

Key Cases

Ethan Couch used the "affluenza" (?!?) defense – term used by a psychologist

Ethan Couch was 16 when he and a group of friends in 2013 stole beer from a store and had a party at his parents' house before going for a drive. He struck and killed 4 people on the side of the road and a passenger in his car was paralyzed and suffered brain damage. Couch's BAC was 0.24, three times the legal limit in TX. He pled guilty to 4 counts of manslaughter and a juv ct judge sentenced him to 10 years of probation, defying prosecutors who wanted a 20-year prison sentence. Victims were outraged and critics felt he got special treatment because of his wealth. In 2015 a 6-second video on social media appeared to show him at a party where alcohol was served, a parole violation. Two weeks later he and his mother went missing. They were arrested 2 weeks later about 1200 miles away in Puerto Vallarta, Mexico, where they had changed their appearances and ditched their identifications. He was returned to the US and his case was moved to adult court. He served a 720-day sentence in a TX jail. A psychology expert testified for the defense (presumably at the sentencing) that he suffered from "affluenza" meaning he grew up in a wealthy family that may have left him with psychological afflictions where he was too rich to tell right from wrong. (This is a made-up word by the psychologist and the defense atty.) This case was heavily covered in the news.

Key Cases (cont)

Montana v. Egelhoff, 116 S.Ct. 2013 (1996)

James Egelhoff was tried in Montana courts for 2 counts of homicide. Egelhoff claimed that extreme intoxication rendered him physically incapable of committing or recalling the crimes. Montana state law did not allow Egelhoff's intoxicated condition to be considered by the jury as exonerating him for the crime. Jury conviction by a Montana trial court. Montana SC reversed saying D had a DP right to present all relevant evidence in his defense. The court could not reach a majority on the reasons for its decision (this is not clear in the excerpt in your book). J Antonin Scalia who announced the judgement of the court, declared that Ds do not have an absolute constitutional right to present all relevant evidence in their defense. Here, he notes that "it was firmly established at common law that a D's voluntary intoxication provided neither an "excuse" nor a "justification" for his crimes; the common law's stern rejection of inebriation as a defense must be understood as also precluding a defendant from arguing that, because of his intoxication, he could not have possessed the mens rea necessary to commit the crime."

Key Cases (cont)

Madera v. State, 943 So.2d 960 (Fla.A-pp.4th Dist. 2006)

Questionable CI. D pled no contest (Ct denied him rt to put on entrapment defense). The Appellate Court Reversed. The govt conduct entrapped the D as a matter of law. Subjective theory of entrapment requires a predisposition to commit a crime which will defeat the affirmative defense of entrapment (not applicable here b/c there was no showing of predisposition). Objective theory of entrapment only requires outrageous govt action and a violation of DP. There would have been no crime without the CI's prodding and improper conduct. CI manufactured crime, did NOT detect it



By MSingleton

cheatography.com/msingleton/

Not published yet.

Last updated 25th February, 2025.

Page 1 of 6.

Sponsored by **ApolloPad.com**

Everyone has a novel in them. Finish

Yours!

<https://apollopadd.com>

Key Cases (cont)

Gypsy Rose Blanchard Case Gypsy Rose Blanchard was taken by her mother, Dee Dee Blanchard, to countless doctors throughout her childhood and was prescribed medications, surgeries, a wheelchair and oxygen tank, was forced to eat through a feeding tube and her head was shaved even though she did not require any these medical interventions. She was home schooled and separated from others and under her mother's care until she was in her 20's. It is believed that Dee Dee suffered from Munchausen syndrome by proxy (medical child abuse) which is both a mental health diagnosis and a crime. Gypsy pled guilty to second degree murder in 2016 of killing her mother and was released from prison on 12/28/2023. Her boyfriend, who committed the killing, was founds guilty of murder after attempting a diminished capacity defense. The crime is child abuse/neglect, attempted murder, among others, but the theory of the case is Munchausen by Proxy charge.

