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Case Number 522,2019

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEVONTE DORSETT,	§	
	§	No. 522, 2019
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

ON APPEAL FROM THE SUPERIOR COURT
OF THE STATE OF DELAWARE

STATE'S ANSWERING BRIEF

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Date: August 3, 2020

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NATURE OF PROCEEDINGS

Wilmington Police arrested Devonte Dorsett on April 11, 2017, in connection with a homicide.[1] A Superior Court grand jury subsequently indicted Dorsett for murder in the first degree, murder in the second degree, robbery in the first degree, conspiracy in the second degree, three counts of possession of a firearm during the commission of a felony ("PFDCFP"), and two counts of possession of a firearm by a person prohibited ("PFBPP").[2]

On May 24, 2018, Dorsett pled "guilty, but mentally ill," to murder in the second degree, robbery in the first degree, and two counts of PFDCF.[3] The Superior Court ordered a pre-sentence investigation and a mental-health evaluation.[4] On December 19, 2018, the court held a hearing on the issue of whether it should find Dorsett "guilty, but mentally ill."[5] A psychiatrist and a psychologist testified at the hearing.[6] The parties then submitted post-hearing

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[1] *State v. Dorsett*, 2019 WL 2500944, at *1 (Del. Super. Ct. June 17, 2019); A001, at D.I. 1. "D.I. __" refers to item numbers on the Superior Court Criminal Docket in S*tate v. Dorsett*, ID No. 1701005259, included in the Appendix to Appellant's Opening Brief at A001–07.

[2] A001, at D.I. 3, A008–12.

[3] *Dorsett*, 2019 WL 2500944, at *1; A003, at D.I. 13.

[4] A003–04, at D.I. 13, 15.

[5] A005, at D.I. 22.

[6] *Dorsett*, 2019 WL 2500944, at *2.

memoranda arguing the issue.[7] The court also considered Dorsett's treatment records and the written reports of three doctors.[8] On June 17, 2019, the court issued a written opinion holding that the facts did not support a finding of "guilty, but mentally ill."[9]

At a subsequent hearing, Dorsett indicated that he did not wish to withdraw his (now ordinary) guilty plea.[10] On November 8, 2019, the Superior Court imposed an aggregate sentence of 78 years at Level V incarceration, suspended after 35 years for 2 years at Level III probation.[11]

Dorsett filed a timely notice of appeal. He filed an opening brief on June 30, 2020. This is the State's answering brief.

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[7] A005, at D.I. 22, 24–25.

[8] *Dorsett*, 2019 WL 2500944, at *2.

[9] *Id.* at *6–7; A006, at D.I. 27.

[10] A007, at D.I. 29, A122.

[11] Opening Br. Ex. B, at 1–2.

SUMMARY OF ARGUMENT

I. The Appellant's argument is denied. The Superior Court correctly interpreted 11 *Del. C.* § 401(b) as requiring a defendant's mental illness to contribute to his criminal conduct in order to sustain a finding of "guilty, but mentally ill." Dorsett argues that the statute requires only a temporal link. He supports his claim primarily by contrasting the text of the clauses within § 401(b). But considering this Court's prior decisions construing § 401(b), Dorsett's textualist argument, which does not account for context, is insufficient to elucidate the meaning of the statute. The language within the clause, the legislative history of the statute, and the organization of the Criminal Code all indicate that § 401(b) requires some minimal causal relationship between the mental illness and the crime.

STATEMENT OF FACTS

Dorsett's Crime[12]

On January 9, 2017, Dorsett and a minor accomplice entered Lancaster Market intending to rob the store at gunpoint.[13] Dorsett and the minor demanded the clerk, Santanu Muhuri, give them the money from the register.[14] Muhuri and Dorsett struggled for control of Dorsett's firearm.[15] During the struggle, Dorsett shot Muhuri in the head.[16] Around 1:00 p.m., someone found Muhuri on the ground, bleeding from the head wound, and flagged down emergency medical services.[17] Paramedics performed CPR and transported Muhuri to the hospital, where doctors pronounced him dead.[18]

Wilmington Police investigated the homicide and developed Dorsett and the minor as suspects in the case.[19] The police located Dorsett, who had an

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[12] Because Dorsett pled guilty and there is no trial testimony, the State adopts its facts from the Superior Court's opinion below, which relied upon "the criminal file in this case." *Dorsett*, 2019 WL 2500944, at *1.

