

Performing Legally Sound Forensic Evaluations: A Discussion of California Rules & Caselaw

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Model

1. Identify the Legal Standard
2. Identify the Standard of Proof
3. Research and Identify Relevant Caselaw
4. Focus Your Report on Legally Relevant Factors

Criminal Responsibility/PC 1027

- When (he/she) committed the crime[s], (he/she) had a mental disorder or defect;
- (He/She) was incapable of knowing or understanding the nature and quality of (his/her) act;
- (He/She) was incapable of knowing or understanding that (his/her) act was morally OR legally wrong.
 - Moral vs. Legal wrongfulness: Is there a difference? If so, address concepts separately
 - Moral wrongfulness: must meet BOTH an objective and subjective component
 - *Subjective*: (He/She) believed the act was moral
 - *Objective*: Society would have viewed it as moral as well; it would be a “generally accepted ethical or moral principle”

Evidentiary standard: Preponderance of evidence (More likely than not)