

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 Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

GODINEZ, WARDEN v. MORAN

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT

No. 92-725. Argued April 21, 1993—Decided June 24, 1993

After respondent Moran pleaded not guilty to three counts of first-degree murder and two psychiatrists concluded that he was competent to stand trial, he informed the Nevada trial court that he wished to discharge his attorneys and change his pleas to guilty. The court found that Moran understood "the nature of the criminal charges against him" and was "able to assist in his defense"; that he was "knowingly and intelligently" waiving his right to the assistance of counsel; and that his guilty pleas were "freely and voluntarily" given. He was ultimately sentenced to death. When Moran subsequently sought state postconviction relief, the trial court held an evidentiary hearing before rejecting his claim that he was mentally incompetent to represent himself, and the State Supreme Court dismissed his appeal. A Federal District Court denied his petition for a writ of habeas corpus, but the Court of Appeals reversed. It concluded that due process required the trial court to hold a hearing to evaluate and determine Moran's competency before it accepted his decisions to waive counsel and plead guilty. It also found that the postconviction hearing did not cure the error, holding that the trial court's ruling was premised on the wrong legal standard because competency to waive constitutional rights requires a higher level of mental functioning than that required to stand trial. The court reasoned that, while a defendant is competent to stand trial if he has a rational and factual understanding of the proceedings and is capable of assisting his counsel, he is competent to waive counsel or plead guilty only if he has the capacity for reasoned choice among the available alternatives.

Held: The competency standard for pleading guilty or waiving the right to counsel is the same as the competency standard for standing trial: whether the defendant has "sufficient present

ability to consult with his lawyer with a reasonable degree of rational understanding" and a "rational as well as factual understanding of the proceedings against him," *Dusky v. United States*, 362 U. S. 402 (*per curiam*). There is no reason for the competency standard for either of those decisions to be higher than that for standing trial. The decision to plead guilty, though profound, is no more complicated than the sum total of decisions that a defendant may have to make during the course of a trial, such as whether to testify, whether to waive a jury trial, and whether to cross-examine witnesses for the prosecution. Nor does the decision to waive counsel require an appreciably higher level of mental functioning than the decision to waive other constitutional rights. A higher standard is not necessary in order to ensure that a defendant is competent to represent himself, because the ability to do so has no bearing upon his competence to choose self-representation, *Faretta v. California*, 422 U. S. 806, 836. When, in *Westbrook v. Arizona*, 384 U. S. 150 (*per curiam*), this Court vacated a lower court ruling because there had been no "hearing or inquiry into the issue of [the petitioner's] competence to waive his constitutional right to the assistance of counsel," it did not mean to suggest that the *Dusky* formulation is not a high enough standard in cases in which the defendant seeks to waive counsel. Rather, the "competence to waive" language was simply a shorthand for the "intelligent and competent waiver" requirement of *Johnson v. Zerbst*, 304 U. S. 458, 468. Thus, *Westbrook* stands only for the unremarkable proposition that when a defendant seeks to waive his right to counsel, a determination that he is competent to stand trial is not enough; the waiver must also be intelligent and voluntary before it can be accepted. While States are free to adopt competency standards that are more elaborate than the *Dusky* formulation, the Due Process Clause does not impose them. Pp. 6-13.

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Syllabus

972 F. 2d 263, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and WHITE, O'CONNOR, and SOUTER, JJ., joined, and in Parts I, II-B, and III of which SCALIA and KENNEDY, JJ., joined. KENNEDY, J., filed an opinion concurring in part and concurring in the judgment, in which SCALIA, J., joined. BLACKMUN, J., filed a dissenting opinion, in which STEVENS, J., joined.