



Please complete the Insanity Plea handout from class. Instructions are on the handout.

Make sure that your answers are written in the correct quotation format (just like we went over in class).

Come to class with these handouts. You will need them to participate in class. You will also be handing them in.

If you were not in class, see the handouts below. You can choose to be on either the Defense or the Prosecution. Do not do both handouts, pick one. If you were in class, you were already assigned your position YOU CAN NOT CHANGE IT!

Insanity Plea

Legal Definition of Insanity

In a criminal trial, the word “insanity” means something more specific than when we use it in everyday speech. You can’t say that someone on trial is “insane” just because he did something that most of us would consider “crazy” (like killing someone, chopping up the body, and hiding the pieces under the floorboards.)

That’s because, in a trial, when we say someone is insane, we’re saying that the person didn’t fully understand what he or she was doing and therefore shouldn’t be held responsible for his or her actions. Read the following legal definition of insanity:

Insanity is a mental illness of such a severe nature that a person **cannot distinguish fantasy from reality**, cannot manage his/her own affairs, or is **subject to uncontrollable impulsive behavior**. In criminal cases, a plea of "not guilty by reason of insanity" will require a trial on the issue of the defendant's insanity (or sanity) at the time the crime was committed.

In this context, "not guilty" does not mean the person did not commit the criminal act for which he or she is charged. It means that when the person committed the crime, he or she **could not tell right from wrong** or **could not control his or her behavior** because of severe mental defect or illness. Such a person, the law holds, should not be held criminally responsible for his or her behavior.

"The Tell-Tale Heart"

Insanity Plea

Name :

Period:

You are the court-appointed **DEFENSE** attorney (lawyer) for a man accused of murder. The man is clearly guilty—he confessed to the crime and led the police straight to the mutilated body of his victim. Obviously, there is no chance of getting a jury to find him innocent. However, if you can convince the jury that your client is insane, he'll be able to avoid the death penalty and might be sent to an institution instead of to prison.

REMEMBER: Legal insanity means that, at the time of the crime, the killer...

- Could not distinguish fantasy from reality
- Could not tell right from wrong
- And could not control his behavior

Read through the killer's confession and try to find evidence that you could use to prove that the murderer IS insane. Be as specific as possible. Write a full paragraph (4 to 5 full sentences) for each piece of evidence. And in each paragraph, use a quote from the story (the murderer's own words) to prove your point. Put the quote in QUOTATION MARKS—" "—and then put the page number in parentheses—(); the period at the end of the sentence comes after the parentheses.

EXAMPLE QUOTE : "True!—nervous—very, very dreadfully nervous I had been and am; but why *will* you say that I am mad?" (pg 203).

First piece of evidence (or first reason):

Second piece of evidence (or second reason):

Third piece of evidence (or third
reason):

"The Tell-Tale Heart"

Insanity Plea

Name:

Period:

You are the **PROSECUTING** attorney (lawyer) for the state in a case against a man accused of murder. The man is obviously guilty—he confessed to the crime and led the police straight to the mutilated body of his victim. The defense lawyers are going to try to prove that their client is insane and should therefore get a lesser sentence. But you want to prove that he is **not** insane so the murderer will face the full consequences of his crime.

REMEMBER: Legal insanity means that, at the time of the crime, the killer...

- Could not distinguish fantasy from reality
- Could not tell right from wrong
- And could not control his behavior

Read through the killer's confession and try to find evidence that you could use to prove that the murderer is NOT insane. Be as specific as possible. Write a full paragraph (4 to 5 full sentences) for each piece of evidence. And in each paragraph, use a quote from the story (the murderer's own words) to prove your point. Put the quote in QUOTATION MARKS—" "—and then put the page number in parentheses—(); the period at the end of the sentence comes after the parentheses.

EXAMPLE QUOTE : "True!—nervous—very, very dreadfully nervous I had been and am; but why *will* you say that I am mad?" (pg 1).

First piece of evidence (or first reason):

Second piece of evidence (or second reason):

Third piece of evidence (or third
reason):