1)AMICUS CURIAE BY TUNC URAZ 114653

MICHIGAN SUPREME COURT, PEOPLE V. TYSON 2022 MICH LEXIS 1142 (06/17/2022) SC# 162968
COA# 350932

ORAL ARGUMENT IS REQUESTED;

MR. TUNC URAZ IS REQUESTING THIS HONORABLE COURTS' PERMISSION TO GRANT HIM TO ADMIT HIS AMICUS CURIAE BRIEF FOR THE CASE NAMED ABOVE PER THE ORDER OF MICHIGAN SUPREME COURT MCR 7.305(H)(4)

A MENTALLY IMPAIRED ATTORNEY WAS APPOINTED TO ME BY INGHAM COUNTY COURTS

JACOB A. PERRONE (P71915)

1)

IF DIMINISHED CAPACITY DEFENSE IS NOT ALLOWED AS AN AFFIRMATIVE DEFENSE IN MICHIGAN SINCE CARPENTER CASE (2001).

2)

WHY A MENTALLY IMPAIRED (DIMINISHED CAPACITY) ATTORNEYS WITH UNTREATED, UNMEDICATED AND UNDIAGNOSED WITH MENTAL ILLNESSES (schizophrenia, mania, schizoeffective Bipolar I, manic depressive illnesses), INDUCED WITH SUBSTANCE ABUSE (amphetamines Adderoll, marijuana) ARE APPOINTED TO INDIGENT DEPENDANTS TO REPRESENT THEM IN THE COURT LAW.

WHAT IS THE DIFFERENCE?

THESE TWO STATEMENTS ARE INTERTWINED WITH EACH OTHER. IF ONE CANNOT FORM A SPECIFIC INTENT TO COMMIT A CRIME DUE TO THEIR DIMINISHED CAPACITY (WHICH IS NOT ALLOWED IN AS DEFENSE MICHIGAN)

THEN WHY;

IF/CAN ONE (AN ATTORNEY) FORM A SPECIFIC INTENT/STRATEGY TO DEFEND ACCUSED IN COURTS WHEN AN ATTORNEY HAS A "DIMINISHED CAPACITY".(ON GOING MENTAL ILLNESS)

THE KEY COMPONENT OF DIMINISHED CAPACITY DEFENSE IS THE DEFENSE THAT THE ACCUSED CAN NOT FORM THE " REQUISITE INTENT" TO COMMIT THE CRIME THAT IS, THE DEFENSE IS AN ATTEMPT TO AVOID OR REDUCE CRIMINAL RESPONSIBILITY FOR PARTICULAR OFFENSE BASED ON LACK OF MENTAL CAPACITY TO FORM THE SPECIFIC INTENT REQUIRED AS AN ELEMENT OF THE OFFENSE, HENCE A DEFENDANT IS NOT ENTITLED TO OFFER EVIDENCE OF A LACK OF MENTAL CAPACITY FOR THE PURPOSE OF AVOIDING OR REDUCING CRIMINAL RESPONSIBILITY BY NEGOTIATING THE INTENT ELEMENT OF AN OFFENSE.

MCR 9.121

HOWEVER THE FLAW IN MCR 9.121 SEC. (C) ASKING THE RESPONDENT/SOLE PRACTIONER ANSWERING THEIR OWN GRIEVANCES WHO MAY SUFFER FROM A MENTAL DISABILITY MAY NOT RECOGNIZE THAT HE OR SHE EVEN HAS A DISABILITY WHICH MAY MITIGATE THE ALLEGED MISCONDUCT.

ONE MORE ASPECT OF CLINICAL DEPRESSION IS THAT IT HAS USUALLY LASTED SUCH A LONGTIME THAT BECOMES THE NORM AND IS RECOGNIZED BY THE PERSON WHO IS BEING GRIEVED.

SEE ARTICLE BY CHARLES F. JUSTIAN
(75 MI BAR JNL 1026)

Feature, malpractice/Attorney discipline. A time for change, Helping attorneys who have mental and physical illness that precipitate grievances.

PERRONE MENTAL IMPAIRMENT EPISODES

IN THE CASE OF AN ATTORNEY JACOB A. PERRONE WHO HAS AN ONGOING, UNDIAGNOSED, UNTREATED MENTAL ILLNESSES ARE EXPECTED TO ANSWER THEIR OWN GRIEVANCES WHO MAY SUFFER FROM MENTAL DISABILITY MAY NOT RECOGNIZE THAT HE OR SHE EVEN HAS A DISABILITY WHICH MAY MITIGATE THE ALLEGED MISCONDUCT.

PERRONE WAS SUBPOENAED TO TESTIFY AT HIS OWN GINTHER HEARING, CHOSE TO COVER UP FACTS ABOUT HIS OWN MENTAL IMPAIRMENTS DATING BACK TO 2015.

HE WAS ASKED TO TESTIFY HIS OWN MENTAL ILLNESS AND TOTHER ATTORNEYS AND PROSECUTORS WERE ALSO ASKED TO TESTIFY ABOUT PERRONE'S MENTAL ILLNESS DURING "TRIAL" ONLY.

MR. URAZ'S APPEAL ATTORNEY DID NOT SUBPOENA ANY PSYCHIATRIST TO TESTIFY ABOUT PERRONE'S EXTREME MENTAL ILLNESSES AND ITS EFFECTS ON HIS DECISION MAKING PROCESS BEFORE, DURING AND AFTER TRIAL.

THEY ALL COMMITTED FRAUD UPON COURTS BY LYING AND NOT DISCLOSING BRADY MATERIAL BEFORE GINTHER HEARING(S). PERRONE'S PROBATE COURT RECORDS.

ANASOGNOSIA : HALLMARK OF ONE DENYING THEIR OWN MENTAL ILLNESS.

PERRONE WAS PRESCRIBED AN ANTIPSYCHOTIC MEDICATION (OLAZIPINE) SCHIZO -AFFECTIVE DISOBEDIENCE, BIPOLAR TYPE I AND HIS MENTAL DISEASE MANIFESTED IN PARANOIA AND MOOD SWINGS, HISTORY OF PERRONE'S ACTIONS DOCUMENTED BY HIS FATHER ON A PRT FORM (PERSON REQUIRING TREATMENT) TO SEND PERRONE PSYCHIATRIST HOSPITAL.

PERRONE'S MENTAL FACULTIES WERE ACTS OF DEEPLY AND FUNDAMENTALLY DECLINING DELUSIONAL AND IRRATIONAL MOTIVATION ON HIS PART.

PERRONE WAS ACTIVELY PSYCHOTIC "WAS EXPERIENCING DELUSIONS AND APPEARED TO BE RESPONDING TO " INTERNAL STIMULI EXPERIENCED HALLUCINATIONS ".

PERRONE WAS EXPERIENCING A SUBSTANTIAL DISORDER OF THOUGHT AND MOOD THAT SIGNIFICANTLY IMPAIRED HIS JUDGEMENT, BEHAVIOR, CAPACITY TO RECOGNIZE REALITY AND ABILITY TO COPE WITH THE ORDINARY DEMANDS OF LIFE SURROUNDING THE TIME OF THE IMPAIRMENTS.

HE EXHIBITED TANGENTIAL AND DISORGANIZED THOUGHT LOOSE ASSOCIATIONS WITH REALITY, DELUSIONAL THOUGHT CONTEXT AND REPORTED AUDITORY HALLUCINATIONS THAT, IN BOTH EVALUATORS' , OPINIONS, SIGNIFICANTLY IMPAIRED HIS ABILITY TO RECOGNIZE REALITY BEFORE AND DURING MR. URAZ'S TRIAL.

NEVERTHELESS PERRONE LACKED THE SUBSTANTIAL CAPACITY TO APPRECIATE THE NATURE AND QUALITY OF THE SITUATION. PERRONE LIKELY DID " HAVE THE CAPABILITIES TO CONFORM HIS CONDUCT TO REQUIREMENTS OF THE LAW LEGAL INSANITY MCL 768.21a (1) person declined legally insane, Burden of proof

MCLS 300.1400(g) "mental illness means; a substantial disorder of thought or mood that significantly impairs judgement, behavior capacity to recognize reality or ability to cope with the ordinary demands of life.

(i.e. FOR PERRONE THE ABILITY TO ASSESS AND CHOOSE ALTERNATIVE BEHAVIORS BEFORE, DURING AND AFTER TRIAL).

MCL 330.1401 (A)(B)(C) BUT SECTION (D) WAS DELETED IN 2019 BUT IN 2017 SEC. (D) APPLIED AT PERRONE (SEE ATTACHED)

INSANITY IS AN AFFIRMATIVE DEFENSE REQUIRING PROOF THAT "AS RESULT OF MENTAL ILLNESS PERRONE " LACK(ED) SUBSTANTIAL CAPACITY EITHER TO APPRECIATE THE NATURE AND QUALITY OR THE WRONGFULNESS OF HIS CONDUCT TO THE REQUIREMENTS OF THE LAW.

DOCTORS EVALUATED PERRONE RELIED ON THE FIRST ALTERNATIVE THAT PERRONE WAS UNABLE TO 'APPRECIATE' THE WRONGFULNESS OF HIS ACTIONS

THUS DIMINISHED CAPACITY DEFENSE TO EXIST, THE DEFENDANT MUST HAVE A MENTAL ILLNESS AS DEFINED BY MCLS 330.1400(g) THAT RENDERED HIM UNABLE TO FORMULATE THE SPECIFIC INTENT TO COMMIT A CRIME (PEOPLE V METTE 243 MICH APP 318 (2000).

LEGAL SANITY "RANDOM BEHAVIOR" WITH NO "THOUGHT" BEHIND HIS/HER "ACTIONS" ONE CANNOT "APPRECIATE" "WRONGFULNESS" OR NOT BE ABLE TO CONFORM.

MR. URAZ DID SENT HIS BRIEF ABOUT COURTS APPOINTING MENTALLY IMPAIRED ATTORNEYS TO INDIGENT DEFENDANTS TO HONORABLE JUDGE BERNSTEIN IN 2/2019 BASED ON THE AN ARTICLE MI LAWYERS WEEKLY #228

"SHOULD THE MENTAL HEALTH QUESTIONS BE ON BAR EXAM APPLICATION?"

AND THEN IN 2020 MI LAWYERS WEEKLY ARTICLE:
MICHIGAN SUPREME COURT REVISES MENTAL HEALTH INQUIRY ON BAR EXAM APPLICATION: "CONDUCT BASED QUESTION; IF ANY PAST BEHAVIOR PAST FIVE (5) YEARS COULD CALL INTO QUESTION THEIR ABILITY TO PRACTICE LAW PROPERLY

THEREFORE MICHIGAN SUPREME COURT AND STATE BAR OF MICHIGAN IS ASKING MENTALLY ILL/IMPAIRED POTENTIAL ATTORNEYS CANDIDATES TO SELF DIAGNOSE THEMSELVES ; "WHAT IS WRONG WITH ONE ONLY LAST/PAST 5 (FIVE) YEARS FROM THEIR BAR EXAM APPLICATION DATE" ANYTHING BEFORE THAT CUT OFF DATE DOES NOT MATTER WHETHER ONE IS MENTALLY FIT CHARACTER AND FITNESS TO BE AN ATTORNEY.

PEOPLE'S LIFES ARE AT STAKE HERE:

WOULD YOU FLY WITH A PILOT WHO IS MENTALLY IMPAIRED, UNMEDICATED, UNDIAGNOSED, UNTREATED?

WOULD YOU HAVE A SURGEON/PHYSICIAN WHO IS MENTALLY IMPAIRED UNMEDICATED, UNDIAGNOSED, UNTREATED TO OPERATE ON YOU?

WHAT WOULD HAPPEN IF ONE DIES OR GETS KILLED UNDER THESE CIRCUMSTANCES?

