

Good morning. Thanks for requesting my input on the new proposed amendment.

First, I should say that because of the expertise of the defense bar in this area I strongly encourage the committee to get the Defender General's reaction to the proposal. Up to now this is not a part of the bill that I have covered in my testimony.

Second, I gather that the Committee is trying to reconcile the ideas of those who prefer to delay the sanity evaluation until after competency has been determined and those who think it is important that this evaluation be done as early in the process as possible. Between these two options, my opinion is that it is preferable to perform the sanity evaluation as early as possible, at a time when the evidence is available, people's memories are fresh, and it is easier to obtain collateral information. I do not see the benefit of collecting the evidence at the beginning of the case, as the amendment would provide, and then delaying the evaluation and report.

If the Committee chooses to go with the option of delaying the report on sanity, I would amend proposed subsection (B) to allow for the evaluations to be combined **either** unless the defendant so requests **or**, for good cause shown, the court so orders. This is the formulation set forth in the ABA Criminal Justice Standards on Mental Health, Standard 7-3.4. I do not think that a defendant's request should depend on the court's determination of whether there is good cause, in part because I am not aware of any body of law that defines good cause under these circumstances.

I hope this is helpful. Feel free to get in touch if there is anything I can add.

Jack

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