

**DISTRICT COURT OF THE STATE OF UTAH
THIRD JUDICIAL DISTRICT
SALT LAKE COUNTY**

STATE OF UTAH,
Plaintiff,

vs.

RALPH LEROY MENZIES,
Defendant.

**ORDER DENYING DEFENDANT’S SUCCESSIVE
PETITION TO DETERMINE COMPETENCY**

Case Number 031102598
Judge Matthew Bates

Defendant Ralph Leroy Menzies, who is scheduled to be executed by a firing squad by the State of Utah on September 5, 2025, petitions this Court a second time for an evaluation and evidentiary hearing to determine whether he is competent to be executed.

Menzies filed his initial petition for a competency determination on January 23, 2024. (Dkt. 27). Although the State did not concede Menzies was incompetent to be executed, the State stipulated to have a full hearing on the matter.

Menzies was evaluated by two examiners appointed by the Utah Department of Health and Human Services. He was also evaluated by the parties privately retained examiners. The Court thereafter held a six-day evidentiary hearing in November and December 2024, during which the parties presented evidence from seven different experts who gave various opinions on Menzies’s ability to reach a rational understanding of his punishment and the reasons for it.

Following the hearing, the parties prepared and filed briefs summarizing the evidence and arguing their respective positions. The parties met for oral argument on May 7, 2025, and the Court issued its decision on June 6, 2025, concluding that Menzies did not meet his burden to prove his incompetency. (Dkt. 403).

Consistent with statute, the Court then lifted the stay on Menzies’s death sentence and set the matter for a hearing on the State’s application for an execution warrant. The parties met for a hearing on July 9, 2025, and the Court scheduled an execution date.

Two days before the hearing on the State’s application, Menzies filed a successive petition for a determination of his competency to be executed. Consistent with section 77-19-203(4), the Court granted the State an opportunity to respond, and the parties met for oral argument on July 23, 2025.

Following oral argument, the State moved to admit recordings of 32 telephone calls that Menzies made between May 7, 2025, and July 7, 2025 at the Utah State Prison. The Court granted the request and allowed Menzies to file any response to the phone calls that he deemed necessary. Menzies filed a response on August 6, 2025.

For the following reasons, the Court denies Menzies's successive petition for a hearing to determine his competency.

DISCUSSION

If a petition to determine competency is filed after an inmate has previously been found competent to be executed, no further hearing on competency may be granted unless the successive petition:

- (a) alleges with specificity a substantial change of circumstances subsequent to the previous determination of competency; and
- (b) is sufficient to raise a significant question about the inmate's competency to be executed.

See Utah Code § 77-19-203(5).

The Court has reviewed the petition, exhibits, and the parties' briefing and concludes that Menzies has failed to meet his burden on both requirements.

A. Menzies Has Not Alleged a Substantial Change of Circumstances

To open competency proceedings a second time, Menzies must first show that there has been a substantial change of circumstances subsequent to the previous determination of competency.

Menzies alleges that the following constitute a substantial change of circumstances:

In late January, 2025, Menzies reported to medical personnel at the prison that he was experiencing shortness of breath triggered by speaking. (See Exhibit 1 to Pet. to Reevaluate Competency.) On February 18, 2025, Menzies's oxygen saturation fluctuated between 83 percent and 89 percent, resulting in a hypoxic episode. He was given oxygen through a nasal cannula, and is now on oxygen at all times. (See Exhibit 2 to Pet. to Reevaluate Competency.)

On March 7, 2025, the Department of Corrections assigned him a permanent medical aide due to his declining physical condition and inability to perform basic tasks, such as getting out of bed and getting dressed. (See Exhibit 7 Pet. to Reevaluate Competency.) Over the next two months, Menzies experienced hypertension, fatigue, and significant weakness. (See Exhibits 3 & 4 to Pet. to Reevaluate Competency.) He now uses a walker or a wheelchair to move around.

Menzies was evaluated by Dr. Abrams-Silva on June 27, 2025, and by Dr. Hyde on June 30, 2025.

In sum, Dr. Hyde reported that since his prior evaluation, Menzies's ability to remember names, appointments, and his medication has worsened. (See Exhibit 8 to Pet. to Reevaluate Competency.) He becomes confused more easily and relies on his aid to help him in his daily tasks. He spends his time resting and not engaging with current events. He repeats himself to

friends and family. His depression has increased, his motivation is low, and his appetite has decreased. He struggles to maintain his balance and is unable to perform daily tasks without the help of an aid.

