

THE INSANITY DEFENSE IN TEXAS

MAUREEN BURROWS, MD, MPH
MAUREENBURROWS@GMAIL.COM
(512) 686-1960

DEFINITION

COMPETENCY

- Sufficient present ability to consult with the person's lawyer with a reasonable degree of rational understanding
- A rational as well as factual understanding of the proceedings against the person



SANITY EVALUATIONS

TEXAS LEGAL DEFINITION

An affirmative defense to prosecution that, at the time of the conduct charged, the actor, as a result of severe mental disease or defect, did not know that his conduct was wrong.

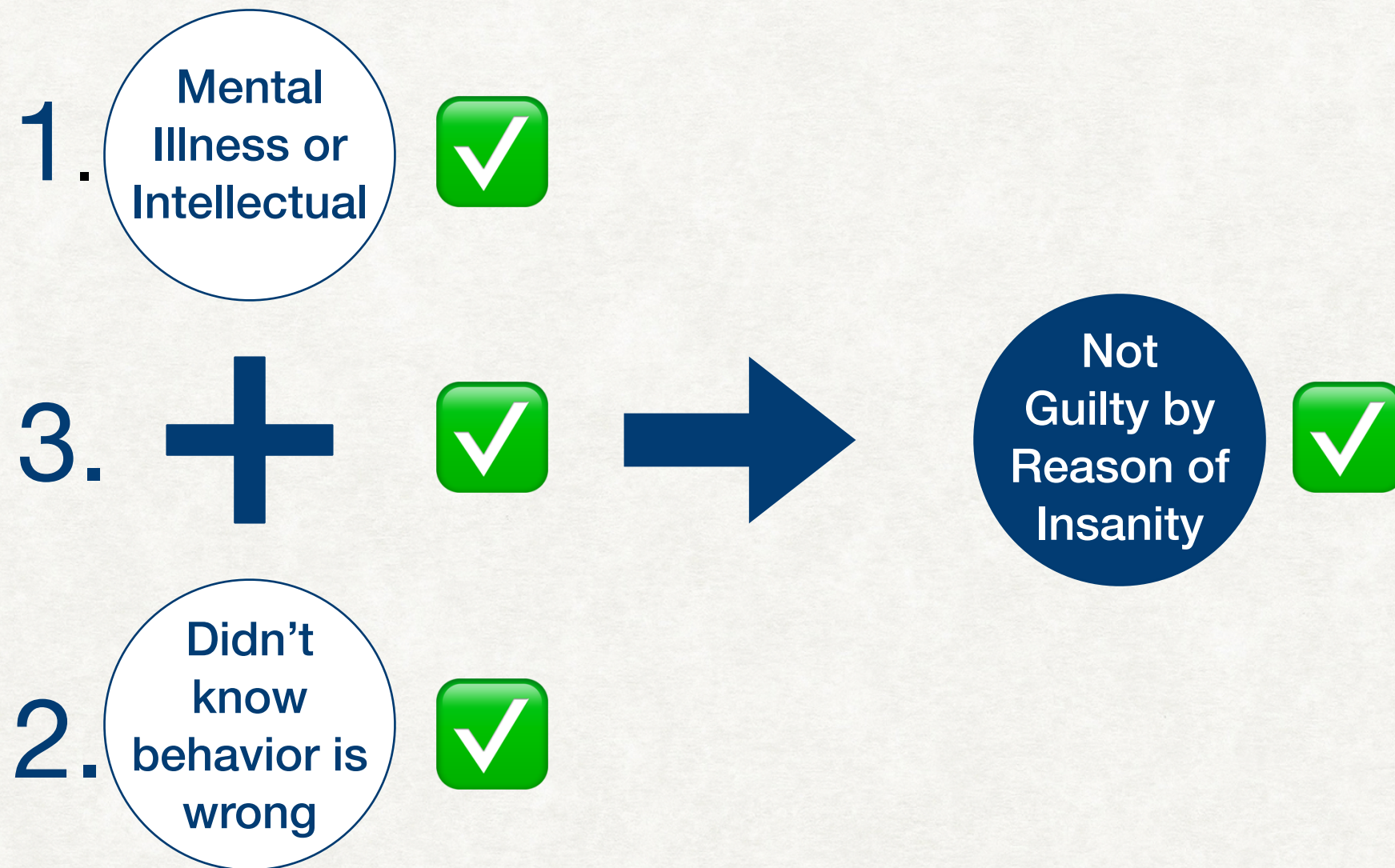
The term “mental disease or defect” does not include any abnormality manifested only by repeated criminal or otherwise antisocial conduct.

