

Mental Illness

Double Jeopardy Clause Did Not Bar Ohio Courts From Determining Whether Defendant Was Mentally Retarded That Would Prevent Imposition of Death Penalty

Bobby v. Bies, 129 S. Ct. 2145, 173 L. Ed. 2d 1173 (1 June 2009).

The federal habeas corpus petitioner was convicted of murder in state court and sentenced to death. A federal appellate court reversed the death sentence on double jeopardy grounds concerning the defendant's alleged mental retardation. The Court ruled that the Double Jeopardy Clause did not bar Ohio courts from determining whether the defendant was mentally retarded that would prevent the imposition of the death penalty. [Author's note: See the Court's opinion for its discussion of the facts and law and the federal appellate court's "fundamentally misperceived" (Court's description) application of the Double Jeopardy Clause that the Court reversed.]

Court Remands Case to Trial Court for Consideration Under *Indiana v. Edwards*, 128 S. Ct. 2379 (2008), Whether Trial Judge Should Have Exercised Discretion to Deny Defendant's Request to Represent Himself

State v. Lane, 362 N.C. 667, 669 S.E.2d 321 (12 December 2008).

The defendant was convicted of first-degree murder and sentenced to death. The court remanded the case to the trial court for consideration under *Indiana v. Edwards*, 128 S. Ct. 2379 (2008) (United States Constitution does not prohibit states from requiring counsel to represent defendants competent to stand trial but who suffer from severe mental illness to extent that they are not competent to represent themselves at trial) whether the trial judge should have exercised discretion to deny the defendant's request to represent himself. The court outlined two issues that the trial court must decide on remand of this case.

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Criminal Law--motion for appropriate relief--adjudicating defendant mentally retarded—jurisdiction

State v. Poindexter 359 NC 287 (2005)

The superior court did not err by concluding that it lacked jurisdiction in a first-degree murder case to conduct an evidentiary hearing with respect to defendant's motion for appropriate relief (MAR) to adjudicate defendant mentally retarded under N.C.G.S. § 15A-2005, because: (1) the General Assembly did not intend for superior courts to make post-conviction determinations of mental retardation outside the confines of N.C.G.S. § 15A-2006; and (2) the one-year window for postconviction determinations of mental retardation under N.C.G.S. § 15A-2006 has expired, and N.C.G.S. § 15A-2005 allows only for pretrial and sentencing determinations of mental retardation.

Mental Illness--involuntary commitment--hearsay information

In re Zollicoffer, 165 NCA 462 (2004)

The trial court did not err by failing to dismiss the petition for involuntary commitment even though information contained in the affidavit and petition for involuntary commitment presented to the magistrate contained hearsay, because: (1) the Court of Appeals has previously held that a magistrate may consider

hearsay evidence as a basis for issuing an involuntary commitment custody order despite the pertinent statute's silence on the issue; (2) though any deprivation of a person's liberty through an involuntary commitment custody order is an intrusion on that person's liberties, our laws provide for a rapid and thorough review of this action; (3) the two psychological examinations and the hearing within 10 days of the initial detainment provides respondent with adequate assurance that he is not being improperly detained; and (4) a hearing before a magistrate under N.C.G.S. § 122C-261 upon a petition for the involuntary commitment of a person is a miscellaneous proceeding under Rule 1101, and the rules of evidence do not apply.

Mental Illness--involuntary commitment--dangerous to self

In re Zollicoffer, 165 NCA 462 (2004)

The trial court did not err in a mental illness hearing by finding as a matter of law that respondent was dangerous to himself and did not fail to specifically state findings of fact in support of this conclusion, because the failure of a person to properly care for his medical needs, diet, grooming, and general affairs meets the test of dangerousness to self.

Mental Illness - 1989 insanity acquittal - current mental illness and danger to others – findings

In re Hayes, 151 N.C. App. 27 (2002)

Findings that a defendant who was found not guilty of murder and assault by reason of insanity in 1989 currently suffers from mental illness and presents a danger to others were supported by competent evidence.

