Patterson fights mental code

By ROBERT KIPPER

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OAKLAND COUNTY—Prosecutor
I. Brooks Patterson, who said the
new state mental health code provides
for 'the wholesale release of some of
the most dangerous people in Michgan.' is preparing to fight the new
code in Circuit Court

Patterson has directed his chief appellate coursel to appeal a recent Probate Court ruling that might release
Sāyear-old Robert Ray Reno, who
was charged with killing a Ferdodale
man in 1973

Reno is one of many persons institutionalized for their alleged who
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THE MENTAL health code, designed by the state legislature to safeguard the civil rights of persons in institutions, has prompted considerable ordusion and opposition among the judges, prosecutors attorneys and psy-



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L. BROOKS PATTERSON

chairists who have grappled with it since it took effect last November. The code gives all mental patients the right to a probate court hearing every six months to determine whether they still require commitment. In order to keep a person in an institution it must now be demonstrated in court that the person is mentally ill or that the constitutes a danger to himself or society. This means that persons like Reno, who were acquired of criminal charges but placed in institutions, can now be freed if the prosecutor can prove reasons still exist for institutionalization.

LAST WEEK Patterson's office failed in its effort in probate court to extend state supervision of Reno

Three psychiatrists refused to term Reno mentally ill so committment pe-titions were thrown out. One of the psychiatrists called Reno dangerous and another said he had homocidal tendencies.

Patterson now plans to appeal be-fore Circuit Court Judge Robert Web-ster, who presided over Reno's 1973 murder trial

Patterson will ask that the state ende be declared unconstitutional because it fails to provide an adequate definition of "mental illness"

Without a precise definition, Patterson claims, psychiatrists can't determine when to testify that a person is

Although Webster's ruling on the code would apparently only apply to his court, it could establish a precedent for other circuit court judges to follow

SINCE JUDGE Webster's ruling could be appealed by either side to the State Court of Appeals, and subsequently the State Supreme Court, it

A State Supreme Court ruling that he code was either unconstitutional

the code was either unconstitutional collecting in some way would require that the state legislature overhaul its mertal health code. Robert C Williams, Patterson's chief appellate coursel, said if a state court test on the statute doesn't come from the Reno case it is only a matter of time before a different case tests the issue. Williams said there is too much uncertainty and opposition about the

uests the issue Williams said there is too much uncertainty and opposition about the
code, and too many potential test
cases. For some prosecutor somewhere in Michigan to light the code in
higher court
PATTERSON SAID his office will
oppose the release of as many as 27
persons, now confined, who once committed crimes in Oakland County
Currently, between four and eight
such cases are in various legal stages
Although Patterson said the challenge will be made on a case by oase
beaus in probate court, he implied he
would be willing to make anyone a
case in higher court. In implied he
would be willing to make anyone
a clease in higher court.
Besides Reno, other current cases
involved with the mental health code.
DR. DANTEL BOUCHER, a former
West Bloomledd dentist charged—and
once found guilty—of murdering his
exwife in 1911. Although scheduled
for a retiall due to a legal technical
tity. Boucher was declared incompetent to stand trial and institutionalized He may still be considered incompetent to stand trial yet
in dangerous enough to be held in an
institution.

ARTHUR DaFRAINE. a Troy

not dangerous enough to be held in an institution.

ARTHUR DIFRAINE. A Troy youth, found innocent of attempted murder after two psychiatrists testified he was insane. Difraine was allegedly involved in shooting a policeman and two others with a rifle from a second story window in 1972. Diffraine was made a ward of the State Mental Health Department and the prosecutor's office has petitioned that he remain under the state's supervision.

CHARLES PORTUS, a 19-year-old CHARLES PORTUS. a 19-year-old judged innocent by reason of insonity in the July 1973 slaving of a seven-year-old Farmington Hills child Portus' attorness have petitioned for its release and the prosecutors' office is opposing it One psychiatrist who inonically helped Tortus get an increal verdict by reason of insanity, has now turned prosecution witness to testly that due to a psychotic illness. Portus should remain institutionalized.



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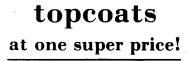
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