

## **Research Assessment 8**

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Price, Michael. "Pleading Insanity Defense: Mentally Ill Criminal Defense I Criminal Law." *CriminalDefenseLawyer.com* . NOL0, n.d. Web. 21 Jan. 2016.

### **Analysis:**

Many people know about how those charged with criminal offenses plead not guilty by the defense of insanity. This defense is the most widely known mental illness defense because of constant use in television shows and movies. It has become common knowledge in households across the nation that when charged with felonies, one can utilize a defense of insanity. However, many individuals know this infamous defense superficially and lack knowledge on the details and process that goes into forming a defense in insanity. Even more important is understanding the reason it exists and why it was created in the first place.

To start off, what does it mean to plead insanity as a defense? How does a defendant successfully plead such a thing? Well, to plead insanity as a defense means that a defendant is asserting an affirmative defense. An affirmative defense is when the defense council introduces evidence, which will hopefully negate criminal liability, even if it is proven that the defendant committed the alleged crime they are being charged for. By pleading insanity, the defendant is essentially admitting that they committed a criminal act, and is seeking to excuse their offense because of their mental illness that satisfies the definition of legal insanity. Furthermore, people who are proven to have been insane at the time of the committed crime are not considered legally or morally guilty.

To determine if this affirmative defense is applicable, many states utilize an exam called the M'Naghten Test to determine if an individual is legally insane. In the M'Naghten Test, a person is legally insane if their mental illness prevents them from knowing the difference between right and wrong in regards to the offense. This test however has been replaced in some states by the Brawner Test. According to a criminal defense website, "under this test, defendants are insane if, because of mental disease or defect, they lack the substantial capacity to appreciate the criminality of their actions or to conform their behavior to legal requirements." Other states have replaced both of these tests with the irresistible impulse test. This test determines insanity by checking if a mental disorder prevents an offender from resisting the urge to commit an illegal act that they know is wrong. The following example, pulled from the criminal defense website, helps to gain a better understanding through a scenario: "Manion, an army officer, returns home just as Quill races out the back door. Manion hurries inside and finds his wife Laura lying on the floor, raped and beaten by Quill. Manion picks up a gun, walks to Quill's place of employment, shoots and kills him, then calls the police. A defense psychiatrist testifies that Laura's injuries caused Manion to suffer a sudden psychic shock called dissociative

reaction, and that dissociative reaction creates an unbearable tension that people may try to alleviate by taking immediate and often violent action. The psychiatrist's testimony supports a conclusion that Manion was legally insane under the irresistible impulse test. (This example is loosely based on the classic 1959 film, .)"

Next comes the procedures taken when a plea of insanity defense goes to trial. After the defense council decides to base their case on that plea, they must inform the prosecution before the trial about their decision to rely on an insanity defense as a courtesy. This is usually done because both sides oftentimes call in their own psychiatrists to provide testimony on the defendant's mental state after an examination. For all of this to occur, time and preparation is needed, so this plea cannot be made on the spur of a moment. Additionally, judges sometimes appoint psychiatrists to provide a testimony in court. Since the prosecution has the burden of proof in a criminal trial, prosecutors usually like to bring in qualified experts to help solidify their case. As a result, the defense too will bring in expert witnesses such as psychiatrists to make an equally concrete case to defend their client. When proving insanity however, the defense has the burden of persuading the judge and jury that the defendant is in fact legally insane. Interestingly enough, I found out that the federal rules of evidence "forbid defense psychiatrists from testifying to an opinion that a defendant was legally insane at the time a crime was committed. Instead, they can only provide a medical diagnosis concerning a defendant's mental illness."

So what happens after the defense has successfully claimed insanity as a defense? What happens to the defendant? Well, contrary to popular belief, defendants don't get off scot free. Disappointing as it might be, the affirmative defense is not a "get out of jail free" card. In fact, those found not guilty by reason of insanity are rarely let free. In actuality, most individuals who are successful in this claim are confined to mental health institutions and/or hospitals. According to the author Mr. Price, "they may remain confined for a longer period of time than had they been found guilty and sentenced to a term in prison." Described in an interview assessment, the John Hinckley Case of 1982 is an example of an individual who successfully plead not guilty by the reason of insanity. To refresh, John Hinckley Jr. attempted to assassinate President Ronald Reagan. Although he failed in killing the President, he did manage to shoot the President and a secret service agent to get the attention of actress, Jodie Foster. After the trial, he was committed to St. Elizabeth's Hospital for the criminally insane in Washington, D.C., where he is still at today.

As can be seen, the plea of insanity as an affirmative defense is more complex than what is portrayed in the media. The over dramatization and glamour of the defense has caused the defense to gain a sugar coating to the public's eyes. The general public only sees the outside appearance but not the inner details. The fact is that, insanity cases are incredibly rare: Defendants offer an insanity defense in less than 1% of all felony cases, and are successful only about one-quarter of the time. Additionally, the myth that many individuals fake mental illness to plead insane, is untrue. Individuals who claim insanity usually have a long prior history of mental illness, medication, and psychiatric visits. This affirmative defense was created to help those who commit crimes in a certain mindset caused by

mental illness from being unfairly punished. For the most part, this legal defense is successful in its goal contrary to the public's belief.