Dr. Abrams-Silva noted in her report that Menzies has a “paucity of speech” that is uncharacteristic and a change from his earlier robust conversation. He was also unable to remember recent events and conversations with his attorneys.

While not in his petition, Menzies attached an affidavit to his reply memorandum from his case manager at the prison who reported that Menzies’s physical and mental abilities have declined over the past six months. The case manager observed that Menzies is “less talkative,” “sleeps more,” and repeats himself. (See Exhibit 1 to Reply in Support of Pet. to Reevaluate Competency.) The case manager further reported that on July 5, 2025, Menzies stared at her pen with a blank expression for a period of five minutes. (*Id.*) Menzies has insisted on being part of a class at the prison, but has been unable to keep up with the demands of the class due to his inability to remember things or to communicate well. (*Id.*)

The Court is unpersuaded by Menzies’s proffers that there has been a substantial change of circumstances to warrant a hearing.

Section 77-19-203(5) explicitly requires the change of circumstances to have occurred *subsequent to the previous determination of competency*. But almost all of Menzies’s decline alleged in the successive petition occurred *prior* to the Court’s initial determination of competency. In fact, Menzies’s February 2025 hypoxic event, his difficulty breathing, and his growing fatigue and weakness are all reported to have occurred before the Court even held oral argument on the initial competency petition. His case worker, who drafted an affidavit in July, observed that Menzies’s language and memory abilities had been declining for six months. Despite obvious physical manifestations of Menzies’s decline (such as being on oxygen and having to use a wheelchair), his attorneys did not move to supplement the evidence while the Court was still determining the merits of the initial competency petition. Instead, they waited until after the Court issued its decision to have Menzies evaluated and to draft a successive petition.

Relying on a case about competency to stand trial out of California, Menzies argues that the Eighth Amendment demands a more lenient timeframe to show a substantial change of circumstances. He argues that the Court should consider all changes that have occurred since his prior expert evaluations, not just since the Court issued its competency decision. See *People v. Easter*, 245 Cal. Rptr. 3d 854, 866 (Cal. Ct. App. 2019) (considering the amount of time that had passed since initial competency evaluations in determining a substantial change of circumstances). But this Court cannot look to case law from California to override the clear mandate of Utah’s legislature. Menzies must allege with specificity “a substantial change of circumstances *subsequent* to the previous determination of competency.” Utah Code § 77-19-203(5)(a) (emphasis added).

But even under the more expansive standard proposed by Menzies, the changes since Menzies was last evaluated in the fall of 2024 are not substantial. The petition alleges that

Menzies's ability to breathe, balance, walk, perform basic hygiene and tasks, concentrate, remember, and speak loquaciously has declined. But many of Menzies's current difficulties were also present during his initial evaluations: Menzies had suffered falls and hypoxia before; he had difficulty maintaining his hygiene and reported significant problems with his memory and concentration before. Last year, Dr. Abrams-Silva opined, and the Court found credible, that Menzies had difficulty "with attention, processing speed, verbal fluency, working memory, and abstract reasoning" and that "he is unable to learn, process, and store information accurately. His ability to retrieve information that he has previously retained is unreliable and he often experiences confusion." (Court's Competency Decision, June 6, 2025).

The petition thus supports Menzies's claim that his physical and mental difficulties have worsened over time. But his current difficulties are not substantially different from the difficulties he reported during his initial petition.

The recordings of Menzies's telephone conversations between May 7, 2025, to July 7, 2025, support the Court's conclusion that there has not been a substantial change of circumstances. The State submitted thirty-two recordings. In twelve of the recordings, Menzies entered an unauthorized number. In two recordings, Menzies entered a pin number that was not valid. The reasonable inference from the recordings of misdialed numbers is that Menzies is struggling either to physically enter numbers on the telephone or to remember phone numbers correctly.

Three of the calls were not accepted by the recipients, one call did not go through because the system's voice verification was not working, and in one call Menzies was unable to clearly say the required phrase: "With Global Tel Link, my voice is my password." (See call 1749255158_573_13_102_945.) In the remaining thirteen calls, Menzies was able to speak with his family members.

