

## **Mental Illness Leads to Imprisonment**

When Jay was 20 years old, he was charged with two counts of first-degree murder as well as one count of armed criminal action. Jay would maintain killing his grandmother's attacker in her defense was done in a fit of passion when he found her "choked out" on the floor of her apartment.

The specifics of the crime are horrendous and disturbing. With an extensive and documented history of periods of untreated mental illness, questionable mental competency, sexual abuse, and crushing poverty, Jay's path through the criminal justice system seemed destined to fail him. On his path through the system, Jay would have to overcome three obstacles. He is African American, poor, and suffering from severe mental illness.

Like many minorities with limited financial means, Jay was appointed a public defender, no doubt already swimming in cases. After Jay was charged and arrested, the court ordered a medical evaluation to determine his competency to stand trial. On July 26, 2005, the trial court entered an order finding that he lacked the mental fitness to proceed. Jay was subsequently moved to Fulton State Hospital in the custody of the Missouri Department of Health. He would remain there for four years without trial.

On August 30, 2006, the trial court once again reviewed Jay's competency to stand trial, and again declared him incompetent to assist in his own defense.

During his four year pre-trial confinement at the Fulton State Hospital, Dr. Erica Kempker, a psychologist who evaluated Jay, testified that she "observed evidence of previously malingered symptoms of mental incompetence" but that he was competent to stand trial. Despite objections, the trial court granted the Department of Health's motion to proceed.

Despite an extensive and documented history of Jay's mental illness, questionable intellectual ability, and a lifetime of trauma and violent abuse, the publicly appointed defense attorney decided not to enter a plea of insanity in Jay's defense. Had the defense done so, Jay may have been sentenced to a state hospital with the eventual possibility of conditional release. Instead, he was found guilty and sentenced to life without parole and transferred to one of Missouri's maximum security prisons.

Sentenced to life in his early thirties, Jay had hard time ahead of him. He would experience violent sexual assaults and torturous isolation. Since his incarceration in 2004, he has spent the majority of his time in segregation. The detrimental effects of prolonged solitary confinement on a person without mental disabilities are well established. In his correspondence, Jay reported that he was receiving psychotropic medications for schizophrenia and was also awaiting participation in a SSRU (Social Rehabilitation Unit) mental health program.

He relayed: "I've been in the hole almost my entire time in the Missouri Department of Corrections. I'm not PC [protective custody] and if I receive any conduct violations that's the only time I'll be placed on disciplinary segregation. I receive a regimen of psychotropic meds by mouth along with bimonthly injections. They are keeping me in solitary confinement. I haven't had a cell mate in 41 months. Please help me. I had help with this letter due to my illiteracy. I do not deserve to die in prison. I deserve a second chance. Thank you".

Jay's story is not just about a violent criminal act that ended the lives of two human beings, one admittedly at his own hands. It is also about the serious and far reaching individual and social consequences of not recognizing and adequately treating severe mental illness. At the bitter end of Jay's story is the questionable competency of the justice system when it comes to diagnosing, treating, and adequately housing the mentally ill human beings in their care, many of whom are trapped in the prison system for the rest of their lives.

Alleging that his defense counsel at trial was "not ineffective", The Missouri Court of Appeals, in 2012, denied Jay's motion for post-conviction relief. In 2015 Jay was advised that his only legal options would be a 'habeas corpus' and/or a plea for clemency. We have not heard from him since.