

Competency Hearing Held for Johnny Swack

Written by Debbie Gregory
Tuesday, September 17, 2013



The complicated case of the State vs. Johnny Ray Swack for 1st Degree Murder seems to have taken a turn after the accused killer was found competent to stand trial for murdering his ex-wife in 2011, following a competency hearing on Friday, September 13, 2013, before Judge John Wootten.

The five hour hearing started at 10:30 a.m. and five witnesses testified, three being experts. Dr. Pam Auble took the stand for the defense, and the other two were Dr. Sandy Phillips and Dr. Rokeya Farooque, testifying for the State.

This case has had many twists and turns since the story was first reported in the Macon County Chronicle during the fall of 2011, when then 52-year-old Johnny Ray Swack, was arrested and charged with shooting his former spouse, 36-year-old Reinalda Ann Dupont England, in the face with a pistol at 412 Meador Drive on Wednesday, September 7. He was involuntarily committed to the Middle Tennessee Mental Health Center in December of 2012 and later released. However, the defense attorney felt he still wasn't competent to assist in his own defense, thus the doctor testimony hearing was set.

Dr. Farooque, his treating doctor while he was hospitalized, testified that while involuntarily committed to the mental institution, he was made competent to stand trial.

Swack, who testified in his own behalf said, "I am competent. I'm as competent as I'm ever

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going to be and I'd like to go to trial. This has been going on for two years, and I'd like to get this over with."

The defense team of Tom Bilbrey and Joe McLerran, argued that Mr. Swack couldn't assist them in preparing for a trial.

"The defendant must have a capacity to understand the nature and object of the proceedings against him to consult with the counsel and to assist in preparing his defense," General Justin Harris argued.

Bilbrey stated at one point, "I believe based on Dr. Auble's report and my interviews with him, I do not think he is competent at this time. He wants to be found competent, so I want to give him an opportunity to tell the Court what his position is." This happened right before Swack testified.

The state and the defense argued back and forth for five hours about whether Johnny Ray Swack was competent enough to assist in the preparation of his defense if he goes to trial.

"As I look at the total record here," said the Honorable Judge John Wooten, "I find by the weight of the evidence by a preponderance of the proof that Mr. Swack is competent to stand trial."

Johnny Ray Swack is to be back in court on Monday, September 23, to possibly set the murder case for trial in either January or March of 2014.

"Mr. Swack has been found competent by the court and we are proceeding with the case," said General Justin Harris. "We expect to go to trial in early 2014."