

Hinda Helps Panel

February 14, 2024

Presented by Elizabeth Kelley

Competency

Dusky v. U.S. (1960)

- Rational as well as factual understanding of the proceedings
- AND
- Sufficient present ability to consult with lawyer with reasonable degree of rational understanding

*Accused's level of functioning at the time of the legal proceedings



Restoration

Restoration – No!
Management – Yes!

Insanity

18 U.S. Code § 17 - Insanity defense

(a) Affirmative Defense.—

It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

(b) Burden of Proof.—

The defendant has the burden of proving the defense of insanity by clear and convincing evidence.

The Expert

Purpose

Get Early

Availability

Where to Find

Treating Expert Can't Be Forensic Expert

Team





Evaluation

Interviews with client

Collateral Interviews: family, friends, co-workers

Document Review

Testing instruments

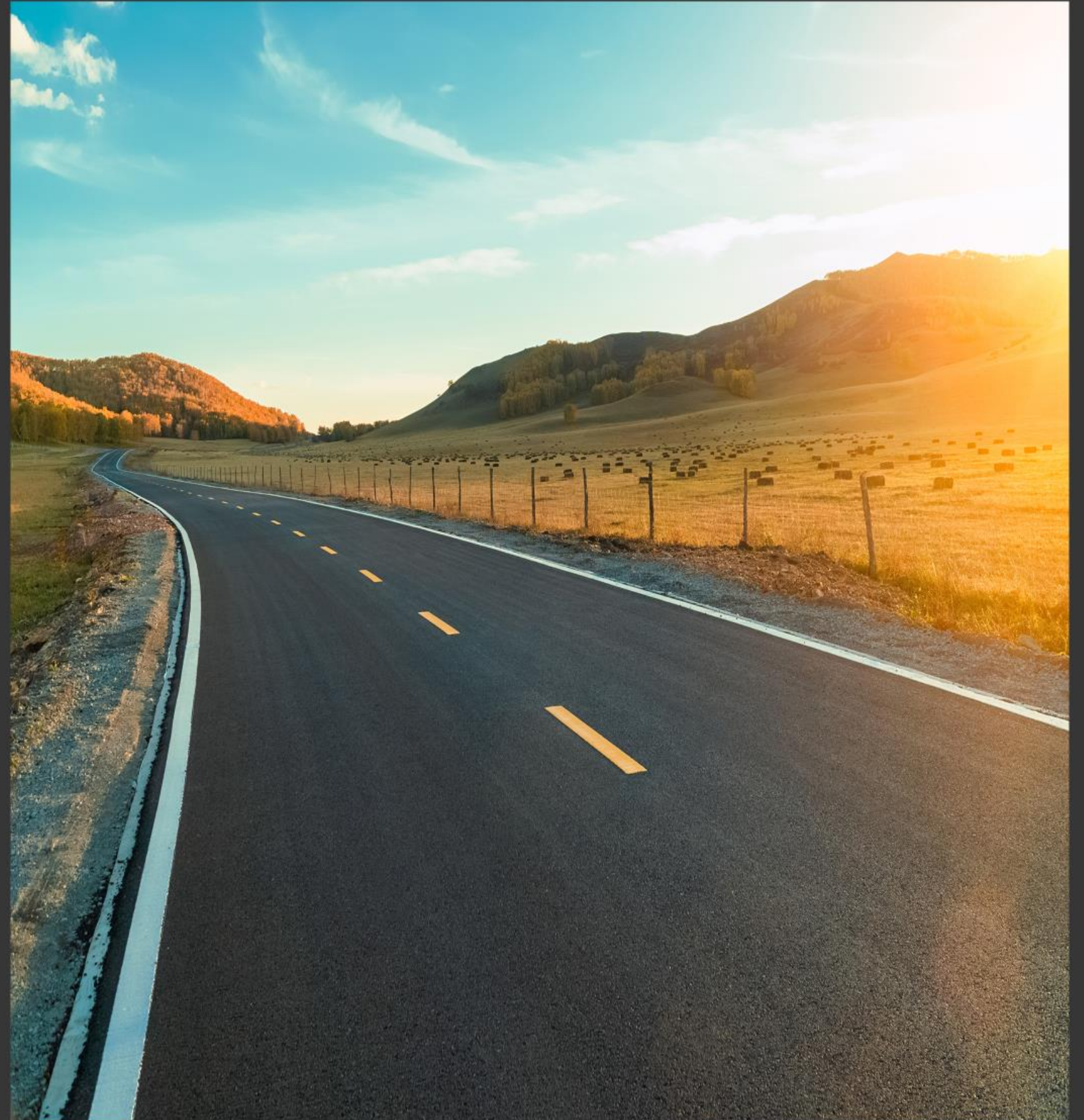
Leveraging a plea/dismissing charges

