**INSANITY**

The Defendant is raising the defence of insanity.  Insanity is a legal term used to describe the effect of a medical condition on the functioning of the mind. Legal insanity is a distinct concept, different from what a lay person may think of as insanity.

All people who are legally insane will be mentally ill, but not all people who are mentally ill are legally insane.

Unlike the usual rule that before the jury can convict, the Prosecution must prove their case by making the jury sure of it, where the defence of insanity is raised it is for the Defence to prove that it is more likely than not that the defence is made out. In other words, the Defendant must prove that the defence of insanity is probably true in his case.

**The legal principle:**In law, a person is presumed to be sane and reasonable enough to be responsible for their actions. The defence of insanity will only succeed if the Defendant proves that it is more likely than not (ie: probable) that when he did the particular act/s which constitute the crime, then because he was suffering from a disease of the mind, either -

(a) he did not know what he was doing, or

(b) he did not know that what he was doing was wrong.

If you conclude that he probably did not know (a), the verdict of the jury must be: “Not Guilty by reason of insanity”.

If you conclude that he probably did not know (b) the verdict of the jury must be: “Not Guilty by reason of insanity.”

If you conclude he probably did know (a) or (b) then the defence of insanity fails.