THESE ARE ALL MEDICAL AND NEGLIGENCE MALPRACTICES

WHY STATE OF MICHIGAN HOLD THE ATTORNEYS WHO ARE MENTALLY ILL, IMPAIRED UNMEDICATED, UNDIAGNOSED, UNTREATED?

ONE'S ORGANIC BRAIN DAMAGE SCHIZOPHRENIA AND BIPOLAR I; DISORDER CAN CONSPIRE TO CREATE SEVERAL MENTAL PSYCHOSIS AND OTHER SERIOUS MENTAL HEALTH PROBLEMS THAT WOULD BURDEN

ONE COULD LEAD TO DANGEROUS BEHAVIOR, BUT THIS BEHAVIOR IS A MANIFESTATION OF SERIOUS MENTAL ILLNESS NOT A REFLECTION OF HIS/HER CHARACTER.

THE ADA OF 1990 42 USCS 12101(2)(A)
DEFINES A "DISABILITY" AS "A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE THE MAJOR LIFE ACTIVITIES OF AN INDIVIDUAL. BECAUSE THE PHRASE "SUBSTANTIALLY LIMITS" APPEARS IN THE ACT IN THE "PHRASE" SUBSTANTIALLY LIMITS" APPEARS IN THE ACT IN THE PRESENT INDICATIVE VERB FORM, THE LANGUAGE IS PROPERLY READ AS REQUIRES THAT PERSON BE PRESENTLY - NOT POTENTIALLY OR HYPOTHETICALLY SUBSTANTIALLY LIMITER IN ORDER TO DEMONSTRATE "DISABILITY".

A " DISABILITY " EXISTS ONLY WHERE AN IMPAIRMENT "SUBSTANTIALLY LIMITS" MAJOR LIFE ACTIVITY, NOT WHERE IT MIGHT, COULD OR WOULD BE SUBSTANTIALLY LIMITING IF MITIGATING MEASURES WERE NOT TAKEN .

A PERSON WHOSE PHYSICAL OR MENTAL IMPAIRMENT IS CORRECTED BY MEDICATION IN OR OTHER MEASURES DOES NOT HAVE AN IMPAIRMENT THAT "PRESENTLY" SUBSTANTIALLY LIMITS A MAJOR LIFE ACTIVITY.
BELLAMY V. COGDELL 974 F2D 302 (2ND CIR COA)
MENTALLY IMPAIRED LAWYER IN BANC HEARING

ATTORNEY PERRONE'S MENTAL IMPAIRMENT WAS ONLY REPORTED BY MR. URAZ AND ANOTHER BRAVE INGHAM COUNTY PROSECUTOR ONLY. (BILL CRINO)

THE REST OF THE INGHAM COUNTY JUDGES, PROSECUTORS AND ATTORNEY'S WHO TESTIFIED DURING GINTHER HEARING CHOSE TO IGNORE PERRONE'S MENTAL IMPAIRMENTS AND CHOSE TO COVER UP THIS MISCONDUCT RATHER THAN REPORT IT TO ATTORNEY GRIEVANCES COMMISSION AND STATE BAR OF MICHIGAN.
SEE MRC 9.104 (1-6)/MRPC 1.1, 1.3, 3.8, 8.3, 8.4.

THEY ALL IGNORED THEIR ETHICAL AND COURT RULES OBLIGATIONS.

FROM CHILDHOOD ON WE ARE EDUCATED AND TRAINED FOR OWN PROFESSION FOR OUR CIVIL AND CIVIC DUTIES, FOR MILITARY SERVICE, TO TAKE CARE OF BODILY NEEDS; TO BEHAVE WELL, EVEN TO APPRECIATE BEAUTY; BUT NEITHER OUR EDUCATION, NOR OUR UP BRINGING, NOR OUR EXPERIENCE PREPARE US IN THE SLIGHTEST FOR THE GREATEST TRIAL OF OUR LIVES. WE ARE EXPOSED THE LECTURES ON EVERYTHING UNDER THE SUN AND WE ARE EVEN HERDED TO LISTEN TO THEM.

BUT NO ONE IS GOING TO LECTURE US ABOUT THE TRUE AND EXTENDED SIGNIFICANCE OF CRIMINAL CODE; AND THE CODE THEMSELVES ARE NOT OPEN SHELVES IN OUR LIBRARIES; NOR SOLD IN NEWSSTANDS, NOT DO THEY FALL INTO THE HANDS OF THE HEADLESS YOUNG. IT SEEMS A VIRTUAL FAIRYTALE THAT SOMEWHERE, AT THE ENDS OF THE WORLD AN ACCUSED PERSON CAN AVAIL HIM/HERSELF A LAWYER'S HELP.

THIS MEANS; HAVING BESIDE YOU IN THE MOST DIFFICULT MOMENT OF YOUR LIFE; " A CLEAR MINDED" ALLY WHO KNOWS THE LAW AND HOW TO DEFEND, STRATEGIZE A DEFENSE.

MR. URAZ DID NOT HAVE THAT

PLEASE ACCEPT MY AMICUS CURIE BRIEF WITH ATTACHMENTS AND EXHIBITS

RESPECTFULLY SUBMITTED

TUNC URAZ

FOOTNOTES:

AMICUS CURIAE:

AN AMICUS BRIEF SHOULD NORMALLY ALLOWED WHEN PARTY IS NOT REPRESENTED "COMPETENTLY" OR IS NOT REPRESENTED AT ALL.
WHEN THE AMICUS HAS AN INTEREST IN SAME CASE THAT MAY BE AFFECTED TO ENTITLE THE AMICUS TO INTERVENE AND BECOME A PARTY IN THE PRESENT CASE, OR WHEN THE AMICUS HAS UNIQUE INFORMATION OR PERSPECTIVE THAT CAN HELP THE COURT BEYOND THE HELP THAT THE LAWYERS FOR THE PARTIES ARE ABLE TO PROVIDE OTHERWISE, LEAVE TO FILE AN AMICUS CURIAE SHOULD BE DENIED

RYAN V. CFTC 125 F3D 1002 (1997)

HOW TO WRITE AN AMICUS CURIAE BRIEF; MCR 7.312(H)(3)(4)

A MISTAKE REPEATED MORE THAN ONCE IS A DECISION.

I AM ASKING MICHIGAN SUPREME COURT, STATE BAR OF MICHIGAN AND AGC TO OBTAIN PERRONE'S MENTAL HOSPITAL STAY PSYCHIATRIST REPORTS GOING BACK TO 2015 TILL PRESENT.

HERE IS OATH WHICH WAS NOT ADHERED BY PERRONE

THE LAWYER'S OATH

STATE BAR OF MICHIGAN

I DO SOLEMNLY SWEAR (OR AFFIRM) ....

(in part)
I WILL MAINTAIN THE RESPECT DUE TO COURTS OF JUSTICE AND JUDICIAL OFFICERS;

(in part)
I WILL EMPLOY FOR THE PURPOSE OF MAINTAINING THE CAUSES CONFIDED TO ME SUCH MEANS ONLY AS ARE CONSISTENT WITH "TRUTH AND HONOR", AND WILL "NEVER SEEK TO MISLEAD THE JUDGE OR JURY BY ANY ARTIFICE OR FALSE STATEMENT OF FACT OR LAW";

(in part)
I WILL ABSTAIN FROM ALL OFFENSIVE PERSONALITY, AND ADVANCE NO FACT PREJUDICIAL TO THE HONOR OR REPUTATION OF PARTY OR WITNESS, UNLESS REQUIRED BY THE JUSTICE OF THE CAUSE WITH WHICH I AM CHARGED;

(in part)
I WILL NEVER REJECT, FROM ANY CONSIDERATION PERSONAL TO MYSELF, THE CAUSE OF THE DEFENSELESS OR OPPRESSED, OR DELAY ANY CAUSE FOR LUCRE OR MALICE;

(in part)
I WILL IN ALL OTHER RESPECTS CONDUCT MYSELF PERSONALLY AND PROFESSIONALLY IN CONFORMITY WITH THE HIGH STANDARDS OF CONDUCT IMPOSED UPON THE MEMBERS OF THE BAR AS CONDITIONS FOR THE PRIVILEGE TO PRACTICE LAW IN THIS STATE

AGC SHOULD START AN INVESTIGATION BASED ON :

SBM RULE 15

INSTEAD OF ASKING PERRONE WHO IS MENTALLY IMPAIRED, ILL TO DEFEND HIMSELF PER MCR 9.121 (C). BECAUSE PERRONE IS VERY GOOD AT MANIPULATION AND GAMESMANSHIP. (CORNERSTONE OF SCHIZOPHRENIA AND BIPOLAR I, MANIA)

PLEASE STOP ASKING OTHERS (JUDGES PROSECUTORS, ATTORNEYS AND MR. URAZ) WHO WERE INVOLVED WITH THIS GINTHER HEARING TO DIAGNOSE PERRONE'S BEHAVIOR. WE ARE NOT TRAINED MENTAL HEALTHCARE EXPERTS/PSYCHOLOGISTS/DOCTORS TO NOTICE PERRONE'S MENTAL ISSUES.

INSTEAD BRING IN ALL MENTAL HEALTH CARE EXPERTS, DOCTORS, PSYCHOLOGISTS WHO TREATED HIM AND POLICE OFFICERS WHO ARRESTED HIM AND INCLUDING PERRONE'S OWN FAMILY (FATHER JOSEPH V. PERRONE AND HIS WIFE ASHLEY PERRONE)

LED HN9

A DEFENDANT WHO IS MENTALLY ILL OR RETARDED YET NOT LEGALLY INSANE, MAY BE FOUND GUILTY BUT MENTALLY ILL, BUT THE LEGISLATOR HAS FORECLOSED THE USE OF EVIDENCE OF MENTAL INCAPACITY SHORT OF INSANITY TO AVOID A REDUCE CRIMINAL RESPONSIBILITY BY NEGATING SPECIFIC INTENT.



FOOTNOTES:

AMICUS CURIAE:

AN AMICUS BRIEF SHOULD NORMALLY ALLOWED WHEN PARTY IS NOT REPRESENTED "COMPETENTLY" OR IS NOT REPRESENTED AT ALL.
WHEN THE AMICUS HAS AN INTEREST IN SAME CASE THAT MAY BE AFFECTED TO ENTITLE THE AMICUS TO INTERVENE AND BECOME A PARTY IN THE PRESENT CASE, OR WHEN THE AMICUS HAS UNIQUE INFORMATION OR PERSPECTIVE THAT CAN HELP THE COURT BEYOND THE HELP THAT THE LAWYERS FOR THE PARTIES ARE ABLE TO PROVIDE OTHERWISE, LEAVE TO FILE AN AMICUS CURIAE SHOULD BE DENIED

RYAN V. CFTC 125 F3D 1002 (1997)

HOW TO WRITE AN AMICUS CURIAE BRIEF; MCR 7.312(H)(3)(4)

A MISTAKE REPEATED MORE THAN ONCE IS A DECISION.

SEE ITEMS #7, #8

.....THREATENING TO KILL POLICE.....BELIEVES HE IS A SECRET AGENT, DENIES TREATMENT....

....delusions influencing JUDGEMENT AND BEHAVIOURS

JACOB A. PERRONE (P71915), ANOTHER INVOLUNTARY MENTAL HOSPITALIZATIONS BY HIS FAMILY AND POLICE (2020,2021).

INGHAM COUNTY PROSECUTOR'S OFFICE THEN
KAHLA D. CRINO (CHIEF APPELLATE PROSECUTOR), ELIZABETH ALLEN, JOHN DEWANE AND THE REST ALL FAILED TO DISCLOSE THE EXTEND OF PERRONE'S INVOLUNTARY MENTAL HOSPITALIZATIONS IN SEPTEMBER AND NOVEMBER OF 2020, MARCH 2021; BEFORE DEFENDANT TUNC URAZ'S GINTHER HEARINGS IN 10/04/2021 AND 04/13/2022.

