

# PsychRights®

Law Project for  
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## New York's High Court Condones Shocking Injustice

In its recent decision in the *Simone D.* case<sup>1</sup>, the New York State Court of Appeals has rejected a patient's petition to avoid forced electroshock. The anonymous plaintiff in this case - "Simone D." is not her real name - has been a patient in New York State's Creedmoor Psychiatric Center since 1994. By 2005, when she appealed a court order mandating yet more electroshock, Simone D. had been subjected to the so-called "treatment" almost 150 times.

In the original hearing that forced electroshock on Simone D., she was denied the right to an independent psychiatric expert and the court abruptly terminated testimony of the hospital's own psychiatrist about the dangers of electroshock. Simone D. had also effectively been denied access to a voluntary alternative, psychotherapy in her native Spanish. Because of the gravity of these issues, the Law Project for Psychiatric Rights (PsychRights®) joined in an *Amicus* brief in support of Simone D.'s appeal.<sup>2</sup>

PsychRights sees the Court of Appeals decision as a call for renewed efforts to oppose forced electroshock, which causes permanent injury in each and every patient and is universally experienced as torture.

Like practically all court proceedings that force electroshock and psychiatric drugging on individuals who have been labeled as mentally ill, the hearing in the lower court that ordered more electroshock for Simone D. was, at best, a mockery. By refusing to appoint an independent expert and by terminating cross-examination, the court set itself as a "silent witness" against Simone D., and tried hard to close the door on any possible appeal.<sup>3</sup>

Equally upsetting is the refusal to look for any genuine alternative. The hospital was perfectly happy to force electroshock on Simone D. for years, but would only invest a few weeks in exploring psychotherapy in the only language she speaks.

Jim Gottstein, PsychRights President and CEO, expressed his anger at the Court of Appeal's decision to uphold this egregious violation of a patient's right to avoid electroshock. "Reading the Court of Appeals decision, one would never know the trial court refused to allow Simone D. to have her own expert witness, or even allow cross-examination about the damage done by electroshock because the judge decided he already knew about electroshock." he said today, adding, "By condoning such an outrageous pre-judgment, the New York Court of Appeals has abdicated its role in protecting New York's citizens from this barbaric practice inflicted on unwilling patients by New York's psychiatric hospitals."

The Law Project for Psychiatric Rights is a public interest law firm devoted to the defense of people facing the horrors of unwarranted forced psychiatric drugging and electroshock. PsychRights is further dedicated to exposing the truth about psychiatric interventions and the courts being misled into ordering people subjected to these brain and body damaging drugs against their will. Extensive information about these dangers, and about the tragic damage caused by electroshock, is available on the PsychRights web site: <http://psychrights.org/>.

<sup>1</sup> <http://psychrights.org/States/NewYork/SimonD/CtofAppDecision6-27-07.pdf>

<sup>2</sup> <http://psychrights.org/States/NewYork/SimonD/AmicusBrief.pdf>

<sup>3</sup> see dissent of Crane J.P. in the lower court's decision at

<http://psychrights.org/States/NewYork/SimonD/SimoneDAppDivDecision.pdf>