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A fate worse than death: Sentence lengths for Guilty but Mentally Ill defendants in the Indiana
Legal System

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Abstract

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Previous studies have suggested that in criminal cases defendants who are disposed Guilty but Mentally Ill will receive longer sentences and spend more time confined than mentally healthy defendants who are guilty of the same crimes. However, research has been limited in both scope and scale, and has not examined the relationship between other moderating variables such as sex and race. This study utilizes criminal court records in the state of Indiana from 2012-2021 and examines sentence lengths for Guilty but Mentally Ill (GBMI) defendants compared with sentence lengths for Guilty verdicts. In line with previous research, for most categories of crime GBMI defendants received a longer average sentence than Guilty defendants. This pattern was especially obvious amongst more violent crimes (homicide, assault, etc.). Moderating variables such as being non-white vs white and being male vs female, were found to be significant predictors of sentence length, however, being disposed Guilty but Mentally Ill was found to be the largest predictor of sentence length by a substantial margin. These findings imply a societal bias against individuals with mental health issues, which inadvertently creates further inequality. Based on the results of this study further research should be done testing the expanse of these impacts, and steps should be taken to reshape how the court handles cases involving mental health.

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Introduction

A shooter goes into a movie theater and opens fire killing 12 people. A student enters a high school shooting their gun killing four classmates. Both of the individuals suffer from mental illness. Whether these individuals must take legal responsibility for their actions, or if they should be acquitted on the grounds of their mental illness, has been a question on the minds of many. Michigan lawmakers tried to address this topic in 1975 by creating a “Guilty but Mentally Ill” charge. Yet since its introduction, the plea has been a hotly contested topic. One issue is whether acknowledging mental illness in the verdict leads to longer sentences. Attorneys and scholars alike argue that criminal offenders with mental health struggles will spend a longer time confined than mentally healthy offenders and are not afforded any more right to treatment. This discrepancy bears important implications of a societal bias against individuals with mental health issues, inadvertently creating further inequalities such as longer times spent away from family and normal life. Therefore, the question of sentence length for the criminal mentally ill warrants further investigation.

How criminal courts sentence defendants with mental health verdicts is an area of research that has been severely neglected. Most research on the topic is from the 1980’s-1990’s and only examines a handful of cases from a single state. In the current study I bridge the gap to modern day by examining cases from 2012-2021, as well as including all the cases from a state. In line with the results from the one study to approach this topic with similar methods (Callahan, McGreevy, Cirincione, & Steadman, 1992), I expect to find that Guilty but Mentally Ill defendants will have significantly longer sentence lengths than Guilty defendants. Also based on the results of that study, I expect this pattern to be more pronounced amongst more violent crimes. I also will examine whether the pattern is accounted for by race, gender, or both. Once

the confinement inequality can be currently quantified, steps should be taken to reform the courts handling of mental health.

To understand the Guilty but Mentally Ill verdict, it is essential to first understand the full history of mental illness in criminal court. The insanity plea was first introduced into the court system in the mid 1800's after a defendant claimed they did not know right from wrong when killing an English prime minister (McGraw, Farthing-Capowich & Keilitz, 1985). This brought the public to question the *mens rea* which is a Greek term for "guilty mind," meaning whether a defendant had the mental ability to intentionally commit the crime and whether they have the ability to know if a crime is wrong (Bloom & Kirkorsky, 2021). Over time many states developed different definitions of insanity with different specifications of what qualifies a defendant as insane. As part of the Not Guilty by Reason of Insanity (NGRI) verdict, defendants were automatically committed to psychiatric facilities. In 1975 a Michigan Supreme Court decision ruled the current automatic commitment procedures were unconstitutional and 214 individuals found NGRI were released. Two of the individuals committed violent crimes within one year of their release and due to public outrage, the Michigan State Legislature created the Guilty but Mentally Ill (GBMI) verdict (Sloat & Frierson, 2005). The Michigan Law was the first of its kind and set the standard still used today to find a defendant Guilty but Mentally Ill.

Michigan's original Guilty but Mentally Ill standard had three criteria, summarized in **Figure 1**. First, the defendant must be guilty of the offense. Second, the defendant must have been mentally ill at the time of the commission of that offense meaning they have "a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality to cope with the ordinary demands of life." Finally, the defendant must not have met whatever the state's legal definition of insanity was at the time of the commission of

that offense (Smith & Hall, 1982). For most states this meant the defendant was mentally ill but still able to differentiate right from wrong. However, since all states can set different standards of insanity, there is some variation in how the law can be interpreted and applied.

Since Michigan's creation of the GBMI verdict many other states have implemented the same or a similar statute. For the present study criminal sentencing data were gathered from the state of Indiana only, so the Indiana criteria for GBMI is what was used when determining the defendant's verdict. Indiana generally follows the same three criteria originally laid out in the Michigan legislation however in Indiana "mental illness" is defined as a "psychiatric disorder which substantially disturbs a person's thinking, feeling, or behavior and impairs the person's ability to function." It includes, among other conditions, "any mental retardation, epilepsy, alcoholism, or addiction to narcotics or dangerous drugs" (Kinsey, 1982). This is an important difference because in many states alcohol and drug addictions would not fall into the category of "mentally ill." The distinctions between the different mental health pleas and outcomes can be found in **Figure 1** below.

Figure 1

Visual Representation of Differences between Mental Illness Case Dispositions

Verdict/Plea	Criteria	Meaning	Confinement
Most Common NGRI Standard	(1) suffering from mental illness at time of crime (2) functionally inhibited, and (3) a link must be proven between the two	Key is functional inhibition- usually means not knowing right from wrong but definition can vary between states.	Psychiatric Hospital or Release into Society
Michigan GBMI Standard	(1) guilty of offense (2) mentally ill at time of offense, and (3) not meeting the standards of insanity	Judgment, behavior, and daily functioning is impaired, but still able to know right from wrong and have some degree of control over actions.	Prison
Indiana GBMI	(1) guilty of offense (2) mentally ill at time of offense, and (3) not meeting the standards of insanity	Judgment, feelings, behavior, and daily functioning is impaired, but still able to understand they are committing a crime. Includes alcohol and drug addictions.	Prison

Intention of Guilty but Mentally Ill Verdict

Literature in the field of the Guilty but Mentally Ill verdict has mainly focused on unveiling the true intent behind the legislation, and whether the goals of the legislators have theoretically been met. Based on the many conclusions from the literature, I argue the main goals in creating a Guilty but Mentally Ill charge are not occurring in practice. If the intentions of

legislation are not transpiring, the question must then be asked if the outcomes of the legislation are creating inherently worse and unfair conditions. In this case, that question would be measured through unequal sentence lengths for defendants found GMBI. In this literature review, I walk through the findings regarding the four main objectives of the law, as well as address the few empirical studies in the field that take a comprehensive look at sentence lengths and have helped formulate the current study.

The purpose of enacting a Guilty but Mentally Ill statute has long been debated. Generally, the literature agrees on four themes which motivated lawmakers in Michigan. First, the Guilty but Mentally Ill provision was designed to facilitate treatment for those who did not meet the standards of insanity (Bloom & Kirkorsky 2021). In theory, this law was supposed to include language specifying that when defendants were found Guilty but Mentally Ill, they were automatically provided with mental health treatment in addition to that usually afforded by a “guilty” verdict. In a study of the implementation of the law it is stated the Guilty but Mentally Ill verdict “theoretically guarantees the defendant any necessary mental health treatment during the sentence” (Smith & Hall, 1982).

