

by the presumption of sanity, on the issue of capacity in law of accused to commit the crime, and failure so to weigh the whole evidence on such issue is reversible error. D.C.Code 1951, § 24-301.

6. Common Law ⇐14

Former common law should not be followed where changes in conditions have made it obsolete.

7. Criminal Law ⇐48

In District of Columbia, formulation of tests of criminal responsibility is entrusted to the courts, and they may adopt changes in such tests retroactively. D.C.Code 1951, § 24-301.

8. Common Law ⇐10

Common-law procedure in all matters relating to crime continues in force except where supplanted by special statutory provisions.

9. Criminal Law ⇐48

An accused is not criminally responsible if his unlawful act was product of mental disease or mental defect. D.C. Code 1951, § 24-301.

10. Criminal Law ⇐48

Term "disease", as used in rule that an accused is not criminally responsible if his unlawful act was product of mental disease or mental defect, means condition which is considered capable of either improving or deteriorating, and term "defect" as so used means condition which is not considered capable of improving or deteriorating and which may be either congenital, or traumatic, or the residual effect of physical or mental disease. D.C.Code 1951, § 24-301.

See publication Words and Phrases, for other judicial constructions and definitions of "Defect" and "Disease".

11. Criminal Law ⇐773(1)

Whenever there is some evidence that the accused suffered from a diseased or defective mental condition at the time the unlawful act was committed, trial court must provide jury with guides for determining whether accused

can be held criminally responsible. D.C. Code 1951, § 24-301.

12. Criminal Law ⇐773(2)

Instructions to jury relative to criminal responsibility must in substance advise jury that they may find defendant guilty only if they find, beyond reasonable doubt, from evidence and from facts fairly deducible, (1) that defendant was not suffering from diseased or defective mental condition at time of the act, or (2) that the act was not the result of such condition. D.C.Code 1951, § 24-301.

13. Criminal Law ⇐48

In determining whether accused was suffering from diseased or defective mental condition, and whether his act was caused by such condition, jury may consider symptoms, phases, manifestations, testimony of psychiatrists as to nature of the disease or defect, and its range of inquiry may include but is not limited to whether accused knew right from wrong, whether he acted under compulsion of an irresistible impulse, or had been deprived of or lost the power of his will. D.C.Code 1951, § 24-301.

14. Criminal Law ⇐311

Mental Health ⇐439

Accused person who is acquitted by reason of insanity is presumed to be insane and may be committed for indefinite period to a hospital for the insane. D.C.Code 1951, § 24-301.

Mr. Abe Fortas, Washington, D. C., appointed by this Court, with whom Mr. Abe Krash, Washington, D. C., was on the brief, for appellant.

Mr. Gerard J. O'Brien, Jr., Asst. U. S. Atty., Washington, D. C., with whom Messrs. Leo A. Rover, U. S. Atty., and Lewis A. Carroll and Arthur J. McLaughlin, Asst. U. S. Attys., Washington, D. C., were on the brief, for appellee. Mr. William J. Peck, Asst. U. S. Atty. at time record was filed, Washington, D. C., entered an appearance for appellee.