

Alleged rapist not fit for trial

Nancy Isles Nation

Posted: 12/16/2006 12:17:59 AM PST

A drifter accused of raping a woman near Stinson Beach in August 2005 was found incompetent to stand trial by a Marin jury Friday.

Following the verdict, Terry Ray Hawes, 43, will be sent to a state mental hospital until he is deemed fit to face charges in Marin Superior Court.

Jon Rankin, Hawes' defense attorney, argued that Hawes cannot maintain stability in Marin County Jail because he refuses to take anti-psychotic medications. State mental hospitals are licensed to provide medication to inmates against their will, but the county jail cannot force inmates to take medicine.

Rankin said he hopes Judge Kelly Simmons will authorize the jail to give Hawes his medication once he is returned to Marin.

Hawes was declared incompetent to stand trial in December 2005 and was sent to Atascadero State Hospital for treatment. In June, Simmons declared him stabilized. After a preliminary hearing in July in which Hawes acted as his own attorney, Simmons ordered him to stand trial.

Hawes is charged with seven felony counts of rape and assault after police said he met a 28-year-old woman outside a market in Stinson Beach on Aug. 5, 2005.

According to court records, the woman was hiking

on Mount Tamalpais and was planning to stay at Green Gulch Farm along Highway 1 that night. She talked with Hawes about trails she would be taking. After the two parted, the woman hiked toward Green Gulch but decided to camp in a clearing off the trail.

Hawes arrived about 30 minutes later,

asked to camp nearby and later entered her tent and assaulted her, according to records.

The jury deliberated for about three hours before reaching a verdict.

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