

[2020 DAUBTR LEXIS 65079](#)

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Expert Name: "Dr. Bhushan Shreeram Agharkar M.D., F.A.P.A.

Discipline: Addiction Psychiatry; Forensic Psychiatry; Psychiatry

Case Name: Mays V. State

Citation: ; [2019 Tex. Crim. App. Unpub. LEXIS 335](#)

Docket Number: AP-77,055

Area of Law: Criminal Law

Jurisdiction: State

Court: Court Of Criminal Appeals Of Texas

Counsel: Not Mentioned, Not Mentioned

Judges: Michael E. Keasler

Disposition: Testimony properly not relied upon; affirmed.

Retained by: defendant

Case Summary: According to the decision dated June 5, 2019, it was stated that Mays argues on appeal that the trial judge abused his discretion by crediting the opinion of Price over Agharkar and Woods. He complains that the trial judge ignored Agharkar's opinion in making the competency determination. However, the trial judge expressly stated in his order that he considered all of the witness testimony and expert reports. A trial judge is generally within his authority to accept the evidence that he believes is most credible and convincing and reject that which he finds not credible. It was further stated that The trial judge's decision that Mays failed to establish by a preponderance of the evidence that he is incompetent to be executed is within the zone of reasonable disagreement and not an abuse of the trial judge's discretion. We affirm the trial judge's decision finding Mays competent to be executed and lift the stay of execution.

Ground(s) of Challenge: Others

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