

# What Would The Waffle House Shooter Have To Prove To Make An Insanity Plea?

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*Travis Reinking is accused of murdering four people inside an Antioch Waffle House last month.*

A Nashville judge has ordered that the alleged Waffle House shooter undergo a mental health evaluation before returning to court.

It could be a hint defense lawyers are considering entering a not guilty plea by reason of insanity. But succeeding would take a lot more than proving the defendant is mentally ill.

Judge Michael Mondelli issued the order at the request of Travis Reinking's public defender. Reinking did not attend proceedings at the Justice A.A. Birch Building on Monday morning, his first court date since being arrested two weeks ago following a 34-hour manhunt. He's been charged with four counts of criminal homicide after opening fire on a Waffle House in Antioch.

The request opens the possibility that Reinking's attorneys are considering an insanity defense, which in Tennessee starts with a diagnosis — either for a disorder, like paranoid schizophrenia, or a mental defect, like a tumor which might affect a person's actions.

David Raybin, a criminal defense attorney who's been involved in several insanity cases, says the next question is whether that illness impeded the person's ability to appreciate that their actions were wrong.

"Appreciation is a little more subtle than knowing the difference between right and wrong," says Raybin.

"A person could be pushed off a building and I would know that gravity would take over, but I might not be able to appreciate that the person would die as a result because of my delusion."

Finally, Raybin says the defense must be able to prove their client was under a delusion and believed their behavior was legal or justified at the time of the crime. A person suffering from hallucinations, for example, might imagine they are being attacked and fire their weapon, while being convinced that they're acting in self defense.

But Raybin warns that the mental health evaluation doesn't guarantee lawyers will go that route.

"There is abundant evidence that this person may have had mental health problems in the past," says Raybin. "As a result, his lawyer is obligated to do this. This is not just a speculation, this is a legitimate defense in Tennessee."

In the Waffle House case, there are plenty of signs that Travis Reinking might have been mentally ill. Some who knew Reinking questioned his mental stability for some time. Before he shot up the Antioch Waffle House wearing nothing but a jacket, Reinking already had multiple run-ins with law enforcement, including an incident at the White House which resulted in his firearms being taken away.

In 2016, Reinking told authorities that the singer Taylor Swift was stalking him. There was also a bizarre incident in which a woman claimed he attacked her in a hotel and another at a pool where Reinking, who had been wearing a pink dress, allegedly exposed himself to lifeguards.

Even if Reinking's lawyers decide to enter an insanity plea — and if they are able to convince a jury with clear and convincing evidence that he was legally insane at the time of the shooting — Reinking would still be locked up.

He'd be committed to a mental health hospital. Then, only a judge would be able to release him down the road, if ever.

Reinking is due back in court in three weeks for a status hearing, where the results of his mental evaluation could be discussed.