

DUSKY v. UNITED STATES

No. 504, Misc.

SUPREME COURT OF THE UNITED STATES

**362 U.S. 402**; 80 S. Ct. 788; 4 L. Ed. 2d 824; 1960 U.S.

April 18, 1960, Decided

**PRIOR HISTORY:**

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

**DISPOSITION:** 271 F.2d 385, reversed.

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**SUMMARY:** One whose conviction of crime in a Federal District Court was affirmed by the United States Court of Appeals for the Eighth Circuit sought a writ of certiorari in the United States Supreme Court. In a per curiam opinion, reflecting the views of a unanimous court, the writ was granted and the Court of Appeals' judgment was reversed, on the ground of the insufficiency of the record to support the District Court's finding that the accused was mentally competent to stand trial.

**HEADNOTES - Classified to U.S. Digest Lawyers' Edition:**

[\*\*\*HN1]  
CRIMINAL LAW §53  
trial -- mental competency -- proper test. --

Headnote: [1]

A Federal District Court, acting under the statute (18 USC 4244) permitting a federal court in which criminal proceedings are pending to make a finding regarding the mental competency of the accused to stand trial, may not make a determination that an accused is mentally competent merely because he is oriented to time and place and has some recollection of events; the test must be whether the accused has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational as well as a factual understanding of the proceedings against him.

[\*\*\*HN2]  
APPEAL AND ERROR §1618  
reversal -- remand -- trial of accused -- mental competency. --

Headnote: [2]

When, on reviewing on certiorari a judgment of a federal Court of Appeals affirming a District Court's judgment of conviction of crime, the United States Supreme Court determines that the record does not sufficiently support the District Court's pretrial finding that the accused was mentally competent to stand trial, and there are doubts and ambiguities regarding the legal significance of the psychiatric testimony in the case giving rise to difficulties of determining retrospectively the accused's competency as of time of the trial, the judgment of the Court of Appeals will be reversed and the case will be remanded to the District Court for a new hearing to ascertain the accused's present competency to stand trial, and for a new trial if he is found competent.

**SYLLABUS:** Certiorari granted.

Since the record in this case does not sufficiently support the findings of petitioner's competency to stand trial, the judgment affirming his conviction is reversed and the case is remanded to the District Court for a hearing to determine his present competency to stand trial, and for a new trial if he is found competent. Pp. 402-403.

**COUNSEL:** James W. Benjamin for petitioner.

Solicitor General Rankin for the United States.

**JUDGES:** Warren, Black, Frankfurter, Douglas, Clark, Harlan, Brennan, Whittaker, Stewart

**OPINIONBY:** PER CURIAM

**OPINION:** [\*402] [\*\*\*825] [\*\*788]

[\*\*\*HR1] [1]

The motion for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. Upon consideration of the entire record we agree with the Solicitor General that "the record in this case does not sufficiently support the findings of competency to stand trial," for to support those findings under 18 U. S. C. § 4244 the district judge "would need more information than this record presents." We also agree with the suggestion of the Solicitor General that it is not enough [\*\*789] for the district judge to find that "the defendant [is] oriented to time and place and [has] some recollection of events," but that the "test must be whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding -- and whether he has a rational as well as factual understanding of the proceedings against him."

[\*403]

[\*\*\*HR2] [2]

In view of the doubts and ambiguities regarding the legal significance of the psychiatric testimony in this case and the resulting difficulties of retrospectively determining the petitioner's competency as of more than a year ago, we reverse the judgment of the Court of Appeals affirming the judgment of conviction, and remand the case to the District Court for a new hearing to ascertain petitioner's present competency to stand trial, and for a new trial if petitioner is found competent.

*It is so ordered.*

**REFERENCES:** Validity, construction, and application of federal statutes providing for pretrial determination of mental competency of person accused of federal crime

Annotation References:

1. Validity, construction, and application of federal statutes providing for pretrial determination of mental competency of person accused of federal crime, 100 L ed 420, 4 L ed 2d 2077.
2. Investigation of present sanity to determine whether accused should be put or continued on trial, 142 ALR 961.
3. Validity and construction of statutes providing for psychiatric examination of accused to determine mental condition, 32 ALR2d 434.