

SUPREME COURT LIMITS USE OF MENTAL CAPACITY IN CRIMINAL CASES

A 5-2 Supreme Court majority ruled Tuesday that mental incapacity short of insanity cannot be used to avoid or reduce criminal responsibility in crimes requiring a showing of specific intent. The court said the insanity defense, part of a comprehensive statutory scheme setting forth mental capacity related crimes, is the sole standard for determining criminal responsibility as it relates to mental illness or retardation.

The case affirmed the conviction of a man who contended he lacked the mental capacity to form the intent required for the crimes of first-degree home invasion and felonious assault. The intoxicated man, who had been diagnosed as delusional and suffering from drug-induced organic brain damage, broke into a home and fired gun shots in the direction of a couple in an episode that culminated in a stand-off with police. He claimed no memory of the incident.

The court (*People v. Carpenter*, SC docket No. 115617) said state law establishes what must be demonstrated to claim an insanity defense and sets requirements for incarceration and treatment of criminals who meet mental illness or retardation thresholds.

“We conclude that, through this framework, the Legislature has created an all or nothing insanity defense,” Justice Robert Young Jr. wrote on behalf of the court majority. He said the Legislature has provided that a person who may be mentally ill or retarded yet not insane may be found guilty but mentally ill and receive the same sentence as any other person, though getting treatment and psychiatric evaluation.

The court cited similar conclusions in rejecting a diminished capacity defense by other state Supreme Courts and the U.S. Court of Appeals. The court added, "Like the Supreme Court of Ohio, we decline to adopt an alternative defense to legal insanity 'that could swallow up the insanity defense and its attendant commitment provisions.'"

Signing the opinion were Chief Justice Maura Corrigan and Justices Elizabeth Weaver, Clifford Taylor and Stephen Markman.

In a dissent, Justice Marilyn Kelly, joined by Justice Michael Cavanagh, contended the broad rule established by the court lacks sound justification. "I maintain that people accused of those crimes should not be prevented from offering evidence of mental abnormality or illness showing that they acted without the requisite specific intent," she said.

The dissent said neither the insanity law nor the guilty but mentally ill law mentions the permissibility of using evidence of mental abnormality to negate specific intent and is in clear contrast to evidence of diminished capacity.

The majority's holding, she said, violates presumption of innocence and the due process rights to present a defense and be convicted only upon proof beyond a reasonable doubt.

While the court relied heavily on a 1946 U.S. Supreme Court decision, the dissent said that case has been effectively overruled by implication, including a recent case declaring a rule barring evidence of mental abnormality may be unconstitutional.

The dissent said nearly every federal circuit court has concluded the insanity defense reform act does not bar evidence of mental abnormality.