[13] *Id.*

[14] *Id.*; A008.

[15] *Dorsett*, 2019 WL 2500944, at *1.

[16] *Id.*

[17] *Id.*

[18] *See id.*

[19] *Id.*

outstanding capias for a violation of probation.[20] After a brief chase, the officers arrested Dorsett and found a loaded .45-caliber handgun in his possession.[21] The caliber matched shell casings and projectiles found at the scene of the homicide.[22] Dorsett, who had been convicted previously of carrying a concealed deadly weapon, was a person prohibited from possessing a firearm.[23] The police also located and arrested the minor.[24]

Dorsett and the minor both agreed to answer questions from the police.[25] Both admitted their involvement in the robbery, and both stated that Dorsett shot Muhuri during the struggle for Dorsett's firearm.[26] Dorsett stated that killing Muhuri was an accident.[27]

Dorsett admitted that he was intoxicated at the time of the offenses.[28] He stated that he robbed the store to get more money for drugs and alcohol.[29]

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[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] *Id.*; A055–56.

[29] A056.

Dorsett's Mental-Health Evaluations

After Dorsett's arrest, three doctors—Dr. John Northrop, a forensic psychiatrist from Lansdowne, Pennsylvania; Dr. Joseph Wright, a licensed psychologist from Philadelphia, Pennsylvania; and Dr. Douglas Roberts, a licensed psychologist at the Delaware Psychiatric Center ("DPC")—evaluated his mental health at the time of the offenses.[30] Each doctor diagnosed Dorsett with antisocial personality disorder and various substance-use disorders, including alcohol, cannabis, phencyclidine, opiates, and sedatives.[31] Two doctors, Dr. Northrop and Dr. Wright, also diagnosed him with intellectual or cognitive disorders, attention deficit hyperactivity disorder ("ADHD"), and post-traumatic stress disorder ("PTSD").[32] Dr. Wright further diagnosed Dorsett as suffering from other specified bipolar and related disorder and disruptive mood dysregulation disorder.[33]

Dr. Wright, who did not testify at the December 19, 2018 hearing, concluded that Dorsett's psychopathology and major neurocognitive disorder "were likely relevant when this offense occurred."[34] Even though his antisocial personality

[30] A014–56.

[31] A024, A048, A055.

[32] A024, A048.

[33] A048.

[34] A048.

disorder could explain his criminal conduct, it "would potentially over-simplify other possible relevant diagnostic issues."[35] Dorsett's treatment history indicated that he incurred frontal brain impairments that "significantly impair his judgment, impulse control, and ability to consider the consequences of his actions," which "can certainly contribute to criminal behavior."[36] In Dr. Wright's opinion, "Dorsett did display significant deficits in thinking, judgment, and impulse control at the time of this offense directly linked to his neurocognitive and psychiatric disorders."[37]

Drs. Northrop and Roberts, who testified at the hearing, generally agreed on the facts but disagreed about the legal application of the "guilty, but mentally ill" statute. Dr. Northrop concluded that "the predominant factor in Mr. Dorsett's actions . . . [was] intoxication with several psychoactive substances."[38] His intoxication and antisocial personality disorder were the proximate causes of his criminal conduct.[39] Dr. Northrop opined that Dorsett was "guilty, but mentally ill," explaining that he based his conclusion on an understanding that mental illness

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[35] A048.

[36] A048–49.

[37] A049.

[38] A029.

[39] A068

merely needs to be present at the time of the offense, not cause it.[40] In any event, Dorsett's antisocial personality and substance-use disorders were not his entire pathology.[41] Historically, he also exhibited impulsivity from ADHD, executive deficits from borderline intellectual functioning, and emotional dysregulation from PTSD—all of which deserved treatment.[42]

Dr. Roberts "found no evidence to suggest that his mental state at the time of the offense was substantially disturbed by the symptoms of a serious psychiatric or cognitive disorder."[43] To the contrary, Dorsett told Dr. Roberts that he was drunk and high and needed money for more drugs and alcohol.[44] "[T]he most plausible explanation for Mr. Dorsett's actions was his substance abuse, and his antisocial personality style. That is, he wanted money to buy drugs/alcohol, and he did not care about breaking the law in order to get money."[45]

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[40] A068.

[41] A070.

[42] A029.

[43] A056.

[44] A056.

[45] A056.

