

Insane or mentally ill a powerful distinction in state's judicial system

Criminally insane defendants face lifelong treatment and strict supervision under state law; but no such scrutiny follows mentally ill people charged with violent crimes who are found incompetent to stand trial.

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Rickey Beaver, 52, upper left, is insane in the eyes of the state, but he's not mentally ill. Jonathan Meline, 30, who killed his father with a hatchet in 2012, is mentally ill but not insane. The two men mark two sides of a legal paradox.

STAFF PHOTO ILLUSTRATION

Rickey Beaver is not crazy, but he's officially insane. It's a legal thing.

He's 52, a long-term screw-up, a drug addict and a jailhouse lawyer with a history of low-level convictions. In 2004, he was charged with residential burglary after a failed break-in and found not guilty by reason of insanity.

Multiple psychological evaluations conducted by state experts between 2005 and 2013 conclude he's not mentally ill — just an addict.

Jonathan Meline is a paranoid schizophrenic whose history includes more than 300 contacts with the state mental-health system in Pierce and Thurston counties since 2004. In August 2010, he tried to run a man over with a car. He was found incompetent to stand trial. By January 2012, he was free.

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He believes leaders of a worldwide conspiracy replaced his parents with evil duplicates. To strike back, Meline chopped his father to death with a hatchet in October 2012.

Ten years of psychological evaluations conclude he's mentally ill, delusional and dangerous. But he's not insane, not officially.

That too is a legal thing: the subtle difference between insanity and incompetence.

The two words define two walls of a bureaucratic chasm. It's a grim joke at the Pierce County courthouse: You can't plead insanity if you're crazy.

The definitions are complicated. The practical results are simple: Insanity leads to long-term treatment and less liberty. Incompetence is the shorter road to freedom.

It's an age-old dilemma, a legal conundrum in Washington and the nation, the byproduct of a judicial system trying to be fair to people with mental illness.

People found criminally insane by the state face years of strict supervision that can last a lifetime. People charged with violent crimes, but deemed incompetent to stand trial, do not. They can walk back into the community, unfettered and unwatched.

“A maddening dichotomy,” said Pierce County prosecutor Mark Lindquist. “Someone is too mentally ill to be held accountable, but apparently not ill enough to be held by Western State Hospital.”

“It's a crack in the system,” said Ron Adler, CEO of Western State.

A new law pushed by Lindquist and passed by state lawmakers last year was designed to narrow the gap — but it's not closed. The law allows a panel of state experts to review releases of patients such as Meline, providing a potential warning system. But the panel's work has barely begun, and its authority is limited.

Meanwhile, reality spits out a paradox: Beaver, 52, a bungling burglar who failed to steal a video camera a decade ago, can't skip regular appointments with a state community corrections officer, or risk missing a counseling session. If he slips, he goes back to the F-Ward at Western State, the state's largest and priciest mental-health facility, where a single psychiatric bed costs an estimated \$200,000 a year.

Meline, 30, who tried to run a man over in 2010 and claimed alignment with the all-powerful Illuminati, was found incompetent to stand trial. Charges, filed twice, were dismissed in July 2011. He was sent to Western State and released five months later with no supervision or explanation, delivered to the parents he believed he was destined to kill.

Today, he hovers over the chasm: insane or incompetent?



Western State Hospital. Staff file photo.

FAMILIAR WITH COURT SYSTEM

For now, Meline is competent. He resides at the Pierce County Jail. In October 2012, prosecutors charged him with first-degree murder. In August 2013, he was found competent to stand trial. His defense attorneys are fighting to reverse that finding. The next hearing is set for next month.

Meline knows how the court works. He knows the roles of the judge, the prosecutor and defense attorney. He thinks they're all in on it.

So far, he refuses to plead insanity, court records state. He expects his defense team to argue for his conspiracy theories, to bring out the truth about the Illuminati and mysterious child-killers, and prove a case of justifiable homicide.

“Mr. Meline has no insight into his mental health ... does not believe his symptoms are related to mental health, but his divine power.”

“...(Meline) does not possess the present ability to have a rational understanding, nor does he have the capacity to assist in his own defense.”

– psychological evaluation, 12-3-13

He's not the only mentally ill killer in the Pierce County system.