The Court agrees with Menzies that in the thirteen phone conversations where Menzies was able to speak with family, Menzies is less loquacious than he was in the phone conversations the Court considered in the initial competency proceeding. In the prior set of conversations, Menzies often spoke a majority of the time and gave long narratives. In the 2025 conversations, Menzies mostly asked questions and listened as others spoke to him. In addition his voice sounds weaker and more tired.

Even so, Menzies is able to speak with a normal speed. He is able to ask questions, track conversations, and laugh at appropriate times. He remembers names of family members, makes plans with family to visit, and even gives a brief update on his court case. Nothing in the current phone conversations demonstrate a substantial change in his cognitive functioning from the Court's previous assessment. In short, the phone conversations, while showing a change in Menzies's energy level, ability to relate long narratives, and ability to dial correct numbers, do not show a *substantial* change in circumstances.

Thus, the Court concludes Menzies has not shown a substantial change of circumstances to warrant a new hearing.

B. Menzies Has Not Raised a Significant Question about His Competency

The Court finds that Menzies's successive petition to inquire into his competency does not raise a significant question about his competency to be executed.

Menzies argues there is a significant question about his competency because he can no longer demonstrate a rational understanding of his punishment and the reasons for it. He bases this assertion on evaluations performed by Dr. Hyde and Dr. Abrams-Silva in June 2025.

Dr. Hyde observed the following when evaluating Menzies's understanding of his punishment and the reasons for it:

When I met with Mr. Menzies on June 30, 2025 to re-assess his cognitive status, I asked him what his sentence was. He responded: "They want to kill me." He could not recall whether he was sentenced by a judge or a jury, and he did not remember the first name of the victim. When asked why his death sentence had been imposed, he answered: "I don't know." When I asked him what the official explanation was for the sentence he received, he answered: "Because they want to. I don't think there is an official explanation." When asked whether the state derived any benefit from the death penalty, he replied: "Not that I know of." I posed a series of questions to assess Mr. Menzies's understanding of the connection between his crime and punishment, but at no point, even with questions intended to cue correct answers, was he able to articulate a basic awareness that his impending execution was linked to the facts of his offense.

Dr. Abrams-Silva also memorialized her conversation with Menzies in her report:

When asked what the most recent decision was regarding his sentence, he stated, "I was in court a couple months ago. You were there. Or were you there? I don't know if you were there. They said I'm not crazy." When asked what the outcome of this most recent court visit was, he stated, "It means they tell me bye-bye." When asked multiple times, rephrased in different ways, to elaborate on this, he could not, and only repeated that the next step was to be told "bye-bye." When asked why the state would impose a sentence of execution on him, he stated, "They can only lock you up or kill you." When asked under what circumstances would those be the choices for sentencing, he could not say, and only repeated that these were the only two choices. When asked in general why the state would impose a sentence of execution on any person, he could only repeat that the only two choices are "lock you up or kill you." When asked to state his own charges associated with the current sentence, he stated, "They don't tell me all the details."

When determining competency to be executed, the "critical question is whether a prisoner's mental state is so distorted by a mental illness that he lacks a rational understanding of the State's rationale for his execution." *Madison v. Alabama*, 586 U.S. 265, 269 (2019) (cleaned up). "Or similarly put, the issue is whether a prisoner's concept of reality is so impaired that he cannot grasp the execution's meaning and purpose or the link between his crime and punishment." *Id.*

Dementia “can cause such disorientation and cognitive decline as to prevent a person from sustaining a rational understanding of why the State wants to execute him.” *Id.* at 279. “But dementia also has milder forms, which allow a person to preserve that understanding. Hence the need—for dementia and as for any other mental disorder—to attend to the particular circumstances of a case and make the precise judgment *Panetti* requires.” *Id.*

Menzies has shown that his answers to questions posed by the evaluators were not as robust in 2025 as in prior evaluations. Whether this change is due to cognitive decline or depression and a lack of interest in engaging with the experts is not determinative to the Court’s decision. What matters is whether Menzies’s new allegations raise a significant question about his ability to reach a rational understanding of his death sentence. Attending to the particular circumstances of this case, the Court concludes they do not.

Menzies’s responses to Dr. Hyde evidence that he understands that the State is seeking to execute him. When asked what his sentence is, he responded, “They want to kill me.” When asked why he was sentenced to death, he responded “I don’t know” and “because they want to.” These answers in 2025 are similar to answers he provided to examiners during his evaluations in 2024. During the earlier evaluations, Menzies often told others he did not know why the State wanted to kill him. Menzies’s current responses do not raise significant questions about his competency but reinforce Menzies’s decades-long mindset that he did not commit murder and thus the government has no reason to execute him.

