

THE DARK KNIGHT RISES: AN EXAMINATION OF THE INSANITY PLEA AND JAMES HOLMES CASE

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Undoubtedly, the insanity plea is one of the most controversial defenses available in American criminal jurisprudence. The defense and others like it were created to avoid punishing defendants who are not blameworthy. These defenses are commonly referred to as “excuse” defenses. Although rarely used, and seldom ever used successfully, the insanity defense has gained much public attention. Some of the most notorious defendants who have successfully used the insanity plea include John Hinckley Jr., Lorena Bobbitt, and Andrea Yates. Now, James Holmes, a mass murderer from Aurora, Colorado, seeks to use the insanity defense.

Public opinion about the insanity defense has been controversial. Many people disfavor the insanity plea because they believe that it allows a guilty person to “beat the rap” or “get off easy”. Members of the public misunderstand the insanity defense

because they are usually exposed to only high profile cases that receive intense media coverage. It will be interesting to see the public's reaction to James Holmes's potentially successful use of an insanity defense.

This article examines the insanity defense and the public's perception of the defense. The primary focus is on the different legal standards used across the country. The author examines the definition used in Colorado and its possible application in the James Holmes case. The article concludes by recommending that media ought to educate the public about the plea so that members of the public can be more accepting of it.