HOW LONG MICHIGAN SUPREME COURT/ AGC/SBM, ADB AND THE COURTS ARE CONTINUE BEING COMPLACENT TO ALLOW PERRONE PRACTICE LAW IN STATE OF MICHIGAN SINCE HE IS UNFIT AND DOES NOT GAVE THE CHARACTER TO BE AN ATTORNEY TO REPRESENT ANY CLIENTS IN MICHIGAN OR ANYWHERE, WHERE IT IS A PRIVILEGE TO BE AN ATTORNEY

WHEN WILL MICHIGAN SUPREME COURT, STATE BAR OF MI, AGC, ADB COURTS ARE GOING TO ACCEPT THE FACT THAT PERRONE DOES NOT HAVE THE MENTAL CAPACITY "CHARACTER AND FITNESS" TO PRACTICE LAW IN MICHIGAN?

HOW LONG THIS "MERCY, UNDERSTANDING, TOLERANCE, EMPATHY" IS GOING TO CONTINUE FOR PERRONE'S "NONCOMPLIANCE DISABILITY"?

PERRONE IS ALLOWED TO VIOLATE "THE LAWYERS OATH" BY HIS ACTIONS/MISCONDUCTS

BASED ON THE NEWLY EVIDENCE AS OF JULY 2025;

SEE ATTACHED NEWLY DISCOVERED UNDER (FOIA) CLINTON COUNTY PROBATE COURT RECORDS AND EAST LANSING POLICE DEPARTMENT REPORT ON 10/11/2020

LOOK AT (ITEM #4) ATTACHED PETITION FOR "MENTAL HEALTH TREATMENT " FORM FOR ATTORNEY JACOB A. PERRONE FILED BY EAST LANSING POLICE OFFICER JAKE CORTEZ ON 10/11/2020.

"Jacob told his father (Joseph V. PERRONE) that he was going to make world peace by murdering POLICE officers today"

SEE CLINICAL CERTIFICATE BY JAMES EICHER, MD. PINE REST HOSP. GRAND RAPIDS

ITEM#10

In Nov. 2017 "Jake" was diagnosed with Bipolar during a manic/psychotic episode and was diagnosed with attention deficit hyperactivity disorder ("ADHD") which made it hard for him to stay on focus and stay on task. Jake's mother and father described Jake as having a difficult temperament since he was a toddler.

ITEM#11

In 2017 Jake was given psychiatric medications after two inpatient hospitalizations. The FIRST hospitalization was for 3 days and the second one lasted 17 days. Jake continue to struggle with anxiety and depression as time progressed and often had suicidal ideation in addition to manic episodes

BASED ON PERRONE'S COMPLAINT FILED;

PERRONE COMMITTED PERJURY ON 10/04/2021 HIS OWN GINTHER HEARING PG. 35 SAYING THAT HE WENT TO DALLAS RIGHT AFTER MR. URAZ'S TRIAL FOR A WEEK (11/09/2017) AND CAME BACK FOR AN FAMILY EMERGENCY.

HE HAS BEEN STRUGGLING WITH MENTAL ILLNESS SINCE AT LEAST NOVEMBER 2017, (WHICH IS A LIE HIS FATHER WROTE SINCE 2015) WHEN HE WAS DIAGNOSED WITH BIPOLAR DISORDER AND ADHD.

(SEE PETITION FOR MENTAL HEALTH TREATMENT FILED BY HIS FATHER ON 11/14/2017)

IN SEPTEMBER 2020 AND NOVEMBER 2020, PERRONE WAS "INVOLUNTARILY" COMMITTED BECAUSE OF SYMPTOMS ASSOCIATED WITH THOSE CONDITIONS. ACCORDING TO PERRONE AFTER HIS SECONDARY INVOLUNTARY HOSPITALIZATION, HIS DOCTORS RECOMMENDED THAT HE SPEND AT LEAST THIRTY DAYS AN IN-PATIENT TREATMENT FACILITY TO HELP STABILIZE HIM AFTER EMERGING FROM A MANIC STATE THAT HAD LASTED NEARLY EIGHT (8) MONTHS PERRONE THEN CHECKED INTO :
"FHE HEALTH FACILITY IN DEERFIELD BEACH, FLORIDA" ON MARCH 27, 2021.

JACOB A. PERRONE IS ALSO BEING SANCTIONED BY U.S. WESTERN DIST OF MI FOR NOT FOLLOWING PROPER FEDERAL COURT PROCEDURES AND ORDERS.

AND IT IS VERY SAFE TO ASSUME THAT PERRONE HAD ANOTHER GRANDIOSE MENTAL EPISODES JUNE, JULY AND AUGUST OF 2025, WHERE HE CALLED THEM ISOLATED INCIDENCES

~~SEE CASES ATTACHED~~

CASE #1

CODDINGTON V. SKOPOS FIN. LLC., 2025 U.S. DIST LEXIS 149099, 08/04/2025
CASE# 1:25-CV-100
JUDGE HALA Y. JARBOU

PERRONE WAS ISSUED AN (R&R) AND ATTEND 25 HOURS OF PROFESSIONAL RESPONSIBILITY AND PAY $500.00 FINE

CASE#2

CODDINGTON V. SKOPOS FIN. LLC., 2025 U.S. DIST LEXIS 150437, 07/18/2025
CASE# 1:25-CV-0100- HYJ-PJG
JUDGE PHILIP J GREEN

PERRONE IS CHARGED WITH CONTEMPTUOUS AND CONTUMACIOUS BEHAVIOR CONDUCTS TOWARDS FEDERAL COURTS

CASE #3

MARKO L. PLCC V SALING
2025 MICH APP LEXIS 6463 (08/13/2025)

MOTION TO ADJOURN IS DENIED, DEF.-APPELLANT HAVING FAILED TO SHOW EXTREME EMERGENCY WARRANTING ADJOURNMENT. MCR 7.213(E)

CASE # 4

MARKO L. PLCC V SALING
2024 MICH APP LEXIS 6958
#371459, 09/10/2024

PERRONE TO PAY $250.00 FINE FOR ALLOWING THIS APPEAL TO APPEAR ON THE INVOLUNTARY DISMISSAL DOCKET.

CASE#5

JACOBS V. JONES 2024 MICH APP LEXIS 6732
371750; 08/29/2024

CASE IS DISMISSED BECAUSE JACOB A. PERRONE FOR FAILURE TO PURSUE THE CASE IN CONFORMITY WITH THE RULES

SEE ATTACHED ARTICLE ABOUT "DRAGON LAWYER LAWSUIT" ON 04/29/2025 AT NYTIMES BY MR. MICHAEL LEVENSON, ATTORNEY JACOB A. PERRONE (DRAGON LAWYERS PC) HIS QUESTIONABLE BEHAVIOR TOWARDS COURTS AND HIS PROFESSION. WHERE U.S. FEDERAL JUDGE FOUND (CARTOON IMAGE OF A DRAGON; JUVENILE AND IMPERTINENT) ON THE BRIEFS PERRONE FILED.

PERRONE'S FATHER COMMITTED PERRONE TO MENTAL HOSPITAL INVOLUNTARILY WITHIN 24 HOURS AFTER MR. URAZ'S TRIAL WAS OVER (11/09/2017) AND TOLD PROBATE COURTS THAT PERRONE HAS BEEN MENTALLY UNSTABLE SINCE 2015, ABUSIVE VERBALLY TOWARDS HIS WIFE AND TO HIS FAMILY

AGC SHOULD START AN INVESTIGATION BASED ON :

SBM RULE 15

PROVIDES ABSOLUTE IMMUNITY FROM SUIT FOR STATEMENTS MADE SOLELY TO THE STATE BAR DURING A CHARACTER AND FITNESS INVESTIGATION. EVEN IF DEFENDANT'S STATEMENTS ARE FALSE THEY ARE PROTECTED BY THIS ABSOLUTE IMMUNITY AND CANNOT FORM THE BASIS FOR PLAINTIFF'S TORT CLAIMS

(CASE PRECEDENT: COOPER-KEEL V. BAKER, 2025 MICH APP LEXIS 3713, 05/13/2025)

"OMISSION IS LYING " (CRAIG V. OAKWOOD HOSP. 471 MICH 67, 2004) MI SUPREME CT.

MALICE IS EQUATED WITH "RECKLESS DISREGARD OF THE RIGHTS OF ANOTHER (ODOM V WAYNE COUNTY, 482 MICH 459, 2008)

PERRONE FAILED TO MEET A LEGAL DUTY TO DISCLOSE HIS MENTAL IMPAIRMENTS AND CHOSE TO LIE ABOUT IT BY OMITTING THE FACTS.

ALL (INVOLVED) COMMITTED FRAUD UPON COURTS BY BECOMING PART OF THIS RACKETEERING(*) ORGANIZATION, COMMITTING PERJURY UNDER OATH, WOULD NOT TURN OVER ANY BRADY MATERIALS RELATED TO PERRONE TO MR. URAZ UNTIL ALL GRIEVED BY HIM.

(*)MCLS 750.159g
(i) concerning fraud
(w) A felony of section 218, concerning false pretenses
(hh) A violation of section 422,423,424 or 425 concerning perjury or subornation of perjury

THEY ALL CHOSE TO STAY COMPLACENT, COLLUDED TO THIS MAJOR MISCONDUCT COMMITTED BY JACOB A. PERRONE.

CASE PRECEDENT:

ATTORNEY SUSAN M. EIFLER (P57222)
WAS DISCIPLINED FOR HAVING MENTAL IMPAIRMENTS BY ATTORNEY DISCIPLINE BOARD
SHE WAS REPRIMANDED FOR SIX MONTHS AND ORDERED TO PAY FINES AND RESTITUTION TO HER CLIENT(S) THEN DUE TO HER MENTAL IMPAIRMENTS AND EPISODES
SEE AGC # 15-46-GA, HER ISSUES WERE GOING BACK TO 2006 AND SHE HAD MANY GRIEVANCES FILED AGAINST HER WHERE SHE WAS EVENTUALLY "ADMONISHED" BY AGC AND ADB IN 2015.

NOTE:

WHILE ADA (AMERICAN DISABILITIES ACT) OF 1990 42 USCS 12101-12213 PROHIBITS EMPLOYERS AND PUBLIC ENTITIES FROM DISCRIMINATING AGAINST INDIVIDUALS WHO HAVE A PHYSICAL OR MENTAL IMPAIRMENT, IT DOES NOT PROHIBIT COURTS FROM INQUIRING INTO WHETHER AN ATTORNEY'S PERFORMANCE WAS IMPAIRED BY A MENTAL CONDITION WHILE REPRESENTING A CLIENT. NOR DO THE ABA ADMINISTRATION RESOLUTION 106 REQUIRES COURTS TO MAINTAIN AN OPEN DISCUSSION ABOUT MENTAL HEALTH AND SUBSTANCE USE DISORDERS, TO THAT END, THE ABA MAINTAINS A PUBLIC DATABASE OF ATTORNEY DISCIPLINARY CASES INVOLVING MENTAL HEALTH AND SUBSTANCE ABUSE ISSUES.

PRECEDENT:

STATE V. LOPEZ, 190 WN. 2d 104 (2018)
SUPREME COURT OF WASHINGTON

MCR 9.200 CONSTRUCTION

AN INDEPENDENT AND HONORABLE JUDICIARY BEING INDISPENSABLE TO JUSTICE IN OUR SOCIETY, SUBCHAPTER 9.200 SHALL BE CONSTRUED TO PRESERVE THE INTEGRITY OF THE JUDICIAL SYSTEM, AND PROTECT THE PUBLIC, THE COURTS, AND THE RIGHTS OF THE JUDGES WHO ARE GOVERNED BY THESE RULES IN THE MOST EXPEDITIOUS MANNER THAT IS PRACTICAL AND FAIR.

