

Jury rules Boucher is guilty in wife slaying

By Judith Barnes
staff writer

Former Birmingham orthodontist Dr. Daniel J. Boucher will appeal Monday's first degree murder verdict for the murder of his ex-wife to further extend the longest running criminal case in state history.

The appeal will be on a number of issues, said defense attorney Thomas Binion. These include the verdict, lack of a speedy trial, double jeopardy, denial of the right of confrontation and issues from an earlier trial on the murder charge.

Boucher, now 55, was convicted Monday of the 1968 shotgun murder of Blanche Boucher in the West Bloomfield home they once shared. A jury of three women and nine men found him guilty of the slaying following 2½ hours of deliberations.

Jurors rejected the defense of temporary insanity based on Boucher's belief that his former wife was ruining him financially. The court ordered sale of his 700-acre estate near Oxford for unpaid alimony earlier on the day of the murder.

The couple, married in 1959, had been divorced for seven months.

Boucher's recorded confession on the night of the slaying was admitted as evidence in the case. A psychiatrist who examined him three hours after the slaying testified Boucher knew the difference between right and wrong and understood what he had done and the ramifications.

He is scheduled to receive the mandatory sentence of life imprisonment April 28 from Oakland County Circuit Court Judge Steven Andrews.

"IT'S A HOLLOW victory. There's no satisfaction here. No one wins," said Mrs. Boucher's daughter, Betsy Mallek. "But justice has at last been fulfilled."

Boucher was arrested the night of the murders outside the Ronald Mallek's Birmingham residence, where he had reportedly shot out the front windows of the home.

Mrs. Mallek expressed relief that the trial was over. "There's no malice on our part. It's a matter of getting your life back in order."

"I feel that the defense did as good a job as can be expected," Mrs. Mallek

added. "But I feel there was no defense. It was truly a malicious, planned crime. The facts speak for themselves."

Mrs. Mallek gave credit to the Oakland County Prosecutor's office for staying with the case for more than 12 years during which Boucher was in and out of state mental hospitals.

Boucher was convicted of his former wife's murder in a non-jury trial in 1971. The verdict was overturned in 1973 due to an improper court procedure.

Boucher was charged but never tried for the shotgun slaying of the couple's 7-year-old son on the same date. Judge

Andrews, who in 1979 ruled Boucher mentally competent to stand trial, also decided against prosecution for the boy's death due to lack of a speedy trial.

"I FEEL THAT the verdict was fair and just," said Oakland County Prosecutor L. Brooks Patterson.

"What I'm particularly proud of is that it's a crime that's 13 years old. It would have been easy for this office to lose interest," Patterson said. "But we never lost sight of the fact that a mother and a young boy were killed."

"I'm sure people will say we lounded the poor man. But I think the family

expressed it. They said that (bringing Boucher to trial) makes them feel that somebody still cared."

Both Mrs. Mallek and Patterson praised the efforts of Assistant Prosecutor Edward Sonick in pursuing evidence and lining up witnesses after more than 12 years' time.

Dr. William Gordon, who supplied key psychiatric testimony for the prosecution, was brought in from California. West Bloomfield Detective James Stevenson, no longer in police work, flew in from Washington.

Binion said the time lag worked against his case since potential witnesses couldn't be located or had for-

gotten events. "We had great difficulty getting witnesses to come forth and testify," he said.

"DR. BOUCHER never expected to get a fair trial in Oakland County," Binion said. "Brooks Patterson has really bounded this man."

"I don't think it was a proper verdict," he added. "I realize it's difficult for people to have an understanding about mental illness."

Although Boucher testified in a pre-trial hearing, Binion elected not to put him on the witness stand during the two-week trial.

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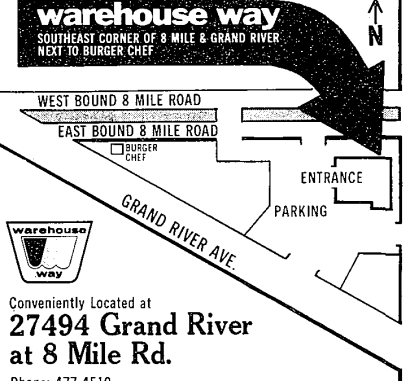
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