

Dan white "the twinkie defense" essay sample



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Dan White “ The Twinkie Defense” Nov. 27, 1978

LINDSEY, ROBERT. “ DAN WHITE, KILLER OF SAN FRANCISCO MAYOR, A SUICIDE.” The New York Times. The New York Times, 22 Oct. 1985. Web. 06
White was a Conservative supervisor in San Francisco CA, convicted of the murders of George Moscone and gay Supervisor Harvey Milk 25 years ago. The jury stated how Dan White was drugged up on Twinkies, which made sugar go through his arteries and drove him into a murderous frenzy. People who did not believe this “ Twinkie defense” held signs saying “ Eat a Twinkie, commit a murder.” Most believed that

White killed these two because he could not get his job back felt as if he was betrayed. Common folks thought it was a premeditated murder since he put an extra 10 bullets into his pockets. White was only convicted of manslaughter 8 years and prison. When he got out he moved away from San Francisco only to come back a few years later and kill himself; Many say he could not live with the guilt. Valentine, Carol A. “ The Insanity of the Insanity Defense.” The Insanity of the Insanity Defense (1996). Print Valentine writes about the defense and how psychiatrics diagnosed it one stated that “ Diminished capacity” defense, where psychiatric testimony is used to argue that the accused, although clearly sane, still should not be held responsible for his acts because a “ mental condition” diminished his capacity to harbor the criminal intent required for conviction. Meaning that at the time because of all the junk food he had consumed his mind frame was not that of a reality

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state. So because he had consumed so much junk food leading up to the murders then the really could not tell .

University of Wisconsin Professor of Criminal Law Frank says that "" In general, it is not at all apparent that psychiatrists know any more than does the layman about whether the defendant had intent to kill when the act causing death was committed." All that they really knew was that he was hyped up on junk food, they couldn't state whether they knew he had intent to kill or not. A Remington It went on to question whether psychiatry can determine a defendant's intent at the time the crime was committed, and concluded it could not. Douglas Schmidt " Behind " the Twinkie Defense" [by Paul Krassner]. Statement from Chief Defense Attorney Douglas Schmidt " I don't think Twinkies were ever mentioned in testimony," He believes that he got off simply because he had a power of authority over most. " Dr. Martin Blinder." , MD. Web. 06 Mar. 2012 . Former mayor of San Anselmo Scallen, Eileen A. " The Ethos of Expert Witnesses." The Ethos of Expert Witnesses: Confusing the Admissibility, Sufficiency and Credibility of Expert Testimony. 1998. Web. Blinder who was white's psychiatrists says, " It's preposterous to think that 12 middle class homeowner jurors would give a killer even a partial pass on the basis of what he ate the night before."

Blinder is angry at the fact that what you " claim" you have eaten can even be put in front of a jury. He was trying to clear his name through all the slander they put him through just by him saying that it's a possibility that what you eat can cause changes in your body. He did state however that White was incapable of premeditation murder. The main focus was diminished capacity. He also stated that Dan White " wanted to have some

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understanding as to what was going on, but because of his mental state, he could not process this information in a constructive way with lethal consequences. Another Doctor, Dr. Solomon invoked terms of "uni-polar depressive reaction"-to define Dan White's mental state, as well as explaining analogously "in laymen's terms" during cross-examination that the defendant "was sort of on automatic pilot" during the shootings, Dr. Solomon testified that Dan White "did not have a mental capacity, to maturely and meaningfully premeditate and deliberate."

Co-Counsel Stephen Scherr "Against the Twinkie Defense" Interview "The Dan White (Harvey Milk Murder) Trial (1979) "It drives me crazy," said co-counsel Scherr, who suspects the simplistic explanation provides cover for those who want to minimize and trivialize what happened. If he ever strangles one of the people who says "Twinkie Defense" to him, Scherr said, it won't be because he's just eaten a Twinkie. Defense Attorney Schmidt "Closing argument on the case"

He stated how White was guilty saying that the only issue was the degree of responsibility. Saying how White was "a good man, a man of responsibility, but there was something horrible wrong with that man". He claimed that "White had suffered from "diminished capacity" and in that state had acted in "the heat of passion which can fog judgment" While on trial, Schmidt turned the jury's attention away from the crime itself and onto the emotional traumas saying that "White had undergone since relinquishing his position as city supervisor. "Good people, fine people, with fine backgrounds, simply don't kill people in cold blood," said Schmidt, "it just doesn't happen, and obviously some part of him has not been presented this far." Schmidt says <https://assignbuster.com/dan-white-the-twinkie-defense-essay-sample/>

that White's crimes had been the product of manic depression, " a vile biochemical change" over which white had no control Dan White was the only person to use the Twinkie defense.

DEFENSE: " The Twinkie Defense" as it became known, is synonymous with the trial of Dan White. White's legal team took the position that Dan was suffering from a long-standing and untreated depression that diminished his capacity to distinguish right from wrong. Expert testimony by psychiatrist Dr. Martin Blinder noted White had changed his normally health conscious diet to a diet that consisted of junk food. Dr. Blinder pointed out that this change in diet was evidence of White's depression, not a cause of it. This state of depression was used to establish grounds for a successful diminished capacity plea convicting White of the lesser charge of voluntary manslaughter.

Research

" Myth of the ' Twinkie Defense'" Www. SFGate. com. Carol Pogash, 24 June 2011. Web. 06 Mar. 2012. .