ARGUMENT

I. THE SUPERIOR COURT'S INTERPRETATION OF § 401(b), THAT A DEFENDANT'S MENTAL ILLNESS MUST IN SOME WAY CONTRIBUTE TO HIS CRIMINAL BEHAVIOR IN ORDER TO SUSTAIN A FINDING OF "GUILTY, BUT MENTALLY ILL," WAS CORRECT.

Question Presented

Whether the Superior Court correctly interpreted 11 *Del. C.* § 401(b), in conjunction with § 401(c), as precluding a finding of "guilty, but mentally ill" when the defendant's intoxication and antisocial conduct, and not his mental illness, proximately caused his criminal conduct.

Standard and Scope of Review

This Court reviews questions of law, including matters of statutory interpretation, *de novo*.[46]

Merits of Argument

Dorsett presents a single, narrow issue on appeal: whether the Superior Court correctly interpreted 11 *Del. C.* § 401(b) to require that Dorsett's mental

[46] *Zhurbin v. State*, 104 A.3d 108, 110 (Del. 2014).

illnesses contributed to his criminal behavior.[47] Section 401(b) provides that the trier of fact in a criminal case may find a defendant "guilty, but mentally ill," if:

> at the time of the conduct charged, [he] suffered from a mental illness or serious mental disorder which substantially disturbed [his] thinking, feeling or behavior and/or that such mental illness or serious mental disorder left [him] with insufficient willpower to choose whether [he] would do the act or refrain from doing it, although physically capable . . . .

Dorsett contends that the first clause of § 401(b) does not encompass any proximate-cause requirement. According to Dorsett, § 401(b)'s substantial-disturbance clause requires only a temporal connection, proof that he suffered a mental illness at the time of the offenses, regardless of its impact on the crimes charged.

Dorsett's argument relies primarily on putting two clauses within § 401(b) under a microscope and contrasting their language against each other. The distinctions that Dorsett draws do not have the significance he attributes to them, however. Adjusting the focus inward or outward—to the language of the relevant clause itself, or the context of the legislative history and Criminal Code—reveals that § 401(b) requires some minimal causal connection between the mental illness and the crime. The Superior Court's interpretation was correct.

[47] *See* Opening Br. 11–13.

A. The Superior Court Opinion

The Superior Court declined to find Dorsett "guilty, but mentally ill," because it determined that his intoxication and antisocial conduct, and not a mental illness, led him to commit the robbery and murder.[48] When Dorsett shot Muhuri, he "'was high off alcohol, wet, two Xanax bars and two [Percocets].'"[49] Dr. Roberts testified that Dorsett's decisions followed a linear path: he needed drugs, so he needed money, so robbed the store.[50] Dr. Roberts concluded Dorsett's substance abuse and his antisocial personality disorder proximately caused him to engage in the criminal behavior.[51] Dr. Northrop testified similarly, concluding that Dorsett's intoxication was "the predominant factor in [his] actions on January 9, 2017" (the date of the murder).[52] The Superior Court agreed, finding "that it was intoxicating substance abuse and antisocial conduct that caused Mr. Dorsett to act the way he did on January 9, 2017."[53]

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[48] *Dorsett*, 2019 WL 2500944, at *6–7.

[49] *Id.* at *7 (quoting Dorsett's statement, as memorialized in Dr. Northrop's expert report).

[50] *Id.* at *6.

[51] *Id.*

[52] *Id.*

[53] *Id.* at *7.

The court noted that § 401(c) precludes a finding of "guilty, but mentally ill," based on intoxication or antisocial conduct.[54] The plea is not available when voluntary intoxication has caused the defendant's mental illness.[55] Likewise, the term "mental illness" does not include antisocial conduct.[56]

The court acknowledged that Dorsett also suffered from borderline intellectual functioning, ADHD, and PTSD.[57] But as both Dr. Northrop and Dr. Roberts testified, "ADHD, PTSD and/or borderline intellectual functioning do not normally manifest in violent behavior."[58] Based on this record, the court found that Dorsett's ADHD, PTSD, and borderline intellectual functioning were not mental illnesses "that substantially disturbed [his] thinking, feelings or behavior *such that* [he] robbed the store, illegally possessed a firearm and killed the victim during a struggle."[59]

The Superior Court interpreted § 401(b) to require "a connection between" the defendant's mental illness and the commission of the offenses.[60] It was a

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[54] *Id.*

[55] *Id.*

[56] *Id.*

[57] *Id.* at *6.

