



Ford v. Wainwright

477 U.S. 399 (1986)

Country: United States

Region: Americas

Year: 1986

Court: Supreme Court

Health Topics: Mental health, Prisons

Human Rights: Freedom from torture and cruel, inhuman or degrading treatment, Right to due process/fair trial, Right to liberty and security of person, Right to life

Facts

The Appellant, Ford, was convicted of murder in a Florida state court and sentenced to death in 1974. There was no suggestion that he was incompetent at the time of the offense, at trial, or at sentencing. However in 1982, Ford began to manifest gradual changes in behavior, which, based on a psychiatric examination, indicated that he suffered from a "severe, uncontrollable disease," which closely resembled Paranoid Schizophrenia With Suicide Potential. This disease was deemed a "major mental disorder . . . severe enough to substantially affect [Ford's] ability to assist in the defense of his life." A later psychiatric examination indicated that Ford had "no understanding of why he was being executed, made no connection between . . . [his conviction] and the death penalty, and indeed sincerely believed that he would not be executed because he owned the prison and could control the Governor through mind waves." The doctor also stated that there was "no reasonable possibility that [Ford] was dissembling, malingering or otherwise putting on a performance."

Ford's counsel invoked competency determination procedures under Florida Statute § 922.07, which required:

The Governor, when informed that a person under sentence of death may be insane, to stay the execution and appoint a commission of three psychiatrists to examine the prisoner;

The examination of the convicted person take place with all three psychiatrists present at the same time;

The Governor, upon receipt of the commission's report, determine whether the convicted person had "the mental capacity to understand the nature of the death penalty and the reasons why it was imposed upon him"; and,

If the Governor found that the prisoner has that capacity, then a death warrant be issued and, if not, the prisoner be committed to a mental health facility.

After Ford's examination, all three psychiatrists separately concluded that he suffered from a mental disorder, but that he had the mental capacity to understand the nature of the death penalty and the reasons why it was imposed. The results accorded with a finding of sanity as defined by state law and, as a result, the Governor of Florida signed a death warrant for Ford's execution.

Ford's counsel later petitioned for habeas corpus seeking an evidentiary hearing on the question of Ford's sanity due to conflicting findings of the State-appointed evaluation and subsequent challenges by other psychiatrists to the methods used in the evaluation. The District Court denied the petition, and the Court of Appeals affirmed. The Supreme Court agreed to hear the appeal in order to resolve whether the Eighth Amendment's ban on cruel and unusual punishment prohibited execution of the insane.

Decision and Reasoning

The Court held that the Eighth Amendment prohibited the State from inflicting the death penalty upon a prisoner who was insane. It held that the Eighth Amendment recognized the "evolving standards of decency that mark the progress of a maturing society." Referring to American and English common law, it examined the State's penological interests and found that executions of the insane had "questionable retributive value, present[ed] no example to others, and thus ha[d] no deterrence value, and simply offend[ed] humanity." It added that the prohibition applied regardless of whether its aim was to "protect the condemned from fear and pain without comfort of understanding, or to protect the dignity of society itself from the barbarity of exacting

mindless vengeance.â€•

The Court further held that the District Court should have held an evidentiary hearing to re-determine Fordâ€™s sanity, in light of the conflicting evidence. The Court held that Ford was entitled to a de novo evidentiary hearing in the District Court on the question of his competence to be executed. This was based on the Courtâ€™s finding that Florida's statutory procedures provided "inadequate assurances of accuracy," and that Ford had been denied a fact-finding procedure "adequate to afford a full and fair hearing."

The Court found three defects in the Stateâ€™s procedures. Firstly, the State had failed to include Ford in the truth-seeking process, stating that "any procedure that preclude[d] the prisoner or his counsel from presenting material relevant to his sanity or bar[red] consideration of that material by the factfinder [was] necessarily inadequate." Secondly, it stated that "the failure of the Florida procedure to afford the prisoner's representative any opportunity to clarify or challenge the state experts' opinions or methods create[d] a significant possibility that the ultimate decision made in reliance on those experts [would] be distorted." Finally, it added that the most significant defect in the procedures was "the placement of the ultimate decision wholly within the Executive Branch." It explained that the person who appointed the psychiatric experts and ultimately decided whether the execution would be carried out was the Governor. It added that the Governorâ€™s subordinates could not be said to have "the neutrality necessary for reliability in the fact finding proceeding" as they were "responsible for initiating every stage of the prosecution of the condemned from arrest through to sentencing."

Decision Excerpts

"[T]he natural abhorrence civilized societies feel at killing one who has no capacity to come to grips with his own conscience or deity is still vivid today. And the intuition that such an execution simply offends humanity is evidently shared across this Nation. Faced with such wide spread evidence of a restriction upon sovereign power, this Court is compelled to conclude that the Eighth Amendment prohibits a State from carrying out a sentence of death upon a prisoner who is insane. Whether its aim be to protect the condemned from fear and pain without comfort of understanding, or to protect the dignity of society itself from the barbarity of exacting mindless vengeance, the restriction finds enforcement in the Eighth Amendment." 477 U.S., pp. 409-10.

"[C]onsistent with the heightened concern for fairness and accuracy that has characterized our review of the process requisite to the taking of a human life, we believe that any procedure that precludes the prisoner or his counsel from presenting material relevant to his sanity or bars consideration of that material by the factfinder is necessarily inadequate. "[T]he minimum assurance that the life-and-death guess will be a truly informed guess requires respect for the basic ingredient of due process, namely, an opportunity to be allowed to substantiate a claim before it is rejected." 477 U.S., pp. 414.

"It is no less abhorrent today than it has been for centuries to exact in penance the life of one whose mental illness prevents him from comprehending the reasons for the penalty or its implications. In light of the clear need for trustworthiness in any factual finding that will prevent or permit the carrying out of an execution, we hold that Fla. Stat. Â§ 922.07 (1985 and Supp. 1986) provides inadequate assurances of accuracy to satisfy the [established] requirements . . . Having been denied a factfinding procedure "adequate to afford a full and fair hearing" on the critical issue, . . . petitioner is entitled to an evidentiary hearing in the District Court, de novo, on the question of his competence to be executed." 477 U.S., pp. 417-18.

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