Early in the implementation of the Not Guilty by Reason of insanity plea, an outcome of NGRI resulted in automatic commitment in a psychiatric facility for an undefined amount of time, or, in many cases, direct release of the defendant back into society. Neither of these solutions made the public happy. Due to the major outcry of the courts’ handling of insanity cases, many scholars argue that “the primary purposes of the legislation were to curtail the assertion of the insanity defense, to reduce the incidence of insanity acquittals, and to protect society by incarcerating mentally disturbed, dangerous defendants who might otherwise be found NGRI and released shortly thereafter” (McGraw et. al., 1985). This belief reflects the deep worry

in society that mentally ill defendants were not being held accountable for their crimes, and lawmakers saw this as a way to address that concern. The researchers behind the major review study completed in Michigan also agreed that the primary purpose in Michigan was to decrease insanity acquittals and was designed for jurors specifically (Smith & Hall, 1982).

The GBMI plea being created for jurors is an interesting and popular concept addressed in the literature. Specifically, Michigan Courts have said that the GBMI verdict was enacted as an "in-between classification" (McGraw et. al., 1985). Theorists have suggested that a reason the Guilty but Mentally Ill plea is used is because it goes against people's conscience to punish people who are found too mentally ill to be found criminally guilty. However, there is still a public sense that people with mental illness who commit crimes are dangerous and should be locked up (Sloat & Frierson, 2005). Therefore, the GBMI can meet both objectives, or as the Michigan courts argued, it can serve as a middle ground for jurors to make their decisions easier.

The final major reason generally accepted in the literature as motivation for a Guilty but Mentally Ill verdict is that it protects society from dangerous criminals with a mental illness. This goal also descends from the fear that the Not Guilty by Reason of Insanity verdict was being used improperly and therefore dangerous, mentally ill criminals were being unfairly released back into society. To combat this fear, citizens were calmed by the GBMI verdict's promise that offenders would have to serve definite lengths of confinement in a mental hospital or prison (Smith & Hall, 1982).

Another suggestion that is addressed, but not broadly found in the literature is that since psychiatric testimony is not a necessary component of GBMI, the statute was created in part to reduce the burden on psychiatric practitioners (McGraw et. al., 1985). Due to its lack of

elaboration in the literature, this suggestion is not further discussed, but taking note of all possible influences helps provide a fuller understanding of the issue.

To wrap up the major motivators surrounding this legislation, it is noted that jurors reaching the GBMI verdict could feel satisfied that the public was protected, and that the defendant would be provided with treatment (McGraw et. al., 1985). In their broad analysis of the GBMI statute in Michigan, Smith and Hall remark that the purpose of the “Guilty but Mentally Ill” verdict could end up being to show the inadequacies of how the mentally ill are treated in the justice system, because it will show the number of people who are convicted as mentally ill yet received no treatment so hopefully GBMI will ultimately reform treatment (Smith & Hall, 1982). However, that statement was made 40 years ago but no reforms have been made to the law.

Questioning the GBMI Verdict

Many lawyers have brought claims of the GBMI verdict being unconstitutional to court in attempts to change the law. However, to date none have been successful. Due process claims have been made saying the legislation has broad and confusing terms for “insanity” and “mental illness,” but courts have not embraced this argument (McGraw et. al., 1985). Claims have also been made that GBMI violates the equal protection clause by not treating defendants with mental illness the same as any other defendant. However, the Supreme Court has thrown out these accusations because the GBMI defendants are given the same affordances of mental health treatment as any other prisoner, and many sentencing codes declare that GBMI and Guilty defendants are to be sentenced in the same way (DeBusk, 1987). Since many questions about constitutionality of the GBMI defense were brought close to the time of its creation, courts had little empirical evidence to base decisions on, and ruled favorably to keep GBMI. McGraw and

colleagues call for a judicial revisit of these laws once more empirical data has been collected showing the impacts of GBMI (McGraw et. al., 1985).

Research on Intention Fulfillment

Treatment

Another one of the constitutional questions raised in both the Michigan and Indiana Supreme Courts is whether GBMI creates “cruel and unusual punishment.” The argument is that because defendants found GBMI are supposed to be afforded mental health treatment and are not receiving any, it is a form of cruel and unusual punishment. Both courts deflected to answer these claims and dismissed the cases based on technicalities (McGraw et. al., 1985). Although the courts refused to answer the question of treatment inequalities, many scholars have. The chair of the Kentucky Parole Board filed an affidavit in 1991 summarizing the impact of the GBMI verdict stating that, “from psychological evaluations and treatment summaries, the Board can detect no difference in the treatment or outcomes for inmates who have been adjudicated as ‘Guilty but Mentally Ill,’ from those who have been adjudicated as simply ‘guilty’” (Cotrone, 2016). In a Michigan study it was found that 75% of GBMI offenders do not receive any mental health treatment at all, and the other 25% only received minimal psychiatric care even as little as a “check-up” (Gundlach-Evans, 2006). A comprehensive study analyzed the designations for the 13 states with GBMI verdicts and found that Alaska and Utah are the only two states whose GBMI statutes have specific requirements for treatment (McGraw et. al., 1985). All other states order for GBMI prisoners to be afforded the same mental health treatment as any other prisoner. A study intending to look at treatment directly reported that GBMI offenders are in fact no more likely to receive mental health treatment while incarcerated based on their mentally ill status (Keilitz et. al., 1984). The Illinois courts were the one state to have spoken out about this issue

but found that not requiring treatment has no effect on the constitutionality of GBMI (Sloat & Frierson, 2005). No studies have been able to show that the GBMI verdict effectively provides defendants with the treatment that is so inferred by the law, due to this many scholars argue this main objective is not being met.

Effect on Guilty and NGRI Acquittals

A commonly cited reason for creating the Guilty but Mentally Ill verdict was to dissuade the use of the insanity plea and therefore acquittal of defendants. How the implementation of the GBMI verdict has impacted both NGRI and Guilty verdicts has been a popular topic of research, however findings have not always agreed. The first comprehensive study completed in Michigan found that the GBMI verdict has not changed the number of people who are found not guilty by reason of insanity, and most defendants would most likely be found guilty if they were not found guilty but mentally ill (Smith & Hall, 1982). Another early empirical study investigated the implementation of the GBMI statute across 11 states. Similarly to Smith and Hall, they found a GBMI disposition was usually achieved through a plea and it did not change the number of NGRI convictions (Keilitz et. al., 1984).

However, as research matured, another comprehensive study in the field was done 10 years later in Georgia. The researchers found that the guilty but mentally ill plea draws defendants from the NGRI group as much as from the guilty group (Callahan et. al., 1992). Pennsylvania analysis also yielded a similar drop in defendants found NGRI (McKay & Kopelman, 1988). In a study comparing jurors' decisions when the GBMI verdict was available and when it was not available show that defendants found GBMI are partially drawn from defendants previously found NGRI and defendants previously found Guilty (Roberts et. al., 1993). So, although the GBMI is making some reduction in the use of NGRI pleas, it is also

drawing from defendants who would also have been found Guilty. Callahan et. al. argues that even though their findings partially reflect the goal of cases being found GBMI instead of NGRI, those found GBMI are receiving more severe punishment than their guilty counterparts (Callahan et. al., 1992).

