

## Legal insanity ?issues complex

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On June 24, 1983, Karen Dage broke a steak knife while repeatedly stabbing herself and her two young sons, killing one boy and injuring another.

She told various mental health workers that she had been receiving messages through the TV from a 1987 group that was going to take over her and her children, and at times, confused McHenry County Jail for a hotel, according to court records.

She said six months before the incident in Barrington Hills that she thought people were staring at her and that someone had hypnotized her children, according to court records.

Meanwhile, she and her husband were going through bankruptcy, and she was considering leaving him.

Dage, who was 36 at the time of the stabbings, was found not guilty by reason of insanity in January 1984 and ordered to 20 years of mental illness treatment and supervision.

She was released from Elgin Mental Health Center in November 2001 and monitored until March 2004, court records show. The last monitoring report indicated that staff met with her in person three times a week and called her four times a week, and she was very stable with no symptoms of her mental illness.

That's the process of secured mental hospitalization followed by community-based treatment that Lawrence Huckstead, Willie Terry, and others accused of violent or gruesome crimes could be sentenced to if found to be legally insane. Someone who doesn't understand the difference between right and wrong or that they are committing criminal acts at the time is legally insane.

Huckstead, 46, formerly of Woodstock, is accused of tossing a paint-can-full of gasoline onto a mental health clinic receptionist in July 2004 and lighting her on fire. Ellen Polivka, 69, died several weeks later.

Hucksteadt has been ruled unfit to stand trial, which means he is mentally unable to understand court proceedings and help with his defense. Hucksteadt's attorney, Assistant Public Defender Christopher Harmon, has requested a hearing in which a judge would determine whether he was insane at the time of the incident, not guilty, or whether prosecutors have enough evidence to hold him for up to five years to see whether he can become fit to stand trial.

But prosecutors want to initiate civil commitment proceedings instead. If committed, Hucksteadt would receive treatment until he no longer is considered a danger to himself and others. Prosecutors could then refile the criminal charges against him.

Judge Joseph Condon is considering whether Harmon can request that hearing at this stage of the case and will announce his decision in two weeks.

Prosecutors don't intend to object to a similar hearing for Willie Terry, a Hurricane Katrina refugee who said he repeatedly stabbed his girlfriend in September 2006 because he had delusions of the devil being in the room, said Nichole Owens, chief of the McHenry County State's Attorney's Office.

Terry was found unfit last year to stand trial on allegations of attempted murder, but mental health officials were given a year to restore him to fitness.

Terry's claims, if true, amount to a valid insanity defense, Owens said.

But her office also considered that attempted-murder charges have to be filed within three years of the alleged crime, while there is no statute of limitation for murder.

"If we simply dismissed the charges against Willie Terry and had him civilly committed, the clock would start ticking on the statute of limitations," Owens said. "There is no clock in murder [or in Lawrence Huckstead's case]."

Meanwhile, Alice Bair's case is due in McHenry County court for a status check next month.

Bair killed her elderly mother in 2001 during a psychotic episode in her Crystal Lake home: Police found Margaret Bair, 88, lying face down in a hallway after a neighbor reported that Alice Bair, 58, had called him asking for help, court records show.

Alice Bair told the neighbor that "that woman-I hate came into my house and let my dogs out," but Alice Bair thought she might revive the woman if she put her in the bath tub and ran water over her, court records show. Alice Bair told the neighbor she had sat on the woman.

Police found Alice Bair in a bedroom yelling quotes from the Bible. She charged an officer, trying to grab him over a ballistic shield, and later kicked him in the face. She began chanting, "Father, forgive them, for they know not what they are doing."

About five years after Judge Sharon Prather found her not guilty of murder by reason of insanity, Prather found that Alice Bair had progressed enough in her treatment in 2007 to be allowed to travel outside the Elgin Mental Health Center.

She already had permission to move freely inside the facility, but the new privilege would allow her, under supervision, to connect with outpatient treatment providers and resources she could use if she is released from custody.

In 2004, her caretakers requested and received a court order to force her to take her medications, but her most recent treatment plan report indicates that she believes she is overmedicated and has religious objections to taking the drugs but no longer asks to have them reduced. She is scheduled to remain in custody or under supervision through April 2061.

The report indicates that she is not ready to be released for community treatment, partly because she is uncomfortable discussing her crime and does not have a local family support system.

Her brother visits her monthly, while other family members visit less frequently, according to the April report.

"She will not, however, stop taking her medication or reduce it on her own," the report states.

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