

Not guilty by reason of insanity

[Law](#), [Criminal Justice](#)



Not Guilty by Reason of Insanity Cody Chipperfield The first article I read was "A Suitable Punishment the Future of the Insanity Defense". In the article the author talks about the insanity defense and how the public dislikes it. The general public believes that it is a cop out and allows people to get away with murder. Mr. Woychuk, being a lawyer, also talks about the battle of expert witnesses, the M'Naghten rule, and other issues related to the insanity plea. He also deals with the ineffectiveness of the American prison system in terms of deterrence and rehabilitation. The ability of the mental hospitals to retain a person until they are fit to leave is also discussed. He suggests this would be a better way of doing things in prisons to stop them from being revolving doors. This is where he then goes off on child rapists. He thinks they should be given an indeterminate sentence so they will not go out and commit the same crime again. Not allowing the criminals to commit these horrible acts would stop the cycle of kids being abused and then becoming dysfunctional as adults. Overall Mr. Woychuk believes that if the issue of personal responsibility is not dealt with properly we will continue to have violence and excuses for it. I then read "Razor Fruitcake" which made me realize I never want to be a defense attorney or psychiatrist, because of the guilt they often have to endure. This article is about Derek Diesel. Diesel was arrested for trying to take a boy home to "talk" to him. He told the doctor that a computer at FBI headquarters, "Radio Free Washington", was telling him to sexually assault the boy. Diesel stayed in the hospital for a while until he decided he was going to lose his job if he did not get out. So Denis Woylchuk was called to defend him and get him released. Dr. Bellows was the psychiatrist and did not believe Derek should be released. Derek lost his

court case but after two months and continued medication he was released by the mental hospital. Diesel soon began to stop taking his medication and started missing appointments at the clinic. Several months later the same boy was found with flesh torn around his neck and shoulders, and he had been raped. When he recovered he said that Diesel had done it. Derek was arrested but found not fit to stand trial. He was placed back on his medication, but by the time he was found to fit trial the boy had committed suicide. Without the boy's testimony the prosecution had no case and Diesel was set free. Not a long time later Derek quit taking his medication and raped and killed a sixteen-year-old boy. He bit deeply into the boy's neck, and the neighbors said they could hear hooting and screaming. Diesel cut the boy's penis off with a knife. He was found by police later that night in Time Square where he was disoriented and did not put up a fight. Diesel pled innocent by reason of insanity, and ended up in a mental hospital once again. While in the mental institution it was believed he killed another patient. He went to trial for this but the district attorneys office lost track of the case and he was let go. The mistake was soon found and Derek was extradited for Texas back to New York. The records of a history of violence for Diesel were never stored and he was up to get out again. Thankfully the Judge used some common sense and did not let him go. In this case there are several failures in our criminal justice system and mental institutions. When Derek Diesel was not on his medication I think it is clear that he was not in a proper state of mind. This being so I have no problem with him being in the mental hospital instead of prison. The first mistake made was his release from the hospital which led to the rape of a boy and

his eventual suicide. Along the same lines he was not monitored outside of the hospital and forced to take his medication. Then after the boys death our criminal justice system lets him go free again, this is ridiculous, everyone should have know that the process would repeat itself. He was then put back in the system after another rape and death is committed. He kills a man in the hospital and somehow goes free, because the DA lost the records, and the hospital did not keep good records of violence. Overall I believe that in this case the defendant was not fit to stand trial but it was the systems failures that allowed the deaths of innocent people. The last article I read was " Land of Opportunity" and the story of Mtumbo Balinka. Balinka was arrested for several misdemeanors, while at prison the psychiatrists that examined him found that he did not understand the charges against him. It is also important to note that Mtumbo is not an American citizen, and he entered the country illegally from Sudan. So how was he supposed to understand the charges against him? Also while at prison Balinka was threatened by two very large men, and they said they were going to make him their girl. This would be enough to scare anyone, it scared Mtumbo so much that he cried and screamed in his cell. A prison guard noticed and he was sent to see a psychiatrist, they determined he had paranoid psychosis and sent him to a mental hospital. While in the mental hospital he was involved in a fight where he was slapped by a much larger patient. Balinka hit him back then the other man hit him with a chair leg cutting Mtumbo's face badly. Balinka first meet Denis Woylchuk his lawyer because he did not want to take the medication prescribed him and wanted to get out of the hospital. To make a long story short Denis won the case against the hospital

and Balinka has not been in trouble since. Balinka's case is one where the NGRI defense was misused. Balinka was a fit person, he was just not fit to be placed in a prison environment which would scare almost anyone. Another major problem in this case was Dr. Wong, he was the reason Balinka was forced to stay in the hospital when he should have been free. Dr. Wong was from Korea and his English was terrible which led to many misunderstandings between him and Balinka. Mtumbo Balinka was wrongfully accused of being mental unstable and suffered because of it. After reading the cases of Balinka and Diesel it is hard to find the advantages of the criminal justice model and the mental health model, but there are some that are apparent. In the criminal justice model everyone is held accountable for their actions. This of course can be seen as a bad thing, but the public views the criminal justice system positively because people must pay for what they did. The criminal justice model also holds people accountable after they get out of prison. They are placed on probation where they can not leave the state, and they have to meet with a probation officer along with other restrictions. If a person breaks their probation they can end up back in prison. The mental health model has no such follow up, the patient is not monitored well, as in the case of Diesel if he were forced to take his medication things may not have happened the way they did. One definite advantage of the mental health model is that patients are not released until the doctor believes they are safe to the public or if they are mentally stable. However in the prisons people can get paroled with every intention of committing more crimes. Another advantage of the mental health model is that treatment is available and taken seriously. Most prisons

are not equipped to give out treatment effectively. Mental hospitals also keep the mentally unstable out of the prison population where they can be a danger to themselves, other inmates, and prison guards. Both models have their positives and negatives, but know of this matters when mistakes are made and things go wrong like in the cases of Diesel and Balinka. If I could improve the systems I would use a combination of the criminal justice system and the mental health system. The two would still be separate, but they would adapt parts of the other system. I would keep the mental health system's exit policy, where an inmate or patient must be released by a psychiatrist, and apply it to the prison system. This would eliminate or reduce the number of people returning to prison. Prisons would also focus more on rehabilitation and treatment. The mental health system would have a probation system or something like it, where the individual is forced to take their medication and stay out of trouble. The insanity defense would still be in place because it is needed. These ideas may help but they would be very costly and increase taxes so it is very unlikely that anything will be done to fix the holes in the existing systems. In my perfect world doctors would not make mistakes and psychology would be an exact science. We could do brain surgery or prescribe medication to fix any mental disorder. The law would never convict an innocent person or let a guilty person go free. No one would ever become a victim of the system.