The Insanity Defense

Lizzy Bassett: Sixth Period
What is the insanity defense?

“A defense asserted by the accused in a criminal prosecution to avoid liability for commission of crime because, at the time of the crime, the defendant did not appreciate the nature or wrongness or quality of his or her actions.”

– Webster Dictionary
Are there different types or categories of the insanity defense?

1. **Cognitive insanity**: Defendant doesn’t know nature or quality of act.

2. **Volitional/Irresistible**: Able to distinguish right from wrong, but mental disease has caused incapability of controlling individual actions.
Why choose insanity?

Briefly skimming the subject in class intrigued me to further my knowledge of the insanity defense. The controversy of this topic is compelling.
Existing Insanity Laws

- The Durham Rule
- The Irresistible Impulse Test
- The M'Naghten Rule

Only 4 states do not permit the insanity defense in court of law. These states are Kansas, Montana, Idaho and Utah.
What does it take to be deemed insane in court?

The M'Naghten Rule focuses on whether a criminal defendant understood right from wrong at the time the crime was committed.
Criticisms of the M’Naghten Law

• Defendants meeting the legal definition of insanity do not always meet criteria, but are sentenced to mandatory mental institutions anyways

• Fails to distinguish between defendants posing a violent public danger and those who do not
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History of the Insanity Defense

“Complete madness” - 13th century England

“Wild Beast” - 18th century
After a verdict of insanity has been reached, what happens to the defendant?

A verdict of *not guilty by reason of insanity* prompts a judge to admit defendants to treatment centers until determined they do not pose as dangerous.
Irresistible Impulse
Insanity Defense: Not-Guilty Verdict

Mental Disease or Defect of the Mind

Inability to Know Nature or Quality of the Criminal Act or That the Criminal Act Was Wrong or Inability to Control Conduct
What’s the difference between the insanity defense and incompetency to stand trial?

**Incompetency Defense:** AT TIME OF TRIAL
Held in mental institute until considered capable of attending trial

**Insanity Defense:** AT TIME OF CRIME
Continues with trial process
Lorena and John Bobbitt were a young couple from Virginia. John had a history of mentally and sexually abusing Lorena throughout their marriage. In June of 1993, John arrived home highly intoxicated and proceeded to rape Lorena. After the incident, Lorena stepped into the kitchen for a drink of water and saw a carving knife on the counter. This evoked memories of the years of domestic abuse that had been taking place. Lorena then walked back into the bedroom where John was sleeping and “cut off almost half of his penis” with the knife. With the severed penis in hand, Lorena left the apartment, drove to a field and threw it in the field. Finally, she made the call to 911 in which a team then searched for the genitalia and was able to recover it. John was taken to the hospital and his penis was able to be surgically reattached. Her defense in trial claimed she was suffering from clinical depression. Lorena was acquitted of her charges due to temporary insanity, not being held responsible for her actions. She was however ordered to go under psychiatric evaluation for 45 days and was released thereafter.
Andrea Yates: 911 Call Audio
3 relevant vocabulary terms:
1. Insanity Defense
2. M’Naghten Rule
3. Cognitive Insanity
4. Volitional/Irresistible Insanity

2 possible short answer questions:
1. What is the difference between the insanity defense and incompetency to stand trial?
2. After deemed insane in court, what is done with the defendant? What is their “sentence” like?
3. What is the difference between cognitive insanity and volitional/irresistible insanity?