[58] *Id.*

[59] *Id.* (emphasis added).

[60] *Id.*

correct statement of the law.[61] As a result, the court correctly declined to enter a finding of "guilty, but mentally ill," for a defendant who, despite other mental illnesses, simply wanted money for drugs and alcohol and "did not care about breaking the law in order to get [it]."[62]

B. Construction of § 401(b)

When construing a statute, this Court first examines its text to determine if it is ambiguous.[63] A statute is ambiguous if: (i) it is reasonably susceptible of different conclusions or interpretations; or (ii) a literal interpretation of its words would lead to "a result so unreasonable or absurd it could not have been intended by the legislature."[64] If the statute is ambiguous, this Court seeks to resolve the ambiguity by ascertaining the legislative intent.[65]

Dorsett claims that § 401(b) is unambiguous.[66] Yet, his construction does not rely on the plain meaning of the relevant clause's text; rather, it contrasts the clauses within § 401(b) to argue that the General Assembly intended to omit

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[61] *See* Part I.B, *infra*.

[62] A056.

[63] *Snyder v. Andrews*, 708 A.2d 237, 241 (Del. 1998).

[64] *Id.*

[65] *Id.*

[66] Opening Br. 14.

language from one but not the other.[67] Because the clauses are not substantively distinct, however, Dorsett's comparison does not have the meaning he ascribes to it. Moreover, Dorsett's construction leads to an unreasonable result: it extends enhanced mental-health treatment to defendants who, at one point in the past, suffered from the effects of their mental illness, even though it had no criminal significance, and regardless of whether enhanced attention is still necessary.

Discerning the meaning of § 401(b)'s substantial-disturbance clause does not require contrasting it against the insufficient-willpower clause, which is inappropriate in light of the statute's history and context. The clause's meaning is evident from the General Assembly's word choice and its organization of the Criminal Code.

(1) ***Its text and context demonstrate that § 401(b) requires at least some active connection between a defendant's mental illness and the crimes he committed.***

Section 401(b)'s language and placement within the Criminal Code indicate that a defendant's mental illness must contribute to his criminal conduct in some way to sustain a finding of "guilty, but mentally ill." First, the substantial-disturbance clause employs the term "which": the defendant must have suffered from a mental illness or serious mental disorder *which* substantially disturbed his

[67] Opening Br. 14–15.

thinking, feeling, or behavior at the time of the offense.[68] As the Superior Court noted below, "the term 'which' is used to add a fact about the illness and connects it to the conduct."[69] The language does not merely define "mental illness" or "serious mental disorder"—the General Assembly provided those definitions in § 202(18), (25). Instead, the language adds to those definitions, indicating that the defendant's mental illness must affect his thoughts, feelings, and behavior at the time he is committing the offense. And, of course, in those moments, the defendant's thoughts, feelings, and behavior focus on the crime itself. After all, humans cannot truly multitask.[70] When the statute points specifically to mental illnesses that disturb a defendant's state of mind and conduct while he is committing the offense, it is unreasonable to infer that the General Assembly intended to cover mental illnesses that had no active connection to the crime, that only disturbed the defendant's background thoughts or feelings.

Second, the clause employs the term "substantially": the mental illness must have *substantially* disturbed the defendant's thinking, feelings, or behavior.[71] That term is susceptible to two possible interpretations. It could refer to the severity of

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[68] § 401(b).

[69] *Dorsett*, 2019 WL 2500944, at *6 n.12.

[70] *See, e.g.*, Jon Hamilton, NPR, "Think You're Multitasking? Think Again," https://www.npr.org/templates/story/story.php?storyId=95256794 (Oct. 2, 2008).

[71] § 401(b).

the mental illness, purporting to cover only "large" or "extensive" mental illnesses. But that interpretation would place burdens on trial courts and experts that § 401(b) meant to eliminate. As this Court acknowledged in *Sanders v. State*:[72] "Behavioral science has not yet yielded clinical tools to calibrate impairments of behavioral controls. There is, in short, no objective basis to distinguish . . . between 'substantial' impairments of capacity and some lesser impairment."[73]

The better reading of "substantially" is that the disturbance must have been "significant." In the context of § 401(b), the significance of a psychiatric disturbance is whether it contributed to the defendant's criminal conduct. Ascribing this meaning to the term "substantially," § 401 tasks a trier of fact with a familiar legal responsibility: determining causation. It sets a low legal threshold instead of burdening the trier of fact with the difficulty of measuring the extent of a mental illness.

