

## Oregon Supreme Court rules state can force anti-psychotic drugs in some cases

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Click here [to read the Oregon Supreme Court brief](#). Click here to read [the Oregon State Hospital's policy on holding defendants](#) are sent there for stabilization before trial.

Oregon trial courts have the right to order mentally ill defendants to take anti-psychotic medication in some cases, according to a ruling issued Thursday by the state's Supreme Court.

The ruling gives the state's circuit courts permission to apply a narrowly focused federal case to Oregon defendants, even though Oregon statutes don't explicitly allow it, which some states' laws do.

The 2003 U.S. Supreme Court case, *Sell v. United States*, allowed judges to mandate medications in cases where the government had an overwhelming interest in doing so and the medication is medically appropriate and unlikely to cause serious side effects.

However, the Oregon ruling said a Multnomah County Circuit Court had erred in applying the *Sell* case to the case at hand, where it ruled the state did not have a sufficient interest to justify the order.

The ruling dealt with the case of James Michael Francis Lopes, who was arrested on Aug. 16, 2012, and charged with attempted sex abuse in the first degree, a Class C felony.

He remained in jail, but was found mentally unable to stand trial and sent to the Oregon State Hospital for treatment on Nov. 19, 2012. The hospital sent the court a letter on Jan. 2, 2013, that said Lopes would never regain the ability to stand trial without medication and sent him back to jail.

He moved to dismiss his case in February, and in March, the hospital sent another letter again maintaining that Lopes could not stand trial without medication.

A circuit court judge then ruled the court could order the hospital to force Lopes to take his medication, and the case made it to the state Supreme Court.

In Oregon, patients at the state hospital have the right to refuse medication except under very specific circumstances. That right can be denied if the person "has an immediate problem with violence or grave disability related to his own self-care," according to the hospital's policy.

The *Sell* case said trial courts can tell hospitals to deny that right in order to allow someone to stand trial.