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Criminal Law--Insane Persons--Competency to Stand Trial

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F.2d 646 (10th Cir. 1956). The district court's decision was commented upon in 58 W. VA. L. REV. 187 (1956).

M. J. P.

CRIMINAL LAW—INSANE PERSONS—COMPETENCY TO STAND TRIAL. —Petitioner was indicted for felonies in violation of federal statutes by a grand jury of the western district of Missouri. Petitioner signed a waiver of trial in the western district of Missouri and was transferred to the eastern division of the northern district of Ohio. After a hearing pursuant to 18 U.S.C. §§ 4244-4248 (1949), during which it was determined that the petitioner's mental condition was such that it was doubtful that he could have understood the significance of the waiver, the district court of Ohio remanded the case to the district court for the western district of Missouri for disposition. That court transferred petitioner to the custody of the State of Ohio as being mentally incompetent. While in Ohio, the examining psychiatrist found that petitioner had recovered, and the Ohio authorities released him. Petitioner was rearrested, examined again by court appointed psychiatrists, and a hearing was held at which there were conflicting reports by psychiatrists. The district court for the western district of Missouri found that petitioner was mentally incompetent to stand trial and ordered him committed to the custody of the attorney general. The court of appeals for the eighth circuit affirmed, one judge dissenting. Certiorari granted. *Held*, that the assertion of the authority is pursuant to a valid statute which is within the congressional power under the necessary and proper clause of U. S. CONST. art. I, § 8, cl. 18, and that the statute deals with mental disorders which are permanent as well as temporary in nature. *Greenwood v. United States*, 76 Sup. Ct. 410 (1956).

For a discussion of the problems involved in application of 18 U.S.C. §§ 4244-4248, see Comment, 58 W. VA. L. REV. 94 (1955).

H. R. A., Jr.

DOMESTIC RELATIONS—DESERTION—NECESSARY INTENT TO ABANDON.—P, as committee for W, insane wife of D, sues for separate maintenance and support of W. W left D and approximately four months later entered a medical center for the mentally disturbed. As to justification of W's action, the evidence is conflicting. The