Third, the General Assembly dubbed the verdict "guilty, *but* mentally ill."[74] The word "but" contrasts a defendant's mental illness against his criminal

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[72] 585 A.2d 117, 125 (Del. 1990) (quoting Am. Bar Ass'n, *Criminal Justice Mental Health Standards*, standard 7–6.1, at 340–41 (1988)).

[73] *Sanders*, 585 A.2d at 125 (quoting Am. Bar Ass'n, *Criminal Justice Mental Health Standards*, standard 7–6.1, at 340–41 (1988)).

[74] § 401(b).

conduct.[75] The negative link suggests that a defendant's mental illness mitigates his culpability to some degree, even if it does not eliminate it.[76] If the General Assembly intended to avoid linking the conduct to the crime, it might have used the word "and" instead, like Utah did.[77] In the early 1980s, Utah enacted a "guilty *and* mentally ill" statute because it wanted to "focus[] on the defendant's state of mind at the time of sentencing, regardless of his state of mind at the time of the crime."[78] Utah deliberately changed the "but" to "and" because its legislative committee "thought that the words 'guilty but mentally ill' implied a causal connection between the mental illness and the crime."[79]

Fourth, the "guilty, but mentally ill" provision must be read within the larger context of the Criminal Code. The General Assembly codified the provision under Chapter 4. The sections within Chapter 4 all relate to defenses to criminal liability. Read *in para materia* with these sections, the substantial-disturbance clause of

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[75] Definition of *But*, *Lexico*, https://www.lexico.com/en/definition/but (last visited July 31, 2020) ("Used to introduce a phrase or clause contrasting with what has already been mentioned.").

[76] *But see Michigan v. Alexander*, 1997 WL 33344426, at *1 (Mich. Ct. App. July 18, 1997) (stating the Michigan's "guilty but mentally ill" statute does not require causation).

[77] *See generally State v. Young*, 853 P.2d 327, 383–84 (Utah 1993).

[78] *Id.* at 384 (citing *Utah Legislative Survey—1983*, 1984 Utah L. Rev. 115, 156 n.265 (1984)).

[79] *Id.*

§ 401(b) concerns how a defendant's mental illness affects his criminal culpability. If the General Assembly intended to merely provide mental-health services to afflicted inmates, it could have placed that provision within Chapter 65, related to the Department of Correction's Diagnostic Services and Special Groups. And it did. Under § 6525(a), the Department of Correction ("DOC") "shall establish resources and programs for the treatment of persons with mental illnesses and serious mental disorders." Under § 6525(b), DOC may transfer afflicted inmates, regardless of the form of their verdict, "to other appropriate state institutions"—such as DPC—"for care and treatment."

Ultimately, Dorsett's proffered interpretation has little utility. His interpretation severs mental-health treatment from any relevant benchmark, either the consequence of the mental illness or its immediacy. Under his interpretation, neither the trial court at sentencing nor the DOC evaluates a present need for mental-health treatment at DPC—only a former one, which might not have been so substantial as to drive criminal behavior. In some cases, including Dorsett's, the offense may have occurred years before sentencing. In the interim, the defendant may have been able to achieve control over the effects of his illness through other treatment. Yet, Dorsett would have the State devote significant mental-health

resources to housing such defendants at DPC,[80] regardless of their present need for such treatment or the public's interest in treating a root cause of crime.

(2) *Dorsett's interpretation of § 401(b) reads its text without context.*

To reach his interpretation of § 401(b)—that only a temporal link is required—Dorsett divides its clauses and then contrasts their plain language.[81] He cites *Aizupitis v. State*,[82] which points out that § 401(b) nominally states three tests for finding defendant "guilty, but mentally ill."[83] Once he separates the clauses, Dorsett discerns meaning from their distinctions. The insufficient-willpower clause explicitly connects the mental illness to the crime (the mental illness must leave the defendant with insufficient willpower *to choose whether he would do* the

[80] *See* § 408(b) (stating that DOC "shall" transfer a person found "guilty, but mentally ill" to DPC until DPC determines that a discharge "is in the best interests of the defendant").

