Polmatier v. Russ

Supreme Court of Connecticut (1988)

The defendant and his two month old daughter visited the home of Arthur Polmatier, his father-in-law. Polmatier lived in East Windsor with his wife, Dorothy, the plaintiff, and their eleven year old son, Robert. During the early evening Robert noticed a disturbance in the living room where he saw the defendant astride Polmatier on a couch beating him on the head with a beer bottle. The defendant then went into Robert's bedroom where he took a 30-30 caliber Winchester rifle from the closet. He then returned to the living room and shot Polmatier twice, causing his death.

The defendant was charged with the crime of murder but was found not guilty by reason of insanity. Dr. Walter Borden, a psychiatrist, testified at both the criminal and this civil proceeding regarding the defendant's sanity. He concluded that the defendant was legally insane and could not form a rational choice but that he could make a schizophrenic or crazy choice.

Connecticut has never directly addressed the issue of whether an insane person is civilly liable for an intentional tort. The majority of jurisdictions that have considered this issue have held insane persons liable for their intentional torts. This liability has been based on a number of grounds, one that where one of two innocent persons must suffer a loss, it should be borne by the one who occasioned it. Another, that public policy requires the enforcement of such liability in order that relatives of the insane person shall be led to restrain him and that tortfeasors shall not simulate or pretend insanity to defend their wrongful acts causing damage to others, and that if he was not liable there would be no redress for injuries, and we might have the anomaly of an insane person having abundant wealth depriving another of his rights without compensation.

Our adoption of the majority rule holding insane persons civilly liable, in appropriate circumstances, for their intentional torts finds support in other Connecticut case law. We have elsewhere recognized the vitality of the common law principle that where one of two innocent persons must suffer loss from an act done, it is just that it should fall on the one who caused the loss rather than upon the other who had no agency in producing it and could not by any means have avoided it.

The issue is whether the defendant intended the act that produced the injury. The defendant argues that for an act to be done with the requisite intent, the act must be an external manifestation of the actor's will. Although the trial court found that the defendant could not form a rational choice, it did find that he could make a schizophrenic or crazy choice. Moreover, a rational choice is not required since an insane person may have an intent to invade the interests of another, even though his reasons and motives for forming that intention may be

entirely irrational. The following example is given in the Restatement: "A, who is insane believes that he is Napoleon Bonaparte, and that B, his nurse, who confines him in his room, is an agent of the Duke of Wellington, who is endeavoring to prevent his arrival on the field of Waterloo in time to win the battle. Seeking to escape, he breaks off the leg of a chair, attacks B with it and fractures her skull. A is subject to liability to B for battery."

We recognize that the defendant made conflicting statements about the incident when discussing the homicide. At the hospital on the evening of the homicide the defendant told a police officer that his father-in-law was a heavy drinker and that he used the beer bottle for that reason. He stated he wanted to make his father-in-law suffer for his bad habits and so that he would realize the wrong that he had done. He also told the police officer that he was a supreme being and had the power to rule the destiny of the world and could make his bed fly out of the window. When interviewed by Dr. Borden, the defendant stated that he believed that his father-in-law was a spy for the red Chinese and that he believed his father-in-law was not only going to kill him, but going to harm his infant child so that he killed his father-in-law in self-defense.

Under these circumstances we are persuaded that the defendant's behavior at the time of the beating and shooting of Polmatier constituted an act.