

# Constitution Guarantees Prisoner's Right

Contributed by Norton Gappy

Panetti v. Quarterman, Opinion No. 06-6407

Decided: 06/28/07

Summary By: Norton T. Gappy

The Supreme Court of the United States recently ruled that the Eighth and Fourteenth Amendments of the United States Constitution provide procedural guarantees that allow a prisoner the opportunity to prove mental incompetence.

The Court held 5-4, opinion by Kennedy, dissent by Thomas, joined by Alito, Scalia and Roberts that the state court failed to provide constitutionally guaranteed procedures under the Eighth and Fourteenth amendment to petitioner to show that he was incompetent for execution.

Petitioner Scott Panetti was convicted of capital murder and sentenced to death in a Texas state court for the murder of his wife's mother and father. Petitioner filed a petition for writ of habeas corpus in the United States District Court for the Western District of Texas (District

Court). His claim was rejected by both the District Court and the Court of Appeals for the Fifth Circuit (Fifth Circuit). The Supreme Court denied a petition for certiorari. Petitioner did not argue that he was incompetent to be executed because of mental illness. After an execution date was set, petitioner claimed that due to mental illness he was incompetent to be executed. The District Court stayed petitioner's execution to allow the state court time to consider evidence of petitioner's mental incompetence. The state court found petitioner to be

incompetent. The District Court found the state court's compliance with Texas law constitutionally inadequate. Upon review of petitioner's claim the District Court found him to be competent and the Fifth Circuit affirmed. The Court reversed and remanded, holding that the state court failed to provide petitioner the procedures that are guaranteed under the constitution. Once a prisoner has made a substantial threshold showing of incompetence, the Eighth and Fourteenth Amendments allow him a fair hearing and the basic requirements of due process. The basic requirements include the right to submit evidence from petitioner's counsel and experts that may differ from the state's experts. Petitioner made a sufficient showing that he was incompetent but the state court determined him to be competent without a hearing or opportunity to petitioner to present his own expert testimony. The Fifth Circuit applied an improperly restrictive test to petitioner's claim of incompetence. The Court reversed and remanded petitioner's claims to be resolved in the District Court.