Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

INDIANA *v.* EDWARDS

CERTIORARI TO THE SUPREME COURT OF INDIANA

No. 07–208. Argued March 26, 2008—Decided June 19, 2008

After Indiana charged respondent Edwards with attempted murder and other crimes for a shooting during his attempt to steal a pair of shoes, his mental condition became the subject of three competency proceedings and two self-representation requests, mostly before the same trial judge. Referring to the lengthy record of psychiatric reports, the trial court noted that Edwards suffered from schizophrenia and concluded that, although it appeared he was competent to stand trial, he was not competent to defend himself at trial. The court therefore denied Edwards' self-representation request. He was represented by appointed counsel at trial and convicted on two counts. Indiana's intermediate appellate court ordered a new trial, agreeing with Edwards that the trial court's refusal to permit him to represent himself deprived him of his constitutional right of self-representation under the Sixth Amendment and *Faretta* v. *California*, 422 U. S. 806. Although finding that the record provided substantial support for the trial court's ruling, the Indiana Supreme Court nonetheless affirmed the intermediate appellate court on the ground that *Faretta* and *Godinez* v. *Moran*, 509 U. S. 389, required the State to allow Edwards to represent himself.

Held: The Constitution does not forbid States from insisting upon representation by counsel for those competent enough to stand trial but who suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves. Pp. 4–13.

(a) This Court's precedents frame the question presented, but they do not answer it. *Dusky* v. *United States*, 362 U. S. 402, and *Drope* v. *Missouri*, 420 U. S. 162, 171, set forth the Constitution's "mental competence" standard forbidding the trial of an individual lacking a rational and factual understanding of the proceedings and sufficient ability to consult with his lawyer with a reasonable degree of rational

understanding. But those cases did not consider the issue presented here, namely, the relation of that "mental competence" standard to the self-representation right. Similarly the Court's foundational "self-representation" case, *Faretta*, *supra*—which held that the Sixth and Fourteenth Amendments include a "constitutional right to proceed *without* counsel when" a criminal defendant "voluntarily and intelligently elects to do so," 422 U. S., at 807—does not answer the question as to the scope of the self-representation right. Finally, although *Godinez, supra,* presents a question closer to the one at issue in that it focused upon a borderline-competent defendant who had asked a state trial court to permit him to represent himself and to change his pleas from not guilty to guilty, *Godinez* provides no answer here because that defendant's ability to conduct a defense at trial was expressly not at issue in that case, see 509 U. S., at 399–400, and because the case's constitutional holding that a State may *permit* a gray-area defendant to represent himself does not tell a State whether it may *deny* such a defendant the right to represent himself at his trial. Pp. 4–8.

(b) Several considerations taken together lead the Court to conclude that the Constitution permits a State to limit a defendant's self-representation right by insisting upon trial counsel when the defendant lacks the mental competency to conduct his trial defense unless represented. First, the Court's precedent, while not answering the question, points slightly in that direction. By setting forth a standard that focuses directly upon a defendant's ability to consult with his lawyer, *Dusky* and *Drope* assume representation by counsel and emphasize counsel's importance, thus suggesting (though not holding) that choosing to forgo trial counsel presents a very different set of circumstances than the mental competency determination for a defendant to stand trial. Also, *Faretta* rested its self-representation conclusion in part on pre-existing state cases that are consistent with, and at least two of which expressly adopt, a competency limitation on the self-representation right. See 422 U. S., at 813, and n. 9. Second, the nature of mental illness—which is not a unitary concept, but varies in degree, can vary over time, and interferes with an individual's functioning at different times in different ways—cautions against using a single competency standard to decide both whether a defendant who is represented can proceed to trial and whether a defendant who goes to trial must be permitted to represent himself. Third, a self-representation right at trial will not "affirm the dignity" of a defendant who lacks the mental capacity to conduct his defense without the assistance of counsel, see *McKaskle* v. *Wiggins*, 465 U. S. 168, 176–177, and may undercut the most basic of the Constitution's criminal law objectives, providing a fair trial. The trial judge—

Syllabus

particularly one such as the judge in this case, who presided over one of Edwards' competency hearings and his two trials—will often prove best able to make more fine-tuned mental capacity decisions, tailored to the particular defendant's individualized circumstances. Pp. 8–12.

(c) Indiana's proposed standard, which would deny a criminal defendant the right to represent himself at trial if he cannot communicate coherently with the court or a jury, is rejected because this Court is uncertain as to how that standard would work in practice. The Court also declines Indiana's request to overrule *Faretta* because today's opinion may well remedy the unfair trial concerns previously leveled against the case. Pp. 12–13.

866 N. E. 2d 252, vacated and remanded.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and STEVENS, KENNEDY, SOUTER, GINSBURG, and ALITO, JJ., joined. SCALIA, J., filed a dissenting opinion, in which THOMAS, J., joined.