



Psychiatry & Behavioral Sciences Section – 2004

I9 Mental Retardation and the Death Penalty: Responding to the U.S. Supreme Court's Landmark Decision in *Atkins vs. Virginia*

Daniel A. Martell, PhD, Park, Dietz & Associates, Inc., 537 Newport Center Drive, #200, Newport Beach, CA 92660*

Attendees will learn the current case law on mental retardation in capital litigation, and issues that arise in the clinical evaluation of empirical IQ scores and assessments of adaptive functioning in this unique class of criminal defendants.

Marking the most significant legal development for mental health professionals working in capital litigation in the past decade, the United States Supreme Court's landmark decision in *Atkins v. Virginia* made it unconstitutional to execute persons with mental retardation. This presentation will review the Court's decision in this case, and explore the unique clinical issues that arise in conducting these evaluations.

Professional standards for *Akins* evaluations will be suggested, with emphasis on the selection of appropriate I.Q. tests; problems encountered with the assessment of adaptive functioning and approaches for confronting them; and issues arising in cross-cultural evaluations and non-English speakers.

Distinctions will be drawn between evaluations performed at various stages in the procedural history of these cases, including the decision to seek the death penalty, evidence presented in the guilt or penalty phases of trial, issues rising in Federal Habeas proceedings, and evaluations of competency for execution. Material from recent Federal and state cases will be used to illustrate the clinical contours of these unique cases.

Mental Retardation, Death Penalty, *Atkins vs. Virginia*