

Introduction to the 2026 Edition

New features and recent developments in this 2026 Edition include:

- **Mental State:** The U.S. Supreme Court in *Diaz v. United States* has held that expert testimony that “most people” in a group have a particular mental state is not an opinion about “the defendant” and thus does not violate Federal Rule of Evidence 704(b). Lower courts have already cited *Diaz* in allowing broader expert testimony on mental states in general populations. Other rules of evidence may serve as procedural safeguards to alleviate some of the possible consequences of the *Diaz* holding (e.g., Rules 401, 402, 403, 702) and protect against irrelevant, unreliable, or unduly prejudicial expert testimony.
- **Due Process & Witness Credibility:** In *Glossip v. Oklahoma*, the U.S. Supreme Court found a due process violation where prosecution allowed false testimony about a witness’s psychiatric treatment, impacting the jury’s perception of credibility.
- **Reliance on Prior Experts:** In *Smith v. Arizona*, the U.S. Supreme Court held that: When an expert conveys an absent analyst’s conclusions and those statements matter only if true, the statements are admitted for their truth, triggering the Sixth Amendment’s Confrontation Clause. A substitute expert cannot act as a conduit for a non testifying analyst’s conclusions.
- **IQ Scores & Atkins Claims:** The U.S. Supreme Court heard arguments in *Hamm v. Smith* on whether courts disability claims under *Atkins*. A decision is still pending at the time of publication.
- **False Confessions:** Courts in South Dakota and Rhode Island excluded expert testimony on false confessions, law enforcement tactics, and susceptibility to false confessions, reasoning such evidence would invade the jury’s role as factfinder and lacked a scientific basis.
- **Hearsay & Forensic Interviews:** The Massachusetts Supreme Court ruled that statements made during court-ordered forensic interviews to assess crimi-

nal responsibility do not qualify for hearsay exceptions related to medical diagnosis or then-existing mental condition.

- **Competency Standards:** The 11th Circuit clarified that the Dusky standard for competency focuses on the defendant's ability to consult with counsel and assist in defense, not decisional competency.
- **Sixth Amendment & Competency Hearings:** The 6th Circuit recognized competency hearings as a critical stage requiring meaningful adversarial representation, remanding cases where the adequacy of counsel's representation was unclear.
- **Insanity Acquittees vs. Civil Commitment:** The Connecticut Supreme Court held that insanity acquittees subject to continued commitment are not similarly situated to civilly committed inmates for equal protection purposes.