[81] Opening Br. 13–15.

[82] 699 A.2d 1092, 1096 (Del. 1997).

[83] Opening Br. 14. In *Aizupitis*, this Court noted that § 401(b) is written in both the conjunctive and disjunctive; thus, it states three tests for finding a defendant "guilty, but mentally ill": (i) if, at the time of the offense, he suffered from a mental illness "which substantially disturbed [his] thinking, feeling or behavior"; (ii) if, at the time of the offense, he suffered from a mental illness that "left [him] with insufficient willpower to choose whether [he] would do the act or refrain from doing it"; or (iii) both. 699 A.2d at 1096.

crime).[84] The substantial-disturbance clause does not.[85] Thus, Dorsett argues, the absence of such language dictates that no connection (beyond time) is required under the substantial-disturbance clause.[86]

Dorsett's argument favors form over substance. This Court has also stated, in *Sanders*[87] (before *Aizupitis*) and *Ross v. State*[88] (after *Aizupitis*), that the insufficient-willpower clause is functionally redundant. The substantial-disturbance clause already covers insufficient-willpower cases because "any significant impairment of volition due to mental illness would qualify as a 'psychiatric disorder which substantially disturbed . . . behavior.'"[89] The insufficient-willpower clause is not mere surplusage, however; it serves an informational purpose. It notified litigants that satisfying the volitional test for insanity would, from thereon, result in a finding of "guilty, but mentally ill," instead:

> [S]ince any significant impairment of volition due to mental illness would qualify as a "psychiatric disorder which substantially disturbed . . . behavior," the language dealing with a defendant's

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[84] § 401(b).

[85] *Id.*

[86] Opening Br. 15.

[87] 585 A.2d at 125 n.6.

[88] 2001 WL 129075, at *2 (Del. Feb. 6, 2001).

[89] *Sanders*, 585 A.2d at 125 n.6.

> willpower is redundant. Because, however, that language is drawn from the former statutory definition of insanity, we believe that it was included in section 401(b) to make it clear that the volitional test had been eliminated as an absolute defense and that defendants who would have been acquitted under the prior statute must now be found "guilty but mentally ill." The fact that any significant volitional impairment is included within the scope of section 401(b) eliminates the need for expert witnesses to make implausible distinctions between an absolute and partial impairment.[90]

The insufficient-willpower clause is a notice provision. If it were deleted from § 401(b), defendants with impaired volition would still qualify for "guilty, but mentally ill" verdicts because this Court interprets their condition as satisfying the substantial-disturbance clause.[91] The insufficient-willpower clause may nominally state a separate test, because of how the General Assembly structured § 401(b), but it does not add to or subtract from the scope of the statute. Allowing it to now color the meaning of the substantial-disturbance clause would give it a practical effect that it has not before had.

(3) *The bill's synopsis is inconsistent on the issue of causation.*

Dorsett searches for further support of his interpretation in the synopsis of the House Bill that enacted § 401(b). The synopsis—which, of course, is not

[90] *Id.* at 125 n.6.

[91] *See id.*

law—is ambiguous with respect to the question presented. On the one hand, it includes statements suggesting no causal link is required for a "guilty, but mentally ill" verdict—for example: "Such a statute enable[s] juries to recognize that some defendants are mentally ill, but that such mental illness *is not related to* the crime committed . . . ." On the other hand, the synopsis introduces the bill by stating that it addresses situations in which mental illness "did not (or should not have) *sufficiently* affected such person's ability to obey the law." This language contemplates that the mental illness has some effect on the criminal conduct at issue—just to some degree short of insanity.

When this Court discussed the General Assembly's enactment of § 401(b) in *Sanders*, however, the notion of causation was ubiquitous. Eroding the insanity defense but adopting a "guilty, but mentally ill" verdict "recognized that mental illness does affect the propensity of certain individuals to commit unlawful acts."[92] The change was justified because even if the law struggles to determine when mental illness completely controlled a defendant's behavior, it can still determine when "a given defendant's actions may have been strongly influenced by mental illness."[93] If the substantial-disturbance clause required no causal link, the trier of fact would be relieved of making any such determination at all.

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[92] *Sanders*, 585 A.2d at 125–26.

[93] *Id.* at 126.

CONCLUSION

For the foregoing reasons, this Court should affirm the judgment of the Superior Court.

Respectfully submitted,

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Date: August 3, 2020

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