Juror Misunderstanding

Another commonly invoked reason argued in defense of the GBMI verdict is that it provides jurors with a middle ground and alleviates some cognitive pressures calling for both justice and care. Therefore, how jurors understand and implement the GBMI verdict has been one of the most researched topics in this field. Although original studies were estimating the percentage of GBMI findings coming from a jury were low, more recent research is now suggesting that number is about 20% (Callahan et. al., 1992). Due to the important role jurors are likely to play for defendants with mental illness, and since it has been suggested the GBMI verdict was implemented for juror benefit, it is important to investigate how jurors react to the GBMI verdict in practice

It was found that when a defendant pleads insanity (NGRI) a jury is more likely than a judge to convict the defendant as GBMI instead (McGraw et. al., 1985). It is possible that this is due to citizens' need for justice mentioned previously. It is also possible that a GBMI verdict is more likely because defendants are under the impression that incarceration will be combined with treatment (McGraw et. al., 1985). Melville and Naimark (2002) agree with this sentiment stating in their 2002 paper “We are concerned that GBMI confuses and deceives jurors by offering an apparently intermediate verdict that may result in punishment more severe than would have resulted from a guilty verdict.”

In response to these preliminary suggestions about jury beliefs multiple studies have been done directly asking potential jurors about their perceptions and understandings about GBMI. A study comparing jurors' attitudes when the GBMI verdict was available and when it was not available shows that feelings about the accountability, mental health, and punishment of defendants changed for both the NGRI and Guilty group when a charge of GBMI was made available (Roberts, Sargent & Chan, 1993). These results revealed that jurors who were finding defendants GBMI believed them to be “significantly less deserving of blame and punishment” than defendants they found guilty (Roberts et. al., 1993). Roberts also points to high levels of juror confusion over the implications of GBMI.

An important study in the field of juror attitudes and understandings of GBMI directly examined whether a majority of potential jurors correctly understood the conditions and implications for NGRI and GBMI verdicts. The results found that only 4.2% of jurors were able to correctly identify what the different qualifications and outcomes should be for both Not Guilty by Reason of Insanity and Guilty but Mentally Ill cases (Sloat & Frierson, 2005). Out of the jurors who fully understood the implications of the GBMI verdict, 80% believed these defendants should go to a psychiatric hospital and receive treatment and then spend the rest of their sentence in prison, as opposed to going directly to prison (Sloat & Frierson, 2005). Out of the entire sample of jurors 70.6% said that being told the actual punishments for each conviction would have changed their verdict (Sloat & Frierson, 2005).

A more recent study has followed up on the ideas introduced in Sloat and Frierson (2005) to test if fully informing jurors of the outcomes for NGRI and GBMI would impact their decision. The results found that more than half of the jurors did not correctly understand the consequences for the verdicts, specifically for GBMI (Cotrone, 2016). The researcher also found

that the case outcomes differed significantly when jurors were correctly informed of consequences (Cotrone, 2016). Although telling jurors the consequences for their verdict selection is currently illegal in the United States, these findings point to the extreme level of confusion in cases concerning mental illness, which shows that the original goal of the GBMI statute to make jury decisions easier is not being realized in practice.

Attorney and Client Misunderstanding

Confusion about the implications behind a Guilty but Mentally Ill verdict do not stop at jurors, research has also shown that defendants and even attorneys do not fully understand the intricacies of this disposition. In a study where 30 prisoners who were found GBMI were interviewed, none of them were fully aware of what pleading GBMI entailed. Many thought it meant a lesser sentence, guaranteed treatment for mental health, less criminal responsibility, and some had no idea and just followed the advice of their attorney (Morgan, McCullough, Jenkins & White, 1988). Another study where interviews were conducted had similar findings. “Several of the GBMI told the researchers that the decision to plead GBMI was encouraged by their attorneys and that they had been told by their attorneys that their sentences would be shorter than if another verdict were reached” (Stephens & Wagner, 1984). Since attorney advice is so crucial in many defendants' decision to plead GBMI, two researchers decided to investigate what attorneys' attitudes and beliefs were about the GBMI verdict.

Klofas and Weisheit generally found that attorneys agree that GBMI is appropriate for both violent and nonviolent offenses, however the two “typical” kinds of GBMI cases are violent and sex crimes because people would “have to be crazy” to do those kinds of things (Klofas & Weisheit, 1986). They also found that a majority of attorneys incorrectly believed those found GBMI would be sent to a mental hospital as opposed to prison, or the incorrect belief that many

who receive a disposition of GBMI are given probation instead of jail time (Klofas & Weisheit, 1986). When asking defense attorneys specifically, they have argued that by going with GBMI it signals to the sentencing judge or jury that the person is dangerous and should be confined for longer, the label of mental illness could also lead to further victimization in prison (Klofas & Weisheit, 1986). Due to the double stigma of a criminal and a person with mental illness the GBMI verdict creates, “there is no evidence that any defense attorney who supports pleas of guilty but mentally ill are working in the best interest of their clients” (Klofas & Weisheit, 1986).

Characteristics of a Guilty but Mentally Ill Offender- Likelihood of Re-offense

A final commonly cited reason for the creation of the Guilty but Mentally Ill verdict is protecting society. However the literature will show that defendants with a mental illness are less likely to reoffend than mentally healthy criminals (Slobogin, 1985). Slobogin argues that predictions of future violence purely based on mental state are very unreliable, so lengthening confinement for individuals with a mental illness under the assumption of future violence is a violation of their liberty (Slobogin, 1985). Other research has agreed with this point saying it is a “well-established fact that mentally ill offenders have less recidivism than mentally normal criminals” (Melville & Naimark, 2002). This same study found that specific descriptions and severity of mental illness do not have an impact on the amount defendants are found GBMI (Melville & Naimark, 2002). This finding implies that since the severity, or any details about the mental illness are not relevant to the finding of GBMI it is not an actual threat of violence that brings about this charge, but more so the stereotype of danger surrounding individuals with a mental illness.

Research into the characteristics of GBMI individuals may point to other situational factors playing a role in their crimes besides the “dangerousness” associated with mental illness.

The original review of GBMI in Michigan found that the category of GBMI offenders had more drug and alcohol users, more unemployment, less education and less psychiatric treatment than NGRI (Smith & Hall, 1982). All of which are mediating factors that influence crime in both GBMI and regular prison populations. Another researcher agreed with these findings and revealed the population of GBMI offenders to be low income, low education, and low IQ (Stephens & Wagner, 1984). All these factors have direct correlations with mental health and crime, however findings to suggest the GBMI group is markedly more dangerous have never been found. If no research has been able to conclude that this group is one from which society needs protection, then the final goal of the original legislatures is completely invalid.

Sentence Length and Current Study

Since the four major goals of the original legislation are not being met, and mentally ill defendants have not been found to be likely reoffenders, there is arguably no reason why there should be a difference in sentencing. This realization has brought researchers to ask what the actual differences are in sentence lengths for guilty offenders and offenders found guilty but mentally ill. This specific aspect of the process has only been addressed by Callahan et. al. in 1992. The Callahan study took place in Georgia and studied criminal records from the 7 most populous counties for 10 years prior (1976-1986). The objectives were to find patterns between the NGRI, GBMI and Guilty groups, specifically pertaining to sentence length. Overall, they found that compared with both NGRI and Guilty groups, defendants found GBMI were least likely to be released, especially for more minor crimes (Callahan et. al., 1992). Compared with only the guilty group (since individuals found NGRI do not receive a prison sentence) those found GBMI generally received longer sentences with the average sentence length for both murder and minor crimes being on average 5 years longer (Callahan et. al., 1992). The GBMI

were also significantly more likely to receive a death sentence (Callahan et. al., 1992). The researchers also attempted to investigate whether GBMI prisoners were receiving treatment and state “our data suggest that the GBMI verdict is creating a new category of prisoner with mental health needs, relatively serious needs, that may be going virtually untreated” (Callahan et. al., 1992). Their overall conclusion about treatment was that “there is little reason to believe that the GBMI verdict does anything other than simply acknowledge the presence of a mental disorder” (Callahan et. al., 1992). This is consistent with the views that have been expressed by the American Psychological Association, American Psychiatric Association, and the American Bar Association (Sloat & Frierson, 2005).

