

# Jury weighs Boucher's future

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He was convicted of her murder in a non-jury trial in 1971. That conviction was overturned by an appeals court in 1973 based on a procedural error during the trial.

Boucher was declared mentally incompetent to stand trial until a 1979 hearing at which Andrews ruled he was fit for trial.

He was charged but never tried in the slaying of their 7-year-old son the same night, Andrews ruled too much time has elapsed for trial on that charge.

**TESTIMONY BY** Dr. William Gordon, who examined Boucher at the time of the killings, conflicts with that given by Dr. Emanuel Tanay, opening defense witness, who examined Boucher three days later.

Dr. Tanay characterized Boucher as mentally ill at the time of the shooting. Dr. Gordon, a prosecution witness, described a man with emotional problems, but who knew the difference between right and wrong and "was not in any fashion suffering from an irresistible impulse."

"I felt this man had the potential for regressing and becoming mentally ill," he said.

Dr. Tanay said Boucher was suffer-

ing from "dissociative reaction" at the time that he saw him and from the delusion that his wife was involved in a lesbian conspiracy.

Dissociative reaction is generally characterized by loss of memory, Dr. Gordon explained. He indicted Boucher had near-perfect recall of the night's events.

"I SAW NOT one shred of any indication that fit into the possible category of dissociative reaction," Gordon said. He said there was no evidence of delusions, of hearing voices or that there was any kind of collusion or plot against him."

Dr. Gordon described Boucher at the time of his 14-hour examination and association with him as a man who "knew exactly what he had done, where he had gone and why he had done it at least in his own mind."

"He told me he went to her home in order to kill her," Dr. Gordon said. "I'm tired of all this . . . and I'm tired of her wanting to bust me financially. Instead, I got to her first." Dr. Gordon quoted Boucher from notes taken during the physical, psychological and neurological examination.

Dr. Tanay had said: "In my opinion, he was unable to control his behavior. He was dominated by the disruptive rage within him. That part of the per-

sonality that controls behavior was not operating."

Dr. Tanay said Boucher reported taking a significant amount of barbiturates ahead of the murders, which apparently failed to take effect.

There was no evidence of drugs in the body, Dr. Gordon testified.

**MRS. BOUCHER'S** daughter by a previous marriage and son-in-law, Mr. and Mrs. Ronald Mallek, have attended certain segments of the trial. Mallek testified for the prosecution.

Boucher was arrested at the Mallek's Birmingham home, where he allegedly shot out the front window of their house following the killing of his wife and son.

Mallek said after 12 years they are not vindictive toward Boucher. As the question of his ability to stand trial has come up over the years, he and his wife have been forced to relive the event, he said.

Mrs. Mallek asked for correction of one item presented in the trial.

"It may seem like a small thing," she apologized, but my mother was 49, not 53 when she died. And she was five years, not eight years older than Dr. Boucher.

"Knowing my mom, she was a very attractive woman. She wouldn't have wanted to be 53, when she was only 49."



RANDY BORG/Staff photographer

A firefighter walks through the rubble of one of the units at the Kensington Apartments.

## Fire officials probe blaze

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As firemen chopped through her ceiling, Lena Neilson stood on the sidewalk fighting back tears.

"I knew I cleaned up the apartment for something yesterday," she said. "Somebody was coming over."

She stressed that she was "grateful to be alive" but regretted the loss of sentimental items such as those belonging to her late husband.

Vern Mahle explained that he had just sold his house and had only lived in the apartment for 10 days before coming home from shopping to find his place on fire. Mahle said he isn't sure if his insurance has transferred to cover his extensive furniture losses.

"What will I miss most?" Mary Ellen

Salley said. "My cow bells, my piano, anything that was my parents'."

She phoned a friend to tell the news of the fire, and first broke down crying and then laughed and said "A reporter just asked my what I'd miss most, and I told him the cow bells."

Other uprooted residents include

Marvin Neer and his daughter, whom he did not identify; John and Betty Walton; Donna Bishop, who had lived in the apartment only six days prior to the fire; Gene Manuel; Craig and Velma Flynn; Ella Hiestler; Scott Montgomery; Wylie and Ruth McClure; Bruce and Robert Kanter; Clara Stevenson; Steven Andrews and John Richards.

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