INSANITY DEFENSE

TEXAS LEGAL DEFINITION

1. At the time of the conduct charged, the defendant,
2. BECAUSE of severe mental illness or intellectual disability,
3. did not know that his or her actions were wrong.

INSANITY DEFENSE



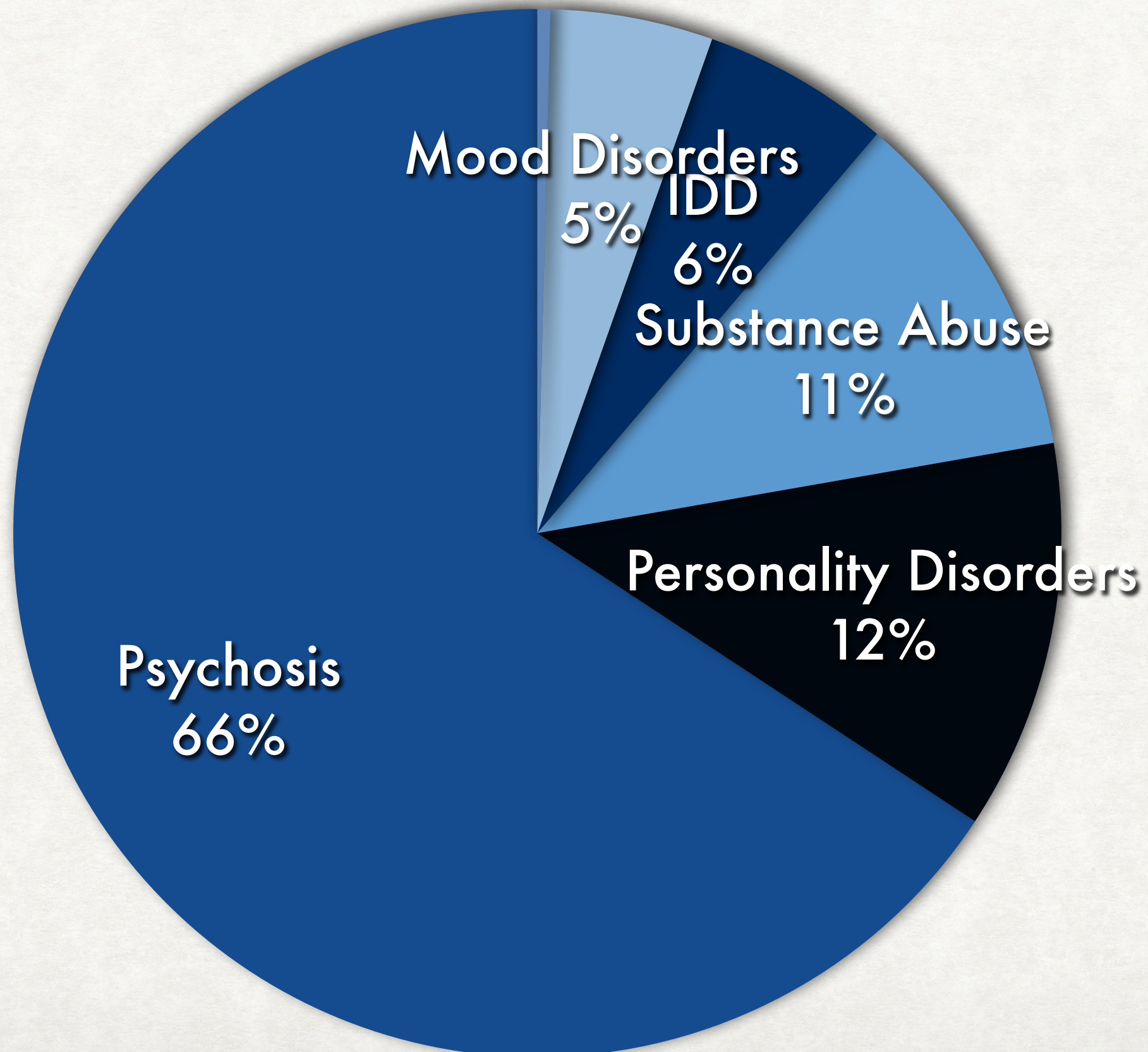
SANITY EVALUATIONS

#1 Diagnostic Category in Successful Insanity Defense



SANITY EVALUATIONS

SUCCESSFUL DEFENSE



SANITY EVALUATIONS

COMMON MISPERCEPTIONS

Prevalent defense

EVERYONE?



