# SO4G1689 decided June 6, 2005.