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Criminal Law--Defendant's Physical Appearance

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Criminal Law—Defendant's Physical Appearance

Defendant was found guilty of robbery. He appealed on grounds that he was denied a fair and impartial trial because the lower court allowed the trial to proceed while he was dressed in prison attire. The court, before the trial started, carefully instructed the jury that the defendant's clothing was merely that issued to a jail inmate being held for trial, and in no way indicated that defendant had ever been convicted of any offense or was guilty of any offense. *Held*, affirmed. The trial judge's announcement to the jury respecting defendant's attire in this case had the effect of preventing the jury from being prejudiced. *Atkins v. State*, 210 So. 2d 9 (Fla. 1968).

The dissent in the *Atkins* case states that a defendant being clothed in prison garb strongly infringes upon the fundamental right of presumption of innocence. 21 AM. JUR. 2d *Criminal Law* § 239 (1965). For information concerning the right of accused to have his witnesses free from handcuffs, manacles and shackles, see Annot., 75 A.L.R.2d 762 (1961).

Criminal Law—M'Naghten Test Rejected

Mrs. Chandler was convicted of voluntary manslaughter for the stabbing death of her husband. She pleaded insanity and the Eastern District Court of Virginia used a combination of the M'Naghten and the irresistible impulse tests to determine insanity. Psychiatric examination revealed that she could readily distinguish between right and wrong and could conduct herself accordingly, but at the time of the killing, she was not considering these matters. In a similar case, an individual was convicted of armed robbery by the United States District Court for the District of Maryland at Baltimore. This court used substantially the same test for insanity as that employed by the Virginia court. Psychiatric examination revealed that this defendant was a neurotic but not a psychotic, and he was found to be fully aware of his acts and the wrongfulness of his criminal conduct. *Held*, convictions affirmed, but the M'Naghten test was rejected because it is too restrictive and is phrased in language which is not only unenlightening to jurors but which might be positively misleading. *United States v. Chandler*, 393 F.2d 920 (4th Cir. 1968).