Two days after Meline killed his father, Meshawn West stabbed her mother to death. West, 40, had just returned to the family home on South Hill after a period of homeless wandering in Las Vegas. She believed she was being "spiritually raped" by her mother, according to court records.

"I had to stop this and put an end to it," she told county sheriff's deputies.

She's charged with first-degree murder. She resides at Western State. Like Meline, she hovers over the chasm. Three psychological evaluations conducted over the past year diagnose her as a paranoid schizophrenic, incompetent to stand trial. Prosecutors hope to restore her; her most recent evaluation, conducted in July, showed little progress.

"The defendant is still psychotic. She continues to harbor delusions that she is being persecuted by witchcraft, especially by members of her family."

– forensic psychological evaluation, Western State Hospital, 7-12-13

West's next competency hearing is scheduled for Jan. 8.

INSANITY VERDICT FOR BURGLARY

Aug. 27, 2004: Rickey Beaver pushed a shopping cart through a Federal Way neighborhood. Released from McNeil Island Corrections Center three weeks earlier after a 13-month stint for theft, he'd relapsed and smoked crack all night. He was strung out and jonesing for drug money. It was noon on a sunny Friday; he wore shorts and a black T-shirt.

A neighbor pulling out of his driveway for a lunch run noticed the man with the shopping cart and gave him a suspicious look. Beaver watched the car disappear and padded into the backyard. He cut a window screen with a pair of pruning shears and tumbled in.



"A maddening dichotomy. Someone is too mentally ill to be held accountable, but apparently not ill enough to be held by Western State Hospital."
- MARK LINDQUIST
Pierce County prosecutor

He looked around for something to pawn and spotted a video camera on a shelf. He stuffed some clothes and the camera into a garbage bag and heard pounding on the walls of the house; the neighbor was back.

Beaver dropped the swag and spilled through the open window. He was 42 and he weighed 300 pounds, but he could still run a little. Neighbors shouted in his wake. He shouted back, bragging that he would go get a gun. It was an empty threat. He fell, got up, clambered over a fence and ran.

Police officers rolled into the neighborhood. One of them caught up with Beaver and ordered him to stop. Beaver ran. The officer fired a stun gun bolt. Beaver fell — his face slammed the sidewalk. He tried to get up. The officer hit him with another bolt.

Beaver kept trying to get up. The officer fired more bolts — the police report lists a total of eight.

King County prosecutors charged him with residential burglary. Beaver had a long record, a history of petty thefts and drug-related crimes. The court sent him to Western State for a competency evaluation.

The contours of a bargain were forming. Beaver's attorney opted for an insanity defense, hoping to prove the defendant was out of touch with reality when he broke into the Federal Way house. That was a surprise to the defendant.

“(Beaver) expressed confusion about his psychological examination; he indicated that he did not know who I was or that he would be examined psychologically. Once it was explained that his attorney arranged for his examination, he indicated that he had not spoken to his attorney recently.”

– psychological evaluation, 6-27-05

Looking back, Beaver said he had no idea what his defense attorney and the prosecutor had agreed to do.

“I didn't know the deal that him and the prosecutor was making,” he said.

He soon found out. Two psychological evaluations conducted at the time found that he had a long history of drug abuse, suffered from depression and post-traumatic stress disorder, and that he presented no danger to others. He couldn't remember much about his confrontation with the officer or the stun-gun shots.

“He has not shown overt symptoms of a major mental illness, during this evaluation.”

