

I10 The Psychotic Development of a Personality Disorder in a Case of Double Homicide

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Learning Overview: After attending this presentation, attendees will better understand the importance of criminological evaluations of mental functioning in the determination of a mentally ill defendant's responsibility and dangerousness in a criminal trial.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by demonstrating that the culprit's psychiatric condition and his/her attitude toward the life events should be assessed, especially in delusion cases.

Standard interpretations of the concept of "legal capacity" refer to being a duty bearer as well as a rights holder, including recognition before the law in a broad sense. This interpretation applies not only in the context of personal decisions, but also in the context of responsibility for criminal acts. Criminal law operates on a presumption that the capacity for crime is present, unless the defendant meets the requirements of a mental incapacity based-defense.^{1,2}

In the United States, competency and insanity are distinguished. The first refers to the offender's present state of mind and may be raised before trial, during the trial, or after sentencing. The second refers to the defendant's state of mind during the crime and may be used as an affirmative defense if the defendant is so seriously mentally ill that he/she should not be held criminally responsible under the applicable state test for insanity.³

In Italy, the criminal responsibility of the mentally disordered offenders can be fully (Art. 88 of the Italian Penal Code) or partially excluded (Art. 89) with diminished sentences, as they can be or not be unfit to plead at the moment of the crime for impaired mental functions.

This report presents a case of a double homicide perpetrated by a married 49-year-old neighbor armed with a hunting rifle. The criminological examination found that the killer had psychotherapy when he was young for a "shyness neurosis" that stopped when he met his wife. He had several short-term employments that ended with "unlawful dismissals;" he had always perceived the work environment as hostile and mobbing. He lived in the same apartment building as the victims with whom the man argued (he had lost 20 civil lawsuits). In fact, he thought that the two victims had an agreement with the building manager who approved new works just to make them earn from commissions on sales. The day of the murder, the killer was angry after having lost yet another lawsuit. When he saw the two neighbors outside, he aimed at the "big targets" and shot them by his window. In jail, the killer wrote a letter to the victims' relatives claiming "a mobbing war" and a Mason conspiracy against him by the neighbors, the building manager, the judges, and the secret service. The forensic psychiatrist diagnosed a paranoid personality disorder with persecutory delusion, present even at the time of the murder, which partially excluded the criminal responsibility (after he was sentenced to 20 years in prison). The development of the delusion matched with his rigid attitude toward life events, his isolated and unsuited life style, the inclination toward resentment and rumination, and several attempts to "redeem" himself through the lawsuits.

Reference(s):

1. Craigie J. (2015) Against a singular understanding of legal capacity: Criminal responsibility and the Convention on the Rights of Persons with Disabilities. *Int J Law Psychiatry*. 40:6-14.
2. Pickard H. Choice, deliberation, violence: Mental capacity and criminal responsibility in personality disorder. (2015) *Int J Law Psychiatry*. 40:15-24.
3. Miley L.N., Heiss-Moses E., Cochran J.K., et al. (2020) An examination of the effects of mental disorders as mitigating factors on capital sentencing outcomes. *Behav Sci Law*. 38:381-405.

Personality Disorders, Delusion, Homicide