

A woman charged with murder has entered a plea of not guilty by reason of insanity. At her trial, in which the questions of guilt and sanity are being tried together, the evidence shows that the woman stalked the victim for several hours before following him to an isolated hiking trail where she shot and killed him. Expert witnesses for the defense have testified that the woman knew that killing was illegal and wrong, but that she suffered from a serious mental illness that left her in the grip of a powerful and irresistible compulsion to kill the victim.

If the jury believes the testimony of the defense experts, under what circumstances could the jury properly acquit the woman of murder?

- A. Only if the jurisdiction follows the M'Naghten test for insanity.
- B. Only if the jurisdiction follows the ALI Model Penal Code test for insanity.
- C. If the jurisdiction follows either the M'Naghten or the ALI Model Penal Code test for insanity.
- D. Even if the jurisdiction has abolished the insanity defense.

## Explanation:

### Types of insanity defenses

<b><i>M'Naghten</i></b> (majority rule)	Mental illness prevented defendant from:  understanding nature or quality of the criminal act <i>or</i> knowing that his/her actions were wrong
<b>Irresistible impulse</b>	Mental illness prevented defendant from:  controlling actions <i>or</i> conforming conduct to law
<b><i>Durham/New Hampshire</i></b>	Defendant's criminal actions were product of mental illness
<b>Model Penal Code</b>	Mental illness prevented defendant from:  appreciating criminality of act <i>or</i> conforming conduct to law

A defendant may be able to assert an **insanity defense** if he/she was legally insane at the time of the crime. The ***M'Naghten* test** for insanity (used in most jurisdictions) considers whether a **mental disease or defect prevented** the defendant from either:

**understanding** the **nature and quality** of the criminal act *or*  
**knowing** that his/her actions were **legally or morally wrong**.

In contrast, the **Model Penal Code (MPC) test** for insanity considers whether a mental disease or defect prevented the defendant from either:

**appreciating** the **wrongfulness** of the criminal act *or*  
**conforming** his/her **conduct to the law**.

Here, the woman committed murder—an unlawful killing committed with **malice aforethought**—when she shot and killed the victim. Since she understood that she was killing a person and knew that it was illegal and wrong, she *cannot* be acquitted of murder if the jurisdiction follows the *M'Naghten* test (**Choices A & C**). But she *can* be acquitted of murder if the jurisdiction follows the *MPC* test. That is because her serious mental illness compelled her to kill the victim—ie, prevented her from conforming her conduct to the law.

**(Choice D)** Since the woman committed every element of murder, she cannot be acquitted if the jurisdiction has abolished the insanity defense.

### Educational objective:

The *M'Naghten* insanity test is met if a mental disease prevented the defendant from understanding the nature and quality of the criminal act *or* knowing that it was wrong. But

the Model Penal Code insanity test is met if a mental disease prevented the defendant from appreciating the wrongfulness of his/her conduct *or* conforming it to the law.

### **References**

Model Penal Code § 4.01 (Am. Law Inst. 2019) (insanity defense).

21 Am. Jur. 2d Criminal Law § 50 (2019) (M'Naghten test).

Copyright © 2013 by the National Conference of Bar Examiners. All rights reserved.

Copyright © UWorld. All rights reserved.