No empirical studies have been done since Callahan and colleagues (1992), but many authors cite their study and draw similar conclusions. In her study of juror attitudes and subsequent defendant outcomes Erin Cotrone writes “while the public perception might be that the GBMI verdict is a middle ground option between guilty and NGRI, the reality is that it is often more punitive than a guilty verdict” (Cotrone, 2016). In their study of the current literature Melville and Naimark reach the conclusion that “rather than an intermediate sentence, GBMI represents the worst of both guilty and NGRI outcomes” (Melville & Naimark, 2002). The overall support for the conclusions from Callahan et. al. was a large motivation for the present study.

Conclusions from current literature in the field suggest the main goals in creating a Guilty but Mentally Ill charge are not happening in practice. The question must then be asked if the outcomes of defendants found GMBI are inherently worse. Callahan et. al. (1992) seems to suggest they are. The current study follows up on the work done by Callahan et. al. to see if the main findings still hold true, using the most current and most complete data. I address two

specific hypotheses: **Hypothesis 1-** If there are inequities in sentence length as a function of the disposition of Guilty but Mentally Ill, then cases with this disposition will be issued longer sentences than similar cases with a disposition of Guilty. **Hypothesis 2-** If inequities in sentence length as a function of the disposition of Guilty but Mentally Ill are especially likely for violent crimes, then the difference in sentence length between GBMI and Guilty dispositions will be larger for violent crime cases than non-violent crime cases.

The Callahan study (1992) reported on the correlations between demographic information such as age, race, and gender with mentally ill case dispositions, however the study does not report any correlations between these factors and sentence length. General research in the field of criminal sentence lengths have found that gender and race have significant impacts on length of sentence (Freiburger & Hilinski-Rosick, 2013). Men generally receive longer sentences than women, and black defendants usually receive longer sentence lengths than white defendants. To better investigate the relationship between gender, race and mental illness with sentence lengths, I will investigate two further hypotheses: **Hypothesis 3-** If the mental health status of a defendant is more influential in determining the sentence length than the race of the defendant, then the difference between the Guilty and GBMI group will be a stronger predictor of sentence length than the difference between the white and non-white group. **Hypothesis 4-** If the mental health status of a defendant is more influential in determining the sentence length than the gender of the defendant, then the difference between the Guilty and GBMI group will be a stronger predictor of sentence length than the difference between the male and female group. If there is still a significant discrepancy found between standard guilty and guilty but mentally ill populations, and these discrepancies cannot be attributed to other demographic factors,

A spreadsheet was collected from the state courts of Indiana that detailed all the Guilty and Guilty but Mentally Ill convictions from the years 2012-2021. The spreadsheet included information about race, sex, age at sentencing, sentencing date, the statute/offense and disposition of the case. The spreadsheet also detailed the years, months, days and type of sentence (prison, community service, probation, suspension) and how much of the sentence has been executed as of December 2021.

Participants

The population for this study was all criminal defendants with a case disposition of Guilty but Mentally Ill in the state of Indiana from 2012-2021. The population was composed of 972 defendants. 851 (87.5%) of whom were male and 121 (12.5%) of whom were female. The ages ranged from 17-66 with the median age being 33 years old. The control group used for this study was the population of defendants in Indiana during this same time frame who were found Guilty of the same crime, without any addition of mental illness. The size of this population is 399,236. In the control population 309,098 (77.4%) defendants were male and 90,138 (22.6%) were female. The age range of the control group ranged from 12-98 with a median age of 32. The racial descriptives for both the study population and control group can be found in **Table 1**.

Table 1*Race Descriptives by Verdict for Each Criminal Charge*

	Guilty		Guilty but Mentally Ill	
	<i>N</i>	%	<i>N</i>	%
White	291,222	72.9%	661	68.0%
Black or African American	91,283	22.9%	257	26.4%
Other/Unknown	11,235	2.8%	38	4.0%
Mixed	2,994	0.7%	4	0.4%
Asian	1,340	0.3%	6	0.6%
American Indian or Alaska Native	860	0.2%	6	0.6%
Native Hawaiian or Pacific Islander	302	0.07%	0	0%
Total	399,236	100.0%	972	100.0%

Data Preparation

The data received for the control group still included defendants whose records had been expunged and were therefore no longer available for viewing. In the data review process 376 out of 399,612 (0.09%) cases were identified and removed. The categories “Sentence Months,” and “Sentence Days” were transformed to have their value represented in the temporal unit of year (a 3-month sentence was now represented at 0.25 and a 180 day sentence was now 0.49). A sum of the three categories “Sentence Year,” “Sentence Months,” and “Sentence Days” was computed to get a final “Total Sentence.”

There were a total of 186 criminal statutes represented in the data set. Considering the wide range of offenses, previous studies (Callahan et al., 1992; Smith & Hall, 1984) have grouped the cases in terms of like crimes. The Indiana criminal code classifies crimes in levels of severity ranging from 1-6, which have a correlation to a suggested sentence length. Level 1

crimes are mandated to receive longer sentences spanning to Level 6 crimes which are designed to receive the smallest sentences. It should be noted the crime of murder is declared as above a Level 1 classification. In combination with the categories used in previous literature and the suggested level for each crime, seven categories were created for analysis (see **Appendix A**). The cases were coded 1-7 for their corresponding category. The breakdown of the number of cases by type of crime can be found in **Table 2**. The biggest discrepancies between the percentages of the population made up by each crime group are for the categories of Murder (2.1% of the Guilty population v 12.9% of GBMI population) and Drug Crimes (27.1% of Guilty population v 1.7% of GBMI population).

Table 2

Total Defendants by Verdict for Each Criminal Charge

	Guilty		Guilty but Mentally Ill	
	<i>N</i>	%	<i>N</i>	%
Murder	8,387	2.1%	125	12.9%
Sexual Crimes	13,049	3.3%	79	8.1%
Crimes Against Persons	56,261	14.1%	374	38.5%
Crimes Against Property	116,614	29.2%	231	23.8%
Drug Crimes	108,161	27.1%	17	1.7%
Disorderly Conduct- Major	91,337	22.9%	127	13.1%
Disorderly Conduct- Minor	5,427	1.4%	19	2.0%
Total	399,236	100.0%	972	100.0%

To prepare for multiple regression, cases with a “Guilty” verdict were coded “0” and cases with a “Guilty but Mentally Ill” verdict were coded “1.” Only genders of male and female were included in the data set so “Female” was coded as “0” and “Male” was coded as “1.” Since the Guilty population had seven identified race categories and the GBMI population only had six

identified race categories, defendants with the race “White” were coded “0” and defendants of all other racial identities were coded “1.”

Study Design and Analysis

This research is a between-groups correlational study, with the groups being defined by their case disposition (Guilty or GBMI). For every analysis completed the dependent variable was total sentence length. The main independent variable of interest across all analyses was the case disposition of Guilty or GBMI.

To address Hypothesis 1 and Hypothesis 2, whether there were significant differences in sentence length for each crime category, and whether violent crimes had a larger sentencing discrepancy than non-violent crimes, independent sample t-tests were run at a significance level of $p < 0.05$. For Hypothesis 1, a t-test was conducted for each crime category specified above. For Hypothesis 2, two t-tests were conducted. The first was for violent crimes (Categories 1,2,3), the second for non-violent crimes (Categories 4,5,6,7). To investigate Hypothesis 3 and Hypothesis 4, whether demographic factors such as race and gender had a larger correlation with sentence length than being found mentally ill, a multiple linear regression was run, using gender, race and mental illness case disposition as possible moderators for sentence length. The regression only measured each variable's individual impact on length of sentence and did not study any interaction across, or between any of the variables.

