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News

Insanity defense: T.J. Lane using rarely successful plea in Chardon shooting

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After Keith Ledeger killed custodian Peter Christopher and wounded three other adults at Wickliffe Middle School on Nov. 7, 1994, he initially claimed he was legally insane during his shooting spree.

After a judge ruled him mentally competent to stand trial, the former Wickliffe Middle School student — who had a lengthy history of schizophrenia — withdrew his not guilty by reason of insanity plea.

Ledeger's lawyer, Charles R. Grieshammer, explained that since the insanity defense statute in Ohio is so narrow, a jury probably wouldn't have believed Ledeger simply couldn't tell right from wrong.

"(NGRI) is a defense that's really difficult to be successful at," Lake County Prosecutor Charles Coulson said.

"You're saying you are responsible for the crime, but your mental disease prevented you from knowing right from wrong. We really haven't had that many of those cases in Lake County. Only a few insanity pleas have been entered, and I can't even think of one that's been successful."

Ledeger ended up pleading guilty in Lake County Common Pleas Court to aggravated murder and four other counts. He died in prison of natural causes earlier this year at the age of 54 while serving a 57-year sentence.

A high profile defense

Eighteen years later, **Thomas "T.J." Lane III has entered a NGRI plea** in Geauga County Common Pleas Court for the Feb. 27 shootings at Chardon High School that left three students dead and three others injured.

Lane, now 18, is scheduled to be tried for the killings Jan. 14 and faces a maximum penalty of life in prison.

He was previously found competent to stand trial.

However, Michael Benza, senior instructor of law at Case Western University in Cleveland, said competency and not guilty by reason of insanity are two different things.

"Oftentimes, after an arrest, the person has been receiving mental health care and is a different person at the time of the trial," said Benza. "You can have a person who doesn't look crazy, doesn't talk crazy, but yet has a valid NGRI defense because at the time of the crime, they were crazy. The issue is not whether they're mentally ill. It's how mentally ill. Not all mental illness qualifies for an insanity defense. We tend to see the biggies — the schizophrenics, the bipolars, these really sort of hard-core thought disorders. These people who don't process the world like other people."

Forensic psychiatrist Dr. Phillip Resnick previously testified that Lane suffers from an unspecified psychosis. In the past, Lane told the doctor of periods of "altered mental states" in which he is "mentally not there." Lane also reported having had delusions, hallucinations and involuntary fantasies.

The insanity defense is mostly used in extremely high-profile cases.

Houston resident Andrea Yates was found not guilty by reason of insanity in 2006 after drowning her five children in a bathtub, claiming she killed them to save them from hell.

Yates has been committed to a state mental hospital until she is no longer declared a threat.

John Hinckley Jr. was found NGRI and has been under institutional psychiatric care since attempting to assassinate President Ronald Reagan in Washington D.C. in 1981. Hinckley said he was trying to impress actress Jodie Foster.

But Benza said NGRI is very rarely used — making up 1 percent or less of all felony cases nationwide. And of that 1 percent, it's successful just 25 percent of the time.

"The perception is, every defendant claims they're crazy or that to kill someone, you must be crazy," he said. "But that's not the reality. You have reactions to these high-profile cases. A number of states don't even allow the NGRI defense. Other states have "guilty but mentally ill" pleas — you may start your sentence at the mental health facility and then report to prison to serve the rest of your term."

A smoke and mirrors tactic?

If a court decides a defendant could not determine right from wrong at the time and was incapable of not acting wrongly, he or she is not sentenced like in a criminal case.

"They must be released from a criminal jail because you've found them not guilty," Benza said.

"So you would normally hold a civil commitment hearing to determine whether you need to protect the defendant or others. You would either hospitalize them or you don't. You don't get sentenced to the mental hospital. You get admitted."

Medical experts then examine the patient on an ongoing basis to decide when or if he or she can be released.

Plea bargains are also possible with a NGRI plea.

One thing that is unusual about an insanity defense is that the defense — rather than the prosecution — has the burden of proof.

"NGRI is one of those rare instances where a defendant has to do something," Benza said. "In (other) criminal cases, the defendant could literally say, 'Call me when it's over' and not even show up. With NGRI, the defense has to affirmatively put on evidence saying essentially, 'I did it, but I did it because I was crazy.'"

Mentor defense attorney Joseph "Randy" Klammer said he believes more defense attorneys should look into the insanity defense right from the start of a case.

"Unfortunately, we sometimes find these things after someone has been convicted when we are hired post-conviction," Klammer said. "From a defense standpoint, it's important to look at your client's first entry into the criminal justice system. There are a lot of people who fall through the cracks and wind up in prison, which is the worst place for them."

"Like a lot of what defense attorneys do, the public wrongly misperceives (the insanity defense) as all smoke and mirrors

and sleight of hand. But the consequences of getting it wrong are as dangerous as you can imagine. You can have a mentally ill person who has been wrongfully convicted, wrongfully incarcerated, not getting treatment, and returned to the community more ill than when they went in.

"That's a tragedy. And it does happen."