

TEXT OF CERTAIN CASES DECIDED BY THE U.S. COURT OF APPEALS,
DISTRICT OF COLUMBIA CIRCUIT

DURHAM v. UNITED STATES.
No. 11859.

United States Court of Appeals
District of Columbia Circuit.

Argued March 19, 1954.

Decided July 1, 1954.

Petition for Rehearing In Banc
Denied Sept. 10, 1954.

From judgment of the United States District Court for the District of Columbia, Alexander Holtzoff, J., convicting the defendant of housebreaking after trial without a jury, the defendant appealed. The Court of Appeals, Bazelon, Circuit Judge, adopting a new test of criminal responsibility, held that if defendant's unlawful act was the product of mental disease or mental defect, he was not criminally responsible.

Reversed and remanded for new trial.

1. Criminal Law § 625

In prosecution for housebreaking, trial court's acceptance of waiver of pretrial lunacy hearing from defendant who stated he needed hospitalization and whose testimony showed confusion was error notwithstanding certification from acting superintendent of mental hospital that defendant was mentally competent to stand trial. D.C.Code 1951, §§ 22-1801, 22-2201, 22-2202, 24-301.

2. Criminal Law § 331

In prosecution for housebreaking, psychiatrist's opinion that defendant had been of unsound mind on date when crime was committed was sufficient to satisfy "some evidence" test and thereby to shift to prosecution the burden of proving defendant's sanity, though psychiatrist could not state categorically that defendant had not known right from wrong. D.C.Code 1951, §§ 22-1801, 22-2201, 22-2202, 24-301.

3. Criminal Law § 1168(1)

Trial court's erroneous holding that there was no evidence of alleged housebreaker's mental state as of date when crime was committed, and that presumption of sanity therefore prevailed, was prejudicial and required reversal. D.C. Code 1951, § 24-301.

4. Criminal Law § 311, 331

When lack of mental capacity is raised as a defense to a charge of crime, the law presumes that the defendant is sane, but as soon as some evidence of mental disorder is introduced, sanity must be proved beyond a reasonable doubt as part of prosecution's case. D. C.Code 1951, § 24-301.

5. Criminal Law § 623

When issue of insanity is raised by introduction of "some evidence" so that presumption of sanity is no longer absolute, trier of fact must weigh the whole evidence, including that supplied

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