Results

Descriptive Statistics

The average sentence length is reported below in **Table 3**. For both groups, murder had the longest sentence lengths ($M = 12.63$, $M = 37.36$) and Minor Disorder Conduct had the shortest sentence length ($M = 0.68$, $M = 0.83$). Over all categories of crime, the average length of

sentence for the Guilty group was 2.83 years and the average sentence length for the Guilty but Mentally Ill group was 9.84 years.

Table 3

Average Length of Sentence by Crime Category

	Guilty		Guilty but Mentally Ill	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Murder	12.63	20.05	37.36	19.39
Sexual Crimes	10.76	14.64	10.57	10.07
Crimes Against Persons	2.69	4.93	5.61	5.66
Crimes Against Property	3.13	6.81	7.04	8.12
Drug Crimes	1.93	8.68	4.81	5.21
Disorderly Conduct- Major	1.70	10.90	1.90	1.32
Disorderly Conduct- Minor	0.68	2.53	0.83	0.67
Total	2.83	9.21	9.84	14.19

Hypothesis 3 and 4 concerned race and gender demographics. Full racial demographics of the two groups are reported in **Table 1**, however, for the regression race was coded as “White” vs “Non-White.” The statistics reported on white vs non-white distribution in addition to gender distribution are reported in **Table 4** below.

Table 4*Race and Gender Descriptives*

	Guilty		Guilty but Mentally Ill	
	<i>N</i>	%	<i>N</i>	%
Race				
White	291,222	72.9%	661	68.0%
Non-White	108,014	28.1%	311	32.0%
Total	399,236	100.0%	972	100.0%
Gender				
Male	309,098	77.4%	851	87.6%
Female	90,138	22.6%	121	12.4%
Other	0	0%	0	0%
Total	399,236	100.0%	972	100.0%

Tests of Hypotheses*Hypothesis 1*

The first hypothesis was that if a defendant is found Guilty but Mentally Ill for a crime, then they will receive longer sentences than defendants found Guilty for the same crimes. To test this hypothesis, I used an independent sample *t*-test with a *p*-value of .05 used to determine significance for each of the seven crime categories (See **Table 5**). A significant difference in sentence length was found for three categories, namely, murder, crimes against persons, and crimes against property. For the remaining crime categories, sexual crimes, drug crimes, and major/minor misconduct, the comparison did not indicate a statistically significant difference in sentence length.

Table 5*Independent Samples T-Test Results for Hypothesis 1*

	Guilty		Guilty but Mentally Ill		Mean Difference	<i>t</i>	<i>df</i>	<i>p</i>	<i>d</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>					
Murder*	12.63	20.05	37.36	19.39	24.73	13.70	8,510	<.001	1.23
Sexual Crimes*	10.76	14.64	10.57	10.07	-0.19	-0.11	13,126	.46	-0.01
Crimes Against Persons	2.69	4.93	5.61	5.66	2.92	9.99	377	<.001	0.59
Crimes Against Property	3.13	6.81	7.04	8.12	3.91	7.31	231	<.001	0.57
Drug Crimes	1.93	8.68	4.81	5.21	2.87	1.36	108,176	.09	0.33
Disorderly Conduct-Major*	1.70	10.90	1.90	1.32	0.20	0.20	91,462	.42	0.01
Disorderly Conduct-Minor*	0.68	2.53	0.83	0.67	0.16	0.27	5,444	.39	0.06
*Indicates there was not a significant difference in variances per Levene's test									

Hypothesis 2

The second hypothesis was that violent crimes would have a larger difference between sentences for the Guilty but Mentally Ill and Guilty groups than for non-violent crimes. To test this, I conducted a t-test grouping murder, sexual assault, and crimes against persons together. It was found that the GBMI group had significantly longer sentences ($M = 13.16$, $SD = 16.73$) than the Guilty group ($M = 5.12$, $SD = 10.62$), $t(580) = 11.53$, $p < .001$. This indicated a large effect $d = 0.76$ and the mean difference between sentence lengths was 8.04 years. A t-test was also run grouping crimes against property, drug crimes, and misconduct crimes (major and minor) together. It was found that the GBMI group had significantly longer sentences ($M = 4.99$, $SD = 6.83$) than the Guilty group ($M = 2.28$, $SD = 8.74$), $t(395) = 7.85$, $p < .001$. This indicated a small effect $d = 0.31$ and the mean difference between sentence lengths was 2.71 years.

Hypothesis 3 and 4

A multiple linear regression with a p-value of .05 used to determine significance was conducted using mental illness case disposition, race, and gender as factors impacting sentence length. It was found that all factors were all individually correlated with sentence length with $p < .001$, though the correlations were small (.037, .040, and .053, respectively). The overall regression was statistically significant ($R^2 = .005$, $F(3, 400,204) = 711.4$, $p < .000$), and looking at each variable on its own, all three predictors were significant. A case disposition of Guilty but Mentally Ill compared to a case disposition of Guilty was the strongest predictor of sentence length ($\beta = 6.87$, $p < .001$). Sex (being male vs female) was the next strongest predictor of sentence length ($\beta = 1.07$, $p < .001$). Race (being non-white compared to white) also was a significant predictor of sentence length ($\beta = 0.71$, $p < .001$).

Discussion

In the current study, I investigated the relation between a verdict of mental illness in a criminal case and length of sentence, and whether type of crime, race or gender impacted the sentence length. I hypothesized that if a defendant was found Guilty but Mentally Ill, then they would receive longer sentences than defendants found Guilty for the same crime. Additionally, I hypothesized that the disparity in sentence lengths would be greater for violent crimes than non-violent crimes, and that mental illness status would have a larger impact on sentence lengths than other known factors such as race and gender. The present study is important because if defendants with a mental illness are receiving significantly longer sentences, that reveals an inequity towards an already disadvantaged community and shows a proven failure of the justice systems to act fairly. The findings of this study indicated that for murder, crimes against people and crimes against property GBMI sentences are significantly longer than Guilty sentences, and

that for violent crimes in general disparities in sentence length are greater. Overall, a disposition of mental illness is correlated with a larger disparity in sentence length than for either race or gender. These findings re-establish patterns found in earlier research. However, this study addressed gaps in the research such as updating findings to reflect patterns from the most recent 10 years, and reporting data from the entirety of a state.

Interpretation of Findings

The results of the t-tests for Hypothesis 1 revealed that for the crimes of Murder, Crimes against People, and Crimes against Property defendants who were found Guilty but Mentally Ill had statistically significant longer sentence than defendants who were Guilty. For drug crimes, and minor crimes the defendants who were Guilty but Mentally Ill did have nominally longer sentences on average, however they were not found to be significantly longer. It is possible that because these crimes are less severe, the stereotype of a person with a mental illness being dangerous may not be as activated by the crime, and therefore the sentencing difference would not be as large. Sexual crimes were the only category of crimes for which the average sentence length for the non-mentally ill group was longer than the average sentence for the GBMI group. A possible explanation for this finding may be the idea that there is no justifiable excuse (outside of mental illness) for sexual crimes, whereas for most other crimes there could be possible explanations behind the action (self-defense, needed money, etc.) (Harper & Harris, 2017). For this reason jurors and judges may give harsher sentences to those who are not mentally ill because of their perception that mental illness is the only possible explanation for a sexual crime.

The results of my analyses agree with the pattern established in Callahan (1992) that property crimes, crimes against people, and murder had significantly longer sentences. My findings differ from those in Callahan as Callahan found a difference in minor crimes as well,

and my analysis did not reveal a significant difference for minor crimes. Callahan found small to medium effect sizes for all differences. For all crime categories with a significant difference in my analysis, the effect sizes found were greater than those from Callahan. Most importantly the effect size for murder ($d = 1.23$) was large, meaning for this group of individuals, pleading mental illness is having an extremely significant effect on how long of sentence lengths they are being given. The mean difference between sentence length was 25 years, which is five times the difference found in Callahan.

