

IN THE COURT OF APPEALS OF IOWA

No. 2-599 / 11-1267
Filed August 8, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

LARRY ALLEN BELL,
Defendant-Appellant.

Appeal from the Iowa District Court for Scott County, Douglas C. McDonald, District Associate Judge.

Defendant appeals from his conviction for driving while barred as a habitual offender. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Patricia Reynolds, Assistant Appellate Defender, for appellant.

Larry Allen Bell, Davenport, appellant pro se.

Thomas J. Miller, Attorney General, Thomas Henry Miller, Assistant Attorney General, Michael J. Walton, County Attorney, and Robert Bradfield, Assistant County Attorney, for appellee.

Considered by Vaitheswaran, P.J., and Potterfield and Bower, JJ.

POTTERFIELD, J.

Larry Allen Bell appeals from his conviction for driving while barred as a habitual offender. He does not contest on appeal, nor before the district court, that he was driving and that his state-issued driver's license had been barred. His appellate counsel argues the trial court erred in not evaluating Bell for competency. In a pro se brief, Bell asserts he is a "Freeman-Sovereign" and the district court had no jurisdiction over him. Bell contends he has a right to travel, which the State of Iowa cannot take from him.

We have thoroughly reviewed the record and conclude the district court did not err in failing to have Bell evaluated for competency.¹ He may hold unconventional beliefs, but that does not necessitate a mental health evaluation, particularly when Bell objected to the State's evidence, cross-examined the State's witness, and made a closing argument. In any event, Bell was driving while his state-issued driver's license was barred. The record also shows he is a

¹ In *State v. Jason*, 779 N.W.2d 66, 74 (Iowa Ct. App. 2009), this court recognized that in *Indiana v. Edwards*, 558 U.S. 164 (2008), the United States Supreme Court reaffirmed that a court may constitutionally permit a defendant to represent himself so long as he is competent to stand trial. The *Edwards* court noted that the trial judge is "best able to make more fine-tuned mental capacity decisions, tailored to the individualized circumstances of a particular defendant." *Edwards*, 554 U.S. at 177.

In *State v. Lyman*, the court noted:

[T]he test to determine if a criminal defendant is competent to stand trial is whether the person "has sufficient present ability to consult with [counsel] with a reasonable degree of rational understanding—and whether [the person] has a rational as well as factual understanding of the proceedings." *Dusky v. United States*, 362 U.S. 402, 402 (1960) (per curiam). In Iowa, we define the test as whether "the defendant is suffering from a mental disorder which prevents the defendant from appreciating the charge, understanding the proceedings, or assisting effectively in the defense." Iowa Code § 812.3(1).

776 N.W.2d 865, 874 (Iowa 2010).

Upon our de novo review, see *Lyman*, 776 N.W.2d at 873, we find no reason to conclude Bell suffers from a mental disorder preventing him from appreciating the charge, understanding the proceedings, or representing himself as he elected.

habitual offender. We therefore affirm his conviction. See Iowa R. App. P. 6.1203(a), (d).

AFFIRMED.