

State v. Bouwman (1982)

Nature: Diminished capacity.

Facts: Thomas J. Bouwman was indicted on two counts of Murder in the First Degree; he pleaded not guilty and not guilty by reason of mental illness on both charges. The State of MN made a motion in limine* to restrict the testimony of Bouwman's expert psychiatric witness solely to the issue of whether he knew at the time of the offense the nature of his acts or that those acts were wrong. The State also requested that Bouwman be prohibited from inquiring whether the psychiatric witnesses believed he intended or premeditated the killings or whether he possessed the requisite mental state for lesser degrees of homicide. The trial court denied this motion and Bouwman elected to have a unitary trial. The trial court then certified the following question to the Supreme Court of MN:

Issues: May the court admit expert psychiatric opinion testimony that the defendant, at the time of the alleged crime, lacked the mental capacity to premeditate the killings or to form the specific intent to kill, at the trial of defendant's first degree murder?

Holdings/Rationale: NO. The Court offers a differentiation between intent as a fact issue from the question of mental capacity of the defendant. Direct evidence for intent is "usually impossible" due to the subjective nature of this element of a crime. The law presumes that people are responsible for their acts (i.e. that they have the capacity to intend what they do). Under this presumption, jurors are to rely on their "sensory perceptions, experiences in life, and their common sense" when determining whether a defendant formed the specific intent to commit the act. The defendant has a right to offer evidence which disputes the physical facts presented by the prosecution. However, psychiatric evidence has no value at this part of the trial since it does not relate to the physical evidence upon which the jury is to determine the issue of intent. The expert testimony relates to the mental capacity of the defendant is only asserted his insanity defense in the case. Such psychiatric evidence has no probative value to determine whether the defendant has the mental capacity to premeditate the killings or to form the specific intent to kill and the state can establish the intent of the defendant as argumentative. In addition, criminal law recognizes no degrees of sanity; rather, "it requires a final decisive moral judgment of the culpability of the accused. For the purposes of a

conviction there is no twilight zone between abnormality and insanity. An offender is wholly sane or wholly insane.”

* “motion in limine” as “a pretrial request that certain inadmissible evidence not be referred to or offered at trial.”