Menzies’s responses to Dr. Abrams-Silva are similar. His answer that his recent court hearings mean they “tell him bye-bye” indicates a rational understanding that he is going to be executed. While this language is simplistic and perhaps immature, it is congruent with Menzies’s dry sense of humor and patterns of speech the Court observed in reviewing over forty of his phone conversations with family and friends during the competency hearing. Menzies also displayed an understanding to Dr. Abrams-Silva that there are only two available sentencing options for him: to be locked up or executed; i.e., life in prison or the death penalty.

Both examiners indicate in their reports that Menzies could not articulate his charges or link his conviction of murder or the facts of his case to his death sentence. On this point, however, the reports offered by Menzies are conclusory. The examiners did not include which questions were asked of Menzies and what his answers, if any, were. Dr. Hyde explained that he cued correct answers in his questioning, but did not provide what cues he used.

The examiners’ conclusory opinions are not sufficient to raise a significant question of Menzies’s ability to reach a rational understanding of his punishment. The test of competency is not whether an inmate remembers and can articulate his own crime and punishment. The test is whether he can *reach* a rational understanding of his punishment. *See Madison*, 586 U.S. at 276–77 (explaining that “a person who can no longer remember a crime may yet recognize the retributive message society intends to convey with a death sentence”); *Panetti v. Quaterman*, 551 U.S. 930, 958 (2007) (describing standard as whether delusions “so impair the prisoner’s concept of reality that he cannot reach a rational understanding of the reason for the execution). That is, to be competent, Menzies must be *capable* of understanding that he is

being executed for killing Maureen Hunsaker. Menzies has not proffered sufficient evidence to raise a significant question about Menzies's capability of reaching this understanding.

While Menzies's conversation may be stilted and his memory may be thin, he has not alleged or provided any proffers of evidence that he is "disorientated," that he has an "impaired" concept of reality, that his mental state is "distorted," or, most importantly, that his brain is functioning at such a low level that he cannot understand simple concepts of crime and punishment or cause and effect. Instead, his answers to questions, though sparse, were rooted in the here and now. He had a sense of time and place. He was not confused about who the examiners were, who he was, or where he was.

These findings and conclusions are supported by the recordings of Menzies's telephone conversations between May 7, 2025, and July 7, 2025, provided by the State. In his conversations with family members, Menzies is rooted in reality. He again has a sense of time and place. He knows to whom he is speaking, and he understands where he is. He asks questions about other family members. He is able to track his family members' plans and narratives about their life experiences. He asks appropriate questions and answers their questions appropriately. He exhibits no confusion or distorted or irrational thinking.

Menzies even speaks about his court case. He tells a family member that the judge denied his "motion." When the family member asked what that means, Menzies replied, "It means they are going to try and kill me." (See Call number 1749258369_205_12_94_322.) He explains in the same call that the next step is an appeal.

Menzies argues that these phone conversations merely show that Menzies has some moments of lucidity; they do not prove that he is lucid at all times. But Menzies has not provided any proffers or allegations of specific instances when Menzies has displayed irrational or confused thinking. At most, he has shown that Menzies is struggling physically and his memory is not as good as it used to be.

Forgetfulness, an inability to concentrate, and a paucity of language do not amount to a lack of an ability to reach a rational understanding of the link between crime and punishment. Menzies has not alleged sufficient facts or provided sufficient evidence that raises a significant question of whether Menzies is *incapable* of understanding that he is being executed because he killed Maureen Hunsaker.

Accordingly, the Petition to Reevaluate Competency is DENIED.

DATED this 13th day of August, 2025

UTAH THIRD DISTRICT COURT

The image shows a handwritten signature in blue ink, which appears to read "Matthew Bates". To the right of the signature is the official seal of the Utah Third District Court, West Jordan. The seal is circular with a green border. Inside the border, the words "STATE OF UTAH" are at the top, "THIRD DISTRICT COURT" is in the middle, and "WEST JORDAN" is at the bottom. The center of the seal features a stylized mountain and a sun.

Matthew Bates
Third District Court Judge

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 031102598 by the method and on the date specified.

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08/14/2025

/s/ JULI PATURZO

Date: _____

Signature