

reversed because the Court of Appeals said the sample instruction did not deal adequately with the evidence in that particular case. The Court did not suggest a sample instruction to be given on re-trial of the case should the evidence be substantially the same as in the first trial. The Court did repeat and quote its explanation of the "product" requirement given in the earlier case of *Carter v. United States* and struck down the trial judge's instruction because it might have caused the jury to believe that Wright would not be excused from responsibility for his act unless his mental disease was the *principal* reason why he committed the act, which is not the law. "Without an explanation of 'causal connection,' the jury may have erroneously concluded that, though the shooting would not have occurred but for Wright's illness, the principal cause of the shooting was the rational one, i.e., his ill-feeling against his wife, and that, therefore, he ought to be held accountable for his act. * * *" *Wright*, 102 U.S. App. D.C. at 45.

The meaning of the "product" part of the Durham rule as explained in the *Carter* case and as repeated and quoted in the *Wright* case is as follows:

"When we say the defense of insanity requires that the act be a 'product of' a disease, we do not mean that it must be a direct emission, or a proximate creation, or an immediate issue of the disease in the sense for example, of Hadfield's delusion that the Almighty had directed him to shoot George III. * * *

"* * * There must be a relationship between the disease and the act, and that relationship, whatever it may be in degree, must be, as we have already said, critical in its effect in respect to the act. By 'critical' we mean decisive, determinative, causal; we mean to convey the idea inherent in the phrases 'because of,' 'except for,' 'without which,' 'but for,' 'effect of,' 'result of,' 'causative factor'; the disease made the effective or decisive difference between doing and not doing the act. The short phrases 'product of' and 'causal connection' are not intended to be precise, as though they were chemical formulae. They mean that the facts concerning the disease and the facts concerning the act are such as to justify reasonably the conclusion that 'But for this disease the act would not have been committed.'"

This definition contains parts which might reduce the test to one of mere necessary co-incidence. Take for example the case of a person charged with assault with a dangerous weapon.