THEY ALL CHOSE TO STAY COMPLACENT, COLLUDED TO THIS MAJOR MISCONDUCT COMMITTED BY JACOB A. PERRONE.

RESPECTFULLY SUBMITTED

TUNC URAZ



VERIFICATION;

I, TUNC URAZ, DO HEREBY SWEAR UNDER PENALTY OF PERJURY AND ATTEST TO THE FOREGOING

STATEMENTS IN THIS LETTER, AND ITS ATTACHMENTS/EXHIBITS; BEING TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS; 3rd DAY OF ; September 2025

Tunc Uraz

TUNC URAZ

PROOF OF MAILING:

MR. TUNC URAZ MAILED GRIEVANCE AND ITS ATTACHMENTS /EXHIBITS WAS MAILED TO :

MICHIGAN SUPREME COURT

VIA MDOC EXPEDITED LEGAL MAIL ON : 9/3/2025

Tunc Uraz

TUNC URAZ

DEFINITION OF : SCHIZOPHRENIA AFFECTED BIPOLAR 1 DISORDER

MENTAL EPISODES OF DECOMPENSATING/ DECOMPENSATIONS

OF THOUGHT PERCEPTION, SLEEP DISTURBANCES, ILLOGICAL THINKING, LOOSENING OF ASSOCIATIONS, DELUSIONS OR HALLUCINATIONS, HOSTILITY AND IRRITABILITY, DIFFICULTY THINKING AND INDICATIONS OF PSYCHOSIS AND DISORGANIZATION, UNIQUE BEHAVIORAL ODDITIES

OPPOSITIONAL DEFIANT DISORDER (ODD)

PERRONE HAD 4 OR MORE EPISODES IN NOVEMBER 2017, HE WAS DECOMPENSATING.

EFFECTS OF AMPHETAMINES (ADDERALL) AND MARIJUANA WERE WEARING OFF TO THE POINT THAT PERRONE BEGAN TO DECOMPENSATE AND EXPERIENCE INCREASED MENTAL ISSUES BEFORE AND DURING TRIAL. BETWEEN (10/20/2017-11/09/2017)

GART V. RODRIGUEZ, 2020 MICH APP LEXIS 6189 (2020)

SCHIZOPHRENIA : TANGENTIALITY IS "PATTERN OF SPEECH CHARACTERIZED BY OBLIQUE, DIGRESSIVE, OR IRRELEVANT REPLIES TO QUESTIONS; THE RESPONSES NEVER APPROACH THE POINT OF QUESTIONS. HTTPS://medical-dictionary. thefreedictionary.com/tangetial/

LOGORRHEA :

PRESSURED SPEECH MEANS " EXCESSIVE VOLUBILITY, WITH RAPID, PRESSURED SPEECH, AS IN MANIC EPISODES OF BIPOLAR DISORDER AND SOME CASES OF SCHIZOPHRENIA " IT IS ALSO CALLED LOGORRHEA. HTTPS://medical-dictionary. thefreedictionary.com/logorrhea

PERRONE'S OBSERVABLE MANIC BEHAVIOR, GRANDIOSE AND PARANOID THOUGHTS, AND TANGENTIAL AND PRESSURED SPEECH.

IN PSYCHIATRY "GRANDIOSE" PERTAINS "TO EXAGGERATED BELIEF OF CLAIMS OF ONE'S IMPORTANCE OR IDENTITY
HTTPS://medical-dictionary. thefreedictionary.com/grandiose

HILLS V. METRO LIFE INS CO. 2017 US DIST LEXIS 118704 (2017)

DSM IV

AMERICAN PSYCHOLOGICAL ASSOCIATION DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS 310(4th.Ed. 2000)

DEFINES BOTH SCHIZOPHRENIA AND SCHIZOAFFECTIVE DISORDER

SCHIZOPHRENIA IS A DISORDER THAT LASTS FOR AT LEAST 6 MONTHS AND INCLUDES AT LEAST 1 MONTH OF ACTIVE PHASE SYMPTOMS (i.e, TWO OR MORE EPISODES) OF THE FOLLOWING: DELUSIONS, HALLUCINATIONS, DISORGANIZED SPEECH, GROSSLY DISORGANIZED OR CATATONIC BEHAVIOR, NEGATIVE SYMPTOMS

SCHIZOAFFECTIVE DISORDER IS A DISORDER IN WHICH A MOOD EPISODE AND THE ACTIVE-PHASE SYMPTOMS OF SCHIZOPHRENIA OCCUR TOGETHER AND WERE PRECEDED OR ARE FOLLOWED BY AT LEAST 2 WEEKS OF DELUSIONS OR HALLUCINATIONS WITHOUT PROMINENT MOOD SYMPTOMS.

WHEN PSYCHOTIC SYMPTOMS OCCUR EXCLUSIVELY DURING PERIODS OF MOOD DISTURBANCE, THE DIAGNOSIS IS MOOD DISORDER WITH PSYCHOTIC FEATURES.

IN THE DIFFERENTIAL DIAGNOSIS SUBSECTION FOR SCHIZOPHRENIA, THE DSM IV IDENTIFIES TWO CRITICAL FEATURES DISTINGUISHING SCHIZOPHRENIA FROM SCHIZOAFFECTIVE DISORDER THE PRESENCE OF A MOOD EPISODE AT THE SAME TIME AS SYMPTOMS OF SCHIZOPHRENIA AND THE DURATION OF THE MOOD EPISODE.

IN SCHIZOAFFECTIVE DISORDER, THERE MUST BE A MOOD EPISODE THAT IS CONCURRENT WITH THE ACTIVE-PHASE SYMPTOMS OF SCHIZOPHRENIA, MOOD SYMPTOMS MUST BE PRESENT FOR A SUBSTANTIAL PORTION OF THE TOTAL DURATION OF THE DISTURBANCE, AND DELUSIONS OR HALLUCINATIONS MUST BE PRESENT FOR AT LEAST 2 WEEKS IN THE ABSENCE OF PROMINENT MOOD SYMPTOMS. IN CONTRAST, THE MOOD SYMPTOMS IN SCHIZOPHRENIA EITHER HAVE A DURATION THAT IS BRIEF IN RELATION TO THE FATAL DURATION OF THE DISTURBANCE, OCCUR ONLY DURING THE PRODORMAL OR RESIDUAL PHASES, OR DO NOT MEET FULL CRITERIA FOR A MOOD EPISODE.

IN THE DIFFERENTIAL DIAGNOSIS SUBSECTION FOR SCHIZOAFFECTIVE DISORDER, THE DSM IV REPEATS THE EXACT SAME PASSAGE. FINALLY, THE DSM IV NOTES THAT WHEN THE MOOD DISORDER SYMPTOMS DISSIPATE, A DIAGNOSIS OF SCHIZOAFFECTIVE DISORDER MAY CHARGE TO DIAGNOSIS OF SCHIZOPHRENIA.

BECAUSE THE RELATIVE PROPORTION OF MOOD TO PSYCHOTIC SYMPTOMS MAY CHANGE OVER THE COURSE OF THE DISTURBANCE, THE APPROPRIATE DIAGNOSIS FOR AN INDIVIDUAL EPISODE OF ILLNESS MAY CHANGE FROM SCHIZOAFFECTIVE DISORDER TO SCHIZOPHRENIA (e.g. DIAGNOSIS of SCHIZOAFFECTIVE DISORDER for severe and prominent major depressive Episode lasting 3 months during the first 6 months of chronic psychotic illness would be changed to SCHIZOPHRENIA if active PSYCHOTIC or prominent residual symptoms persists over several years without recurrence of another mood episode)

DSM - IV

THE COURT CONSIDERS FIRST THREE CRITERIA:
THE OTHER FOR CRITERIA APPEAR TO BE EXCLUSIONS, RATHER THEN INCLUSION, AND MAY OR MAY NOT BE RELEVANT

A) CHARACTERISTIC SYMPTOMS: TWO (OR MORE) OF THE FOLLOWING EACH PRESENT FOR SIGNIFICANT PORTION OF THE TIME DURING A 1- MONTH PERIOD (OR LESS IF SUCCESSFULLY TREATED)

1) DELUSIONS
2)HALLUCINATIONS
3) DISORGANIZED SPEECH (e.g. Frequent derailment or incoherence)
4) GROSSLY DISORGANIZED OR CATATONIC BEHAVIOR
5) NEGATIVE SYMPTOMS (AFFECTIVE FLATTENING, ALOGIA, AVOLITION

NOTE: ONE CRITERIA, A SYMPTOMS IS REQUIRED IF DELUSIONS ARE BIZARRE OR HALLUCINATIONS CONSIST OF A VOICE KEEPING UP RUNNING COMMENTARY ON THE PERSON'S BEHAVIOR OR THOUGHTS, OR TWO OR MORE VOICES CONVERSING WITH EACH OTHER

B) SOCIAL/OCCUPATIONAL DYSFUNCTION

FOR A SIGNIFICANT PORTION OF THE TIME SINCE THE ONSET OF DISTURBANCE, ONE OR MORE MAJOR AREAS OF FUNCTIONING SUCH AS WORK, INTERPERSONAL RELATIONS, OR SELF CARE ARE MARKEDLY BELOW THE LEVEL ACHIEVED PRIOR TO THE ONSET (OR WHEN THE ONSET IS IN CHILDHOOD OR ADOLESCENCE, FAILURE TO ACHIEVE EXPECTED LEVEL OF INTERPERSONAL, ACADEMIC, OR OCCUPATIONAL ACHIEVEMENT)

C) DURATION; CONTINUOUS SIGNS OF THE DISTURBANCE PERSISTS FOR AT LEAST 6 MONTHS. THIS 6-MONTHS.THIS 6- MONTH PERIOD INCLUDE AT LEAST 1 MONTH OF SYMPTOMS (OR LESS IF SUCCESSFULLY TREATED) THAT MEET CRITERION (A) (i.e. active phase symptoms) AND MAY INCLUDE PRODROMAL OR RESIDUAL SYMPTOMS. DURING THESE PRODROMAL OR RESIDUAL PERIODS, THE SIGNS OF THE DISTURBANCE MAYBE MANIFESTED BY ONLY NEGATIVE SYMPTOMS OR TWO OR MORE SYMPTOMS LISTED IN CRITERION (A) PRESENT IN AN ATTENUATED FORM (e.g. add Beliefs, unusual perceptual experience) DSM IV

1) A STORY OF A : "THE SCHIZOPHRENIC AFFECTED WITH BIPOLAR 1 DISORDER INDUCED WITH SUBSTANCE ABUSE (AMPHETAMINE, MARIJUANA) A COURT APPOINTED ATTORNEY IN INGHAM COUNTY"

JACOB A. PERRONE (P71915) WAS AN BRILLIANT ATTORNEY, BUT HE HAD AN UNDIAGNOSED, UNTREATED SCHIZOPHRENIA INDUCED WITH BIPOLAR 1 AND SUBSTANCE ABUSE (ADDERALL, THC). HIS FAMILY, FRIENDS AND COWORKERS THOUGHT HIS "INTELLIGENCE" COULD SAVE HIM.

