

Tibbals v. Carter
Jones Reflection

- Carter charged with first degree murder in Ohio with prosecution seeking death penalty.
- Carter has a history of hallucinations and a family history of schizophrenia.
- Carter's defense team seeks to have him declared mentally incompetent to stand trial. However, trial court disagrees and Carter stands trial. Judge could have declared Carter incompetent and stayed the trial while sending Carter to a full-time mental hospital until he is competent.
- Carter pleads not guilty by reason of insanity. If found this, he would be placed in a mental hospital until he has been rehabbed.
- Jury rejects insanity plea and finds him guilty. Recommends death. Court sentences him to die.

Carter appeals his competency (his case is taken up by anti-death penalty lawyers). Ohio Supreme Court rejects all of his appeals that claim he is mentally incompetent to consult with his lawyers during the appellate process.

Carter's lawyers file a Habeas Corpus appeal in Federal Court to claim Ohio violated his rights in the direct appellate process. However, since Carter is not able to communicate with his lawyers, the lawyers claim they cannot fully represent him in a habeas appeal, which means the Federal courts should stay his execution until he can be fully competent in his habeas appeal.

Criminal defendants have a right to competency during trial and the direct appellate process. However, the Supreme Court has never declared this right also applies to habeas proceedings. Not all rights during trial exist in habeas proceedings. For example, although the right to counsel is a fundamental right during trial and direct appeals (*Gideon v. Wainwright*), there is no right to counsel in Federal habeas appeals.

Definition of Federal Habeas Corpus Relief: 28 U.S.C. § 2254 allows for someone being detained in state detention to appeal to a Federal court if they believe their detention is in violation of their rights guaranteed to them in the United States Constitution.

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA): 1) Someone convicted of a crime in state court may only file a Federal Habeas appeal if all of their state appeals/remedies have been exhausted. 2) Requires substantial deference to state decisions "on the merits" of a Federal habeas claim.

PRECEDENTS

Rees v. Peyton (1966) – Federal courts may issue an indefinite stay to order psychological testing of a defendant to assess competency to stand trial or appeal their case. However, this case dealt with trial procedure and not Federal habeas appeals.

DOES CARTER POSSESS A RIGHT TO COMPETENCY DURING HABEAS CORPUS APPEALS?

- If yes, then execution is stayed until a Federal court finds whether or not Carter is mentally competent to appeal his sentence. If found incompetent, then execution stayed until he becomes competent.
- If no, then Carter does not have a right to competency during Federal habeas appeals and the Ohio Supreme Court's ruling stands under the deference standard in AEDPA.

QUESTIONS:

- 1) How much weight should be given to the Ohio trial court and jury rejecting Carter's claim of incompetency?
- 2) Can this right be applied only in capital cases and allow AEDPA to give deference to states in all other cases?
- 3) Should the death penalty restrictions in *Atkins* and *Roper* be broadened to make the make the execution of the mentally incompetent a violation of the Eight Amendment?