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Professor Dempsey

CJ 2350

Quote Analysis 1-

**Quote:**

“The plea of not guilty because of mental disease or defect (the insanity plea) is found in the criminal codes of most states. At least three states (Idaho, Utah, and Montana) have abolished the insanity defense. If a defendant enters an insanity plea in a minor criminal matter, the state may agree and join the defendant in requesting the court to find the defendant legally insane. The defendant probably will then be held for mental observation and treatment for a much longer period than would have been the case had he or she been convicted of the crime charged.

Therefore, the insanity plea is used by defendants primarily in murder cases, for which sentences are severe. In using the insanity defense, most defendants also enter a not guilty plea. The trial is then bifurcated, with the first part of the trial determining guilt or innocence of the charge and the second part determining whether the defendant was legally insane when the criminal act was committed. “– Criminal Evidence Principles and Cases, Page 52

**Re-Statement:**

The insanity plea is a plea of not guilty plea because of reasons of insanity. Most states have the insanity plea all but three states Idaho, Utah, and Montana which have gotten rid of the insanity defense. If found insane the defendant will depend on the situation held for mental observation and treatment. Defendants use the insanity plea for mainly cases that would result in a severer conviction like murder. The court first determines if the defendant is innocent or guilty, then they determine if he is legally insane when the act was committed.

**Analysis:**

I like that Utah, Idaho, and Montana have gotten rid of the insanity plea. I view the insanity plea as another way people can get a slap on the wrist. Does the insanity plea satisfy the sense of justice and retribution? Can people live with the fact that somebody carried out a crime against themselves, someone else, the government, or property to simply just be rehabilitated so he doesn’t do that stuff anymore?  That is the discussion we should be having. Not, someone with a slight or severe brain disorder are they responsible or not? I say guilty by reason of insanity, not innocent because insanity.

**Cited Works:**

Gardner, Thomas. Anderson, Terry. (2010). *Criminal Evidence Principles and Cases Seventh Edition*. Page 52. Wadsworth Cengage Learning. Belmont California.