PERRONE WAS LEGALLY INCAPACITATED PER MCL 300.1401(1)(c) BEFORE AND DURING TRIAL (his mental illness was documented by his father going back back 2015)

OF THE FOUR TYPES OF BIPOLAR DISORDER, BIPOLAR TYPE 1 IS THE MOST SEVERE. (PERRONE DIAGNOSED WITH)

IT IS "DEFINED BY MANIC OR MIXED EPISODES THAT LAST AT LEAST SEVEN (7) DAYS, OR BY MANIC SYMPTOMS THAT ARE SO SEVERE THAT THE PERSON NEEDS IMMEDIATE HOSPITAL CARE."
NATIONAL INSTITUTE OF MENTAL HEALTH, BIPOLAR DISORDER

HIS OTHER PSYCHOSIS/PROGNOSES WAS DEFINED AS "NOS" (NOT OTHERWISE SPECIFIED) BY PSYCHIATRISTS WHO EXAMINED HIM.

BECAUSE PERRONE WAS VERY SICK BUT HE DID NOT ALWAYS KNOW IT, PERRONE REFUSED THE PSYCHIATRIC CARE THAT HIS FAMILY DESPERATELY WANTED FOR HIM BUT COULD NOT REQUIRE HIM TO GET.

SEVERE PSYCHIATRIC DISORDERS ARE BIOLOGICAL CONDITIONS REQUIRING MEDICAL CARE.

IN SUMMER OF 2017 PERRONE HAD THREE MAJOR LIFE ALTERING EVENTS (1)HIM AND HIS WIFE HAD A BABY, (2) HIS GRANDMOTHER PASSED AWAY, (3) PERSONNEL CHANGES (HIS PARTNERS QUITTING HIS LAW PRACTICE), AND (4) MR. TUNC URAZ'S VERY COMPLEX JURY TRIAL (TIPPING POINT) (SEE ATTACHED LIST OF HIS INEFFECTIVENESS)

PERRONE ALWAYS COMPLAINED THAT HIS HEART RACED (ANXIETY ATTACKS) , AND PEOPLE IN HIS CIRCLE WERE "OUT TO GET HIM".

WHEN PERRONE WAS PLACED IN PSYCHIATRIC UNIT AND HE DIDN'T WANT TO BE THERE, HE THOUGHT HIS FAMILY WAS PLAYING GAMES AND FORCING HIM TO BE THERE.

HIS MOTOR SKILLS WERE SLOWER THAN USUAL SUCH AS WORKING THE PEN TO WRITE SIMPLE NOTES.

ALTHOUGH HE WAS ORDERED TO GO 80 DAYS OF COMMUNITY MENTAL HEALTH (CMH) TREATMENT, HE INSISTED THAT HE WOULD CONTINUE TO REPRESENT ME, BUT JUDGE AND PROSECUTOR REJECTED IT, IN A LETTER DATED 12/18/2017 WRITTEN TO SILVERTHORN INFORMING HIM REPLACING PERRONE "OVER ABUNDANCE OF CAUTION" (SEE pg. 4, 12/12/2017 HEARING HELD AT JUDGE'S CHAMBERS)

HE WAS CONSTANTLY CALLING, HARASSING, STALKING ANOTHER INGHAM COUNTY PROSECUTOR (WILLIAM "BILL" CRINO) WHERE MR. CRINO FILED A GRIEVANCE AGAINST PERRONE WITH ATTORNEY GRIEVANCE COMMISSION. (SEE 12/11/2017, GRIEVANCE FILED BY PROSECUTOR BILL CRINO WITH AGC) BUT AGC WOULD NOT TAKE ANY ACTION AGAINST PERRONE.(see attached grievance filed by MR. CRINO).

"PETITION FOR MENTAL HEALTH TREATMENT" FROM FILLED OUT BY JOSEPH V. PERRONE (FATHER OF ATTORNEY JACOB A. PERRONE ON 11/14/2017 TO GET HIM ADMITTED TO MENTAL HOSPITAL INVOLUNTARILY

VERBATIM :

08/17/2017: WENT TO SPARROW HOSPITAL WITH SEVERE ANXIETY

11/17/2017: WENT TO SPARROW HOSPITAL WITH CHEST PAINS LEFT AGAINST MEDICAL ADVICE (this is after Perrone left his first mental hospital stay between 11/09/2017-11/17/2017)

"Punches holes in walls, is verbally abusive to his wife, has said he will " KILL" &/or destroy everyone, will take over Lansing + Rule w/an iron fist, This happens weekly for the last "2 (TWO) YEARS" AT LEAST (since 2015)

" he has many angry outbursts, disorganized thoughts. He thinks he is the most intelligent person in the world, He will "DESTROY" AND "KILL" everyone,
He had called himself "MY SUICIDAL SON", HAS MANY ANGER ISSUES.

SIGNED BY;

JOSEPH V. PERRONE 11/14/2017

***(SEE ATTACHED PROBATE COURT RECORDS AND SUMMARY OF PERRONE'S MENTAL PSYCHIATRIC AND POLICE REPORT FILED ON 11/20/2017)

HIS PSYCHIATRISTS CONSIDERED THAT DEFENSIVE, NOT AGGRESSIVE, BEHAVIOR, THE LONGER THEY COULD KEEP HIM, THE MORE TIME HE WOULD HAVE TO RECEIVE TREATMENT AND TO HEAL. PERRONE WAS NOT PERSUADED TO STAY.

PERRONE SPENT TOTAL OF 20 DAYS IN 4 DIFFERENT HOSPITALS, ON AND OFF, AS HIS DOCTORS TRIED TO FIND "INCAPACITATING DOSE OF THE POWERFUL DRUGS". PERRONE'S MEDICATION WAS CALIBRATED CAREFULLY ENOUGH THAT HE NO LONGER CONVINCED THAT "KILLING OTHERS" THAT HIM BEING A "SUICIDAL SON", THAT HE WOULD "RULE EVERYONE WITH AN IRON FIST."

PERRONE'S GLOBAL ASSESSMENT OF FUNCTIONING (GAF) SCALE SCORE IS EITHER BETWEEN 1-10 AND/OR 20-30 (WHICH ARE CLINICALLY INSANE)
*** see attached GAF SCORING SHEET as a REFERENCE

WHEN PERRONE LEFT THE HOSPITAL, HE WOULD HAVE TO CONTINUE TAKING ANTIPSYCHOTIC MEDICATION, THOUGH 15 PERCENT OF PEOPLE WITH SCHIZOPHRENIA ARE " TREATMENT RESISTANT ", IN PART BECAUSE THE CONVICTION THAT YOU WEREN'T SICK WAS OFTEN AN ASPECT OF THE ILLNESS, ESPECIALLY AT TIMES OF ACUTE PSYCHOSIS. (ANASOGNOSIA)

BEFORE PERRONE'S PSYCHOTIC BREAK TIPPED THE BALANCE ONE WAY, AND MEDICATION TIPPED THE OTHER, HE HAD SEEMED TO BOTH KNOW AND NOT KNOW WHAT WAS HAPPENING TO HIM--A STATE STRANGELY MIRRORED BY THOSE AROUND HIM, WHO HAD RECOGNIZED AND IGNORED HIS ILLNESS BY TURNS.

PERRONE'S RATIONAL REASONING MANNER MADE UNREASONABLE THINGS APPEAR. OTHERS (ATTORNEYS, JUDGES, PROSECUTORS) THEY HAD BEEN PLAYED BY PERRONE'S DELUSIONS, BECAUSE OF HIS MANIPULATIVE PERSONALITY. ALTHOUGH, THEY THOUGHT PERRONE WAS "ODD", YET THEY ALL FAILED TO REPORT IT TO AGC.

PERRONE NEEDED A SUPPORTIVE HOUSING THAT COMBINED PSYCHIATRIC AND SOCIAL SERVICES INSTEAD HE MOVED IN THE SAME ENVIRONMENT THAT HE WAS LIVING IN. (HIS FAMILY HOME

ACCORDING TO NATIONAL INSTITUTE MENTAL HEALTH : THE SCHIZOPHRENIC POPULATION (58 PERCENT) UNACCOUNTED, UNDIAGNOSED, UNTREATED FOR MENTAL ILLNESSES THEY MAY HAVE.

PERRONE'S PSYCHIATRISTS EMPHASIZED SMALL STEPS, LOW STRESS AND NONCOMPETITIVE ENVIRONMENT. THIS IS WHY PERRONE COULD NOT HAVE REPRESENTED MR. URAZ FOR HIS SENTENCING WHEN HE WAS ORDERED TO GO THROUGH 80 DAYS OF OUTPATIENT TREATMENT WITH COMMUNITY MENTAL

2)A STORY OF A : "THE SCHIZOPHRENIC AFFECTED WITH BIPOLAR 1 DISORDER INDUCED WITH SUBSTANCE ABUSE (AMPHETAMINES -MARIJUANA) COURT APPOINTED ATTORNEY IN INGHAM COUNTY"

PERRONE MIGHT HAVE BEEN SUFFERING FROM A "THOUGHT" DISORDER BUT HIS BRILLIANCE WOULD HAVE SAVED HIM EXCEPT DURING AT TIMES ACUTE PSYCHOSIS

PERRONE WOULD NOT SHARE/TELL ABOUT HIS PEERS AND COURTS ABOUT HIS SCHIZOPHRENIA/BIPOLAR AS HE WAS DETERMINED TO KEEP IT FROM HIS CLIENTS, BECAUSE HE WAS NOT CAPABLE OF SELF DIAGNOSE.

HE WAS ADVISED TO AVOID ANY MENTION OF SCHIZOPHRENIA.

A LAW SCHOOL GRADUATE A SCHIZOPHRENIC, IS ENCUMBERED BY AN INVISIBLE WHEELCHAIR.

A "CAREER KILLER". PERRONE OPTED FOR OPENING HIS OWN LAW FIRM RATHER THAN WORKING FOR SOMEONE (PERRONE, PLC).

PERRONE WAS USING 60 OR 70 PERCENT OF HIS EFFORT JUST TO MAINTAIN THE "PROPER REALITY" CONTACT WITH THE WORLD.

HOW CAN ONE NARRATE SCHIZOPHRENIA FROM INSIDE OUT? WAS PERRONE A VIOLENT PERSON? HE REFLECTED A COMMON AND PAINFUL STEREOTYPE OF SCHIZOPHRENIC MIND.

PERRONE WAS HALLUCINATING ALMOST EVERYDAY INCLUDING INSIDE COURTROOMS.
HIS DISABLING MENTAL ILLNESS COMMUNICATED EXTRAORDINARY MENTAL ABILITY TO GET THE BEST PLEA DEALS FOR HIS COURT APPOINTED INDIGENT DEFENDANTS.

"UNTREATED PSYCHOSIS KILLS"

IT WAS UNUSUAL FOR PEOPLE WITH SCHIZOPHRENIA TO SUSTAIN LONG-TERM RELATIONSHIPS. PERRONE'S ILLNESS WAS EVIDENCE OF HIS WIFE'S EXCEPTIONAL NATURE OF ACCEPTING HIM AS HE IS. BUT SHE DID NOT LIKE AT TIMES WHEN SHE CAME HOME FROM WORK/SHOPPING ETC AND PERRONE REFUSED TO LET HER INTO THEIR HOME, BECAUSE HE DIDN'T BELIEVE SHE WAS WHO SHE SAID SHE WAS. NO MATTER HOW MUCH HIS WIFE INSISTED, SHE COULDN'T CONVINCE HIM OF THE TRUTH. HOW COULD HE TRUST HER WORDS WHEN HE DIDN'T BELIEVE IT WAS HER BODY? AT SUCH TIMES SHE HAD TO SPEND THE NIGHT HER PARENT'S HOUSE WHEN PERRONE WOULD NOT LET HER IN AT ALL BECAUSE HE THOUGHT SHE WAS AN ALIEN.

THE ONLY QUESTION WAS WHETHER PERRONE WAS VIOLENT? PERRONE WOULD SUFFER A BREAK FROM WHICH HE MIGHT NEVER RECOVER-THAT HE WOULD END UP IN THE REVOLVING DOOR OF ENDLESS HOSPITALIZATIONS.

