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Defense in upcoming Whiting abuse trial presses case to bring alleged victim to court; state says psychiatric patient not competent

By JOSH KOVNER

A prosecutor says William Shehadi, with a long-term psychiatric illness and having spent 24 years at Whiting Forensic Hospital, is not competent to swear an oath and be cross-examined by the lawyer representing the former nurse charged with abusing him — conduct that was captured on video.

Defense lawyer Norman Pattis takes a different view. He noted at a hearing in Superior Court in Middletown Tuesday that the video from Shehadi's room is soundless. He said he wants Shehadi to provide some semblance of narration as the jury, at a trial set to start in two weeks, considers the fate of the former supervisory forensic nurse, Mark Cusson.

Pattis said that the 18 months' worth of psychiatric records he's looked at so far suggest to him that Shehadi can communicate.

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He told Superior Court Judge Jose A. Suarez that he'll need to look at records spanning all 24 years, starting from Shehadi's commitment to Whiting in 1995 after he was acquitted by reason of insanity in the death of his father, to see if there's anything there to support the state's position that Shehadi can't come to court. Pattis said he'd consider a video conference with Shehadi at the maximum-security Whiting as

an alternative.

The prosecutor, Supervisory Assistant State's Attorney Jeffrey Doskos, questioned the relevance of Pattis' records request but said he'd make every effort to get him as complete a set as possible.

"It's an unusual case, with the video tape and the psychiatric issues," Pattis said after the hearing. "Without audio, we'd like the alleged victim to provide some context. The state says he's incapable of narrating events and he's unable to swear an oath — but is he unable or unwilling?"

The prosecution has pointed out that Shehadi is the alleged victim, not a witness against Cusson, and that Shehadi has not made specific statements against Cusson.

Pattis said he has lined up as many as 20 character witnesses who can attest to Cusson's good nature.

Of the 10 former Whiting workers arrested in the largest abuse case in the recent history of the Department of Mental Health and Addiction Services, Cusson is the only defendant to plead innocent and hold out for a trial.

Shehadi was originally given a 10-year psychiatric commitment, and arrived at Whiting in November 1995. The commitment expired on Oct. 31, 2005, but has been extended, in

one- and two-year increments, ever since because of Shehadi's profound psychiatric illnesses, according to state records.

For now, Shehadi is living in an area all to himself at Whiting and is watched by treatment workers around the clock. The head of his treatment team, Dr. Shana Berger, has testified that the number of times Shehadi has had to be restrained or placed in seclusion has decreased significantly since the abuse stopped. ■