

Statement of Expert for the Prosecution

(Joseph R. Novello, M.D., has practiced psychiatry and child psychiatry in the Washington area for over 35 years. He is the author of six books in his field. Dr. Novello has served as a clinical associate professor at Georgetown University and has received a number of local and national awards, including The Best Doctors in America. Dr. Novello is a member of numerous professional organizations, including The American Academy of Psychiatry and the Law. In addition to his clinical work, Dr. Novello also practices forensic psychiatry. He has served as an expert in several murder cases, including some that have involved legal competency and the insanity defense.)

Based upon his comprehensive forensic evaluation of all the available data, Dr. Novello has concluded that Prince Hamlet, although suffering a normative grief response due to his father's death, does not meet any existing criteria for diagnosable, severe mental illness that can account for his exaggerated and dramatic "symptoms." Furthermore, Dr. Novello is of the belief that Hamlet has deliberately feigned "madness" in an effort to avoid criminal responsibility in the murder of Polonius. In his own words, Hamlet forewarns Horatio that he would "put an antic disposition on" in an effort to establish his alibi.

Indeed Hamlet learns to alter his mental state as it suits his advantage. He can spin on a dime. He is able to act the madman in the

presence of those who are not to be trusted: He refers to Polonius as a “fishmonger.” He tells Ophelia to “get thee to a nunnery.” He turns sweetly to his mother (“How is it with you lady?”) after calling her a “murderer and a villain.” He keeps his foes off-balance, especially Claudius, playing the “mad Prince.”

But Hamlet is his brilliant and cunning self when necessary. He crafts the masterful “Mousetrap,” a play-within-a-play, to trap Claudius and even enlists the trusted Horatio to provide him with a “second opinion.” He wants to be absolutely certain, “beyond a reasonable doubt,” that Claudius is guilty. Such a deliberate activity is not the product of a deranged mind. Indeed, Hamlet lets on to Guildenstern that he is “but mad north-northwest” and “when the wind is southerly I know a hawk from a handsaw.”

In time, however, some observers begin to see through his trickery. Even Polonius sees “method” in Hamlet’s madness.

At the end of the day, it is only Claudius who allows himself to persist in the belief that Hamlet is mad — and only because it suits his plans for disposing of him.

Hamlet’s pattern of behavior cannot be explained as the product of mental illness. Hamlet is not psychotic, he is not schizophrenic, he is not bipolar. He is troubled. He is grieving the loss of his father, deceived by his uncle Claudius and his own mother, spurned by Ophelia. When, he is urged by his father’s ghost to take revenge, he is squeezed, trapped. What to do? He decides that he will seek the revenge that his father requests,

but first he will build an alibi: he will act like a madman. He plans to get away with murder. But, he delays, struggles with himself, even contemplates suicide (“to be or not to be”). He passes up the chance to kill Claudius at prayer rationalizing it would result in Claudius going to heaven. No, he will look for a more suitable opportunity. He finds it, he thinks, when he sees movement behind the arras. He thrusts his sword, believing he has killed Claudius, only to find that the “rat” was Polonius.

A murder was committed. It was deliberate and planned.

What about Hamlet’s behavior? Was he mentally ill? No. There is nothing in the DSM-5 (The Danish Statistical Manual, 5th Edition) that would identify Hamlet as being mentally ill.

The Model Penal Code, the legal test for insanity, asks 1) Did Hamlet appreciate the criminality of his act? Yes. So much so that it became an existential crisis for him. He considered suicide. Instead, he planned an elaborated a defense against incrimination: the feigning of insanity. 2) Was Hamlet able to conform his conduct to the requirements of the law? Certainly. He did not suffer from any form of mental illness that would cause him to lose such control of his behavior and, in fact, demonstrated remarkable control when he passed up his best chance to kill Claudius.

Prince Hamlet, though muddled, was not mad, though brilliant was —bad.