PERRONE WOULD CONTINUE TO MAKE WILD ACCUSATIONS AND IRRATIONAL THREATS, RANTED ABOUT SUICIDE/MURDER.

PERRONE SUFFERED FROM A SEVERE MENTAL ILLNESS, HAD REJECTED MEDICATION, AND IN THE GRIP OF PSYCHOSIS COULD HAVE HURT/KILLED OTHERS. PERRONE WAS A "DRIFTER" WHERE HE WAS PART OF INCREASING NUMBER VIOLENT ACTS BY PEOPLE WITH SCHIZOPHRENIA OR MANIC DEPRESSIVE ILLNESS WHO WERE NOT TAKING THE MEDICATION THEY NEED TO CONTROL THEIR DELUSIONS AND HALLUCINATIONS.

PERRONE WAS A GROWN MAN THEREFORE HIS FAMILY COULDN'T HOLD HIM DOWN AND FORCE THE PILLS INTO HIM. UNLESS THEY FILLED OUT PERSON REQUIRING TREATMENT FORM AND FORCED PERRONE TO GO TO A MENTAL HOSPITAL.

ROUGH ESTIMATE, TOTAL NUMBER OF INDIVIDUALS WITH "ACTIVE SYMPTOMS" OF SCHIZOPHRENIA OR MANIC DEPRESSIVE ILLNESS IS SOME 10 MILLION.

THE NATIONAL ADVISORY MENTAL HEALTH COUNCIL HAS ESTIMATED ONLY 50% OF THEM--ROUGHLY 5 MILLION ARE NOT RECEIVING ANY TREATMENT IN ANY GIVEN YEAR. IT IS THEREFORE NOT A QUESTION OF WHETHER SOMEONE WOULD BE ALLOWED TO BECOME AN ATTORNEY LIKE PERRONE, IT IS MERELY A QUESTION OF WHEN.

MORE THAN 2000 ANNUAL HOMICIDES ATTRIBUTED TO PEOPLE WITH SEVERE UNMEDICATED, UNTREATED MENTAL ILLNESS SHOULD INDICT THE POPULATION OF THOSE WITH SIMILAR DIAGNOSIS (SCHOOL SHOOTINGS). BUT EVEN TRYING TO PREVENT THOSE HOMICIDES, AS WELL AS AN EVEN LARGER NUMBER OF SUICIDES, PRISON POPULATION SWELLED BY PEOPLE SUFFERING FROM MENTAL ILLNESS WHO RECEIVED NO CARE.

SCHIZOPHRENIC MIND: WHAT IS THE DIFFERENCE BETWEEN BEING IN YOUR RIGHT MIND AND BEING OUT OF IT?

VIOLENCE AND MENTAL ILLNESS HAVE BEEN LEGALLY ENTANGLED EVER SINCE DANGEROUSNESS, RATHER THAN ILLNESS, BECAME THE DE FACTO PREREQUISITE FOR HOSPITALIZATION. IF A HOSPITAL COULD PRODUCE A BED, OR MANDATE TREATMENT, ONLY FOR SOMEONE ACTIVELY THREATENING HARM, ONE COULD HARDLY BLAME THE GENERAL POPULATION FOR MIXING UP THE VERY SICK AND THE VERY VIOLENT, OR MENTAL HOSPITALS AND PRISONS.

TODAY IN EVERY FEDERAL, STATE PRISONS AND COUNTY JAILS, DETENTION CENTERS ARE CONSIDERED AS THE NATION'S LARGEST MENTAL HEALTH FACILITIES.

WITHOUT TREATMENT, PEOPLE WITH SEVERE MENTAL ILLNESS LOSE THEIR CONNECTION TO REALITY. A FRACTION OF THE POPULATION WHOSE ILLNESSES ARE SO SEVERE, THEY CAN MAKE SUFFERERS UNAWARE OF THEIR OWN DETERIORATION.

ALTHOUGH PERRONE MAY HAVE LOST 8 WEEKS OF HIS LIFE TO FORCED MENTAL HEALTH TREATMENT, BUT IT PREVENTED HIM NOT TO BECOME A VIOLENT PERSON TO HURT ANYONE.

HE IS STILL CONTINUE TO WORK AS AN ATTORNEY
IN MICHIGAN AND FOR A LAW FIRM, NOW MEDICATED AND DIAGNOSED, BUT IF HE DECIDES TO STOP TAKING HIS MEDICATION WHAT WOULD HAPPEN? WHAT WOULD HAPPEN IF HE IS FORCED TO INTO A HOSPITAL NETHERWORLD? WILL HE BECOME VIOLENT AND HAVE THREATENING LIKE LAST TIME?

WILL COURTS OR STATE BAR STILL ALLOW PERRONE/MENTALLY IMPAIRED ATTORNEYS TO PRACTICE LAW?

WOULD ONE'S STRATEGY/ THINKING PROCESS TO DEFEND AN ACCUSED WILL IT BE FLAWED?

IF DIMINISHED CAPACITY DEFENSE IS NOT ALLOWED IN MICHIGAN THEN WHY DIMINISHED CAPACITY ATTORNEY IS ALLOWED TO REPRESENT AN INDIGENT DEFENDANT?

RECEIVED
SEP 09 2025
LARRY S. ROYSTER
CLERK SUPREME COURT

Approved, SCAO

PCS CODE: CCT
TCS CODE: CCT

STATE OF MICHIGAN PROBATE COURT COUNTY OF	CLINICAL CERTIFICATE	FILE NO. 17-29766-MI

In the matter of Jacob Perrone
First, middle, and last name

TO THE EXAMINER: You must read the following statement to the individual before proceeding with any questions.

I am authorized by law to examine you for the purpose of advising the court if you have a mental condition which needs treatment and whether such treatment should take place in a hospital or in some other place. I am also here to determine if you should be hospitalized or remain hospitalized before a court hearing is held. I may be required to tell the court what I observe and what you tell me.

1. I am a ☑ psychiatrist. ☐ licensed psychologist. ☐ physician.

2. I certify that on this date I read the above statement to the individual before asking any questions or conducting any examination.

3. I further certify that I, James Eicher MD (Name (type or print)), personally examined Jacob Perrone (Patient)
at Pine Rest 300 68th St Grand Rapids, MI (Name and address where examination took place)
on 10/13/20 (Date) starting at 1030 AM (Time) and continuing for 35 minutes.

INSTRUCTIONS: Describe in detail the specific actions, statements, demeanor, and appearance of the individual, together with other information which underlie your conclusion. **Indicate the source of any information not personally known or observed.** If this certificate is to accompany a petition for discharge, state why the individual continues to be or is no longer a person requiring treatment or in need of hospitalization.

4. My determination is that the person is
☑ mentally ill (has a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life).
☐ not mentally ill.

☐ 5. (if applicable) The person has
☐ convulsive disorder. ☐ alcoholism. ☐ other drug dependence.
☐ mental processes weakened by reason of advanced years.
☐ other (specify):

6. My diagnosis is: bipolar I disorder, manic, severe with psychotic features

7. Facts serving as the basis for my determination are: poor sleep and appetite, threatening to kill police, smashed out own car window with baseball bat "to get my adderall", believes he is a "secret agent", denies need for treatment

(SEE SECOND PAGE)

FILED
OCT 13 2020
CLINTON COUNTY PROBATE COURT

Do not write below this line - For court use only

Clinical Certificate (12/19) File No. _____

8. Explain in the space below the facts which lead you to believe that future conduct may result in (check applicable box)

☑ a. likelihood of injury to self. Facts:

delusions influencing judgment and behaviors, recently smashed own car window with baseball bat, poor ADLs

Therefore, I believe that the examined person, as a result of mental illness, can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure self.

☑ b. likelihood of injury to others. Facts:

threatening to kill police

Therefore, I believe that the examined person, as a result of mental illness, can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure others.

☑ c. inability to attend to basic physical needs. Facts:

poor sleep and appetite

Therefore, I believe that the examined person, as a result of mental illness, is unable to attend to those basic physical needs (such as food, clothing or shelter) that must be attended to in order to avoid serious harm in the near future and has demonstrated that inability by failing to attend to those basic physical needs.

☑ d. inability to understand need for treatment. Facts:

denies need for treatment, refusing to consent for treatment

Therefore, I believe that the examined person, as a result of mental illness, is so impaired by that mental illness and whose lack of understanding of the need for treatment has caused him or her to demonstrate an unwillingness to voluntarily participate in or adhere to treatment that is necessary, on the basis of competent clinical opinion, to prevent a relapse or harmful deterioration of his or her condition, and presents a substantial risk of significant physical or mental harm to himself/herself or others.

9. I conclude the individual ☑ is ☐ is not a person requiring treatment.

10. (optional) I recommend
- ☐ hospitalization only
- ☑ a combination of hospitalization and assisted outpatient treatment
- ☐ assisted outpatient treatment without hospitalization

as follows: Pine Rest

I certify that I am a person authorized by law to certify as to the individual's mental condition. I am not related by blood or marriage either to the person about whom this certificate is concerned or to any person who has filed, or whom I know to be planning to file, a petition in this proceeding. I declare under the penalties of perjury that this certificate has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

10/13/20
Date

1200 PM
Time of signing

Signature

James Eicher MD 616-455-5000
Print or type name and business telephone no.

PCS CODE: PFH/PAS/APM
TCS CODE: IPFH/PFH/PAS/APM

Approved, SCAO

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PETITION FOR MENTAL HEALTH TREATMENT ☐ AMENDED	FILE NO. 17-29766-MI

In the matter of Jacob Alan Perrone (First, middle, and last name) XXX-XX-8232 (Last four digits of BSN)

Court ORI	Date of birth	Place of birth	Race	Sex
	2-22-92	Lansing, MI	W	M

1. I, Jake Cortez (Name (type or print)), an adult Police Officer (specify whether a relative, neighbor, peace officer, etc.) petition because I believe the individual named above needs treatment.

2. The individual was born 2-22-92 (Date), has a permanent residence in Clinton County at 3553 Shearwater (Street address), East Lansing (City), MI (State) 48823 (Zip) and can presently be found at Sparrow Hospital (Facility name or other address)

☐ This petition is for a person who was found not guilty by reason of insanity in this county (NGRI).

3. I believe the individual has mental illness and
☒ a. as a result of that mental illness, the individual can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure self or others, and has engaged in an act or acts or made significant threats that are substantially supportive of this expectation.

☐ b. as a result of that mental illness, the individual is unable to attend to those basic physical needs that must be attended to in order to avoid serious harm in the near future, and has demonstrated that inability by failing to attend to those basic physical needs.

☐ c. the individual's judgment is so impaired by that mental illness, and whose lack of understanding of the need for treatment has caused him or her to demonstrate an unwillingness to voluntarily participate in or adhere to treatment that is necessary, on the basis of competent clinical opinion, to prevent a relapse or harmful deterioration of his or her condition, and presents a substantial risk of significant physical or mental harm to the individual or others.

4. The conclusions stated above are based on
a. my personal observation of the person doing the following acts and saying the following things:
Jacob has been making statements non-stop that do not relate to anything happening in this instance; "rambling on."

b. the following conduct and statements that others have seen or heard and have told me about:
Jacob told his father (Joseph) that he was going to make world peace by murdering police officers today.

by: Joseph Vito Perrone (Witness name) 517.290.1150 (Telephone no.)
Complete address

(SEE SECOND PAGE)

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FILED
OCT 13 2020
CLINTON COUNTY PROBATE COURT

MCL 330.1100a(29), MCL 330.1401, MCL 330.1423, MCL 330.1427, MCL 330.1434, MCL 330.1438, MCL 330.2050, MCR 6.125(C)(18)

Jacob Perrone

Petition for Mental Health Treatment (12/19) File No. 17-29766-MI

5. The persons interested in these proceedings are:

NAME	RELATIONSHIP	ADDRESS	TELEPHONE
Ashley Perrone	Spouse	3555 Shearwater, E.L. MI 48823	517.814.7590
	Guardian*		

*(Specify the county where the guardianship was established and the case number.) _____

6. The individual ☐ is ☒ is not a veteran.

☐ 7. Attached is a ☐ clinical certificate by a physician or licensed psychologist taken within the last 72 hours.
☐ clinical certificate by a psychiatrist taken within the last 72 hours.
☐ no clinical certificate is attached because only assisted outpatient treatment is requested.