Mental Illness - insanity acquittal - recommitment - dangerous to others

In re Hayes, 151 N.C. App. 27 (2002)

The statutory definition of "dangerous to others" does not make it impossible for a person who has been acquitted of homicide by reason of insanity to prove that he is no longer dangerous to others in a recommitment hearing. Such a person will be presumed dangerous to others and has the burden of rebutting that presumption, but the court may find that he is no longer dangerous to others if that burden is carried.

Mental Illness - not guilty by reason of insanity - unsupervised passes within hospital

In re Williamson, 151 N.C. App. 260 (2002)

The trial court had jurisdiction to decide whether a respondent who had been found not guilty of murder by reason of insanity should be granted unsupervised passes on the premises of Dorothea Dix Hospital. N.C.G.S. § 122C-62(b) requires a court order expressly authorizing visits "outside the custody of the facility" for respondents found not guilty by reason of insanity; in a case of first impression, the Court of Appeals finds that visits "outside the custody of the facility" includes unsupervised passes or visits on the hospital premises in addition to off-campus visits.

Mental Illness - due process - unsupervised passes within hospital grounds - no protected interest

In re Williamson, 151 N.C. App. 260 (2002)

Respondent's right to due process was not violated where he was found not guilty of murder by reason of insanity and committed to Dorothea Dix Hospital; there was testimony at respondent's annual review that he remained mentally ill but had improved and that his treatment plan for the upcoming year included

unsupervised passes within the premises of the hospital; and the court denied the passes. Respondent does not have a protected liberty interest in obtaining unsupervised passes.

Mental Illness - equal protection - patients not guilty by reason of insanity and others involuntarily committed - rational basis for distinction

In re Williamson, 151 N.C. App. 260 (2002)

The trial court's exercise of jurisdiction in determining whether a respondent found not guilty of murder by reason of insanity should have unsupervised passes on the premises of Dorothea Dix Hospital did not violate equal protection. The statutory distinction between patients found not guilty by reason of insanity and other classes of involuntarily committed patients is not a suspect classification, nor does it involve a fundamental right subject to strict scrutiny, and respondent has not shown the lack of a rational basis for the distinction. There is a need to keep the public safe from individuals who have committed violent, dangerous, or other criminal acts resulting in their involuntary commitment.

Mental Illness - separation of powers - approval of therapeutic treatments by courts

In re Williamson, 151 N.C. App. 260 (2002)

The trial court did not violate separation of powers in determining whether a respondent who had been found not guilty of murder by reason of insanity should have unsupervised passes on the premises of Dorothea Dix Hospital.

Mental Illness--criminal defendant found insane--re-commitment--definition of mentally ill

In re Hayes, 139 N.C. App. 114 (2000)

In a re-commitment hearing for a respondent found not guilty by reason of insanity of multiple counts of murder and assault, the definition of "mentally ill" applied by the trial court was not unconstitutionally vague. N.C.G.S. § 122C-3(21).

Mental Illness--criminal defendant found insane--re-commitment--personality disorder

In re Hayes, 139 N.C. App. 114 (2000)

In a re-commitment proceeding for a respondent who had been found not guilty of multiple murders and assaults by reason of insanity, the trial court did not err by concluding as a matter of law that respondent had failed to meet his burden of proof and again ordering his return to confinement at the Dorothea Dix state mental health facility. Although respondent argued that he can no longer be classified as mentally ill under *Foucha v. Louisiana*, 504 U.S. 71, that case did not define mental illness and respondent did not challenge N.C.G.S. § 122C-3(21)'s definition of mental illness, which included personality disorders, or the evidentiary basis for the court's finding that he suffers from a personality disorder.

Mental Illness--criminal defendant found insane--re-commitment--dangerousness to others--age of crimes

In re Hayes, 139 N.C. App. 114 (2000)

In a re-commitment proceeding for a respondent who had been found not guilty of multiple murders and assaults by reason of insanity, the trial court did not err by finding respondent dangerous to others under N.C.G.S. § 122C-276.1 and N.C.G.S. § 122C-3(11)b. The probative value of evidence of respondent's "extremely violent homicidal" crimes far outweighed any potential prejudice due to the crimes' age; furthermore, it is clear that the court's findings were also rooted in additional evidence unrelated to respondent's prior crimes.