

Judge decides Blake insane at time of fatal stabbing

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VANCOUVER, Wash. — Donald Robert Blake was legally insane when he stabbed his girlfriend to death, Clark County Superior Court Judge John Skimas ruled Wednesday morning.

Blake was ordered committed to the maximum life term in the Western State Hospital in Steilacoom, Wash.

Skimas ruled that the "only conclusion" he could make based on testimony presented Monday and Tuesday was that Blake's defense attorney satisfied the test of state insanity statutes.

Washington law puts the burden on the defense to prove that the defendant, at the time the crime was committed, did not understand the nature and quality of the act or the difference between right and wrong.

In his closing arguments, defense attorney Steven Thayer said Blake, 31, was "a classic example of an individual who was mentally irresponsible" at the time of the stabbing.

Thayer said the "evidence is overwhelming" and that the "only conclusion a rational person could make" was that Blake was not responsible for his actions.

Skimas said the evidence "indisputably and unquestionably" showed Blake stabbed Linda L. "Dusti" Rush, 35, in the chest with a pair of scissors on April 25 inside the apartment they shared at 2411 Neals Lane. He had been charged with first-degree murder and faced a jury trial if Thayer's motion for acquittal on grounds of insanity were denied.

Skimas said that Blake was a substantial risk to public safety and to himself and ordered him detained in the state hospital for life.

State law says that if Blake shows sufficient improvement to be deemed "safe to be at large," hospital directors may petition for a "conditional release," said Dr. M.M. Vitols, Legal Offenders Program director at Western State Hospital.

But unlike federal laws governing the insanity defense of John Hinckley Jr., who was tried for shooting President Reagan, Blake would remain under court jurisdiction for the full length of the sentence and the conditional release would have to be granted by Skimas or his successor. Blake would bear the burden of proof that he should be released.

Skimas denied a prosecution motion to continue the hearing because the lone prosecution witness, Dr. Brett Trowbridge, was not available to testify Wednesday.

Trowbridge, a Western State Hospital staff psychiatrist, was to have been called Tuesday, but his car broke down in Chehalis, Wash.

Deputy prosecutor Jim Peters said Trowbridge would have testified that he believed Blake was sane at the time of the stabbing. Another hospital psychiatrist who co-signed a report with Trowbridge said he would not testify outside of the hospital's area, Peters said. Skimas said he found that explanation "inadequate."

Trowbridge's testimony "may not have changed the court's opinion at all," but should be heard in fairness to the case, Peters said.

Skimas noted that three other psychologists, including one hired by the state "who turned out to be a defense witness," testified that they believed Blake to be "criminally insane at the time he stabbed Linda Rush with scis-

sors and caused her death."

Testimony showed Blake suffered from paranoid schizophrenia and killed Rush because she asked to be relieved of the pain of a cancer she did not suffer, and because Blake believed he was commanded by God.

Witnesses described Blake as being confused and having delusions, and said he has attempted suicide. Skimas noted that Blake's ex-wife testified that she became afraid of Blake when he would slip into his trances and said Blake showed "some fascination" with the trial of Charles Manson, a cult leader and convicted murderer in California.

Blake sat absolutely still and stared downward while Skimas reviewed the testimony and gave his verdict.

Skimas said he remembered Blake appeared "somewhat deranged" and unable to follow what was going on when he first appeared in the judge's courtroom. But he noted that Blake sat "placidly at his counsel's elbow" throughout the hearing and appeared to know what was happening.

Peters said he agreed that the evidence was overwhelming and said Skimas had only one way to rule based on "the evidence presented and known to us."

The prosecutor's office has a policy of not agreeing to the insanity of a defendant before trial and the case was formally presented to fairly present the testimony of all witnesses, Peters said.

The public was "probably safer" with Blake being sent to the state hospital, Peters said.

"The judge made the right decision," Peters said. "It wasn't close."