SANITY EVALUATIONS

COMMON MISPERCEPTIONS

Highly contested defense



SANITY EVALUATIONS

COMMON MISPERCEPTIONS

No accountability



EXPERT OPINION

RATIONALE—SUPPORTIVE

- No rational motive
- Calling police for assistance
- Surprise or confusion as to why being arrested

EXPERT OPINION

RATIONALE—NOT SUPPORTIVE

- Attempt to conceal identity-mask/disguises, gloves, darkness, false name
- Attempt to conceal crime-hiding weapon, cleaning scene, burying victim, destroying incriminating documents
- Attempt to escape/avoid detection-cash, fleeing scene/police, false alibi, lying to police

EXPERT OPINION

RATIONALE—NOT SUPPORTIVE

- Expression of Remorse/Guilt immediately after crime
- Absence of active symptoms of mental illness
- Calling police to report a “crime”
- Statement at the time he/she knew actions were wrong

COMMON ERRORS



COMMON ERRORS



Voluntary Intoxication $\neq$ Insanity

COMMON ERRORS



No one in their right mind
would do such a thing

COMMON ERRORS



Psychosis $\neq$ Insanity

COMMON ERRORS



Justification Due to Mitigating Factors

CODE OF CRIMINAL PROCEDURE

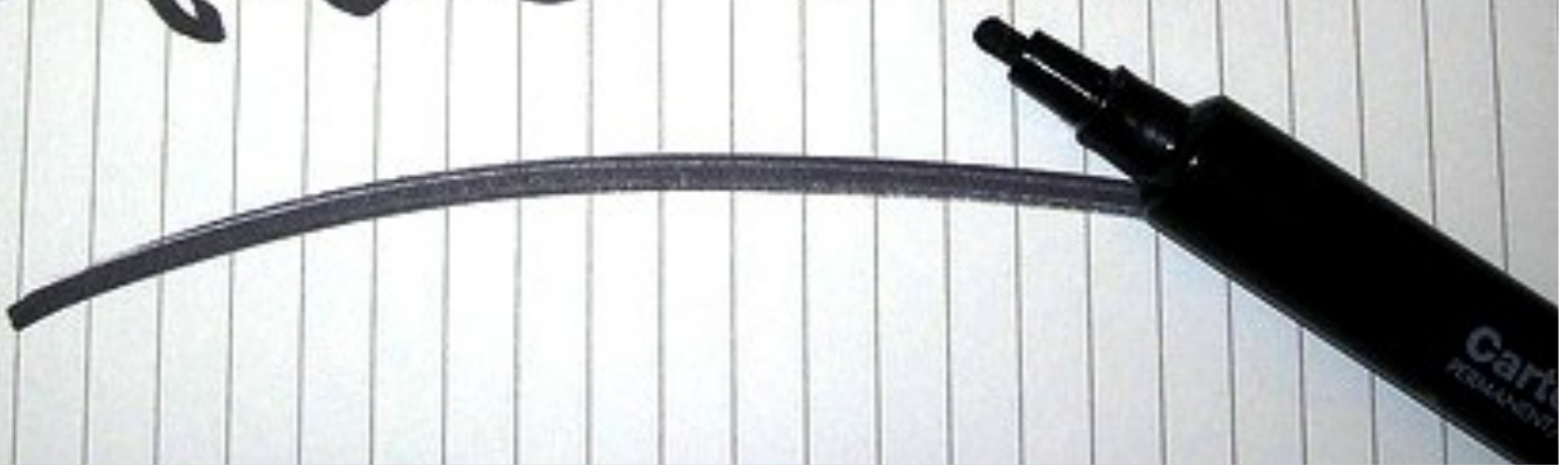
46C



HOW LONG MAY A PERSON
ACQUITTED NGRI BE COMMITTED TO
A FACILITY OR ORDERED TO RECEIVE
OUTPATIENT SUPERVISION?

TRUE/FALSE:
THE JURY IS INFORMED OF THE
CONSEQUENCES OF AN NGRI
VERDICT PRIOR TO DELIBERATION.

Questions?

A black marker is shown drawing a curved line under the word 'Questions?' on a piece of lined paper. The marker is black and has the word 'Carte' visible on its tip. The paper is white with light blue horizontal lines. The word 'Questions?' is written in a large, cursive, black font.



THANK YOU!