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Top Court Sides with Government in Duress Case

By The Associated Press

WASHINGTON – The Supreme Court clamped down Thursday on defendants who claim they were coerced into breaking the law.

Those defendants, not prosecutors, have the burden of proving in trials that they committed crimes only under duress.

Although the ruling involves federal prosecutions, it could lead states to change their laws.

The court's liberals were split in the 7-2 ruling against a Texas woman who claimed her abusive boyfriend forced her to illegally buy him guns while his accomplices held her children hostage.

Government lawyers argued that a ruling for Keisha Dixon would help drug carriers and others avoid prison, claiming they were coerced.

“The issue is a close one,” Justice Stephen Breyer wrote in a dissent with Justice David H. Souter. “Where a defendant acts under duress, she lacks any semblance of a meaningful choice. In that sense her choice is not free.”

Justice John Paul Stevens, considered the court's most liberal member, wrote the opinion, and was joined by Justice Ruth Bader Ginsburg, a former women's rights lawyer – a lineup that surprised some.

“Battered women lose,” said J. Craig Jett of Dallas, Dixon's attorney. “The duress defense will be virtually dead in federal court.”

The National Clearinghouse for the Defense of Battered Women and the National Association of Criminal Defense Lawyers had filed a brief supporting Dixon.

“People who commit crimes under severe threat of death or injury to themselves or their children will find it hard to prove this to a jury,” said Peter Goldberger of Ardmore, Pa., a lawyer who worked on the brief.

Dixon's case had also raised issues about battered woman's syndrome, but the high court looked at a single subject – whether Dixon's constitutional rights were violated when jurors were told that she had to prove that she was coerced into breaking the law.

Her rights were not violated, the court said.

“Congress can, if it chooses, enact a duress defense that places the burden on the government to disprove duress beyond a reasonable doubt,” Stevens wrote for the majority.

He noted that prosecutors did have to show that she acted knowingly and willfully.

Most federal courts have an opposite rule, Breyer complained in the dissent.

Justice Anthony M. Kennedy, who filed his own opinion, said that “as the person who allegedly coerced the defendant is often unwilling to come forward and testify, the prosecution may be without any practical means of disproving the defendant's allegation.”

Jett said he fears more states may join the 14 that now put the burden in duress cases on defendants: Alaska, Arizona, Arkansas, Delaware, Hawaii, Louisiana, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Texas, and Washington.

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

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