

Justice Awry

The criminal justice system is a necessary element in the modern America form of government- acting as a deterrent to drug use, petty thieves and keeping us safe from murderers, rapers, kidnappers and their ilk. To state it plainly, the criminal justice system is necessary.

An unknown fact about our system is the District Attorney General's Office has unparalleled discretion to prosecute a case to the "fullest extent of the law." Although there are safe-guards in this machine, those safe-guards are wholly inept and more symbolic than real. Part of this discrepancy is, the burden is on the government to "prove it's case."

Because this inherent power is in the hands of the government, there is normally a policy of conviction over - and versus- justice. Justice is that elusive term that is usually misnomered punishment. Due to this confusion, our penological system is overflowing with this archaic and draconian form of punishment instead of justice.

In the American justice system, there is an overflowing of the mentally ill and or incompetent individuals. This segment of our society does not have legal and psychiatric advocates to ensure they are meted justice- instead of only punishment.

All 50 states have enacted legislation declaring it is fundamentally unfair, and illegal to punish the criminally insane. This form of legislation is usually derived at in two (2) ways: (1) Insanity Defense; and (2) Competency to Stand Trial. These procedural due process rights - inherent in both the state constitution and federal constitution- is designed for true and legitimate cases, not for social aberrants who have personality disorders.

With these safeguards in place, how is it possible for many to slip through the cracks?

The answer is simple advocacy.

In the writer's unique - yet not so unique- case, the writer has been clinically diagnosed with PTSD, Bi-polar disorder, anxiety attacks, schizophrenia, and CTE. The writer informed his court appointed counsel of this fact, and where to get appropriate documentation, including Life Net (Metro Care Services). The writer's court appointed counsel also became privy to accurate information that the writer, due to the above-mentioned mental health issues, "blanked out" (possibly due to the stress the writer was under and CTE) and does not recall committing a criminal act. The court-appointed counsel could only jokingly state, that the writer was a cause célèbre for CTE's. Instead the court appointed attorney should have been retrieving the documentation necessary to mount an effective defense, i.e. the [temporary] insanity defense, and learning about the conditions to which the writer is living under and suffering from.

Ah! The answer is crystal clear, and crystallized to perfection: justice goes awry when the parties in the criminal justice system are not informed of the developments in the medical (psychiatric) profession. This can be gauged effectively, by the just now burgeoning array of information being disseminated concerning CTE's (in relation to sports—and yes, the writer started playing sports at age 10- 19, and has had significant brain injuries.).

Justice so dictate that all crimes (except those exempted) must contain a *mens rea* (mental state) that says the offender knowingly, intelligently... committed an offense. The above-mentioned disorders effectively negate being able to knowingly... being able to appreciate a crime (the legal definition of [temporary] insanity)

How long will the mental health community be shut out of the legal spectrum? How long must a mental

incompetent individual suffer before help arrives? In short, how long must justice go awry?

The writer needs help in presenting his plea before the courts, to get the psychiatric help and justice, not punishment, the ends of justice dictate.

The writer gives express permission to any interested persons, organizations, individuals and/or attorney, law firm, Psychiatrist to join forces with the writer to have this matter properly presented before the courts.

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