

McDonald v. U.S. (1962)

Nature: The possibility of presenting Lyles instruction and insanity defense to the jury.

Facts and Procedure: Ernest McDonald was charged with second-degree murder after aiding and abetting his employer in the shooting of another individual during an altercation. Both a psychiatrist and a psychologist testified that McDonald suffered from a mental defect, “a state of mental development which does not reach the level of average intelligence,” based on a measured IQ of 68. Based on their conclusions, McDonald would have less ability than normal persons to distinguish between right and wrong in complex situations, would tend to act impulsively under stress and would be strongly influenced by someone who befriended him (such as David). During the trial, the district court instructed the jury about 5 alternate verdicts (guilty of second degree murder, manslaughter, assault with a dangerous weapon, assault, or not guilty), but failed to include not guilty because of insanity. The court called a bench conference and the defense counsel expressed substantial satisfaction with the instructions and did not make reference to the court’s failure to notify the jury about the acquittal by reason of insanity, which he would be confined to a mental hospital (i.e., Lyles v. US). The court failed twice to notice the jury with the possible verdicts to include “not guilty because of insanity.” As a result, McDonald was convicted of manslaughter and sentenced to 5-15 years. McDonald appealed his conviction on the grounds that the court’s charge to the jury was fatally defective because it failed to provide the Lyles instruction and failed to charge the jury with the possibility of finding the defendant not guilty because of insanity.

Issue: 1. Did the court err by not providing the Lyles instruction? 2. Did the court err in not instructing the jury that one of the alternative verdicts was not guilty by reason of insanity?

Holding: Yes for not issues. The court should have given the Lyles instruction and should have instructed the jury that a not guilty by reason of insanity verdict was an option. The conviction was reversed and the case remanded.

Rationale: 1. The Appeals Court rejected that Government’s assertions that the defense counsel’s failure to object to the court’s charge implied that the defense did not want the Lyles instruction on hospital confinement to be given to the jury. The District court stated that the omission of the insanity verdict from the list of alternatives was harmless error, and the evidence

of insanity was insufficient and therefore negated the need for the mandated instructions. The Appeals Court disagreed with these contentions and noted that such instructions are necessary. 2. The Appeals Court cited *Davis v. United States*, which held that if there is “some evidence” of a defendant’s claim to mental disability, the defendant is entitled to have this issue submitted to the jury, as well as *Durham*, which held that evidence of a “mental disease” or “mental defect” effectively raises this issue. The Court held that there was sufficient evidence raised under *Davis* that the issue should have been presented for jury consideration. 3. The Court further argued that although the *Durham* decision was meant to distinguish between “disease” and “defect,” the Court’s current objective was to make clear that triers of fact are not bound by definitions or conclusions as to what experts state is a disease or defect for clinical purposes since they may differ from a such definitions used by triers of fact for the purposes of determining criminal responsibility (a determination not controlled by expert witnesses). The Court argued, therefore, that juries should be instructed that “mental disease or defect includes any abnormal condition of the mind which substantially affects mental or emotional processes and substantially impairs behavior controls.” 4. The Court ultimately concluded that there was no evidence in the record that McDonald affirmatively waived the Lyles instruction. The Court also noted that the failure to include the insanity verdict in both of the charges to the jury, as well as how criminal responsibility was explained to the jury was inaccurate. The jury should be provided a statement “that capacity, or lack thereof, to distinguish right from wrong and ability to refrain from doing a wrong or unlawful act may be considered in determining whether there is a relationship between the mental disease and the act charged.” These are factors which a jury may take into account in deciding whether the act charged was a product of mental disease or mental defect.

Lyles v. United States held that jury instructions must include a statement that an acquittal by insanity leads to confinement in a mental hospital until no longer dangerous to self or others unless it “appears affirmatively on the record” that the defendant did not want this instruction to be included.