

CRIMINAL LAW
Professor Alexander

Required Readings:

Dressler, Chs. 25-26; MPC §§ 4.01-4.03; and materials for Problem Set 16 available as PDF online at www.sandiego.edu/larrya

Problem Set 16

1. Your client has been charged with murder (intentional or knowing homicide) in the death of his wife. You have a psychiatrist who will testify that your client is mentally ill and delusional. Your client has told the psychiatrist that at the time of the killing he believed his wife to be a “giant spider” that he had to beat to death with a hammer.

The jurisdiction you are in has adopted the MPC. The insanity defense (4.01) must be proved by the defendant by a preponderance of the evidence.

Should you plead insanity? If not, what other arguments are available to you to defeat the murder charge? Discuss the pros and cons of the alternative defense strategies in this case. (Consider burdens of proof, post-acquittal disposition, etc.) (One and one-half pages)

2. Your client killed her husband and is charged with murder. She claims that she knew “he was cheating on her and was also attempting to drive her crazy by having space aliens send her messages on the TV.” She also claims that she was “seized by an irresistible urge to kill her husband, an intense pressure that she could dissipate only by killing him.” A psychiatrist who has examined her has diagnosed her as a “delusional paranoid.” A physical examination has revealed the presence of a brain tumor that the psychiatrist believes is the cause of the client’s mental problems.

Does your client have a defense under MPC § 4.01? Other defenses? As a lay person, would you want to see her convicted? (One and one-half pages)

3. Robert Harris is a sociopath convicted of a double homicide. The MPC does not consider sociopaths to be excusable under 4.01. Read the following account of Robert Harris’s crime and discuss whether he is a fit subject for criminal punishment as opposed to some other legal response. (One page)