The results of the t-test for Hypothesis 2 revealed that the difference between sentence lengths for GBMI and Guilty groups for both violent and non-violent crimes were significant. It was found that the difference in sentence lengths for the violent group was on average around an eight-year difference whereas for the non-violent group the difference was found to be on average to be a little over two and a half years. This finding agrees with the results from Callahan that violent crimes will have a larger sentence disparity than non-violent crimes. However, it is important to note that average sentence lengths for non-violent crimes are in general smaller than average sentence lengths for violent crimes so finding a sentence difference of eight years for non-violent crimes would be nearly impossible considering most sentences are already less than eight years.

The results of the multiple linear regression for Hypotheses 3 and 4 found that race, gender and a mentally ill finding were all significantly correlated with and predictive of length of sentence. This means being non-white, male, and mentally ill were all associated with longer sentence lengths. The coefficient findings for the regression equation revealed that the largest sentence length gap was between the GBMI and Guilty group, the second largest gap in sentence length was between males and females and the smallest gap in sentence length was between non-

whites and whites. This implies that although gender and race do play a role in sentencing disparities, the most notable difference in sentencing disparities is from a plea including mental illness or not. The Callahan study examined whether sociodemographic features such as race and gender were correlated with a verdict of GBMI, so the results from this analysis push further to show how all three categories are impacting sentence length. Overall, the results of data analysis for all four hypotheses largely agreed with the patterns first found in Callahan and go further to show a larger impact than originally suggested by Callahan in the 1990's.

Limitations

There were a few limitations that could have impacted the findings of this study. Given that the data were material from a secondary source and had been anonymized before they were received, it was nearly impossible to account for individuals who had multiple charges or multiple convictions. Therefore, a given individual could be accounting for any number of data points based on how many charges they were convicted with. This would give their specific sentence length more weight in the dataset than the sentence length of an individual who was just convicted on one charge. Additionally, because the data was secondary material, it is impossible to know if any errors were made with data collection or entry prior to when the data were received. A third possible limitation is that the data did not report any information about the crimes, only the statute that was violated. However, juries and judges would have known specifics about the crime committed which could have had an impact on their sentence decision. For example, Callahan and colleagues (1992) showed that when a victim of a violent crime was a woman, the defendant was likely to receive a longer sentence. Finally, all of the data were from a single state. As such, the extent to which the findings would generalize to the other 12 states with GBMI verdicts is unknown.

Future Directions

The findings and limitations of the study, in connection with past research, suggest many ways to continue investigating this topic in the future. Expanding on the work done here, and in 1992 by Callahan, all data on Guilty but Mentally Ill defendants should be gathered and analyzed from all 13 states that still utilize the plea. Data should also be collected from these states for all defendants found Not Guilty but Reason of Insanity. The data should be analyzed across all three groups (Guilty, GBMI, and NGRI) for comparisons of length of confinement, amount of treatment, and likelihood of release. An avenue of change could be explored by examining length of parole (supervised release). This could potentially advocate for less of the GBMI defendant's sentence being carried out behind bars, and provide more opportunities for treatment upon supervised release, while still meeting the public's desire for justice. Based on an issue faced during the data collection portion of this study, all states should move towards a system where data for the entire state is centralized into one statewide database, to make future research easier and more accessible.

It has been suggested by previous research that a jury is more likely to find a defendant GBMI than a judge (McGraw et. al., 1985). Future research should consider whether the GBMI disposition was reached by plea deal, judge, or jury, and see if the deciding entity has any impact on the length of sentence. Other factors possibly contributing to sentencing should be measured as well. For example, interactions between race, sex and mental health for potential compounding effects. Additionally, examining the demographics of the county or state as possible factors impacting jury pools and their potential biases. A final suggestion for future research is to collect data on the different mental illnesses defendants were diagnosed with and the severity of the mental illness. Melville and Naimark (2002) suggested that severity of mental

illness does not have any effect on whether a jury or judge decides to find a person GMBI or not. However, to date there has been no analysis of whether the type or severity of a mental illness impacts the length of sentence.

Conclusions

This study has updated and supported findings from previous research suggesting unequal sentencing for individuals with a case disposition of Guilty but Mentally Ill. Specifically this study found that for murder, crimes against people, and crimes against property, defendants found Guilty but Mentally Ill receive significantly longer sentences than defendants found Guilty for the same crimes. Given the decades of research showing that the main objectives of the Guilty but Mentally Ill plea are not being met, it is unjust to give defendants with a mental illness longer sentences. Specifically, because defendants with a mental illness are proven to not be receiving more treatment in prison, they should not be punished more harshly purely because they have a mental illness. This is unequal and unjust. Further research should be done to determine how widespread the sentencing disparities are for GBMI defendants. As a result of these and future findings, lawmakers should move to abolish the GBMI plea, or rewrite the legislation surrounding GBMI verdicts— equalizing sentencing, and ensuring treatment once imprisoned.

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Appendix A

List of Statues in each Felony Category

1. Murder

35-42-1-1(1): Murder
 35-42-1-1(2): Murder
 35-42-1-1(3)(A): Murder
 35-42-1-1(4): Murder
 35-42-1-1(1); 35-41-5-1(a)/FA: Attempt Murder
 35-41-5-1/FA: Attempt Murder
 35-42-1-1(1); 35-41-5-2(a)/FA: Conspiracy to Commit Murder
 35-42-1-3(a)(1)/FA: Vol Manslaughter - Kill Another Human Being in Sudden Heat w/ Deadly Weapon
 35-42-1-3(a)/F2: Voluntary Manslaughter Intentional killing committed while defendant acted under "
 35-42-1-3(2)/FA: Voluntary Manslaughter
 35-46-1-4(a)(1)/FA: Neglect of a Dependent Resulting in Death
 35-42-1-5/F5: Reckless Homicide def. recklessly kills another human being
 35-50-2-11(b)(1)/NC: Firearm Used in Commission of Offense; Felony Under IC 35-42; SBI/Death results

2. Sexual Crimes

11-8-8-17(a)(1)/FD: Failure to Register as a Sex or Violent Offender (knowing failure to register)
 11-8-8-17(a)(5)/F6: Failure to Register as a Sex or Violent Offender sex or violent offender does no
 35-42-4-1(a)(1)/F3: Rape-Rape when compelled by force or imminent threat of force. Other sexual cond
 35-42-4-1(a)(2)/FB: Rape (victim unaware)
 35-42-4-3(a)/FB: Child Molesting
 35-42-4-3(a)(1)/F1: Child Molesting where def. is at least 21 years of age.
 35-42-4-3(a)(2)/FA: Child Molesting
 35-42-4-3(b)/FC: Child Molesting
 35-42-4-4(b)(1)/F4: Child Exploitation includes an aggravating circumstance from 35-42-4-4(c)(1).
 35-42-4-4(b)(2)/F4: Child Exploitation enhanced by an aggravating factor found in 35-42-4-4(c)(2).
 35-42-4-4(b)(4)(A)/F5: Child Exploitation with intent to satisfy/arouse sex desires, Def. knowingly/
 35-42-4-4(d)/F5: Possession of Child Pornography with an aggravating factor found in 35-42-4-4(e)(1
 35-42-4-5(a)/F5: Vicarious Sexual Gratification-Victim(s) under 16 but older than 13
 35-42-4-6(b)/F4: Child Solicitation Solicitation is to engage in sexual intercourse or other sexual c
 35-42-4-6(c)(1)/F5: Child Solicitation 21 yr old or older knowingly solicits child 14 or 15 yrs old
 35-42-4-8(a)(1)/FD: Sexual Battery
 35-42-4-8(a)(1)(A)/F6: Sexual Battery Victim compelled to submit by force or imminent threat of forc
 35-42-4-8(a)(2)/FD: Sexual Battery
 35-42-4-9(a)(1)/FB: Sexual Misconduct with a Minor
 35-44.1-3-10(c)/FB: Sexual Misconduct
 35-46-1-3/F4: Incest , but victim is less than 16 years old.
 35-46-3-14(4)/F6: Bestiality knowingly perform an act involving penetration of an animal's sex organ

