

# Capital murder trial on hold

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A Leavenworth District Court has found 45-year-old Donald Ray Jackson Jr. to be presently incompetent to stand trial. The court has determined that the defendant is not able to assist in his defense, and the case is on hold pending further evaluations and commitment proceedings.

Jackson is charged with capital murder. He is innocent until proven guilty. The announcement was made today, June 26, 2025, following the court's determination. County Attorney Todd Thompson said, "This case will be on hold pending further evaluation of the defendant. Our thoughts are with the victims and their families at this time."

A defendant in a criminal case must be "competent" to stand trial. K.S.A. 22-3301(1), defines incompetency as follows:

"... a person is 'incompetent to stand trial' when he is charged with a crime and, because of mental illness or defect, is unable: (a) to understand the nature and purpose of the proceedings against him; or (b) to make or assist in making his defense.

The Kansas Supreme Court summarized the case law related to this analysis in *State v. Hill*, 290 Kan. 339, 367, 228 P.3d 1027, 1045–46 (2010).

A criminal defendant may not be tried unless he or she "has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding ... [and] a rational as well as factual understanding of the proceedings against him." " *State v. McKinney*, 265 Kan. 104, 107, 961 P.2d 1 (1998) (quoting *Dusky v. United States*, 362 U.S. 402, 80 S.Ct. 788, 4 L.Ed.2d 824 [1960]). " "[I]f the accused is capable of understanding the nature and object of the proceedings going on against him; if he rightly comprehends his own condition with reference to such proceedings, and can conduct his defense in a rational manner, he is, for the purpose of being tried, to be deemed sane, although on some other subject his mind may be deranged or unsound." [Citations omitted.]' *State v. Shopteese*, 283 Kan. 331, 341, 153 P.3d 1208 (2007) (quoting *Van Dusen v. State*, 197 Kan. 718, 722–23, 421 P.2d 197 [1966]).

If it is later determined that Jackson has regained competency, then the defendant may be returned to the county where the criminal case is pending to resume proceedings.