



Robinson v. California, 370 U.S. 660, 667 n.9 (1962)

A jury found defendant guilty under Cal. Health & Safety Code § 11721 for being addicted to the use of narcotics, a conviction that was affirmed on appeal. Defendant sought further review from the United States Supreme Court. The Court reviewed the record, which included a police officer's testimony that defendant had scar tissue and discoloration on the inside of his arm, as well as needle marks and a scab below the crook of the elbow, which the officer believed was the result of injections by hypodermic needles. At the time of his arrest, defendant was not engaged in any illegal conduct, and there was no proof that he had actually used narcotics within California. The Court concluded that § 11721 made the status of being addicted to the use of narcotics a criminal offense and thus unconstitutional for being cruel and unusual punishment.

The Court Provided

Not only may addiction innocently result from the use of medically prescribed narcotics, but a person may even be a narcotics addict from the moment of his birth. See . . . 168 Journal of the American Medical Association 1008 (1958)