

Rob Reiner, wife Michele's murder case likely hinges on son's mental competency: experts

Nick Reiner charged with first-degree murder with special circumstances in double-homicide case

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As new developments emerge following the horrific deaths of Rob Reiner and his wife, Michele, questions continue to surface about the double-homicide investigation and what's next for their son, suspected killer Nick Reiner — who was charged with two counts of first-degree murder with special circumstances.

Los Angeles County District Attorney Nathan J. Hochman announced the charges Tuesday during a press conference with LAPD Chief Jim McDonnell.



Rob Reiner and Michelle Reiner at the 66th Annual Directors Guild Of America Awards held at the Hyatt Regency Century Plaza Hotel in Los Angeles on January 25, 2014 in Los Angeles, California. ID [53401342](#) © [Starstock](#) | [Dreamstime.com](#)

"These charges will be two counts of first-degree murder with a special circumstance of multiple murders," Hochman said. "He also faces a special allegation that he personally used a dangerous and deadly weapon, that being a knife. These charges carry a maximum sentence of life in prison without the possibility of parole or the death penalty."

No decision has been made on whether they'll seek the death penalty.

On Sunday, Nick, was arrested on suspicion of murdering his parents, who were found dead inside their Brentwood, Calif., home just hours after allegedly getting into a verbal altercation with their son at Conan O'Brien's Christmas party the night before. Nick was located and taken into custody at approximately 9:15 p.m. near the University of Southern California campus.

The 32-year-old was initially booked on \$4 million bail, but records now show he is being held without bail. On Monday, he was transferred to the Twin Towers Correctional Facility, according to the Los Angeles County Sheriffs Department.

Though he was expected to appear in court on Tuesday, Nick was "not medically cleared" to do so, his lawyer, Alan Jackson, confirmed to Fox News Digital.

Los Angeles criminal defense lawyer Daniel Rubin told Fox News Digital that Nick's defense strategy will depend on a number of things — including his mental competency.

"His defense strategy will depend on a number of factors: the weight and admissibility of any collected evidence, the testimony of any witnesses, events leading up to the deaths, the defendant's mental health issues, and any possible mitigating factors," said Rubin.

"If he is mentally incompetent, he will be ordered to be assessed for 'competency' and he will need to be evaluated by specialists to ascertain his mental competency," Rubin continued. "If he is found 'incompetent,' he will need to be medicated or treated to the point where he will be able to assist in his own defense and understand the proceedings. That could take several weeks to several months."

"That the defendant wasn't medically cleared to appear [in court] could be evidence of an injury, a mental health issue, some other illness, or some other physical limitation on his being brought to court," he added.

His defense team could request a psychiatric evaluation, according to former federal prosecutor Neama Rahmani.

"The defense may ask for a psychiatric evaluation to argue not guilty by reason of insanity," Rahmani told Fox News Digital. "But for that, you have to be unable to know right from wrong. If you're capable enough to have an argument with your parents at a Christmas party, you are not insane."

"Insanity requires a psychosis, schizophrenia, or something similar such that Nick doesn't even know he's killing his parents," the West Coast Trial Lawyers founder continued. "He thinks, for example, they are aliens, demons, or that God is commanding him to do something."

"If you are coherent enough to have an argument with your parents, and you're disagreeing on something, that's not an insanity defense," the attorney added.

As far as what's next?

Celebrity divorce attorney Christopher Melcher, partner at [Walzer Melcher & Yoda LLP](#), told Fox News Digital that Nick might enter a plea of not guilty by reason of insanity.

"Nick might enter a plea of not guilty by reason of insanity at some stage in the proceeding, so prosecutors will want to obtain evidence to determine if that defense is viable," said celebrity lawyer Christopher Melcher, who is ranked as a [best family law attorney](#) in Los Angeles, CA.

"For a NGI [not guilty by reason of insanity] plea, Nick must prove that he had a mental health disorder that made him incapable of understanding the nature and quality of his act, or from understanding that his act was morally and legally wrong. It would be Nick's burden to show

those elements by a preponderance of the evidence, meaning that it is more likely than not that his NGI defense is true."

"First, there would be a trial on whether he committed the crime and, if he is found to have committed the crime, then there would be the insanity phase," [top family law attorney](#) Christopher Melcher continued. "Nick would be committed to a mental hospital if the jury found that he was not guilty by reason of insanity."

"Drug abuse or being under the influence of drugs, by itself, does not qualify as legal insanity," he added.

The night before the murders, family friends of the Reiners told the Los Angeles Times that Nick got into an argument with his parents at O'Brien's Christmas party. Many people noticed Nick was behaving strangely, according to the outlet.

"Nick was freaking everyone out, acting crazy, kept asking people if they were famous," a source also told People magazine.

Per TMZ, after Rob and Nick got into a "very loud argument," the director and Michele left the party.

Nick reportedly also got into a tiff with comedian and actor Bill Hader at the same party. A representative for Hader had no comment when reached by Fox News Digital.

From addiction struggles to violent outbursts, Nick has had his share of battles throughout the years.

Nick had allegedly been to rehab 18 times by the time he turned 22, according to The Hollywood Reporter.

Nick allegedly told the THR journalist Steven Zeitchik that rehab hadn't worked for him. "I just couldn't get by in these programs. I had resistance every time they tried to reach me," he said, according to Zeitchik.

"The program works for some people, but it can't work for everybody," Rob told Zeitchik at the time. "When Nick would tell us that it wasn't working for him, we wouldn't listen. We were

desperate, and because the people had diplomas on their wall, we listened to them when we should have been listening to our son."

Nick had been open about his struggles in the past.

In 2015, Nick and Rob released a semi-autobiographical film titled, "Being Charlie" — a movie loosely based on Nick's real-life experience with addiction and recovery.

Nick gave an interview about "Being Charlie" alongside his family at the Toronto Film Festival in 2015, saying his decision to quit heroin was driven by a practical realization.

"I got sick of it. I got sick of doing that," he told the Times. "I come from a nice family. I'm not supposed to be out there on the streets and in homeless shelters doing all these...things."

During that same interview, Rob spoke candidly about how he handled his son's addiction at the time.

"When Nick would tell us that it wasn't working for him, we wouldn't listen," he said. "We were desperate, and because the people had diplomas on their wall, we listened to them when we should have been listening to our son."

"We were so influenced by these people," Michele added. "They would tell us he's a liar, that he was trying to manipulate us. And we believed them."

Fox News Digital's Larry Fink contributed to this post.