☐ 8. (For hospitalization and combined treatment only.) An examination could not be secured because: _____

I request:
☐ a. the individual be examined at _____ the preadmission screening unit or hospital designated by the community mental health services program.
☐ b. a peace officer take the individual into protective custody and transport the individual to _____

9. I request the court to determine the individual to be a person requiring treatment and to order:

☐ a. hospitalization only.
☒ b. a combination of hospitalization and assisted outpatient treatment.
☐ c. assisted outpatient treatment without hospitalization.

☒ 10. I request the individual be hospitalized pending a hearing.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Signature of attorney _____ Date 10-11-20

Name (type or print) _____ Bar no. _____ Signature of petitioner [signature]

Address _____ Address 409 Park Ln

City, state, zip _____ Telephone no. _____ City, state, zip East Lansing, MI 48823

Home telephone no. N/A Work telephone no. 517.319.6897

FOR HOSPITAL USE ONLY

This petition for mental health treatment was received by the hospital on _____ (Date) at _____ (Time).

_____ Signature of hospital representative

Clinical Certificate (12/19)

File No. _____

8. Explain in the space below the facts which lead you to believe that future conduct may result in (check applicable box)

☐ a. likelihood of injury to self. Facts:

Therefore, I believe that the examined person, as a result of mental illness, can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure self.

☐ b. likelihood of injury to others. Facts:

Therefore, I believe that the examined person, as a result of mental illness, can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure others.

☑ c. inability to attend to basic physical needs. Facts:
See 7

Therefore, I believe that the examined person, as a result of mental illness, is unable to attend to those basic physical needs (such as food, clothing or shelter) that must be attended to in order to avoid serious harm in the near future and has demonstrated that inability by failing to attend to those basic physical needs.

☑ d. inability to understand need for treatment. Facts:
See 7

Therefore, I believe that the examined person, as a result of mental illness, is so impaired by that mental illness and whose lack of understanding of the need for treatment has caused him or her to demonstrate an unwillingness to voluntarily participate in or adhere to treatment that is necessary, on the basis of competent clinical opinion, to prevent a relapse or harmful deterioration of his or her condition, and presents a substantial risk of significant physical or mental harm to himself/herself or others.

9. I conclude the individual ☑ is ☐ is not a person requiring treatment.

10. (optional) I recommend
☐ hospitalization only
☐ a combination of hospitalization and assisted outpatient treatment
☐ assisted outpatient treatment without hospitalization

as follows: _____

I certify that I am a person authorized by law to certify as to the individual's mental condition. I am not related by blood or marriage either to the person about whom this certificate is concerned or to any person who has filed, or whom I know to be planning to file, a petition in this proceeding. I declare under the penalties of perjury that this certificate has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

10/11/2020
Date

1605
Time of signing

Signature
Honesty Lee DO
Print or type name and business telephone no.

Approved, SCAO

PCS CODE: ORA/RAT
TCS CODE: ORA/RAT

STATE OF MICHIGAN PROBATE COURT COUNTY OF Clinton	ORDER AND REPORT ON ALTERNATIVE MENTAL HEALTH TREATMENT	FILE NO. 17-29766-MI

In the matter of Jacob Perrone
First, middle, and last name

ORDER

IT IS ORDERED that _____ shall prepare a report assessing the current
Name (type or print)

availability and appropriateness of alternatives to hospitalization for the individual named above including alternatives available following an initial period of court-ordered hospitalization.

The report shall be made to the court before the hearing on _____ for
Date and time of hearing

_____.
Petition for 60-day order, discharge, etc.

_____ _____ _____
Date Judge Bar no.

REPORT ON EVALUATION OF HOSPITAL TREATMENT AND/OR ALTERNATIVE PROGRAMS

1. I, Kelly Higgs, LMSW, as Case Manager at Pine Rest Hospital, report as follows.
   Name; Profession, organization, and position

2. I have reviewed, as to their availability in or near the individual's home community, treatment resources alternative to hospitalization and report as follows: (If practical, give name of agency, program, etc.)

   a. Independent mental health professional: _____

   b. Community mental health day treatment, aftercare service, work activity, or other program: _____

   c. Substance abuse, rehabilitation service, or similar program of public or private agency: _____

   d. Other: _____

(SEE SECOND PAGE)

Do not write below this line - For court use only

FILED

OCT 19 2020

CLINTON COUNTY PROBATE COURT

MCL 330.1453a, MCL 330.1468, MCR 5.741

3. I have reviewed, as to their availability in or near the individual's home community, residential accommodations, and I report as follows: (If practical, give name of residence, location, etc.)

a. Independent: _____
Individual's own house, apartment, etc.

b. Residence of relative or friend: _____

c. Foster care home: _____

d. Nursing home: _____

e. Other: _____

☐ 4. I recommend release.

☐ 5. I recommend a course of treatment of
☐ hospitalization.
☑ hospitalization for 60-180 days, followed by assisted outpatient treatment as follows:
☐ assisted outpatient treatment as follows:

The individual shall comply with the recommendations of the agency/doctor regarding living arrangements, medication, individual/group psychotherapy and any other appropriate after care program.

6. My recommendation is based upon the following described interviews, observations, and information:

Pt presents with grandiose delusions, poor sleep, and aggressive behavior. Pt unable to care for self.

7. The individual ☐ has ☑ does not have a durable power of attorney or advance directive that direct the following mental health treatment: _____

8. I believe the hospital to which admission is proposed ☑ can ☐ cannot provide its prescribed treatment program appropriately and adequately because it is sufficiently structured and has facilities and trained personnel to give the patient the necessary protection and care of their basic needs.

9. I recommend the following agency or independent mental health professional to supervise the outpatient treatment:

Dr. Robert Slattery 120 E Liberty St #330, Ann Arbor, MI 48104
Name Complete address

The agency or professional ☑ has ☐ has not indicated capability and willingness to supervise the recommended program.

10. The individual currently has the following source(s) of funds to cover his or her care in the community:

Blue Cross Blue Shield

☐ 11. The individual does not currently have sufficient sources of funds for community living.

☐ a. Application for supplemental funds has been made. They should be available _____.

☐ b. Application for supplemental funds has not been made because _____.

Application will be made on _____ and should be available about _____.

c. Pending receipt of supplemental funds, the following funds will be available:

☐ Direct relief.

☐ MDHHS/CMH emergency care funds.

☐ Other assistance: _____

☐ None. Reason: _____

10/142020
Date

Kelly Higgs, LMSW
Signature

ELPD - EAST LANSING POLICE DEPARTMENT
Case Report

Case No. 2036402788
Case Status Active
Report Date/Time: 10/11/2020 2:15:00 PM
Reporting Officer: Wright, Kirsten

FILE CLASS/OFFENSE:
Mental / Emotional Health Investigation

NATURE OF INCIDENT:
9204/MENTAL INVESTIGATION/[redacted]/[redacted]/Wright/Cortez

OCCURRED ON: 10/11/2020 2:00:00 PM
(and Between)

VENUE: [redacted] Shearwood East Lansing, MI 48823
CITY/TOWNSHIP: 80 - East Lansing, Ingham

VICTIM:

VICTIM OF: 9204 - Mental / Emotional Health Investigation
VICTIM TYPE: Society/Public

Alias:	DOB:	AGE:
RACE:	SEX:	JUV:
HGT:	WGT:	HAIR:
EYES:	ETH:	Circumstances:
SSN:	DLN:	DL State:

ADDRESS INFORMATION:

Phone Information: Emails:

NOTES:

WITNESS: [redacted]

Alias:	DOB: [redacted]	AGE: 63
RACE: White	SEX: Male	JUV: N - No
HGT:	WGT:	HAIR:
EYES:	ETH:	Circumstances:
SSN:	DLN:	DL State:

ADDRESS INFORMATION:

H - Home: [redacted]

Phone Information: Emails:

M - Mobile: [redacted]

NOTES:

SUSPECT: [redacted]

Alias:	DOB: [redacted]	AGE: 38
RACE: White	SEX: Male	JUV: N - No
HGT: [redacted]	WGT: [redacted]	HAIR:
EYES: [redacted]	ETH:	Circumstances:
SMT:		
SSN:	DLN: [redacted]	DL State: [redacted]

ADDRESS INFORMATION:

H - Home: [redacted]

Phone Information: Emails :

H - Home: [redacted]

NOTES:

OTHERS: [redacted] ENTITY TYPE Other Person

Alias: ADDRESS INFORMATION:
H - Home: [redacted]
Phone Information: Emails:
M - Mobile: [redacted]
NOTES:

FORCE LEVEL DETAILS FORCE USED: **N - No**

HANDGUN USE:	RIFLE USE:	SHOTGUN USE:
HANDGUN DISPLAY:	RIFLE DISPLAY:	SHOTGUN DISPLAY:
PCA USE:	ASP USE:	TASER USE:
PCA DISPLAY:	ASP DISPLAY:	HANDCUFFING:

PPCT:
OTHER:

CANINE USAGE RECORD NO: **CASE NO:**

DATE:	HANDLER:	CANINE NAME:
REQUESTING AGENCY:	REQUESTING METHOD:	REQUESTING OFFICER:
USAGE TYPE:	TIME OF USE:	
LOCATION:	CITY:	

NARRATIVE:

PROPERTY:
ITEM NO: STATUS: Evidence (Including Other Seized Property And Tools)
PROPERTY TYPE: Other Audio/Visual Equipment
RECOVERED BY: RECOVERED DATE/TIME:
PROPERTY DESCRIPTION: BWC
DRUG QUANTITY/MEASURE: / COUNT: 1
VALUE: COLOR:
MANUFACTURER: MODEL:
SN/VIN: LICENSE NO:
VEHICLE DESCRIPTION:
NOTES:

PROPERTY:
ITEM NO: STATUS: Information Only
PROPERTY TYPE: Other Document
RECOVERED BY: RECOVERED DATE/TIME:
PROPERTY DESCRIPTION: text messages
DRUG QUANTITY/MEASURE: / COUNT: 1
VALUE: COLOR:
MANUFACTURER: MODEL:
SN/VIN: LICENSE NO:
VEHICLE DESCRIPTION:
NOTES:

NARRATIVE:
Wright, Kirsten - ELPD-200
10/11/2020 3:59:37 PM
INFORMATION:

ELPD Officers responded to the venue for a subject who had just smashed out a vehicle window and who was in a manic-depressive state of mind. This was the second day in a row that emergency services responded for the welfare of the suspect. In this incident, the suspect was taken to the Sparrow Hospital for a mental evaluation.

DATE & TIME:

Occurred: Sunday 10/11/2020 at approx. 1548hrs

VENUE:

[redacted] Shearwater Ln
City of East Lansing
County of Clinton
State of Michigan

PERSONNEL:

Ofc. Kirsten Wright
Ofc. Mark Moore
Ofc. Scott Klavenski
Ofc. Jake Cortez

WITNESS:

Father
[redacted]

OTHER PERSON:

Wife of Suspect
[redacted]

CONTACT WITH SUSPECT:

Upon arrival, Ofc. Cortez and I approached the suspect, who was at first lying on the driveway next to a silver truck. Ofc. Cortez and I both observed that the front passenger side window of the truck had been smashed/broken, and then had been pulled out of the door frame; there was broken glass all over on the ground next to that door. Ofc. Cortez approached the white male lying on the driveway next to all the broken glass, the male was wearing a yellow necktie around his neck, windbreaker style pants and shoes. Ofc. Cortez asked the subject several times if he was ok or injured.