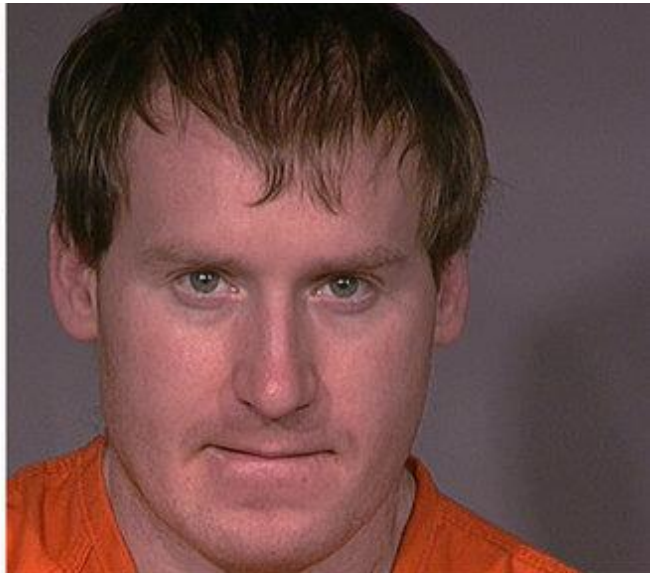
– psychological evaluation, 1-27-05

The verdict came in August 2005, the product of the deal. There was no trial. Beaver, a failed burglar, was found not guilty by reason of insanity.

Lindquist, the Pierce County prosecutor, can't speak to decisions made a decade ago by his counterparts in King County. But he and other staff members can't recall a local case where a low-level charge such as burglary ended with an insanity verdict.



BEAVER, 52, a bungling burglar who failed to steal a video camera a decade ago, can't skip regular appointments with a state community corrections officer, or risk missing a counseling session. If he slips, he goes back to the F-Ward at Western State Hospital.



MELINE, 30, who tried to run over a man in 2010 and claimed alignment with the all-powerful Illuminati, was found incompetent to stand trial. Charges, filed twice, were dismissed in July 2011. He was sent to Western State and released five months later with no supervision of explanation.

98 PATIENTS CHARGED WITH FELONIES

As of Dec. 18, 98 patients charged with felonies were housed at Western State, waiting for competency evaluations. Four of those patients (including Meshawn West) had been charged with killing offenses.

Findings of incompetence, followed by dismissed charges, would send those patients from the hospital's forensic side to the civil side — a path to potential freedom, measured in increments of six months or less. Patients transferred to the civil side begin to earn privileges that can lead to release from the hospital, free from supervision.

That's what happened to Meline in January 2012, five months after he was found incompetent to stand trial and charges against him were dismissed.

That's also what happened to Tammie Beth Pinkney, a Buckley woman who shot her boyfriend to death in 2009.

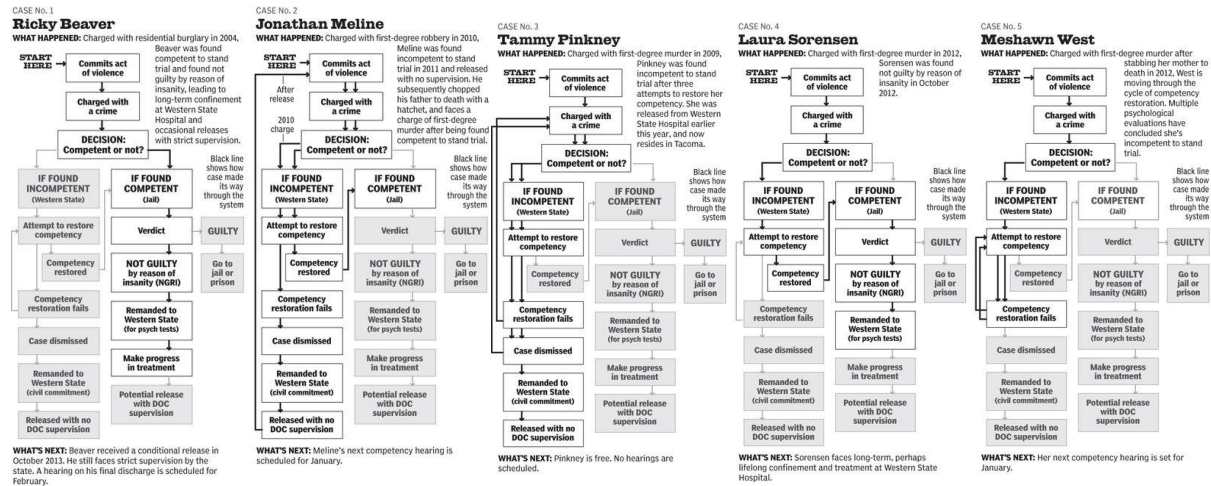
She confessed her actions to detectives. Three times, prosecutors charged her with first-degree murder. Three times, she was found incompetent to stand trial, forcing prosecutors to dismiss charges. She moved from the criminal to the civil side of Western State, and was released in June. As of July, she was living in Tacoma.

