

A defendant, age 25, is charged in State A with armed robbery. According to the indictment, on June 1, the defendant went into a store, pulled out a gun, and said to a cashier, "Give me all your money or I'll shoot you!" The cashier gave the defendant \$5,000. The police arrived as the defendant was driving away. The police car followed the defendant, who was driving over 80 mph. The defendant crashed his car into a tree and suffered a serious head injury, losing consciousness. He was taken by ambulance to a hospital, where he regained consciousness on June 8. On June 15, he was discharged from the hospital. On July 1, he was arraigned on the armed robbery charge and released on bail. Over the next few months, the defendant recovered full physical mobility, but he continued to show symptoms of cognitive impairment resulting from brain trauma suffered during the car crash.

Police interviews with the defendant's family and friends have revealed that, in the months preceding the robbery, the defendant had experienced financial and emotional difficulties. According to the defendant's best friend, the defendant had recently started a new business, which was struggling. A month before the robbery, the defendant told his best friend, "I cannot attract customers because the United Nations has organized a secret boycott of my new business." On the day before the robbery, the defendant texted his best friend: "I've been a victim for too long. I've decided to start making up for my losses. If you read about me in the papers tomorrow, I'll already be far away, so delete this text and tell the police you never knew me."

In December, as the state began preparing for trial, two court-appointed psychiatrists evaluated the defendant and prepared the following joint report to the court:

Before the robbery, the defendant had a slightly above-average IQ. The defendant had completed a community college program in business administration and had recently opened his own business, which he owned and managed at the time of the robbery. A few months before the robbery, the defendant's business was struggling, and he began experiencing some mental health difficulties. His mental health difficulties apparently did not impair his relationships with his family and friends or his ability to manage his everyday life and operate his business. The defendant never sought mental health treatment.

On the day of the robbery, during the crash, the defendant sustained brain trauma that has impaired his cognitive functioning. The defendant has not returned to work, and there has been no cognitive improvement to date. When questioned about the pending criminal charge, the defendant typically responds, "My mother told me I did something bad, but I can't remember what." He is unable to remember anything about the robbery. When asked about his appointed counsel, the defendant usually says, "She's nice" or "She comes to see me and helps me." He describes the judge as "the guy in charge," but when asked to explain what happens in court he responds, "I don't know what they are talking about." During repeated interviews, we have seen no evidence that the defendant currently understands abstract language and concepts. We have also seen no evidence that he is feigning or exaggerating his cognitive impairment.

State A uses the *M'Naghten* not guilty by reason of insanity (NGRI) test and requires that the affirmative defense of NGRI be proved by a preponderance of the evidence.

Defense counsel has requested a hearing to determine whether the defendant is competent to stand trial (in some jurisdictions, this is called "fitness to stand trial") and has informed the court that, if the trial proceeds, the defendant will argue that he is NGRI.

Based on all the information presented above, including the information in the psychiatrists' report:

1. Should the prosecution be suspended because the defendant is currently incompetent to stand trial? Explain.
2. If the defendant is found competent to stand trial and the prosecution proceeds, will the jury likely find that, with respect to each element of the *M'Naghten* test, the defendant has met his burden of proof? Explain.

Question Presented

A month before the robbery the defendant said the United Nations
has organized a secret boycott of his business.

← possible delusion → a disease of the mind at the time of the act?

But his difficulties did not impair his relationships or his business,
and he never sought treatment.

← weighs against a genuine disease of the mind

The day before, he texted: make up for my losses, I'll already be far
away, delete this text and tell police you never knew me.

← plan, flight, cover-up → he knew nature + wrongfulness

The crash caused brain trauma; he now cannot remember the
robbery or understand counsel, the judge, or the proceedings.

← present inability to understand / assist = incompetency

The psychiatrists saw no evidence he is feigning the impairment.

← genuine, so the report is credible

State A uses M'Naghten and requires NGRI proved by a
preponderance.

← the defendant bears the burden of the insanity defense

1. Should the prosecution be suspended for present incompetency?

← → competency (now)

2. Would the jury find each M'Naghten element met at the time of the act?

← → insanity (then)

Competency to Stand Trial (Present)

Issue. Whether the defendant is presently competent to stand trial.

Competent now?

Rule. COMPETENCY: a defendant may not be tried unless he can
(1) understand the nature and consequences of the proceedings and
(2) assist properly in his own defense. This is measured at the time of trial, separate from sanity at the time of the offense; if a mental disease or defect defeats either capacity, prosecution is suspended.

Present ability to understand + assist; distinct from insanity.

Analysis. Here, the brain trauma leaves the defendant unable to
remember the robbery or to understand counsel, the judge, and the
proceedings, so he cannot make decisions like whether to plead,

Cannot understand the process or aid counsel; report is credible.

and the report is **credible because there is no sign of feigning**.

Conclusion. Therefore, the defendant is incompetent and the prosecution should be suspended.

Section 1: yes, suspend.

M'Naghten: Disease of the Mind (At the Time of the Act)

Issue. Whether, at the time of the robbery, the defendant was laboring under a disease of the mind.

Disease of the mind then?

Rule. Under M'NAGHTEN, the defense requires a disease of the mind that caused a defect of reason. The trauma from the crash is irrelevant here because it arose after the act; the defense looks only to the defendant's state at the time of the offense.

Post-crash impairment does not count; look to the moment of the crime.

Analysis. Here, the **UN-boycott remark hints at delusion**, but his troubles **did not impair his relationships or business and he never sought treatment**, so a jury would likely find these did not rise to a disease of the mind.

Functioning normally + untreated → probably no qualifying disease.

Conclusion. Therefore, the defendant likely cannot show a disease of the mind at the time of the act.

Element 1 likely fails.

M'Naghten: Nature/Quality & Wrongfulness

Issue. Whether the defendant, because of a mental disease, did not know the nature and quality of his act or that it was wrong.

Knew what he was doing / that it was wrong?

Rule. M'Naghten excuses a defendant who, from a disease of the mind, did not know the nature and quality of the act, or did not know it was wrong. Jurisdictions split on whether wrong means legal or moral wrong.

Two prongs: didn't know what he was doing, OR didn't know it was wrong.

Analysis. Here, the **texts show he knew exactly what he was doing and that it was wrong**: he planned to make up for his losses, arranged to flee, and told his friend to hide the evidence and lie to police. Referencing the police and planning a cover-up show awareness of both legal and moral wrong, so the split does not matter.

Planning, flight, and cover-up = knew nature + wrongfulness.

Conclusion. Therefore, the jury would not find the M'Naghten elements met, and the NGRI defense fails.

Section 2: NGRI fails.

Step-by-Step: Competency vs. M'Naghten

Keep the two timeframes apart: competency asks about now; insanity asks about the moment of the crime.

1. Competency (now): can he understand the proceedings AND assist counsel?

→ No: brain trauma, cannot recall the crime or understand court → **SUSPEND** prosecution.
cannot understand / assist



2. M'Naghten (then): a disease of the mind at the time of the act?

→ UN-boycott delusion, but normal functioning + no treatment → likely NO qualifying disease.
functioned normally



3. If a disease: did he know the nature/quality or that it was wrong?

→ Plan + flight + cover-up show he knew both → **NGRI FAILS.** **texts: flee + delete**