

# Judge quashes Blake interview by hospital

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An official psychiatric examination of Donald Robert Blake, accused of murdering his roommate, must be redone. Western State Hospital personnel deliberately violated a court order, a judge has ruled.

A Western State social worker denies the accusation, saying he knew nothing about the order.

Blake, 31, is charged with first-degree murder in the April 25 scissors-stabbing of Linda L. "Dusti" Rush, 35. The two shared an apartment at 2411 Neals Lane.

During an interview with a Portland psychologist shortly after his arrest, Blake reported hearing voices, lapsed into momentary trances and did not always appear to be in touch with reality, according to a court document.

Deputy prosecutor Jim Peters asked that Blake be sent to Western State Hospital in Steilacoom for evaluation as to his sanity at the time of the murder and his competency to stand trial.

However, when Blake was interviewed at Western State, his court-appointed psychiatrist was not present, violating his rights. That prompted Clark County Superior Court Judge John Skimas to order the interview suppressed.

Peters says the violation was deliberate; Western State Hospital says it was not.

It is the second time in 14 months that Western State has come under fire for its handling of a Clark County murder defendant. Another accused scissors-murderer, John Larsen, drowned in a Western State bathtub March 25, 1981, after he was left alone for 15 minutes. Larsen was also there for pretrial evaluation. Hospital personnel overlooked a Vancouver psychiatrist's report warning of Larsen's suicidal tendencies and saying he required close watch.

The Blake mixup developed this way:

Skimas signed a routine Western State

evaluation order April 30, sending Blake to Steilacoom. The order did not mention the requirement that defense psychiatrist Barry Maletzky be present. However, both Peters and defense attorney Steve Thayer say the requirement was discussed. Peters said Friday he talked about it with social worker Will Harmala at Western State by phone that day.

Blake was not transported immediately because the hospital was short-staffed on the weekend and did not want to have to worry about a possibly violent patient without

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## Western State again in trouble over its handling of suspect

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sufficient personnel, Peters said. Blake was driven to Steilacoom Monday, May 3.

Also on May 3, Skimas signed a supplemental order written by Thayer. The order placed in writing the previously discussed requirement that Maletzky be present. It also said Maletzky was to be given 72 hours' notice before any interview took place.

That same afternoon, Blake was interviewed at Western State's mentally ill offender unit. Maletzky was not present.

Thayer said in an affidavit he was present May 3 when Peters called Harmala, telling the social worker about the written order. Peters learned two days later that Blake's interview was taking place at that moment, according to the affidavit.

Harmala said Friday he could not tell Peters about the interview at the time because Blake was in the room with him. He

said he had only a routine evaluation order on Blake and, when Peters called, the interview was almost completed. Harmala denied any previous knowledge of the other court order.

On May 6, Skimas revoked the Western State evaluation order, saying the hospital "deliberately disregarded an order of this court." He ordered Blake returned to the Clark County Jail and said none of the evidence gathered in the interview could be allowed at trial without the defendant's consent.

The judge agreed with Thayer that because no representative of the defense team was present at the interview, there was no opportunity to contest or rebutt Western State's analysis of Blake's behavior, demeanor or use of gestures; the defense psychiatrist might have been able to pick up other evidence that went unnoticed by the hospital staff.

Peters said Friday he is preparing a new evaluation order, asking the court to appoint Portland psychiatrist Guy Parvaresh to interview Blake.

Meanwhile, Maletzky has told Thayer Blake is competent to enter a plea. The judge told Thayer Friday to get the opinion in writing, after which time an arraignment will be scheduled.

By law, a defendant is competent if he understands the nature of the proceedings against him and is capable of assisting in his defense. Under the law, it is possible for a defendant to be competent to stand trial although insane at the time of the crime.

In court, jailers keep Blake handcuffed or chained. Usually defendants are brought to court in handcuffs but are unshackled once inside the courtroom.

Blake was arrested several hours after Ms. Rush ran screaming out of her apartment and collapsed on the lawn. She died two hours later of a single stab wound to the heart.