3. Crimes Against Person (Battery/Confinement/Intimidation)

35-42-2-1(a)(1)(A)/MA: Battery Resulting in Bodily Injury
 35-42-2-1(a)(1)(B)/MA: Battery (no injury. victim is law enforcement officer.)
 35-42-2-1(a)(2)(A)/FD: Battery Resulting in Bodily Injury (victim is law enforcement officer)
 35-42-2-1(a)(2)(B)/FD: Battery Resulting in Bodily Injury (vic less than 14 yrs and def at least 18)
 35-42-2-1(a)(2)(M)/FD: Battery Resulting in Bodily Injury (committed in presence of child < 16 yrs)
 35-42-2-1(a)(2)(H)/FD: Battery Resulting in Bodily Injury (victim is correctional professional)
 35-42-2-1(a)(3)/FC: Battery Committed by Means of a Deadly Weapon or Resulting in SBI
 35-42-2-1(a)(4)/FB: Battery - Serious Bodily Injury; Victim Less Than 14 Years and Defn at Least 18
 35-42-2-1(b)(1)/MB: Battery
 35-42-2-1(b)(1)&(f)(5)(A)/F5: Battery
 35-42-2-1(b)(2)/F6: Battery by Bodily Waste committed against a public safety officer. IC 35-42-2-1
 35-42-2-1(c)(1)/F6: Battery Against a Public Safety Official
 35-42-2-1(c)(2)/F6: Battery by Bodily Waste victim is a public safety officer.
 35-42-2-1(e)(1)/F6: Battery Resulting in Moderate Injury
 35-42-2-1(e)(2)/F6: Battery on a Public Safety Official
 35-42-2-1(f)(1)/F5: Battery Resulting in Serious Bodily Injury
 35-42-2-1(g)(1)/F5: Battery Resulting in Serious Bodily Injury
 35-42-2-1(g)(2)/F5: Battery While Armed With a Deadly Weapon
 35-42-2-1.3(a)(1)/F6: Domestic Battery committed in the presence of a child less than 16 years old
 35-42-2-1.3(a)(1)(b)(2)/F6: Domestic Battery
 35-42-2-1.3(b)(1)/FD: Domestic Battery (Prior)
 35-42-2-1.5/FB: Aggravated Battery: knowingly or intentionally inflicts injury on a person
 35-42-2-1.5(1)/FB: Aggravated Battery (injury causes serious permanent disfigurement)
 35-42-2-1.5(2)/F3: Aggravated Battery inflicts injury that causes a protracted loss or impairment o
 35-42-2-6(c)/FD: Battery by Body Waste (Law Enforcement Officer, Firefighter, Correction Officer)
 35-42-2-6(e)/FD: Battery by Body Waste (law enforcement officer, firefighter, correction officer)
 35-42-2-9(b)(1)/FD: Strangulation: applies pressure to the throat or neck of another person.
 35-42-2-9(b)/FD: Strangulation
 35-42-2-9(c)/F6: Strangulation
 35-42-3-2(a)/F3: Kidnapping while armed with a deadly weapon.
 35-42-3-3(a)/F3: Criminal Confinement while armed with a deadly weapon.
 35-42-3-3(a)(1)/FB: Crim Confinement (confine) - Armed w/ Deadly Weapon/SBI to Another/on Aircraft
 35-42-3-3(a)(2)/FB: Criminal Confinement-serious bodily injury to anyone other than the defendant
 35-42-3-3(a)(b)(2)(A)/F3: Criminal Confinement; armed with a deadly weapon
 35-42-3-3(b)(1)/FD: Criminal Confinement
 35-42-3-3(b)(1)(B)/F5: Criminal Confinement-Use of Vehicle
 35-42-3-3(b)(1)(C)/F5: Criminal Confinement resulting in bodily injury
 35-42-3-3(b)(2)(A)/F3: Criminal Confinement
 35-42-4-2(a)(1)/FB: Criminal Deviate Conduct - Victim Compelled By Force Or Imminent Threat Of Force

 35-45-2-1(a)(1)/F6: Intimidation-Same as 7261, but threat is to commit a forcible felony
 35-45-2-1(a)(1)(b)(1)(A)/F6: Intimidation
 35-45-2-1(a)(1)(b)(2)(A)/F5: Intimidation
 35-45-2-1(a)(2)/F6: Intimidation-Same as 7270, but committed because of victim's occupation, etc
 35-45-2-1(a)(2)(b)(1)/FD: Intimidation
 35-45-2-1(a)(2)(b)(1)(B)(i)/F6: Intimidation
 35-45-2-1(a)(2)(b)(1)(i)/F6: Intimidation
 35-45-2-1(a)(3)(B)/F6: Intimidation the threat is to certain types of people (see statute for list)
 35-45-2-1(a)(4)/F6: Intimidation-Same as 7370, but threat is to commit a forcible felony. Threat can
 35-45-2-1(b)(1)(A)/FD: Intimidation - Threat is to Commit a Forcible Felony
 35-45-2-1(b)(1)(B)(i)/FD: Intimidation-Threat Communicated To Law Enforcement Officer
 35-45-2-1 (b)(1)(B)(iii)/F6: Intimidation
 35-45-2-1(b)(2)(A)/F5: Intimidation: While Committing it, the person Draws/Uses a Deadly Weapon
 35-45-2-1(b)(2)/FC: Intimidation-Defendant Draws Or Uses A Deadly Weapon As Threat Made
 35-45-10-5(a)/FC: Stalking

 35-50-2-8(a)/: Habitual Offender
 35-50-2-11/NC: Firearm Used in Commission of Offense

4. Drug Crimes

16-42-19-18(a)/F6: Unlawful Possession of Syringe
 35-45-1-5(c)/F6: Maintaining a Common Nuisance - Controlled Substances
 35-48-4-1(a)(1)(C)/FB: Dealing In Cocaine Or Narcotic Drug - Delivery Of
 35-48-4-1(a)(2)(A)/FB: Dealing In Cocaine Or Narcotic Drug - Possess w/ Intent To Manufacture
 35-48-4-1.1(a)(1)(A)&(d)(1)/F3: Dealing in Methamphetamine
 35-48-4-2(a)(1)/FB: Dealing in a Schedule I Controlled Substance manufacture or deliver or finance
 35-48-4-3(a)(2)/FB: Dealing in a Schedule IV Controlled Substance
 35-48-4-6(a)/F6: Possession of Cocaine
 35-48-4-6.1(a)/F5: Possession of Methamphetamine This is the basic offense and amount is b/t 5 & 10.
 35-48-4-6.1(c)(1)/F4: Possession of Methamphetamine
 35-48-4-7(a)/MA: Possession of a Controlled Substance-Possession of a Schedule I, II, III or IV cont
 35-48-4-7(a)(b)/F6: Possession of Schedule IV Controlled Substance
 35-48-4-11(a)(1)/MA: Possession of Marijuana
 35-48-4-11.5/MA: Possession of a Synthetic Drug or Synthetic Drug Look Alike Substance(Knowingly)

5. Damage of Property (Arson/Theft/Burglary/Weapons)

35-43-1-1(a)(1)/F4: Arson knowingly damage by fire, etc. the dwelling of another w/o consent.
 35-43-1-1(a)(2)/F4: Arson Damage by fire, etc. property of another under circumstances that endanger
 35-43-1-1(a)(3)/FB: Arson
 35-43-1-1(d)/F6: Arson Arson where pecuniary loss is more than \$250 but less than \$5,000.

