

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

United States v. Luther S. Cartwright

429 F.2d 1298 (6th Cir. 1970) · No. No. 19888 · Decided August 6, 1970

SUMMARY

The Sixth Circuit held that the limited retroactivity of its newly adopted insanity-defense standard applied to Luther S. Cartwright because his failure to obtain a direct appeal resulted from counsel's failure to follow his instructions. The court reversed his bank-robbery conviction because the jury instruction did not adequately require consideration of whether mental disease deprived him of substantial capacity to conform his conduct to the requirements of law, and remanded for a new trial.

CASE DETAILS

COURT	United States Court of Appeals for the Sixth Circuit
WRITING FOR THE COURT	Edwards, Circuit Judge; Phillips, Chief Judge; Brooks, Circuit Judge
JURISDICTION	Federal
DECIDED	August 6, 1970
DOCKET	No. 19888
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Belated direct appeal from a jury conviction for bank robbery after the district court vacated the appellant's sentence in a 28 U.S.C. § 2255 proceeding and resentenced him to permit a direct appeal.
STANDARD OF REVIEW	The court reviewed the legal sufficiency of the insanity instruction for reversible error and considered whether the limited retroactivity rule announced in United States v. Smith applied.
PRECEDENTIAL VALUE	Published Sixth Circuit opinion; precedential
PARTIES	Luther S. Cartwright v. United States of America

TOPICS

- criminal procedure
- appellate procedure
- post-conviction relief
- state post-conviction relief

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate procedure
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the limited retroactivity principle announced in *United States v. Smith* applied to Cartwright's belated direct appeal.
2. Whether the original insanity instruction was reversible error because it failed to require the jury to determine whether mental disease deprived Cartwright of substantial capacity to appreciate the criminality or wrongfulness of his conduct or to conform his conduct to the requirements of law.

HOLDINGS

1. The limited retroactivity principle announced in *United States v. Smith* applies where the defendant's appeal is being heard after the district court restored the opportunity for a direct appeal because appointed counsel failed to carry out the defendant's instructions to appeal.
2. The insanity instruction was reversible error because it did not require the jury to determine whether mental disease deprived Cartwright of substantial capacity either to appreciate the criminality or wrongfulness of his conduct or to conform his conduct to the requirements of law.

KEY QUOTATIONS

"A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality [wrongfulness] of his conduct or to conform his conduct to the requirements of the law."

*"The instruction in the instant case did not require the jury to determine whether mental disease had deprived appellant of "substantial capacity * * * to conform his conduct to the requirements of the law" either in those words or in reasonable equivalent thereof."*

FACTUAL BACKGROUND

Cartwright was charged with two bank robberies and with putting a bank teller's life in jeopardy under 18 U.S.C. § 2113(a) and (d). At his 1966 jury trial, he relied principally on insanity, but the court instructed the jury that insanity could exist if mental disease destroyed his capacity to act as a responsible, law-abiding citizen. The jury convicted him, and he received concurrent twenty-year sentences.

PROCEDURAL HISTORY

Cartwright was convicted after a jury trial on two bank-robbery counts and one count of putting a bank teller's life in jeopardy, and received concurrent twenty-year sentences. He later moved under 28 U.S.C. § 2255, asserting that appointed counsel had failed to follow his instructions to appeal. After this court ordered an evidentiary hearing, the district court found the appeal-related claim sufficient to vacate the sentence and resentence him, thereby enabling the present direct appeal. The Sixth Circuit reversed the conviction and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the district court for further proceedings consistent with the opinion, including a new trial employing the insanity standards adopted in *United States v. Smith*.

CASES CITED

- *United States v. Smith*, 404 F.2d 720 (6th Cir. 1968)
- *Cartwright v. United States*, 410 F.2d 122 (6th Cir. 1969)