R. v. Parks 1992

In 1987, Kenneth Parks go tup from his bed, drove over 20 kilometres to his ‘in-laws’ house, and stabbed both his mother-in-law and father-in-law, killing her and seriously injuring him. Immediately afterwards, Parks drove to a nearby police station and reported what he had done. Parks was charged with first-degree murder and attempted murder even though he claimed to have been sleepwalking through the entire incident. Parks testified that he had always been a deep sleeper and had a great deal of trouble waking up. (Several members of his family also suffer from sleep problems.) The year prior to the incident was a particularly stressful one for him, and his personal life suffered. Parks’s in-laws were aware of his problems, supported him, and had excellent relations with him.

At the trial, Parks presented a defence of automatism.. It is unconscious movement or functioning without conscious control the defence called five psychiatrists and psychologists. They testified that these acts of violence were don in a genuinely hypnotic state. At issue here was whether sleepwalking should be classified as a non-insane automatism, resulting in an acquittal, or as a ‘disease of the mind,’ (insane automatism) giving rise to the special verdict of not guilty by reason of insanity.

The judge and jury acquitted Parks of the changers of murder and attempted murder in the original trial. The Crown appealed, but the Court of Appeal upheld the acquittal. Upon further appeal by the Crown, the Supreme Court agreed with the acquittal because Parks had no intent or knowledge of what he was doing. It was found that the accused was genuinely sleepwalking at the time he committed murder. Hist somnambulism was ruled sleep disorder, not a form of insanity.

Questions

1. Were actus reus and mens rea present at the time this crime was committed? Explain.
2. Why do you think the Supreme Court dismissed the Crown’s appeal?
3. Should a person be able to use a severe sleep disorder as a reason to nullify criminal responsibility? Why or why not?
4. Why should epileptics not be allowed to use the defence of automatism in the case of a car accident? Explain.