

## Editorial

In 1964, Philip Q. Roche, M.D., and another Pennsylvania psychiatrist testified in the criminal court of Beaver County, Pennsylvania, that the defendant in a murder case had not possessed the requisite intent. The jury returned a verdict of "not guilty" and the defendant was released from custody. He had argued that without this element there could be no fusion of intent with a requisite act, and thus he could not be found guilty of having committed a crime.

The response to this case was swift in coming. That psychiatrists should be allowed to testify in a criminal trial and not be restricted to giving an opinion as to the defendant's responsibility under the then-current test (viz. the M'Naghten Rule) was seen as presaging the complete breakdown of law and order. Shortly thereafter the Supreme Court of Pennsylvania, in the case of *Commonwealth v. Ahearn*,<sup>1</sup> ruled that the testimony of a psychiatrist regarding criminal responsibility was to be given no more weight than that of any other witness. The message was quite clear.

How interesting it would be for Philip Roche if he could return to Pennsylvania today. In the case of *Commonwealth v. Graves*<sup>2</sup> the Supreme Court of Pennsylvania has ruled that for a lower court not to allow a psychiatrist to testify as to whether the defendant at the time of the incident "could consciously form the specific intent, to take or steal from a person or individual" was a reversible error!

The role of the psychiatrist expert witness in the criminal court is easily maligned. Many within the profession and many more without have been quick to criticize the psychiatrist who accepts this difficult task. It is said that he is doing so for motives that are questionable at best. Yet at the same time many of these same critics despair of changing the criminal justice system. Inequities of sentencing, to name only one of many problems, are said to be a problem for the courts to resolve.

The criminal court is not the private domain of the judiciary. The psychiatrist who believes that he can provide an understanding of a defendant that is otherwise not available to the court has a professional responsibility that cannot be denied, certainly not ridiculed. That the psychiatrist should be well-trained is one of the important matters discussed in the President's Letter that follows.

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## References

1. 421 Pa 311, 218 A 2d 561 (1966)
2. 394 Pa 429, 147 A 2d 416 (1959)