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The Honorable Glenn Youngkin
Governor of Virginia
State Capitol
Third Floor
Richmond, Virginia 23219

Dear Governor Youngkin:

I am writing to ask you to consider clemency for an individual who has been sentenced to prison for numerous charges related to illegal drugs. His name is Anthony Tremaine Stewart. A bit of background. I am a forensic psychologist who has been doing evaluations for the court system in Virginia for the past 30 years, both in private practice and as a state employee at Western State Hospital on the forensic unit there.

I first met Mr. Stewart in 2015 when I conducted a court-ordered competency evaluation for charges he had at that time. Of critical importance is the fact that Mr. Stewart innately has lower intellectual functioning, and then at age 16 suffered a traumatic brain injury that resulted in a one month coma. After regaining consciousness and when able to engage in rehabilitation, he had to relearn to walk and talk. Research shows that recovery from cognitive deficits that result from brain injury will occur only in the 18 months subsequent to the injury, to the degree that it take place. Some six years after this 18 month recovery period, Mr. Stewart underwent a formal neuropsychological assessment in 2008 to establish his baseline of cognitive functioning. This evaluation documented that he was functioning in the intellectually disabled range (previously classified as mild mental retardation) which is ranked at the 2nd percentile. He was also assessed to have deficits in a variety of cognitive functions that are integral to competence to stand trial.

Over the years Mr. Stewart has been evaluated for trial competence on 18 occasions, and found incompetent to stand trial on 12 occasions. On several occasions he has been opined to be unrestorable to competency due to his intellectual deficits. On my second evaluation of Mr. Stewart in 2016, I myself was of the opinion he would never meet the standard for trial competence due to the irreversible effects of brain injury.

A psychologist at the Institute of Law, Psychiatry and Public Policy (ILPPP) at U.Va. evaluated Mr. Stewart in 2019 and then again in 2020. On both occasions he found Mr. Stewart incompetent to stand trial and in both reports concluded that it was "very unlikely" he could ever be restored to competency. However, at the court's request he evaluated Mr. Stewart again later in 2020 and going against his previous two opinions, found Mr. Stewart competent to stand trial.

This reversal in opinion is concerning as the deficits in cognitive functioning are chronic and irreversible. Subsequently, Mr. Stewart was convicted of drug charges and received a lengthy sentence.

In addition to his traumatic brain injury, Mr. Stewart was diagnosed with stage 5 kidney disease in 2018 and is on dialysis. It is scientifically a fact that renal failure invariably impairs cognitive functioning.

I am enclosing a thorough record review of Mr. Stewart's extensive neuropsychological, psychological, and forensic competency evaluations by Thomas Sugden, Psy.D.¹ which will provide a comprehensive summary and opinion about Mr. Stewart's case. It is noted that the Court of Jurisdiction is Circuit Court of Rockbridge County, Case # CR07000062-01.

In conclusion, I respectfully request consideration be given to the merits of granting clemency to Mr. Stewart. Please contact me if you have any questions or wish to obtain additional records.

Respectfully,

Kenneth Showalter, Psy.D.
Licensed Clinical Psychologist

¹In telephone conversation with Dr. Sugden on August 19, 2024, he gave verbal consent to provide his assessment to the Office of the Governor.