

***People v Madison*, __ Mich __ (2026) (Docket No. 167120)**

Informational Sheet

October 21, 2026

The contents of this document are educational only and not intended as legal advice.

What is the diminished capacity defense and what did *People v Carpenter* say about that defense?

Before 2001, the diminished capacity defense allowed people charged with specific intent crimes to offer evidence of their mental illness or intellectual disability to negate or contradict the *mens rea* (intent) element of the crime. This allowed the jury to take mental illness or intellectual disability into account and to convict the person of a lesser included, general intent offense instead.

In *People v Carpenter*, 464 Mich 223 (2001), however, the Michigan Supreme Court held that the diminished capacity defense is not recognized by Michigan law. Instead, *Carpenter* held that in enacting the state's legal insanity statute, MCL 768.21a, the Michigan Legislature had adopted an "all or nothing" statute that only allowed the presentation of mental illness or intellectual disability to support an insanity defense.

After *Carpenter*, the diminished capacity defense was no longer a valid defense in Michigan.

What is the difference between a diminished capacity defense and an insanity defense?

In its opinion, the *Madison* Court explained the difference between these two defenses:

A diminished-capacity argument is distinct from the insanity defense. The insanity defense is an affirmative defense that admits guilt but seeks to excuse it without reference to any individual elements of the crime . . . In contrast, the purpose of diminished-capacity evidence is aimed at negating specific intent. This approach does not admit the crime and seek to then excuse or justify it; instead, it challenges the prosecution's case by questioning whether a defendant had the requisite *mens rea* at the time of the crime. [*Madison*, slip op at 15-16.]

What did the Supreme Court hold in *Madison*?

Madison involved a pre-trial motion to present evidence of diminished capacity and to have the jury instructed about the diminished capacity defense. The trial court denied the motion based on *Carpenter*, and the Court of Appeals denied leave to appeal. But the Supreme Court granted argument on Mr. Madison's application so that it could revisit its decision in *Carpenter*.

The Court in *Madison* held that *Carpenter* had been wrongly decided and overruled *Carpenter*. As a result of the ruling in *Madison*, people charged with specific intent crimes may now offer

evidence of their mental illness and intellectual disability to show that they did not have the required specific intent for a conviction.

After *Madison*, the diminished capacity defense is now a valid defense in Michigan.

What is a “specific intent” crime?

A specific intent crime is one that requires proof of “a particular criminal intent beyond the act done.” *People v Beaudin*, 417 Mich 570, 574 (1983). But “general intent crimes” only require proof of “the intent to do the physical act.” *Id.* at 574.

For example, Assault with Intent to Commit Murder is a specific intent crime because it requires the jury to find that the assault occur *with the specific intent* to also commit murder. But Assault and Battery is a general intent crime because it does not require any extra intent other than the intent to assault or to batter.

Is *Madison* retroactive to older cases?

We do not know yet. The Court did not address retroactivity in *Madison*. This issue will continue to be litigated until we have a decision about retroactivity.

I think I may be affected by *Madison*. What should I do now?

If your case is on direct appeal, *Madison* can be applied to your case now. If you believe the diminished capacity defense could have applied at your trial, contact your appellate lawyer to discuss this.

If you think the diminished capacity defense could have applied at your trial and your direct appeal is over, you will need to file a Motion for Relief from Judgment (a “6.500 motion”). See MCR 6.500, *et seq.* In the March 2026 *Criminal Defense Newsletter*, SADO’s Criminal Defense Resource Center published a “6.500 Motions Primer.” Copies should be available through your prison library. The primer addresses how you can file a second or “successive” 6.500 motion if you are relying on a change in the law, and how you can request the appointment of counsel to help you litigate your 6.500 motion.

Can a lawyer be appointed to represent me?

If you were recently sentenced, you are entitled to the appointment of appellate counsel to assist you with your direct appeal. But you must submit the request for appellate review form that you were provided at sentencing within 6 months of sentencing. MCR 6.425(F).

If you already had a direct appeal, you can submit a request for the appointment of counsel with your 6.500 motion. The court may – but does not have to – grant your motion, if it determines that you cannot afford a lawyer. The court is required to appoint counsel to represent you if it schedules oral argument or an evidentiary hearing on your motion. MCR 6.505(A).