

Neuroscience, Brain Damage, and the Criminal Defendant: Who Does It Help and Where in the Criminal Proceeding Is It Most Relevant?

39 Rutgers L. Rec. 161 (2012) | [WestLaw](#) | [LexisNexis](#) | [PDF](#)

The state attorney in a capital case will emphasize words such as 'inherent evil,' 'psychopath,' 'predator,' and 'abuse is no excuse,' while deeming irrelevant alternative explanations of human behavior other than free will. The prosecutor will not acknowledge that human behavior is deterministic in nature and based on biopsychosocial interactions within one's life . . . [f]requently in capital cases [and other cases] there will be a significant history of neuropathology/dysfunction (cognitive impairment) that needs to be examined by a forensic mental health professional . . . *What should counsel do with this evidence??*

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