

State Y employs the American Law Institute/Model Penal Code (MPC) test for insanity, and requires the state to prove sanity, when it is in issue, beyond a reasonable doubt.

At the defendant's trial for murder, he pleaded insanity. The state put on an expert psychiatrist who had examined the defendant. He testified that, in his opinion, the defendant was sane at the time of the murder. The defendant's attorney did not introduce expert testimony on the question of sanity. Rather, he presented lay witnesses who testified that, in their opinion, the defendant was insane at the time of the murder. At the end of the trial, each side moves for a directed verdict on the question of sanity.

How may the judge rule?

- A. She may grant a directed verdict for the defense if she believes that the jury could not find the prosecution to have proved sanity beyond a reasonable doubt.
- B. She may grant a directed verdict for the prosecution if she believes that the defendant's witnesses on the insanity question are not believable.
- C. She may grant a directed verdict for the prosecution if she is convinced by the prosecution's experts that the defendant was sane beyond a reasonable doubt.
- D. She may not grant a directed verdict for the defense, because the state had expert testimony and the defense only lay witnesses.

Explanation:

Insanity defense

Burden of production	Defendant must produce some evidence that he/she was insane under applicable test when criminal act occurred
Burden of persuasion	Majority rule – defendant must prove <i>insanity</i> by a preponderance of the evidence Minority (MPC) rule – prosecution must prove <i>sanity</i> beyond a reasonable doubt

MPC = Model Penal Code

All defendants are presumed sane. But a defendant may put his/her mental state at issue by producing some evidence that he/she was legally insane at the time of the criminal act. Once this occurs, this jurisdiction—and others that employ the **Model Penal Code** (MPC) **test for insanity**—place the burden on the **prosecution to prove sanity beyond a reasonable doubt**. If the prosecution **fails to present legally sufficient evidence** to meet that burden—ie, no reasonable jury could find that sanity was proved beyond a reasonable doubt—then the judge may grant a **directed verdict for the defense**.

(Choices B & C) A judge may only grant a directed verdict for a party if the judge determines that no reasonable jury could find in the other party's favor. The judge's personal belief regarding the credibility of witnesses is irrelevant.

(Choice D) Expert testimony need not be weighed more heavily than lay (ie, nonexpert) witness testimony. So the fact that the defense had only lay witnesses does not preclude a directed verdict for the defense (or ensure a directed verdict for the prosecution).

Educational objective:

Under the Model Penal Code test for insanity, the prosecution has the burden of proving the defendant's sanity beyond a reasonable doubt once a defendant has put his/her sanity at issue.

References

Model Penal Code § 4.01 (2019) (mental disease or defect excluding responsibility).

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