The pattern resurfaced in July, when Whatcom County prosecutors were forced to dismiss second-degree murder charges against Per Olaf Johansson, a Bellingham resident who stabbed his father to death in December 2010, and wounded his mother and niece.

Johansson, diagnosed with paranoid schizophrenia, refused to pursue an insanity defense. In jail, he hoarded his feces. He was found incompetent to stand trial, and shifted from the forensic side of Western State to the civil side. The state notified the Whatcom County prosecutor and sheriff that Johansson would begin to earn privileges that could lead to his release.

County law enforcement leaders boiled. State leaders apologized, and revised the wording of future notification letters. Johansson remains at Western State, on the civil side, theoretically eligible for release in the future.

These diagrams outline the course five cases have taken through the system. Click for full size:



INSANITY VS. INCOMPETENCE

Insanity is different from incompetence. Incompetence is fluid — “a moveable feast,” in the words of defense attorney John Chin, a recently retired member of Pierce County’s public-defense team who has represented Meline in court.

Insanity is a snapshot — a moment in time that never changes. A verdict of not guilty by reason of insanity refers to an offender’s state of mind; the knowledge of right and wrong when a crime was committed.

“Incompetence is a moving target,” said Lindquist. “It can be restored with medication, whereas you either were or were not insane when you committed the crime.”

The difference is confinement. An insanity verdict comes with more strings.

“Not guilty by reason of insanity, even though it starts with the words not guilty, actually carries a lot of restrictions on liberty,” Lindquist said. “It’s not a clean not-guilty.”



Sorensen

It’s not clean because it leads to long, sometimes lifelong residence at one of the state’s two mental hospitals. Western State currently houses 142 patients acquitted on insanity verdicts.

One of them is Laura Sorensen, 21, who entered a grocery store on the Key Peninsula in August 2012, shot one man to death and wounded two others. She thought she was hunting pedophiles, according to statements in court records.

Sorensen was found not guilty by reason of insanity in October. Her mother has said she tried repeatedly to gain mental health treatment for her daughter before the shooting, but met with indifference from the state mental health system.

Sorensen’s acquittal translates to a long stay at Western State. Any release would include supervision by the state Department of Corrections.

INSANE GET SUPERVISION

At various points over the past 10 years, Rickey Beaver became one of roughly 40 people statewide released at any given time from the state’s mental hospitals after an insanity verdict. All are subject to continuing state supervision; conditions vary with the individual.

In December 2006, experts at Western State recommended Beaver’s conditional release. He’d been housed at the hospital for 17 months. An unbroken string of evaluations concluded he wasn’t mentally ill. He had a drug problem.

“Mr. Beaver has not demonstrated any psychotic symptoms. ... He is medication compliant and he exhibits no signs or symptoms of a mental illness. His progress, however, does not mean that

he is cured of his substance abuse disorders, but rather these are disorders that are lifelong and need to be addressed through treatment and by developing a thorough program of recovery.”

– Western State Hospital records, 12-18-06

The release conditions were tough. They included a month-long stay in a drug treatment program, twice-a-week check-ins with a state community corrections officer (including random visits) and no use of drugs or alcohol. Failure was a ticket back to the F-Ward.

Beaver knew all about that. He’d been writing his own legal briefs for years. He filed petitions to replace his lawyers. He filed complaints about his medications and his drug treatment. His argued his rights were being violated.

After his release in February 2007, he moved in with his parents. He lasted six months and failed a drug test in July of that year. To his community corrections officer, he admitted using cocaine and marijuana. That was enough to pull him back into the hospital for six months.

He ran the loop three times in the next three years: discharged with conditions, a few months of good behavior, then a relapse, a missed meeting with his CCO and back to the F-Ward at Western State, where staff psychologists again concluded he wasn’t mentally ill; just a chronic addict.

“He has not shown symptoms of a major mental illness during his current stay. ... He has shown some mood fluctuations, but these could be the result of being in a locked facility.”

– progress report, Western State Hospital, 6-16-10

Beaver’s stream of handwritten legal briefs added a new point: The state doctors said he was a drug addict, but Western State didn’t offer drug treatment. They said he wasn’t mentally ill, but they were holding him all the same, and they’d been holding him off and on for six years.

