



1993

Recent Developments: Godinez v. Moran: the Standard of Competency Required by the Due Process Clause for Pleading Guilty or Waiving Right to Counsel Is the Same as the Standard for Competency to Stand Trial

Amy Conrad

Follow this and additional works at: <http://scholarworks.law.ubalt.edu/lf>

 Part of the [Law Commons](#)

Recommended Citation

Conrad, Amy (1993) "Recent Developments: Godinez v. Moran: the Standard of Competency Required by the Due Process Clause for Pleading Guilty or Waiving Right to Counsel Is the Same as the Standard for Competency to Stand Trial," *University of Baltimore Law Forum*: Vol. 24 : No. 2 , Article 7.

Available at: <http://scholarworks.law.ubalt.edu/lf/vol24/iss2/7>

This Article is brought to you for free and open access by ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in University of Baltimore Law Forum by an authorized editor of ScholarWorks@University of Baltimore School of Law. For more information, please contact snolan@ubalt.edu.

Godinez v. Moran

THE STANDARD OF COMPETENCY REQUIRED BY THE DUE PROCESS CLAUSE FOR PLEADING GUILTY OR WAIVING RIGHT TO COUNSEL IS THE SAME AS THE STANDARD FOR COMPETENCY TO STAND TRIAL.

The United States Supreme Court in *Godinez v. Moran*, 113 S.Ct. 2680 (1993), held that the standard of mental functioning required before a criminal defendant may plead guilty or voluntarily waive his right to the assistance of counsel is the same standard of competency required for standing trial. In so holding, Justice Tho-

mas, writing for the majority, found that the Due Process Clause did not require a heightened competency standard for pleading guilty or waiving the right to counsel.

On August 13, 1984, in his hospital bed, Richard Allen Moran confessed to killing the bartender of the Red Pearl Saloon in Carson City, Nevada, and a patron of that establishment on August 2, 1984. He further admitted that he murdered his ex-wife nine days later. Following the shooting of his ex-wife, Moran attempted suicide by shooting himself in the abdomen and slitting his wrists.

At arraignment, Moran entered a plea of not guilty to three counts of first-degree murder. Subsequently, the trial court ordered a psychiatric evaluation in order to ascertain his competence to stand trial. In September 1984, two psychiatrists found that Moran was competent to stand trial. The prosecution then issued notice of its intent to seek the death penalty. On November 28, 1984, Moran informed the trial court of his desire to waive his constitutional right to the assistance of counsel and to enter guilty pleas to the three murder counts in order to prevent the admission of mitigating evidence at sentencing. Thereupon, the trial court inquired into Moran's mental competence to waive his rights and found that Moran "knowingly and intelligently' waive[d] his right to the assistance of counsel...and that his guilty pleas were 'freely and voluntarily' given...." *Godinez*, 113 S.Ct. at 2683 (citations omitted).

A three judge panel sentenced Moran to death for each of the three counts of first-degree murder on January 21, 1985. On appeal, the Supreme Court of Nevada upheld both death sentences for the Red Pearl Saloon murders, but reversed the sentence for the murder of Moran's ex-wife in favor of a life sentence without parole.

Thereafter, Moran sought post-conviction relief in Nevada state court

on the theory that he was incompetent to serve as his own counsel. At an evidentiary hearing, the trial court rejected Moran's claim on the basis that two psychiatrists had evaluated him as competent and Nevada's highest court dismissed his appeal. Moran then filed a writ of habeas corpus in the United States District Court for the District of Nevada, which denied his petition.

Subsequently, the Court of Appeals for the Ninth Circuit reversed and concluded that the Nevada state trial court erred at the post-conviction evidentiary hearing when it applied the competency standard for standing trial, rather than the "reasoned choice" standard. The court of appeals ruled that constitutional waiver required a heightened standard of competency because waiving counsel or pleading guilty requires a "capacity for 'reasoned choice' among the alternatives available to him." *Id.* at 2684 (citations omitted). The United States Supreme Court granted certiorari in order to resolve the conflict among the federal courts of appeals and the state supreme courts as to what standard of competency due process requires when evaluating a criminal defendant's entry of a guilty plea or waiver of his right to counsel.

The Court began its analysis by enumerating a two-prong test for mental competence to stand trial--the threshold issue which must be resolved before a criminal defendant may be tried. The first element required a criminal defendant to have "sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding." *Id.* at 2685 (quoting *Dusky v. United States*, 362 U.S. 402 (1960)). The second element required the defendant to have "a rational as well as factual understanding of the proceedings against him." *Id.* (quoting *Dusky*, 362 U.S. 402 (1960)).

