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**From:** Gleeson II, Gerald J.  
**Sent:** Wednesday, April 14, 2021 1:35 PM  
**To:** Raymond Kethledge  
**Cc:** Hudson, Paul D.  
**Subject:** Criminal Advisory Rules Committee

Judge Kethledge:

I write to you in your capacity as the Committee Chair (and at the suggestion of Judge Murphy). I apologize if I am being presumptuous in bringing this to your attention, but we have a proposal that seems to have some merit. I have taken the liberty of cc'ing my smarter colleague Paul Hudson for his input as well.

I am completing a case involving the insanity defense, and it appears that the Government and the Defense agree that the proper outcome is a verdict of not guilty by reason of insanity. However, the rules currently do not provide for a plea-based outcome in this regard. It seemed to Judge Murphy and the lawyers that the Committee might consider amending the rules to allow for such a plea. The Michigan Court Rules allow for such a plea, and it is a process that works fairly fluidly.

Candidly, I have not given much thought as to whether this would require any statutory amendments, but such a procedure would streamline the process between indictment and the mental health treatment provided for by 18 USC 4243. I have always viewed post-acquittal treatment as the key component for the NGRI client.

Thanks,

Gerry