 35-46-3-11(a)(1)/FD: Striking a Law Enforcement Animal
 35-46-3-12(c)/F6: Torturing or Mutilating a Vertebrate Animal def. knowingly tortures or mutilates a
 35-46-3-12(d)/F6: Killing a Domestic Animal def. knowingly kills a domestic animal w/out consent of

 35-42-5-1(1)/FC: Robbery
 35-42-5-1(2)/FB: Robbery - Defn Armed OR Bodily Injury Results To One Other Than Defn
 35-42-5-1(a)(1)/F3: Armed Robbery-Taking property by force or threatening use of force while armed
 35-42-5-1(a)(2)/F5: Robbery-Taking property from another by putting someone in fear

 35-43-2-1/FC: Burglary
 35-43-2-1(1)/F4: Burglary
 35-43-2-1(2)/F3: Burglary Resulting in Bodily Injury
 35-43-2-1(2)(A)/FA: Burglary resulting in bodily injury
 35-43-2-1(2)(B)/FA: Burglary resulting in serious bodily injury
 35-43-2-1(B)(i)/FB: Burglary - Break And Enter Dwelling Of Another Person

 35-43-2-1.5/FD: Residential Entry
 35-43-2-2(a)(2)/FD: Criminal Trespass
 35-43-2-2(b)(1)/F6: Criminal Trespass committed on a scientific research facility, a key facility
 35-43-4-2/MA: Theft
 35-43-4-2(a)/FD: Theft
 35-43-4-2(a)(1)(A)/F6: Theft
 35-43-4-2(a)(1)(B)(ii)/F6: Auto Theft
 35-43-4-2.5(b)/F6: Auto Theft
 35-43-4-2.5(b)(1)/F6: Auto Theft -Theft of entire vehicle

 35-47-2-1/MA: Carrying a Handgun Without a License
 35-47-2-1(e)(2)(B)/F5: Carrying a Handgun w/out a License with prior conviction w/in 15 yrs
 35-47-4-3(b)/FD: Pointing Firearm at Another Person
 35-47-4-5(c)/F4: Unlawful Poss. of a Firearm by Serious Violent Felon
 35-47-12-3/F5: Terroristic Mischief place or disseminate a device or substance w/intent to cause bel

6. Minor Misconduct

7.1-5-1-3(a)(3)/MB: Public Intoxication Breaches the Peace or Imminent Danger of Breaching the Peace

35-43-1-2(a)(1)/MB: Criminal Mischief. Damages or defaces property of another w/o consent.

35-43-1-2(a)(1)(A)(i)/MA: Criminal Mischief - Pecuniary Loss At Least \$250 But Less Than \$2,500

35-43-1-2(a)/F6: Criminal Mischief Damage is at least \$50,000.

35-43-1-2(b)(1)/F6: Institutional Criminal Mischief, but the loss is b/t \$750 and \$50k.

35-43-5-22/MA: Stolen Valor

35-45-1-3/MB: Disorderly Conduct

35-45-1-3(a)(1)/MB: Disorderly Conduct: engages in fighting or tumultuous conduct

35-45-1-3(a)(2)/MB: Disorderly Conduct - unreasonable noise

35-45-2-5(1)/MA: Interference with the Reporting of a Crime

35-45-2-5(3)/MA: Interference with the Reporting of a Crime

7. Major Misconduct

9-21-8-52(a)(1)/MA: Reckless Driving causes bodily injury.

9-21-8-56(b)/MA: Reckless Operation of a Vehicle in Highway Work Zone - Workers Present

9-26-1-1.1(a)(1)(A)/F6: Leaving the Scene of Accident Serious Bodily Injury & 6128, but results in

9-30-5-2(a)/FD: Operating a Vehicle While Intoxicated

9-30-5-2(a) & (b)/F6: OWI Endangering a Person def. has prior conviction w/in last 5 years AND a pe

9-30-5-2(a)(b)/MA: Operating While Intoxicated Endangering a Person

9-30-5-3(a)(1)/FD: Operating Vehicle While Intoxicated; Prior Conviction

9-30-5-4(a)(1)/F6: Cause Serious Injury Operating a Mtr Veh w/ACE =>.08

9-30-5-4(a)(3)/F6: Causing Serious Injury Operating a Mtr Veh. Intox.

9-30-10-16(a)(1)/FD: Operating a Vehicle as an Habitual Traffic Violator

9-30-10-17(a)(1)/F5: Operate Mtr Veh After Forfeiture of License for Life Def. operates vehicle aft

35-42-2-2(a)(b)(1)(A)/F6: Criminal Recklessness

35-42-2-2(a)/F6: Criminal Recklessness committed with a deadly weapon

35-42-2-2(b)(1)/MA: Criminal Recklessness - Use of Vehicle

35-42-2-2(b)(1)(A)/F6: Criminal Recklessness committed while armed with a deadly weapon

35-42-2-2(d)(1)/FC: Crim Recklessness-Use of Deadly Weapon and Inflicts SBI on Another

35-44-3-5(c)/FD: Failure to Return to Lawful Detention

35-44.1-2-1(a)(1)/FD: Perjury

35-44.1-2-2(a)(3)/F6: Obstruction of Justice def. knowingly or intentionally in an official proceedi.

35-44.1-2-6(a)/F6: Impersonation of a Public Servant def. poses as a law enforcement officer.

35-44.1-3-4(a)/F5: Escape where def. just runs away from lawful detention

35-44.1-3-4(b)/FD: Escape

35-44.1-3-4(c)/F6: Failure to Return to Lawful Detention def. fails to return to lawful detention fo

35-46-1-8(b)(2)/FC: Contributing to the Delinquency of a Minor

35-46-1-15.1(1)/MA: Invasion of Privacy - Viol Of Protective Order Issued Under 34-26-5

35-46-1-15.1(12)/MA: Invasion of Privacy - Viol Of Order Issued Under 35-33-8-3.2

35-46-1-15.1(a)(2)/MA: Invasion of Privacy-Violates an ex parte protective order issued under 34-26-

35-46-1-15.1(a)(6)/F6: Invasion of Privacy-Def has a prior unrelated conviction under this section

35-48-4-13(b)(1)/FD: Maintaining a Common Nuisance

35-48-4-13(b)(2)(A)/F6: Maintaining a Common Nuisance

35-44.1-3-1(a)(1)/FD: Resisting Law Enforcement

35-44.1-3-1(a)(1)(b)(1)(B)/F6: Resisting Law Enforcement

35-44.1-3-1(a)(3)/MA: Resisting Law Enforcement def. knowingly or intentionally flees from law enfo

35-44.1-3-1(b)(1)(B)/FD: Resisting Law Enforcement/Draws or Uses Deadly Weapon, inflicts bodily inj

35-44.1-3-2(b)/F5: Disarming a Law Enforcement Officer def. knowingly or intentionally takes or att

35-44-3-3(a)(1)/MA: Resisting Law Enforcement

35-44-3-3(b)(1)(A)/FD: Resisting Law Enforcement

35-44-3-3.5/FC: Disarming a Law Enforcement Officer

35-50-2-8(d)/: Habitual Offender