



## Psychiatry & Behavioral Science Section - 2015

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### I29 Incapacity of the Mind Secondary to Medication Misuse as a Not Criminally Responsible (NCR) Defense

*Sebastien Prat, MD\**, Forensic Psychiatry Department, St Joseph's Centre for Mountain Health Services, 100 W 5th Street, Hamilton, ON L8N 3K7, CANADA; *Bruno Losier, PhD*, Forensic Psychiatry Program, St Joseph's Healthcare-McMaster University, W 5th Campus, Hamilton, ON L8N 3K7, CANADA; *Heather M. Moulden, PhD*, Forensic Psychiatry Program, St Joseph's Healthcare-McMaster University, W 5th Campus, Hamilton, ON L8N 3K7, CANADA; and *Gary A. Chaimowitz, MD*, Forensic Psychiatry Program, St Joseph's Healthcare-McMaster University, W 5th Campus, Hamilton, ON L8N 3K7, CANADA

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After attending this presentation, attendees will be aware of the types of Not Criminally Responsible (NCR) defenses according to the Criminal Code of Canada. Attendees will learn about the concept of non-insane automatism and will be informed about an atypical case of non-insane automatism.

This presentation will impact the forensic science community by providing specific knowledge about the possibility of raising an NCR defense in a case of Parkinson's disease, which has not been previously described.

**Introduction:** Non-insane automatism can be an important factor for consideration in an NCR assessment. The literature provides numerous examples of this including hypoglycemia, postictal state, or sleep walking. To be able to raise this possibility and make a sound case, there needs to be a clear-cut relationship between the medical condition and the behavior during the offense.

**Case Report:** This study describes the case of a 77-year-old man, with no previous criminal history, suffering from Parkinson's disease, who was charged with an unprovoked attack upon his wife. During the NCR assessment, his presentation was unremarkable for any aggressive behavior or psychotic symptoms. During the evaluation, it became evident that the patient had increased the dosage of his medication to better control the motor symptoms associated with his Parkinson's disease. The impact of this was captured on two videos: the first on his admission to a general medical unit and the second two days following medication adjustments, with remarkable differences in his Parkinson symptoms and behavior. The first video showed a patient with better control of his movements and an ability to walk easily, but who seemed disinhibited. In the second video, when he took the regular dose of his medication, he had more tremor and a poor facial expression. While reviewing the events preceding, during, and following the index offense, the conclusion was that the unfortunate and non-deliberate misuse of the medication distorted his reality and judgment sufficiently to alter his ability to appreciate the nature and quality of his actions.

**Discussion:** The misuse of a medication can hardly lead to an NCR defense, unless proven that the medication provoked a confusion state or non-restrainable behavioral symptoms and that the offender was unaware of the negative consequences of misusing. This argument is often used, in relation with benzodiazepine or antidepressant. The analysis of the behavioral pattern of the offender can allow a better understanding of the role of the medication before or during the incident. As far as is known, misuse of a medication used to treat Parkinson's disease has never been previously described as an NCR defense. With this explanation, in consultation with the victim, the individual was acquitted.

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#### Non-Insane Automatism, Not Criminally Responsible, Parkinson's Disease