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Los Angeles Criminal Defense Attorneys Secure Insanity Verdicts in Two Southern California Murder Cases

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The Los Angeles criminal defense lawyers at KESTENBAUM EISNER & GORIN, LLP successfully obtained "Not Guilty by Reason of Insanity Verdicts" in two Southern California courtrooms, likely the only defense firm to do so anywhere in the United States.

The Insanity defense is rarely successfully presented in Los Angeles courts, as California law places a high burden of proof on the criminal defense lawyers to show that the defendant did not understand right from wrong at the time of the homicide. Under California criminal law, a defendant found insane at the time of the offense is not subject to criminal punishment, and must receive mental health treatment at a state institution. Further, jurors tend to be very reticent to accept psychiatric testimony, rejecting the claim as an "excuse" or a "loophole" in the system.

The most recent murder case was litigated by Kestenbaum Eisner & Gorin, LLP in a Los Angeles downtown criminal courtroom. After a month long trial, the jury concluded last week, that the eighteen-year-old woman was insane when she suffocated her newborn, suffering from an acute stress disorder and hearing voices at the time of her baby's birth at home. Second, in a murder case tried last summer at the Van Nuys Criminal Courthouse, a twenty-year-old man with a substantial history of schizophrenia was found Insane for an assault causing death at a valley strip club. In both murder cases, the defendants were facing life in prison had the jury found they were sane at the time of the homicide. Now the two will be receiving mental health treatment at Patton, a state mental health facility in San Bernardino, California. They will remain there until, if ever, the doctors find they have regained their sanity and no longer pose a threat to society.

As part of our courtroom defense, the firm's Los Angeles criminal defense attorneys presented expert Psychiatric testimony, as well as a jury consultant. The experts explained that the symptoms from substantial mental illness such as schizophrenia often present themselves in teenage years. While psychotropic drugs address some of the symptoms, patients' dosage must be closely monitored, or the hallucinations, voices, or other symptoms continued unabated. Insufficient parental monitoring, or the parents' inability to accept the existence of the illness, leads the illness to become worse, causing more frequent psychotic breaks from reality.

Cases of insanity are devastating to all parties involved. There are no winners when a defendant is placed in a mental institution. Most importantly, the jury is recognizing the power of mental health treatment, over incarceration, for those suffering from major mental illness, while also bringing justice for the victims and their families.