

Suspect in Shooting of Giffords Ruled Unfit for Trial

By MARC LACEY

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TUCSON — A federal judge ruled Wednesday that [Jared L. Loughner](#) was not mentally competent to stand trial on charges that he opened fire at a constituent event for Representative [Gabrielle Giffords](#) in January, killing six and injuring her and 12 others.

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U.S. Marshals Service, via Agence France-Presse — Getty Images

Jared Lee Loughner after his arrest in January.

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Chris Morrison/Associated Press

Jared L. Loughner was restrained by marshals after an outburst at his competency hearing Wednesday in a Tucson courtroom.

The ruling by Judge Larry A. Burns of Federal District Court suspends the court proceedings against Mr. Loughner while the suspect, who experts said has schizophrenia, undergoes treatment at a federal psychiatric facility in Springfield, Mo.

Before the judge's decision, Mr. Loughner disrupted the hearing with an outburst that prompted deputy marshals to carry him from the room. He will return to court on Sept. 21, when the judge will review again whether Mr. Loughner understands the 49 charges against him and can assist in his defense.

It remains possible, legal experts said, that Mr. Loughner will never be found competent, and could remain in a psychiatric facility indefinitely, but prosecutors said they hoped the trial would resume. "Our goal has always been and always will be to go to trial," said Dennis K. Burke, a United States attorney, speaking to reporters outside the courthouse.

Mr. Loughner, 22, looked haggard when he walked into court in shackles. Shaved bald and standing erect during his first court appearance in January, he now has long sideburns and unkempt hair and walks stooped over. He rocked back and forth in his chair during the proceedings, buried his face in his hands midway through and interrupted the judge with an outburst.

"Thank you for the freak show," he appeared to say. "She died right in front of me. You're treasonous."

Other witnesses heard him say, "Thank you for the free shot," and court officials were reviewing the recording to confirm.

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A lawyer close to the case said that Mr. Loughner continued to believe he killed Ms. Giffords and that he has clashed with his lawyer, Judy Clarke, who told him the congresswoman survived a bullet wound to the head.

Expecting that he might act out, security personnel were positioned within two feet of Mr. Loughner and quickly spirited him out of the room. He was escorted back moments later and told the judge he would prefer to watch on a television screen in an adjoining holding cell.

Judge Burns’s ruling that Mr. Loughner was incompetent followed the recommendations of two experts, Christina Pietz, a psychologist who works for the Bureau of Prisons and was appointed by the prosecution, and Dr. Matthew Carroll, a psychiatrist in private practice in San Diego appointed by the judge.

Dr. Pietz conducted 12 interviews with Mr. Loughner over nine hours. She found that his thoughts were random and disorganized and that he suffered delusions and offered nonsensical answers to her questions. She diagnosed schizophrenia.

Similarly, Dr. Carroll found after five interviews over seven hours that Mr. Loughner experienced delusions, bizarre thoughts and hallucinations and appeared to suffer from paranoid schizophrenia, the judge said. Dr. Carroll considered whether Mr. Loughner was faking a mental illness but reported that he showed no signs of that, the judge said.

Judge Burns said he reviewed the hours of videotaped interviews and agreed with the experts’ conclusions. “At the present time, Mr. Loughner does not have a rational understanding of these proceedings,” Judge Burns said, ordering him treated for up to four months.

Paul G. Cassell, a criminal justice expert at the S. J. Quinney College of Law at the University of Utah, said psychiatric evaluations would continue to determine whether Mr. Loughner’s condition has improved. If the experts believe that Mr. Loughner can be rendered competent through psychiatric treatment, then he can be forced to take medications, said Mr. Cassell, a former federal judge.

Forcing medication raises troubling issues for society, said Cynthia Hujar Orr, a lawyer in San Antonio who is a past president of the National Association of Criminal Defense Lawyers. “Is it ethical and proper to help someone regain competence just to go after them for a death penalty offense or a murder offense?” she asked.

Mr. Loughner’s parents, Randy and Amy, who were in the courtroom, sobbed when the judge said experts believed the suspect’s mental health had been in decline for two years. Since his arrest, Mr. Loughner’s classroom outbursts at Pima Community College here, which expelled him, and his bizarre rantings on the Internet have come to light.

Before court, prosecutors met with [shooting](#) victims to prepare them for the judge’s ruling and let them know that it could be years before Mr. Loughner is ever tried. The case of John W. Hinckley Jr. was mentioned, although he did stand trial for the attempted assassination of Ronald Reagan and was found not guilty by reason of insanity in 1982, a result that led to passage of a law narrowing the use of the insanity defense in federal courts.

Mr. Loughner faces separate state charges, which will also be suspended until he is determined to be competent, officials said. “It is always better to hold criminals accountable, but we may not be able to go forward if the mental health issues are insurmountable,” said Kathleen Mayer, the deputy prosecutor in Pima County. “We do know he won’t be a threat to anyone anymore.”

One of the dozen or so victims and their families who attended the hearing, Eric Fuller, who was hit by bullet fragments in his back that morning, said it was clear to him that Mr. Loughner was ill.

“The mere appearance, very disheveled, very disorganized, you don’t have to be a



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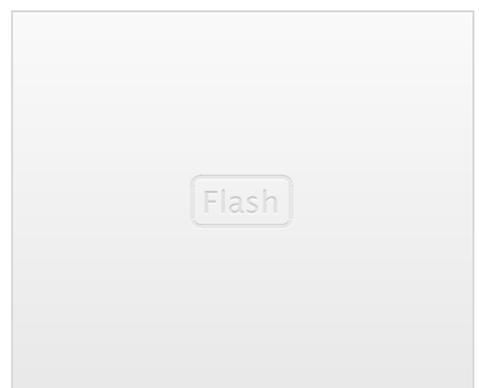
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professional psychologist to know the boy is disturbed,” Mr. Fuller said.

Judge Burns said he had received two letters from Mr. Loughner since his arrest, both complaining about his legal representation. The judge told Mr. Loughner’s court-appointed lawyer, Ms. Clarke, that he did not intend to take up the issues raised in the letters because he considered them a consequence of Mr. Loughner’s mental illness.

Mr. Loughner was arrested after being wrestled to the ground by bystanders at the scene of the Jan. 8 shooting in a grocery store parking lot where Ms. Giffords, an Arizona Democrat, was meeting with constituents. Mr. Loughner is charged with walking up to the congresswoman and shooting her, then turning his gun on others in the crowd. Among the dead were John Roll, a federal judge in Tucson, and 9-year-old Christina-Taylor Green, both of whom were mentioned prominently in a speech that President Obama gave here shortly after the shooting.

Ms. Giffords has been undergoing rehabilitation for a severe brain injury at a hospital in Houston. Doctors say she is making steady progress, and she recently traveled to Florida to watch her husband, Capt. Mark E. Kelly, pilot the [space shuttle Endeavour](#) on its final mission into space.

John Schwartz contributed reporting from New York.

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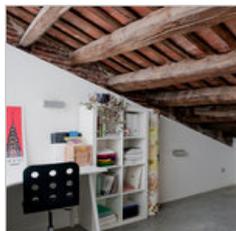
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