

GOOLSBY, J.: Following an almost daylong drinking episode, Virginia Burgess killed her intoxicated husband sometime during the evening of August 7, 1998. She stabbed him forty-seven times. At trial, Burgess claimed not to remember anything about the evening after the two had argued. A jury convicted her of murder and possession of a weapon during a violent crime. The trial court sentenced her to thirty years imprisonment for murder and five years for the weapons charge, the sentences to run concurrently. On appeal, Burgess argues the trial court abused its discretion by not ordering a psychiatric examination pursuant to section 44-23-410 of the South Carolina Code¹ to determine her competency to stand trial. We disagree and affirm.

¹ S.C. Code Ann. § 44-23-410 (2002) provides in relevant part:

Whenever a judge of the Circuit Court . . . has reason to believe that a person on trial before him, charged with the commission of a criminal offense . . . , is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity, the judge shall:

(1) order examination of the person by two examiners designated by the Department of Mental Health if the person is suspected of having a mental illness or designated by the Department of Disabilities and Special Needs if the person is suspected of being mentally retarded or having a related disability or by both sets of examiners if the person is suspected of having both mental illness and mental retardation or a related disability . . . ; or

(2) order the person committed for examination and observation to an appropriate facility of the Department of Mental Health or the Department of Disabilities and Special Needs for a period not to

