

Ala. Code 1975, § 13A-3-1

Insanity Defense

OPTION A - (NOT GUILTY & NOT GUILTY BY REASON OF INSANITY)

The defendant has pled not guilty and not guilty by reason of severe mental disease or defect to the charge in this case.

By entering the plea of not guilty by reason of severe mental disease or defect, the defendant does not waive or give up his/her plea of not guilty. He/she does not give up the presumption of innocence until proven guilty. The burden is still on the State to prove each and every element of the offense beyond a reasonable doubt.

First you must determine guilt. If you find the defendant not guilty, then you need not address the plea of not guilty by reason of severe mental disease or defect. If on the other hand, you find the defendant guilty, you must then decide whether the defendant is not guilty by reason of severe mental disease or defect.

It is a defense to a prosecution for any crime that, at the time of the commission of the acts constituting the offense, the defendant, as a result of severe mental disease or defect, was unable to appreciate the nature and quality or wrongfulness of his/her acts.

To find the defendant not guilty by reason of severe mental disease or defect, the defendant must prove by clear and convincing evidence each of the following elements:

- (1) The defendant was suffering from a severe mental disease or defect at the time of the offense; **(AND)**
- (2) As a result of the severe mental disease or defect, the defendant was:

[Read appropriate part]

- (a) Unable to appreciate the nature and quality of his/her acts; **[OR]**
- (b) Unable to appreciate the wrongfulness of his/her acts.

The defendant has the burden of proving that he/she has a severe mental disease or defect by clear and convincing evidence. Clear and convincing evidence means that it is highly probable that the defendant had a severe mental disease or defect at the time of the crime. Proof by clear and convincing evidence is a lower standard of proof than proof beyond a reasonable doubt.

Every person over 14 years of age is presumed by law to be responsible for his/her acts. In other words, he/she is presumed to have sufficient mental capacity to

appreciate the fact that certain types of conduct are criminal or that they are acts which are against the law. He/she is also presumed to possess sufficient mental capacity to appreciate the nature and quality of his/her acts.

The presumption that a person has sufficient mental capacity to appreciate the criminal nature of certain conduct and to appreciate the nature and quality of his/her acts is a fact in the case which must be considered by the jury along with all the evidence. This presumption is rebuttable by evidence to the contrary.

Severe mental disease or defect does not include an abnormality of the mind manifested only by repeated criminal or otherwise antisocial conduct. That is to say, any repeated criminal or other antisocial conduct of the defendant, standing alone, does not constitute sufficient evidence that he/she suffered from severe mental disease or defect.

[Read if appropriate]

Intoxication in itself does not constitute mental disease or defect. (13A-3-2(d))

Appreciating the nature of his/her acts refers to the defendant's ability to know what he/she was doing – the physical aspects of his/her act.

Appreciating the quality of his/her acts refers to whether the defendant was aware of the consequences of his/her acts or understood the significance of his/her actions.

Being unable to appreciate the wrongfulness of his/her acts refers to the defendant's ability to understand that his/her act was morally or legally wrong.

OPTION B - (NOT GUILTY BY REASON OF INSANITY)

The defendant has pled not guilty by reason of severe mental disease or defect to the charge in this case.

By entering the plea of not guilty by reason of severe mental disease or defect, the defendant has waived or given up his/her plea of not guilty.

Your sole duty is to decide whether the defendant is not guilty by reason of severe mental disease or defect.

It is a defense to a prosecution for any crime that, at the time of the commission of the acts constituting the offense, the defendant, as a result of severe mental disease or defect, was unable to appreciate the nature and quality or wrongfulness of his/her acts.

To find the defendant not guilty by reason of severe mental disease or defect, the defendant must prove by clear and convincing evidence each of the following elements:

(1) The defendant was suffering from a severe mental disease or defect at the time of the offense; **(AND)**

(2) As a result of the severe mental disease or defect, the defendant was:

[Read appropriate part]

(a) Unable to appreciate the nature and quality of his/her acts; **[OR]**

(b) Unable to appreciate the wrongfulness of his/her acts.

The defendant has the burden of proving that he/she has a severe mental disease or defect by clear and convincing evidence. Clear and convincing evidence means that it is highly probable that the defendant had a severe mental disease or defect at the time of the crime. Proof by clear and convincing evidence is a lower standard of proof than proof beyond a reasonable doubt.

Every person over 14 years of age is presumed by law to be responsible for his/her acts. In other words, he/she is presumed to have sufficient mental capacity to appreciate the fact that certain types of conduct are criminal or that they are acts which are against the law. He/she is also presumed to possess sufficient mental capacity to appreciate the nature and quality of his/her acts.

The presumption that a person has sufficient mental capacity to appreciate the criminal nature of certain conduct and to appreciate the nature and quality of his/her acts is a fact in the case which must be considered by the jury along with all the evidence. This presumption is rebuttal by evidence to the contrary.

Severe mental disease or defect does not include an abnormality of the mind manifested only by repeated criminal or otherwise antisocial conduct. That is to say, any repeated criminal or other antisocial conduct of the defendant, standing alone, does not constitute sufficient evidence that he/she suffered from severe mental disease or defect.

[Read if appropriate]

Intoxication in itself does not constitute mental disease or defect. (13A-3-2(d))

Appreciating the nature of his/her acts refers to the defendant's ability to know what he/she was doing – the physical aspects of his/her act.

Appreciating the quality of his/her acts refers to whether the defendant was aware of the consequences of his/her acts or understood the significance of his/her actions.

Being unable to appreciate the wrongfulness of his/her acts refers to the defendant's ability to understand that his/her act was morally or legally wrong.

Use Notes

See Ala. R. Cr. P. Rule 14.2 for the procedure to have the defendant involuntarily committed when defendant is found not guilty by reason of mental disease or defect.

[Adopted 12-22-14.]