Key Cases (cont)

State v. Montgomery in Charlotte, 2007 Montgomery killed Officers Clark and Shelton when they were responding to a call at the Timber Ridge apartment complex in 2007. Both officers were shot at close range by Montgomery while walking away from the apt. Death penalty was taken off the table because a CMPD detective "mishandled" his notes. Judge handling the case, Forrest Bridges, is a UNC Charlotte (UNC CH Law) grad. Judge who ruled on the competency hearing, Albert Diaz, is now on the federal bench. Jury returned a verdict of two life sentences (one for each officer) in 2010. Demeatrius Montgomery's Competency Motion and Resulting Order: Order sets out facts. Competency evaluation at Dorthea Dix hospital in Raleigh. Forensic Psychiatrist saw him 25 times, assisted by forensic case specialist. D on antipsychotic meds while there. Conclusion: "selective and voluntary mutism". Another forensic psychiatrist saw him while he was at Dix Hospital – 7 jail visits with him. Conclusion: paranoid schizophrenia (observations related by family members). Another expert in forensic psychology testified that D suffers from a psychotic illness. Last expert in forensic psychiatry testifies D may suffer from paranoid schizophrenia but that he is "selectively mute". NCGS section 15A-1001(a)(2007). No evidence that D is unable to understand the nature of the proceedings. Issue is his mental illness

Vocabulary

battered woman's syndrome (BWS) any woman 18 years of age or older, who is or has been in an intimate relationship with a man who repeatedly subjects or subjected her to forceful physical and/or psychological abuse.

competent to stand trial a finding by the court that the defendant has sufficient present ability to consult w/ his/her attorney, and the defendant understands the nature of the proceedings against him/her.

diminished capacity a defense based on claims of a mental condition that may be insufficient to exonerate a defendant of guilt but that may be relevant to specific mental elements of certain crimes or degrees of crime. Also called *diminished responsibility*.

but D “has failed to satisfy his burden” on the key questions of whether he suffers from a mental illness and if so whether the illness renders him unable to assist in his defense. Judge cites D’s behavior showing he understands what’s going on: good hygiene and grooming habits, cooperative in taking meds, interaction with family on phone. Judge cites D’s “abuse of marijuana laced with formaldehyde” as causing psychosis and his “disorganized thinking” in letters to home. Bottom line of the Court’s Order: “I believe it plausible that the D can assist in his defense in a rational or reasonable manner but is simply choosing not to.” “It is not the State’s burden to prove that D is competent; rather, the burden lies with the D to show otherwise.” Legal presumption that all Ds who are charged with a crime are competent to stand trial.



By **MSingleton**

cheatography.com/msingleton/

Not published yet.

Last updated 25th February, 2025.

Page 2 of 6.

Sponsored by **ApolloPad.com**

Everyone has a novel in them. Finish Yours!

<https://apollopad.com>

Vocabulary (cont)

DSM-IV the 4th edition of the *Diagnostic and Statistical Manual of Mental Disorders*, published by the American Psychiatric Association. vi The DSM-IV lists 12 major categories of mental disorders, but does not set out "*insanity*". Mental illness may explain a person's behavior, but will seldom excuse it.

duress a condition under which one is forced to act against one's will, also called *compulsion*. (I.e. mom robs bank when son has been kidnapped and bad guys threaten to kill him if she does not rob the bank).

Durham rule a test that states that an accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect, also called the "*product*" test.

Vocabulary (cont)

entrapment an affirmative defense in which a defendant alleges that a law enforcement agent or agent of the state acquired the evidence necessary to commence prosecution of the defendant by inducing the defendant to engage in a criminal act that the defendant would not otherwise have committed.

guilty but mentally ill (GMBI) a verdict, equivalent to finding of guilty, that establishes that "the defendant, although mentally ill, was sufficiently in possession of his faculties to be morally blameworthy for his actions."

ignorance of fact lack of knowledge of some fact relating to the situation at hand.

ignorance of the law a lack of knowledge of the law or of the existence of a law relevant to the situation at hand.