Mitigation/Leverage Plea/Problem Solving Courts



The Path Forward

- Treatment
- Housing
- Work/School





Jail/ Prison Conditions

Cost

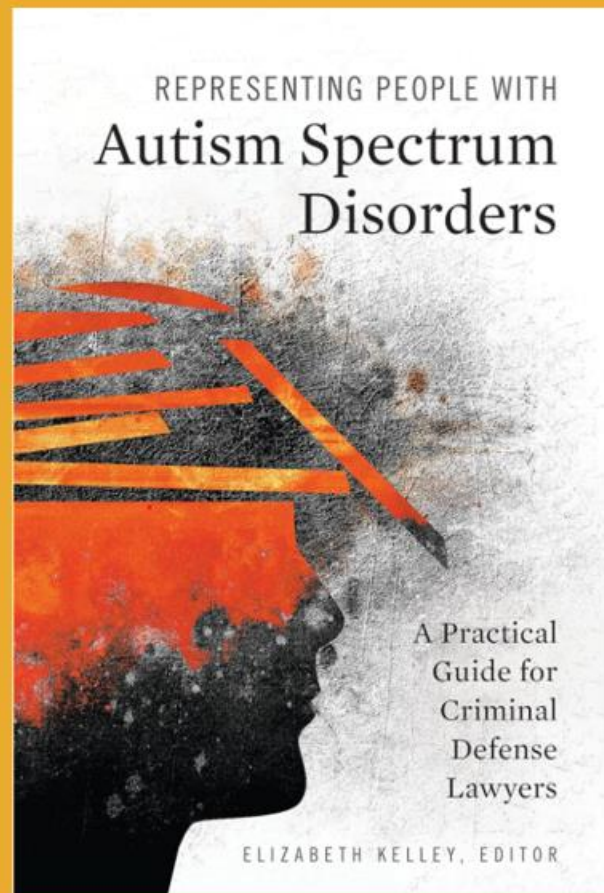
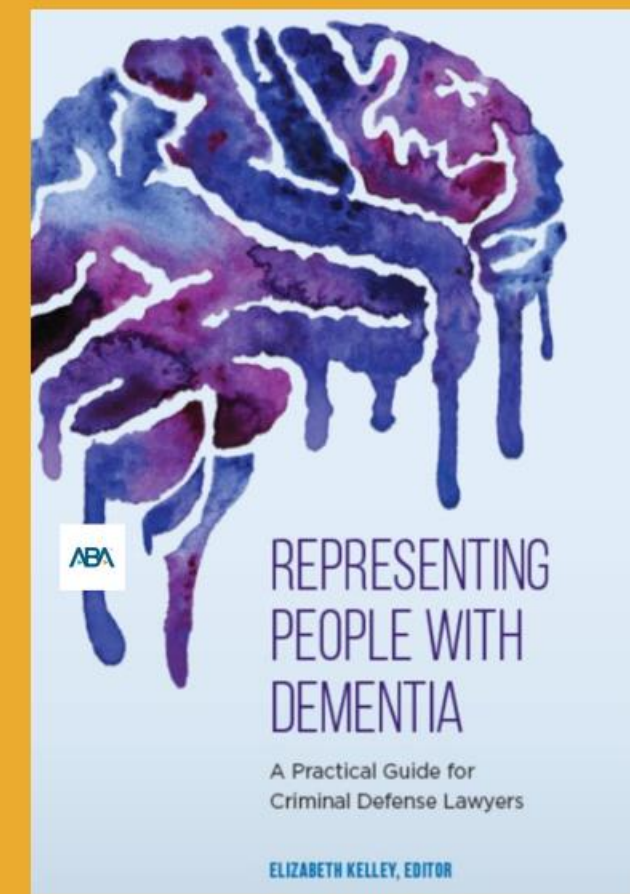
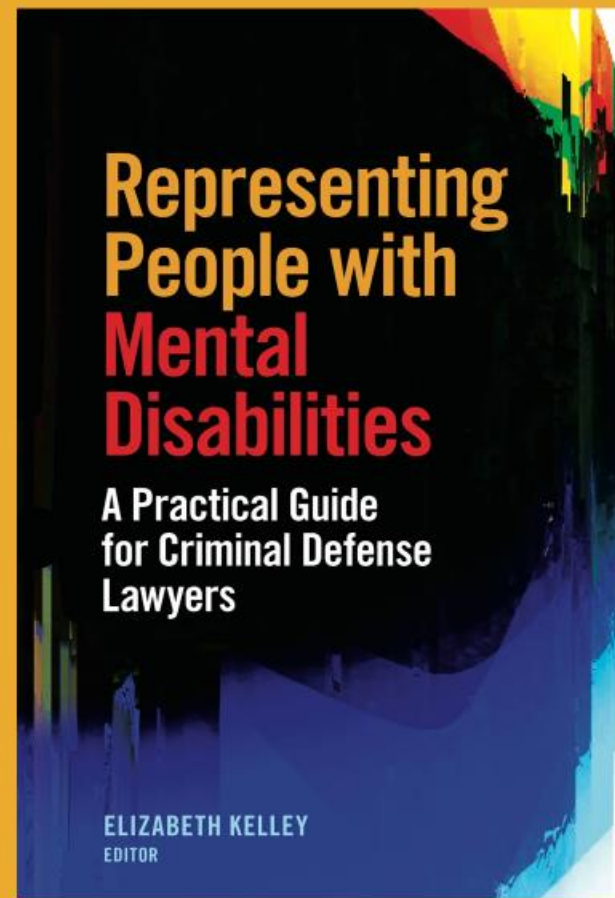
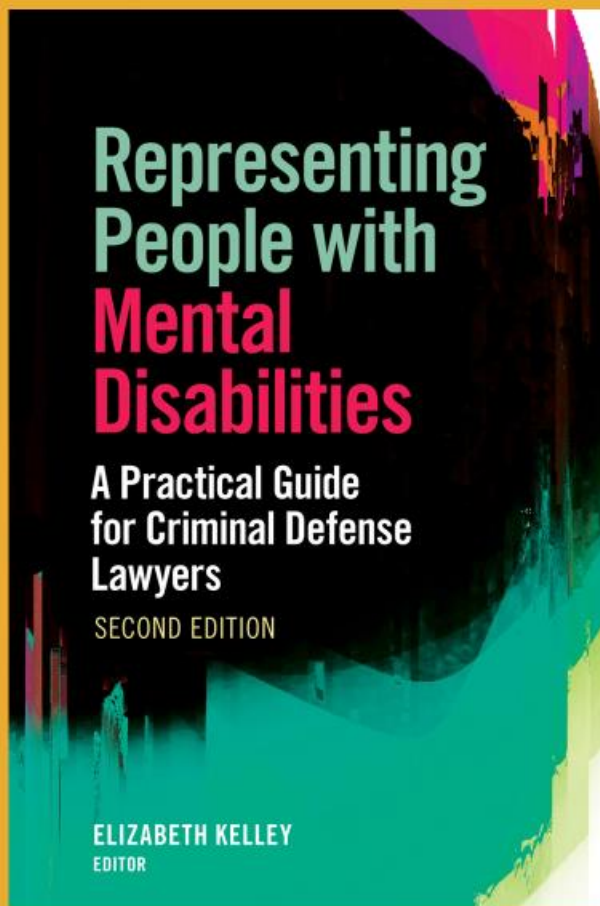
Victimized

Inability to Follow Rules

Disruptive

Expert and/or Consultant should address

Show the Path Forward



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