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## Justices Weigh Abuse in Woman's Defense

By Gina Holland, Associated Press Writer

WASHINGTON – Keshia Dixon claimed her abusive boyfriend woke her up three years ago with a gun to her head, a punch in the face and a demand that she break the law and buy him more weapons.

Dixon was convicted of federal guns charges, and the Supreme Court considered Tuesday whether she was given a fair chance to make the case that she was under duress at the time.

Her lawyer, J. Craig Jett of Dallas, said that Dixon, with a busted lip, accompanied the boyfriend to a Texas gun show while his accomplices stayed home with her teenage daughters.

“As far as she was concerned, there was somebody there with a gun to the head of her children,” Jett told justices. “What was most important to her was the safety of her children.”

Bush Administration lawyer Irving Gornstein said that Dixon knew she was breaking the law when she provided an incorrect address and stated in the weapons paperwork that she was not facing criminal charges.

And he said that a victory for Dixon could open the door to more claims by drug carriers and others that they should not be put in prison for wrongdoing because they were coerced.

Dixon's lawyer had asked the court to decide if the trial judge wrongly barred a witness who was going to testify on Dixon's claim she was suffering from battered woman's syndrome. Instead, justices, when they agreed to hear the case, said they would look at a limited issue: whether the burden should have been on Dixon to show she was under duress or on the government to disprove it.

Gornstein repeatedly referred to the duress claim as an “excuse.” Justice John Paul Stevens, sounding irritated, said that the word “justification” might also apply.

Chief Justice John Roberts said that defendants can come up with explanations for their crimes, like “I was on drugs and didn't know what I was doing.”

Justice Antonin Scalia said that Dixon, who was sentenced to nearly three years in prison, had a choice. He also joked that if it had been him, he would have shot the boyfriend. “I'd just wound him,” he added.

The boyfriend, Thomas Earl Wright, a convicted felon who could not buy guns on his own, was not prosecuted, according to lawyers in the case.

Jett said that 29 states require their prosecutors to disprove a coercion defense. Several justices noted that there was no evidence of problems in those states.

Fourteen states require defendants to establish a duress or coercion defense, according to Jett: Alaska, Arizona, Arkansas, Delaware, Hawaii, Louisiana, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Texas, and Washington.

Justices will rule in the case before July, and the outcome could prompt states to change their practices.

The case is *Dixon v. United States*, 05-7053.

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