



Appeals court: Judge can imprison mentally ill Mobile killer but cannot dictate treatment

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By **Brendan Kirby, Press-Register**

A confessed but acquitted killer whom state psychologists believe is not mentally ill can be imprisoned, but a Mobile County judge exceeded his authority when he **ordered specific treatment**, the Alabama Court of Criminal Appeals has ruled.

The dispute involves the unusual case of **Jeremy Bentley**, who beat and strangled a Mississippi man in a wooded area of Grand Bay in 2000.

A jury found him not guilty of reason of mental disease or defect, and a judge sent him to the Taylor Hardin Secure Medical Facility in Tuscaloosa.

But the state Department of Mental Health determined in November that Bentley, now 35, **never was mentally ill** and that, under the law, he should be released.

"He would have walked back out the door into society, and that's what we so adamantly were fighting," said Mobile County District Attorney Ashley Rich, who vigorously opposed that the department's decision.

Mobile County Circuit Judge Michael Youngpeter conducted a multi-day hearing on the matter in January. In April, he ruled that Bentley does have a mental illness — dissociative identity disorder — and should be sent to a state prison.

The judge ruled that the Department of Mental Health must keep Bentley in "forensic restriction" until the transfer and treat him for multiple personality disorder. The judge also ordered the department to and contract with Dr. Kathy Ronan or another medical provider to treat Bentley for the disease.

The department did not challenge Youngpeter's conclusion that Bentley remains mentally ill but challenged the rest of



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Jeremy Bentley sits in Mobile County Circuit Judge Michael Youngpeter's courtroom on Thursday, Jan. 26, 2012. A state appeals court has ruled that Youngpeter had the authority to order him transferred to a state prison but cannot dictate his treatment.

the order.

Presiding Criminal Appeals Judge Mary Windom wrote in a unanimous ruling that the judge has the authority to transfer Bentley but that it "can locate no law that allows a circuit court to dictate a treatment regimen for any individual that the Department is charged with treating."

Thomas Klinner, the department's general counsel, said he was disappointed with the ruling but had not decide whether to appeal to the Alabama Supreme Court.

Rich praised the ruling, saying that her office spent \$25,000 to hire experts to demonstrate that Bentley is mentally ill.

"The evidence showed at the hearing that is a danger to himself and others, and the penitentiary is the best place for him to be," she said.

Bentley confessed to **killing Jamie Ray Tolbert**, 24, of Lucedale, after kidnapping him from a Biloxi nightclub during the 2000 New Year's celebrations. He told investigators he wanted Tolbert's new SUV, and he later decided to kill him "just to see what it was like."

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Updated at 4:49 p.m. to include reaction from the Department of Mental Health.

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