
 KeyCite Yellow Flag - Negative Treatment
Declined to Extend by [Panetti v. Stephens](#), 5th Cir.(Tex.), August 21, 2013

80 S.Ct. 788
Supreme Court of the United States

Milton R. DUSKY, Petitioner,
v.
UNITED STATES of America.

No. 504, Misc.
|
April 18, 1960.

Synopsis

Defendant was convicted of unlawfully transporting in interstate commerce a girl who had been kidnapped. The United States Court of Appeals, Eighth Circuit,  [271 F.2d 385](#), affirmed, and defendant petitioned for certiorari. The Supreme Court, Per Curiam, held that record insufficiently supported finding of competency to stand trial.

Judgment of Court of Appeals reversed and case remanded to District Court with directions.

West Headnotes (3)

[1] **Mental Health**  Mental disorder at time of trial

Test of defendant's competency to stand trial is whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has rational as well as factual understanding of proceeding against him and it is not enough that he is oriented to time and place and has some recollection of events. [18 U.S.C.A. § 4244](#).

[4541 Cases that cite this headnote](#)

[2] **Mental Health**  Examination and determination as to mental disorder

Record insufficiently supported finding of competency to stand trial. [18 U.S.C.A. § 4244](#).

[1055 Cases that cite this headnote](#)

[3] **Criminal Law**  Ordering new trial

In view of doubts and ambiguities regarding legal significance of psychiatric testimony in case and resulting difficulties of retrospectively determining defendant's competency to stand trial, Supreme Court, holding that finding of competency to stand trial was insufficiently supported by record, would reverse judgment of Court of Appeals affirming judgment of conviction and would remand case to District Court for new hearing to ascertain defendant's present competency to stand trial and for new trial if he should be found competent.

[2203 Cases that cite this headnote](#)

Attorneys and Law Firms

****788** Mr. ***402** James W. Benjamin, for petitioner.

Solicitor General Rankin, for the United States.

Opinion

PER CURIAM.

[1] [2] [3] 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. s 4244](#), [18 U.S.C.A. s 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** 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.

Reversed and remanded with directions.

All Citations

362 U.S. 402, 80 S.Ct. 788, 4 L.Ed.2d 824