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Hyperactivity and criminal defense clients.

Image from U.S. government website. Â Criminal defense lawyers frequently inquire whether their clients have a drug or alcohol problem, to assist in defending them at trial and at any sentencing. Â Such an approach makes sense. It also makes sense to encourage clients to open up to their lawyers about any other factor that might have contributed to their alleged criminal behavior, including depression, recent losses, struggles with work (or unemployment) and relationships, ADHD, dyslexia (e.g., to inform about any problems in the client's ability to communicate a "confession" in writing or to read and understand any written advices of rights), hyperactivity, and the list goes on. Â Hyperactivity is relevant, for instance, in defending against assault, disorderly conduct, and claims of stalking, among others.Â Recently the London TimesÂ reported on a Food Standards Agency study finding a direct hyperactivity link between combining specified artificial colors (at least in Britain, found in TicTacs andÂ Jelly Bellies) with the preservative sodium benzoate (at least in Britain, found in Diet Coke, Fanta, Dr Pepper andÂ Sprite).Â More on the study, and its detractors, is here.Â Britain's Prime Minister is urging the European Union to ban the harmful additives. (However, I tend to prefer a caveat emptor approach absent a finding of more dangerousness than hyperactivity from these products.) I wonder how many people would change their eating and overall health lifestyles if they knew how much their behavior is adversely affected by so much of the processed foods they put in their mouths.Â Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00