

# In the aftermath of state v. becker term paper examples

[Experience](#), [Belief](#)



The article addresses how insanity is used as a defense in the courts.

Insanity refers to a situation whereby an individual has a mental problem hence is affected psychologically. In this case, the individual cannot be responsible for his/her actions. An individual has to prove to the court that he/she was not responsible for the criminal activities because he/she had mental problems.

According to the article, judges are aware that the insane individuals can claim insanity as a defense. In that case, the insane person is said not to be guilty. However, when a jury is involved the results are different. A jury is not aware of the defense. The jury is only aware that a person who has committed a certain crime is supposed to be jailed for a given number of years. In this case, the jury does not consider insanity of the person. The judges cannot persuade the jury to consider insanity of individuals in their judgment (Fersch, 2005).

Before the 1984 amendment, an individual would claim insanity as a defense. After that, it was upon the state to prove that the person was not insane. In that case, the suspect would be released if the state failed to prove that the person was not insane. If the state succeeded in convincing the court that the person was not insane, then the person was jailed. The defense does not apply. After the amendment, it was concluded that the suspect is the one responsible for proving to the court that he/she was insane during the crime.

When a person has claimed insanity as a defense, the psychologists and medical practitioners have to evaluate and find out whether the person is actually insane. The person should also prove that he/she would not control

his/her actions. It is possible that a person is insane but can control his/her actions. If all this is proved, then the person is released on the basis that he/she is not guilty (Simon, 2008).

The insanity defense was put in place because the society believes that a sick individual has the right to be treated. However, the society believes that a criminal should be responsible for his/her actions. The defense is applied if the defendant states that he/she wishes the defense to be used. If the defendant does not wish to use the defense in the case, then the defense is not applied (Arens, 1974).

A conflict has arisen on the basis that there is unfair treatment of suspects when a jury is used in a judgment instead of judges. The function of a jury according to the constitution is to state whether the suspect is guilty or not. It does not allow defenses. In that case, it means that people who are judged by a jury are treated unfairly. On the other hand, people argue that judges have a tendency of using the defense to protect criminals (Arens, 1974).

According to a research carried out on the defense, it has been found that 20 to 50 percent of the defenses are not true. Insane people who have committed crimes end up being released to the community. The research concluded that the defense is a loophole for corruption among the judges. The article argues that there is a need to harmonize the conclusions that are made by the jury and the judges. Even though the jury aims at only finding facts about a certain case, there is a need to extend the judgment into evaluating the issue of insanity. Insane people are not responsible of their actions therefore should not be jailed (Jennifer, 2012).

Mc Haughton rule diversified the application of the defense. According to the

rule, insanity can be interpreted to mean a person with a psychiatrist disorder or a person who is not able to control his/her behaviour due to other reasons apart from insanity. This rule gave the judges a chance to manipulate facts so that they can favor some criminals.

I concur that the insanity defense should be allowed in courts. However, some reforms also need to be implemented. In the first place, the decisions by judges and the jury should be harmonized to ensure both the jury and the judges apply the defense. Measures should however be taken to ensure that all criminals face the legal consequences of their activities as long as they are sane. Instances where judges use the defense, as a loophole to favor some people should be eliminated (Goldstein, 1980).

However, evaluations should always be done to find out the level of insanity of individuals. In some cases, individuals may be insane but are able to control their actions to an extent. Such people commit crimes intentionally with the expectation that they will not be found guilty. Proper medical evaluations should be done at the time when an individual has committed a crime to confirm the mental illness. This will ensure that the society remain satisfied when the criminal is released (Jennifer, 2012).

Other factors should also be considered when deciding whether the individual should be accused of being guilty or not. In the first place, the criminal history of an individual should be evaluated. If the defendant were found to have other criminal records, then this would be good evidence that the person was not influenced by insanity when he/she committed the crime (Fersch, 2005).

It is also important to ensure that the community will be secure if the

defendant is released after he/she has committed a crime. If the person is insane, then it is important that the person be first treated to ensure that the person does not create insecurity in the community after release (Goldstein, 1980).

If it is proved that a person was insane, then it is not reasonable to jail such a person. Such people should be allowed to continue with their lives. The society allows this and there is no reason why the courts should deny these people their freedom. It is important that these people be released (Fersch, 2005).

## **References**

Arens, R. (1974). *Insanity defense*. New York: Philosophical Library.

Fersch, E. A. (2005). *Thinking about the insanity defense: Answers to frequently asked questions with case examples*. Lincoln, NE: iUniverse.

Goldstein, A. S. (1980). *The insanity defense*. Westport, Conn: Greenwood Press.

Jennifer, P (2012). In the aftermath of state V Becker: A Review of state and federal Jury Instructions on Insanity Acquittal Discussion. *The journal of the American Academy of Pschiatry and the law*.

Simon, R. J., & Ahn-Redding, H. (2008). *The insanity defense, the world over*. Lanham: Lexington Books.