



Jed Carlson / Superior Telegram

Robert Lee Bennett III, right, watches testimony with his lawyers, Richard Jones, left, and Michael Hoffman in Judge Kelly Thimm's courtroom in the Douglas County Courthouse on Tuesday. Bennett is accused of fatally stabbing his mother, Cindy Bennett, in Superior in 2020.

GUILTY

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Under Wisconsin law, a person is not responsible for criminal conduct if, at the time it was committed, they lacked the capacity to appreciate the conduct was wrong due to a mental disease or defect.

The jury must answer two questions:

► Did Bennett have a mental disease or defect at the time the crime was committed?

► Did he lack the capacity to appreciate the wrongfulness of the conduct or to conform that conduct to the requirements of the law as a result of the mental disease or defect?

The burden of proof in this stage of the trial rests with the defense.

In his opening statement, defense attorney Michael Hoffman referenced testimony and evidence that was already

presented to the jury during the first phase of the trial, which began Monday, Dec. 5.

Bennett was exhibiting strange behavior prior to the homicide, according to witnesses. He called 911 and identified himself as Robert Bennett or "whoever I am." Later, he identified himself to a Superior Police Officer as "Boonaga." He made strange statements while being interviewed following the stabbing, Hoffman said.

"Talking about passing the number around; not recognizing his mother; he was strangely bothered by a computer; bringing up pumpkin, candles, cheese; cheese is good on crackers ... All sorts of strange and unexplainable answers and behavior," Hoffman said.

He told the jury the evidence will prove Bennett had a mental illness at the time of the offense and that he lacked the capacity to either appre-

ciate the wrongfulness of his conduct or conform to the requirements of law.

"You've seen some peculiar evidence by this defendant, there is no question about that," Assistant District Attorney Angela Wilson told the jury in the state's phase two opening statement, but "strange is not a mental disease. Odd is not a mental disease."

Just as defense attorney Richard Jones told the jury Wednesday that odd is not enough to find a man guilty, Wilson said, "Odd is not enough to absolve him of the responsibility for his mother's murder."

She said that Bennett did not attack any of the officers who responded, or any other members of the family who were present. She also told the jury that he refused to provide the information needed to make a reliable diagnosis or conclusion when meeting with psy-



District Attorney Mark Fruehauf listens to Judge Kelly Thimm in the Douglas County Courthouse on Tuesday during the trial of Robert Lee Bennett III who is accused of fatally stabbing his mother, Cindy Bennett, in Superior in 2020.

chiatrists for both the defense and prosecution. "This part of the trial is about responsibility," Wilson said.

If the jury finds that Bennett was not responsible for his actions, he

will be committed to the custody of the Wisconsin Department of Health Services and be placed in an appropriate institution, unless the court determines that he would not pose a dan-

ger to himself or others, Judge Kelly Thimm told the court.

If he is found responsible, the first-degree homicide charge carries a penalty of life in prison.

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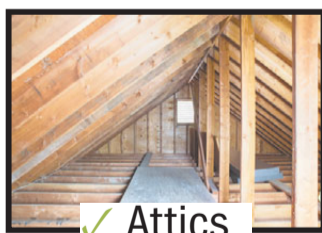


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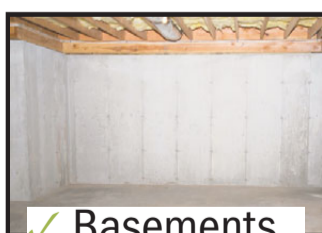
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