Vocabulary (cont)

incompetent to stand trial a finding by a court that as a result of a mental illness, defect, or disability a defendant is unable to understand the nature and object of the proceeding against him or her or is unable to assist in the preparation of his or her own defense.

infancy defense a defense that claims that certain individuals should not be held criminally responsible for their activities by virtue of their youth. Also called *immaturity defense*.

insanity an affirmative defense to a criminal charge; a social and legal term (rather than a medical one) that refers to "a condition which renders the affected person unfit to enjoy liberty of action because of the unreliability of his behavior with concomitant danger to himself and others." Also, a finding by a court of law.



By MSingleton

cheatography.com/msingleton/

Not published yet.

Last updated 25th February, 2025.

Page 3 of 6.

Sponsored by **ApolloPad.com**

Everyone has a novel in them. Finish Yours!

<https://apollopad.com>

Vocabulary (cont)

Insanity Defense Reform Act (IDRA)	part of the 1984 Crime Control and Prevention Act that mandated a comprehensive overhaul of the insanity defense as it operated in the federal courts. The IDRA made insanity an affirmative defense to be proved by the defendant by clear and convincing evidence and created a special verdict of not guilty by reason of insanity.
involuntary intoxication	intoxication that is not willful.
irresistible impulse test	a test for insanity that evaluates defense claims that at the time the crime was committed, a mental disease or disorder prevented the defendant from controlling his/her behavior in keeping with the requirements of the law.

Vocabulary (cont)

juvenile offender	a child who violates the criminal law or who commits a status offense. Also, a person subject to juvenile court proceedings because a statutorily defined event caused by the person was alleged to have occurred while the person was below the statutorily specified age limit of original jurisdiction of a juvenile court.
mistake of fact	a misunderstanding or misinterpretation of the law relevant to the situation at hand.
mistake of law	a misunderstanding or misinterpretation of the law relevant to the situation at hand.
M'Naughten rule	a rule for determining insanity that asks whether the

Vocabulary (cont)

not guilty by reason of insanity (NGRI)	the plea of a defendant, or the verdict of a jury or judge in a criminal proceeding, that the defendant is not guilty of the offense charged because at the time the crime was committed, the defendant did not have the mental capacity to be held criminally responsible for his/her actions.
outrageous government conduct	a kind of entrapment defense based on an objective criterion involving "the belief that the methods employed on behalf of the Government to bring about conviction cannot be countenanced."
psycholegal error	the mistaken belief that if we identify a cause for conduct, including mental or physical disorders, then the conduct is necessarily excused.



By MSingleton

cheatography.com/msingleton/

Not published yet.

Last updated 25th February, 2025.

Page 4 of 6.

Sponsored by **ApolloPad.com**

Everyone has a novel in them. Finish

Yours!

<https://apollopad.com>

Vocabulary (cont)

substantial capacity test a test developed by the American Law Institute and embodied in the Model Penal Code that holds that "a person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality [wrongfulness] of his/her conduct or to conform his conduct to the requirements of the law.

syndrome a complex of signs and symptoms presenting a clinical picture of a disease or disorder.

syndrome--based defense a defense predicated on, or substantially enhanced by, the acceptability of syndrome--related claims.

voluntary intoxication willful intoxication; intoxication that is the result of personal choice. Voluntary intoxication includes the voluntary ingestion, injection, or taking by any other means of any intoxicating liquor, drug, or other substance.

Vocabulary (cont)

culpable ignorance the failure to exercise ordinary care to acquire knowledge of the law or of facts that may result in criminal liability.

C

By MSingleton

cheatography.com/msingleton/

Not published yet.

Last updated 25th February, 2025.

Page 5 of 6.

Sponsored by **ApolloPad.com**

Everyone has a novel in them. Finish Yours!

<https://apollopadd.com>