



COMMON MISCONCEPTIONS

The Success of the Insanity Plea

Many people believe the insanity defense is abused in the courtroom. In reality, the use of the insanity defense is rare. The majority of research suggests the defense is used in less than 1% of felony cases. Additionally, insanity pleas rarely are successful. Highly publicized trials give the false impression that the insanity defense is an effective way to avoid punishment.

Other defenses such as intoxication or diminished capacity are used as mitigating factors in sentencing. Defense lawyers will argue that factors that interfered with a person's ability to appreciate his or her actions should result in a more lenient sentence. They can also be used as a defense if the defendant contends the intoxication or other mental state prevented him or her from forming the intent to commit the charged offense.