The bed at Western State, where no in-house drug treatment was provided, cost an estimated \$200,000 per year. A state prison bed, with in-house drug treatment provided, costs an estimated \$32,000.

“If I’d went and pleaded guilty to the crime, to the burglary, they probably would have gave me a deal — 20-something to 40-something months,” he says. “I probably would have went to prison — and I would have gotten substance abuse treatment while I was in there.”

INCOMPETENT, CHARGES DISMISSED

Aug. 24, 2010: Jonathan Meline liked the looks of the new Jeep Wrangler. He wanted a test drive. The salesman at Tacoma Dodge handed him the keys and circled around to the passenger door.

Meline was too fast for him. He started the Jeep and locked the doors. The salesman knocked on the window.

“The defendant looked right at (the dealer), turned the vehicle directly at him and attempted to run (the dealer) down while backing up.”

– charging statement, Pierce County Superior Court

The salesman chased the Jeep and got in front one more time. Meline shouted, “I’ll run your ass over.” The salesman dodged. Meline roared out of the lot.

Police officers found him a few hours later.

“I took this for the people,” Meline said. “I’m in line with the Illuminati.”

A Western State psychologist assessed Meline’s competence in October 2010.

“He believes that at the time of his arrest he was being threatened, harassed, kidnapped and molested by persons who were punishing him for making critical statements about former President George Bush and the war in Iraq. He claims at the time of the alleged car theft he was acting in self-defense. He expects his lawyer to base his self-defense claim on his delusional beliefs. He believes that a jury will acquit him when presented with his delusional facts.”

– psychological evaluation, 10-6-10

The evaluation said Meline was incompetent. Charges were dismissed. Prosecutors tried again and refiled charges. A second evaluation said Meline was incompetent. Charges were dismissed again July 22, 2011. Meline moved from the forensic to the civil side of the state hospital. He was walking the path to freedom — and treatment wasn’t doing much to fix him.

“Despite treatment, he continues to have fixed paranoid delusional beliefs about the ‘Illuminati’ at the time of the alleged crime. He is likely to act on these beliefs again. He should not be released from jail absent an evaluation.”

– psychological evaluation, 4-7-11



Western State Hospital. Staff file photo.

IN AND OUT OF WESTERN STATE

The same week that charges were dismissed against Meline, Beaver won another conditional release from Western State.

The conditions were familiar: no drugs, regular meetings with a community corrections officer, regular attendance at drug treatment sessions. Beaver got his own apartment.

This time, he lasted six months. On Jan. 9, 2012, he missed a meeting with his CCO. The cause was an old friend, crack cocaine. The relapse allowed the state to reel him into the F-Ward like a trout on a hook.

Insanity is a snapshot – a moment in time that never changes. A verdict of not guilty by reason of insanity refers to an offender’s state of mind; the knowledge of the right and wrong when a crime was committed.

As Beaver arrived at the hospital, Meline left. For reasons that remain unclear, he was discharged Jan. 12, 2012, according to court records. There were no conditions to follow, apart from monthly injections of his medication.

His mother, Kim Meline, remembers the call she got from the hospital that day and the message that her son would be released.

“And what are you going to do with him? Where are you going to house him?” she recalls asking. “They said, ‘We don’t have any money for that. Basically you have a choice: You can let him into your house or we’re gonna put him on the street.’ ”

Meline couldn’t be held any longer; he was incompetent. Beaver could be hooked; he was insane.

After two months, Western State experts recommended Beaver’s release. Once more, he was out, with strict conditions.

“Mr. Beaver has shown no signs or symptoms of mental illness. His presentation does not alter significantly whether or not he is taking psychiatric medication. There has been a pattern of his being sent to WSH without accompanying symptoms warranting psychiatric care.”

– psychological evaluation, 3-23-12

Three months later, at home in Tacoma on June 22, 2012, Jonathan Meline sat at the dinner table with his father, Robert, and made a quiet promise.

“I’m going to kill you,” Jonathan said.

His father, a school teacher, laughed.

The next day, Jonathan bought a hatchet. He hid it in his backpack and waited.

NIGHT OF HORROR

In October, Beaver, free for six months, hit the wall again. He missed a meeting with his CCO, Thomas McJilton, who called the King County prosecutor’s office.