The Court next rejected the position of the court of appeals that due

process requires a heightened level of mental functioning before a criminal defendant may plead guilty or waive his right to counsel. The Court did not distinguish between the "reasoned choice" standard of competence applied by the court of appeals and the "rational understanding of the proceedings" test applied when evaluating competency to stand trial. The Court observed that a criminal defendant will have to consider the same rights when deciding either to stand trial or plead guilty. The Court recognized that "while the decision to plead guilty is undeniably a profound one, it is no more complicated than the sum total of decisions that a defendant may be called upon to make during the course of a trial." *Id.* at 2686. Such decisions may include whether to take the witness stand, waive his right to a jury trial, or waive his right to confront his accusers by foregoing any cross-examination of the state's witness. *Id.*

Moreover, the Court opined that a criminal defendant's waiver of his constitutional right to the assistance of counsel does not require the exercise of "an appreciably higher level of mental functioning than the decision to waive other constitutional rights." *Id.* The Court emphasized that a defendant need only make a competent waiver, regardless of whether or not he is competent to represent himself. Although the accused may be incapable of representing himself effectively due to his lack of legal knowledge and experience, the Court stressed the necessity of honoring a defendant's right to choose self-representation. *Id.* at 2687.

The Court continued its analysis by clarifying the two-prong waiver test contemplated in *Westbrook v. Arizona*, 384 U.S. 150 (1966). First, the court must determine that a defendant is competent to stand trial. Second, once a defendant decides to plead guilty or waive his right to counsel, the trial court must make a finding

that the defendant made a knowing and voluntary relinquishment of his constitutional rights. *Id.* (citations omitted). The Court noted, however, that a trial court need not make a separate competency determination in every case, but only in those where the defendant's competency to stand trial is in doubt. *Id.* at 2688, n.13.

The Court concluded by stating that the purpose of the competency requirement is to safeguard that a criminal defendant understands the nature of the proceedings initiated against him and that he is capable of assisting counsel in his defense. The Court also stressed that the level of mental functioning needed to assist counsel during trial, such as whether a defendant should take the witness stand and thereby waive his right against self-incrimination, is the same level of mental functioning required to reasonably waive other constitutional rights.

In his concurring opinion, Justice Kennedy, with whom Justice Scalia joined, agreed in the result, but noted his reservations about the majority's reasoning. Justice Kennedy found that the majority's emphasis upon the types of decisions a defendant must make throughout the course of a trial was misplaced. The concurring opinion stated that such reasoning tends to "confuse the content of the standard with the occasions for its application." *Id.* at 2688 (Kennedy, J., concurring). Through an historical analysis of the common law, Justice Kennedy determined that a single competency standard applied for the duration of a trial to all of the various decisions a defendant may make throughout the pendency of his case. Justice Kennedy then concluded that a single standard of competency did not offend the requirements of the Due Process Clause. *Id.* at 2691.

In his dissenting opinion, Justice Blackmun, with whom Justice Stevens joined, rejected the majority's analysis as "contrary to both common sense

and longstanding case law." *Id.* at 2692 (Blackmun, J., dissenting). Justice Blackmun further admonished the majority for diminishing the significance of key facts and circumstances of the Moran case. The Court minimized the importance of his suicide attempt and use of four different prescription drugs at the time he plead guilty to capital murder and waived his right to counsel, by relegating them to footnotes. Justice Blackmun further argued that based on the facts of the Moran case, the trial court should have conducted another competency determination to establish if Moran was capable of waiving his constitutional rights. The dissent considered the competency standards for standing trial and waiving counsel as inherently different, thereby concluding that the standard of competency required to waive the right to counsel was similar to the Ninth Circuit's "reasoned choice" standard. *Id.* at 2695.

The *Godinez* decision is significant in that the Supreme Court has resolved the confusion surrounding the competency standard required when a defendant waives his right to counsel or enters a plea of guilty. According to the Court, the Due Process Clause requires only a finding of competency to stand trial. This standard is the level of mental functioning needed to reasonably make any decision throughout the course of a trial, as long as a defendant has been rendered competent to assist counsel in his defense. This simplifies the inquiry in criminal cases where competency to stand trial is not in doubt; in those cases the trial court need only determine whether the defendant knowingly and intelligently waived his constitutional rights.

- Amy Conrad