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## Court limits self-representation for mentally ill

By MARK SHERMAN  
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WASHINGTON -- Mentally ill criminal defendants don't have the same constitutional rights as everyone else, the Supreme Court said Thursday in carving out an exception to the right to represent yourself.

The justices said that a mentally ill defendant can be judged competent to stand trial, yet incapable of acting as his own lawyer. The 7-2 decision said states can give a trial judge discretion to force someone to accept an attorney to represent him if the judge is concerned that the trial could turn into a farce.

"The Constitution permits states to insist upon representation by counsel for those competent enough to stand trial ... but who still suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves," Justice Stephen Breyer wrote in the majority opinion.

The court has previously declared that self-representation is a constitutional right, although it is not absolute.

The ruling was one of five issued Thursday as the court nears the start of a three-month summer break. The justices released decisions in two age discrimination cases, finding in one that Kentucky's retirement system properly takes age into account for employees who have become disabled and requiring in the other that employers demonstrate why decisions that affect mostly older workers have a reasonable basis other than age.

The court also ruled for an employee in her benefits dispute with an insurance company and struck down a California law that blocked employers' use of state money for anti-union activities.

Ten cases remain unresolved, including the landmark consideration of Americans' gun rights, whether Exxon Mobil Corp. must pay punitive damages for the Exxon Valdez oil spill in 1989 and the constitutionality of imposing the death penalty on people convicted of raping children.

The court meets again Monday and could convene other days in an effort to finish its work by week's end.

The decision on defendants acting as their own lawyers came in the case of an Indiana man who was convicted of attempted murder and other charges in 2005 for a shooting six years earlier at an Indianapolis department store.

Ahmad Edwards was initially found to be schizophrenic and suffering from delusions and spent most of the five years after the shooting in state psychiatric facilities. But by 2005, he was judged competent to stand trial, which means a judge determined Edwards could understand the proceedings and was capable

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of assisting his lawyer.

But Edwards asked to represent himself. A judge denied the request because he was concerned that Edwards' trial would not be fair. Edwards, represented by a lawyer, was convicted anyway and sentenced to 30 years in prison.

He appealed, and Indiana courts agreed that his right to represent himself had been violated, citing a U.S. high court decision from 1993. The courts overturned his conviction and ordered a new trial.

Thursday's ruling probably will lead to the reinstatement of the conviction. The court ratified Indiana's decision to impose a higher standard for measuring a defendant's competency to be his own lawyer than to stand trial.

Justices Antonin Scalia and Clarence Thomas dissented. "In my view, the Constitution does not permit a state to substitute its own perception of fairness for the defendant's right to make his own case before the jury," Scalia said.

Last term, the high court saw what could happen in these kinds of cases in the proceedings against Scott Panetti, a mentally ill killer from Texas who was nonetheless judged competent to stand trial and allowed to represent himself.

Panetti was convicted and sentenced to death after personally arguing that only an insane person could prove the insanity defense. He dressed in cowboy clothing and submitted an initial witness list that included Jesus Christ and John F. Kennedy.

The court blocked his execution in June, in a ruling that did not address his role in his own defense.

The case is *Indiana v. Edwards*, 07-208.

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