On Oct. 25, 2012, McJilton reached Beaver on the phone. Beaver agreed to come in for a drug test. He admitted he’d been using cocaine. McJilton warned him that could mean a return to Western State.

On the same day, Meline stayed up late. He waited until 2 a.m. and walked upstairs to his father’s bedroom. Robert Meline was sleeping.

“I just grabbed the hatchet out of the bag and I went over and hit him in the head. He tries to punch at me and kick at me. I just keep hitting him with the hatchet. I had to do this because he killed children.”

– Meline statement to psychologist, 10-31-12

Meline walked downstairs, carrying the hatchet. His sister watched him. She asked him not to kill her. He said he wouldn't. He said he was going to turn himself in. Together in the dark, they walked to the Pierce County Jail.

PATIENTS ON DIFFERENT TRACKS

On Dec. 3, 2012, after spending a month in the jail, Meline arrived at Western State. So did Beaver. He had been arrested for drunken driving in Renton after sideswiping a parked car.

Incompetence is fluid – “a moveable feast,” in the words of defense attorney John Chin, a recently retired member of Pierce County’s public-defense team who has represented Meline in court.

He soon began seeking conditional release. The arguments were the same. Western State, a mental hospital, was holding him though he wasn't mentally ill, according to the repeated testimony of staff experts. Those experts said he needed drug treatment, but the hospital didn't provide it.

Beaver was attracting help. The Northwest Justice Project, a publicly funded agency providing legal assistance to low-income people, joined forces with Disability Rights Washington, a nonprofit agency, to file a federal complaint against Western State for its lack of in-house drug treatment.

Meanwhile, Meline was back on the familiar road of competency evaluation. On Jan. 1, 2013, he glanced at a Western State staffer and made a throat-slitting gesture. A doctor asked him about it. Meline said he was practicing “slitting child killers.” He added that doctors at the hospital were being cruel by prescribing medications and finished with a warning:

“I know you're in this whole system that's with the judge and child killers and I'm giving you one last chance to live ...and the judge better find me not guilty or he'll end up like the child killers.”

– **Meline statement, 1-2-13**

WOMAN SUES SON

While Meline threatened doctors at Western State, Beaver fought for freedom. Once more, Western State's experts said he wasn't mentally ill.

At a court hearing in January of this year, King County deputy prosecutor Alison Bogar said Beaver “poses an extreme threat to public safety.” She cited his drunken-driving arrest and his numerous violations.

Beaver's latest defense attorney, Marc Stanchever, argued that the state hospital didn't provide drug treatment — the one thing Beaver needed.

"If the court were to return him there indefinitely, it would be sort of a warehouse situation."

Superior Court Judge Brian Gain didn't like the picture.

"I'm concerned with using public safety as a reason to keep somebody in the mental health system, basically at Western State, which is basically preventive detention when there's no longer mental health issues that raise concern," he said. "I am concerned about using not guilty by reason of insanity as a preventive detention for persons who are otherwise risky to the public."

In August of this year, after months of hearings, Superior Court Judge John Hickman found Meline competent to stand trial. The decision wasn't final; Meline's attorneys are going another round on competency, with a hearing set for January.

In September, Kim Meline, devastated by the slaying of her husband and frustrated by Western State's actions, took the unusual step of suing her son. It's the only way to gain access to the hospital's internal records of Jonathan's treatment. She wants to know why he was released, despite repeated warnings that he was dangerous.

In October, Beaver won another conditional release, again with the usual conditions. Three weeks ago, he stood before Judge Gain at the King County Regional Justice Center in Kent to hear the requirements spelled out.

Once more, Western State's experts filed statements supporting the release. Once more, deputy prosecutor Bogar argued against a final discharge. Additional review was needed, she said.

Once more, Gain was uneasy.

"I'm a little skeptical of keeping somebody who is not mentally ill on this program," he said.

Gain agreed to hold another hearing in February — a prelude to full freedom, 10 years after Beaver's bungled burglary.

"The only complicating factor is Mr. Beaver," the judge said, turning to the defendant. "You want to be off of this. I want you to be off of this. Everybody wants you to be off of this. So stay out of trouble."

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