The male replied multiple times that he was not injured, neither Ofc. Cortez or I observed any visible injury on the male. The male then stated that [redacted], Ofc .Cortez informed him that an ambulance was on the way and would provide him with a ride. The subject was rambling on about nothing that made sense to the current situation and time. The male then stood up, and said that [redacted] The male then proceeded to walk into the garage and into the house, all officers followed behind him.

The male walked up to the second floor into a bedroom and then laid on a bed. Ofc .Cortez attempted to extract some information to determine if the male was disoriented; the male continued to ramble on and not answer most of Ofc. Cortez' questions. Ofc. Klavenski made contact with the males Father while Ofc .Cortez and I stoodby the male in the bed; ELFD Medics arrived and began to evaluate the male. The father informed Ofc. Klavenski that earlier on the date of the incident, [redacted]. Ofc .Cortez concluded that the male was in need of treatment by way of a mental evaluation, and asked the male to cooperate and get out of the bed to proceed to the ambulance.

The male continued to ramble on about unrelated events and would not respond to instructions to get out of bed. ELPD Officers then proceeded to slowly and carefully remove the male from the bed by carrying him off. Ofc. Klavenski carried the males legs, Ofcs. Moore and Cortez attempted to carry the arms, shoulders and head of the male; he was carried into the garage where the medics advised they could bring the rolling cot.

Once the medics rolled the cot into the garage, the officers picked the male back up and set him on the cot; he was then loaded into the ambulance. At that point, the spouse/wife had arrived, who also eventually responded to the hospital. Ofc. Cortez rode with the medics and male to the hospital as I followed.

PERSONAL WHO REQUIRES TREATMENT:

Once at the hospital, Ofc. Cortez filled out the Mental Evaluation Form, and then gave that to a nurse who was treating the suspect. While at the hospital, the wife advised us that [redacted] Ofc. Cortez stated that he heard [redacted] state [redacted] during his observations of [redacted] Ofc. Cortez forgot to bring a copy back with us to be attached to this report of the "PRT" Form.

TEXT MESSAGES:

Ofc. Moore was emailed some text message sent by [redacted] a few days ago, they don't pertain to this incident directly but [redacted] Wife wanted ELPD to have them; they were went to the ELPD Quarter Master to be attached to this report.

STATUS:

Closed to patrol and on file at the ELPD.

ELPD - EAST LANSING POLICE DEPARTMENT
Case Report

Case No. 2036403021
Case Status Active
Report Date/Time: 10/29/2020 10:44:16 AM
Reporting Officer: Harrison, Katey

FILE CLASS/OFFENSE:
Mental / Emotional Health Investigation

NATURE OF INCIDENT:
9204/MENTAL INVESTIGATION/[redacted]/HARRISON

OCCURRED ON: 10/29/2020 10:44:16 AM
(and Between)

VENUE: [redacted] Shearwater EAST LANSING, MI 48823
CITY/TOWNSHIP: 80 - East Lansing, Ingham

VICTIM: [redacted]

VICTIM OF: 9204 - Mental / Emotional Health Investigation
VICTIM TYPE: Individual

Alias:
DOB: [redacted]
AGE: 38
RACE: White
SEX: Male
JUV: N - No
HGT: [redacted]
WGT: [redacted]
HAIR:
EYES: [redacted]
ETH:
Circumstances:
SSN:
DLN: [redacted]
DL State: [redacted]
ADDRESS INFORMATION:
H - Home: [redacted]
Phone Information:
Emails:
H - Home: ([redacted]
NOTES:

OTHERS: [redacted] ENTITY TYPE Complainant
Alias: ADDRESS INFORMATION:
:
Phone Information:
Emails:
W - Work: [redacted]
NOTES: CMH worker

FORCE LEVEL DETAILS FORCE USED: **N - No**
HANDGUN USE:
RIFLE USE:
SHOTGUN USE:
HANDGUN DISPLAY:
RIFLE DISPLAY:
SHOTGUN DISPLAY:
PCA USE:
ASP USE:
TASER USE:
PCA DISPLAY:
ASP DISPLAY:
HANDCUFFING:
PPCT:
OTHER:

CANINE USAGE RECORD NO:
CASE NO:
DATE:
HANDLER:
CANINE NAME:
REQUESTING AGENCY:
REQUESTING METHOD:
REQUESTING OFFICER:
USAGE TYPE:
TIME OF USE:
LOCATION:
CITY:
NARRATIVE:

PROPERTY:
ITEM NO:
STATUS: Evidence (Including Other Seized Property And Tools)
PROPERTY TYPE: Recording - Other
RECOVERED BY:
RECOVERED DATE/TIME:
PROPERTY DESCRIPTION: body cam footage

DRUG QUANTITY/MEASURE: /	COUNT: 1
VALUE:	COLOR:
MANUFACTURER:	MODEL:
SN/VIN:	LICENSE NO:
VEHICLE DESCRIPTION:	
NOTES:	

NARRATIVE:
Harrison, Katey - ELPD-188
10/29/2020 5:05:26 PM
DISPATCH INFORMATION

On the above date and time, I was dispatched to [redacted] Shearwater on a mental health investigation. Dispatch advised the caller would like a telephone call prior to making contact at the residence. Dispatch advised the caller was a CMH employee.

CONTACT WITH CMH

I made contact with the caller, [redacted] (Court Specialist CMH), who advised she wanted ELPD to make contact with a [redacted] who resided at [redacted] Shearwater. [redacted] advised [redacted] advised [redacted]. [redacted] advised that [redacted]

[redacted] advised ELPD [redacted]. I advised [redacted] ELPD could only establish if [redacted] was a danger to himself or others or was unable to take care of his own basic needs and anything else would be at the recommendation of a mental health professional. [redacted] advised she understood.

ATTEMPT CONTACT WITH VICTIM

I knocked on [redacted] front door located at [redacted] Shearwater for several minutes but was unable to make contact with [redacted] The lights in the house were off, no movement was seen inside and no car was located in the garage or driveway. I advised [redacted] of my inability to contact [redacted]

ADDITIONAL

ELPD Desk received a copy of mental health paperwork/Notification of Non Compliance/Modified Order paperwork from a CMH employee. This paperwork descibed [redacted] as [redacted]. Attached to this report was pictures of some of [redacted] texts. None of these texts exhibited suicidal behavior nor threatening to harm himself or others.

Sgt. Khoury made contact with [redacted] via tx and [redacted] advised he was okay and resting and taking his medication as prescribed. [redacted] advised [redacted]. Sgt Khoury advised [redacted] sounded competent and did not make any statements of self harm or harming others.

CONTACT WITH VICTIM

I made contact with [redacted] via tx and he stated [redacted]. [redacted] stated [redacted]. [redacted] stated [redacted]. [redacted] stated [redacted].

[redacted] was coherent and competent and made no alarming statements. [redacted] did not meet thresh hold for PRT necessity especially with his [redacted].

ATTEMPT CONTACT

I attempted to make contact with [redacted] several times but was unable to reach [redacted]. I attempted contact with [redacted] but was unable to reach [redacted]

PAPERWORK

All forms were returned to ELPD Night Shift command.

STATUS

Closed.

NARRATIVE:
Moore, Mark - ELPD-201
10/29/2020 10:28:10 PM
INFORMATION
On 10/29/2020 at approximately 2040 hours I was contacted by Sgt. Bove who had a valid PRT order from CMH for [redacted] Sgt. Bove was on scene at [redacted] Shearwater Ln before us, and was making contact with [redacted] in the driveway of the residence.

CONTACT WITH VICTIM
Sgt. Bove asked [redacted] if he was going to be cooperative with us. [redacted] stated that he was going to be cooperative with PD and the medics. [redacted] was very cooperative during our entire encounter.

TRANSPORT
I followed the medics and [redacted] down to Sparrow. [redacted] was transported and turned over to Sparrow ER staff without incident.

DISPOSITION
Closed

No *Shepard's* Signal™
As of: July 25, 2025 11:42 AM Z

Perrone v. Blue Cross Blue Shield of Mich.

United States District Court for the Western District of Michigan, Southern Division

July 21, 2025, Decided; July 21, 2025, Filed

Case No. 1:24-cv-1313

Reporter
2025 U.S. Dist. LEXIS 138475 *; 2025 LX 208421

JACOB A. PERRONE, Plaintiff, v. BLUE CROSS BLUE SHIELD OF MICHIGAN, Defendant.

Core Terms

private right of action, preempt, parity

Counsel: **[*1]** For Jacob A. Perrone, an individual, plaintiff: Jacob Perrone, Dragon Lawyers PC, East Lansing, MI.

For BCBS Michigan, a Michigan Corporation, defendant: Ka'Nea Caldwell, Blue Care Network of Michigan (Detroit), Detroit, MI; Rudolph Makupson, Blue Cross Blue Shield of Michigan (Detroit MC 1922), Detroit, MI.

Judges: HALA Y. JARBOU, CHIEF UNITED STATES DISTRICT JUDGE.

Opinion by: HALA Y. JARBOU

Opinion

Before the Court is a motion by Blue Cross Blue Shield of Michigan (BCBSM) to dismiss Jacob Perrone's claims that BCBSM, in refusing to cover the costs of Perrone's partial hospitalization at an out-of-network residential facility in March-April 2021, breached its obligations under provisions of the *Mental Health Parity and Addiction Equity Act (MHPAEA), 29 U.S.C. § 1185a(a)(3)(A)*, and Perrone's insurance policy. (Mot. to Dismiss, ECF No. 8.) For the reasons stated below, the Court denies the motion as to the MHPAEA claim and grants it as to the breach-of-contract claim.

I. BACKGROUND

Jacob Perrone has struggled with mental illness since at least November 2017, when he was diagnosed with bipolar disorder and ADHD. (Compl. ¶ 10, ECF No. 1.) In September and November 2020, Perrone was involuntarily committed because of symptoms associated with those conditions. According to Perrone, after his second involuntary **[*2]** hospitalization, his doctors recommended that he spend at least thirty days in an in-patient treatment facility to help stabilize him after emerging from a manic state that had lasted nearly eight months. (*Id.* ¶¶ 13-14.) Perrone then checked into FHE Health, a facility in Deerfield Beach, Florida, on March 27, 2021.

The crux of this litigation concerns whether BCBSM told Perrone it would shoulder the expense of his month-long stay at the FHE facility. Perrone claims his spouse, whose health-insurance policy covered Perrone, called BCBSM before the latter traveled to Florida and was told on the phone that the insurer would pay the claim after Perrone submitted a reimbursement request. (*Id.* ¶ 5.) But in January 2022, BCBSM denied the claim on the grounds that FHE Health was out of its group-health plan. (*Id.* ¶ 17.) Perrone sought external review of the denial in April 2022 (*id.* ¶ 21), but the review organization upheld the denial (*id.* ¶ 26). Perrone filed this suit in December 2024 seeking recovery of benefits under the Employee Retirement Income Security Act (ERISA), *29 U.S.C. § 1132(a)(1)(B)*, equitable relief under the mental-health-parity requirement added to ERISA by the MHPAEA, *29 U.S.C.§ 1185a(a)(3)(A)*, and damages for BCBSM's alleged breach of its insurance contract with him. **[*3]**

II. STANDARD

A defendant may move to dismiss a complaint pursuant to *Federal Rule of Civil Procedure 12(b)(6)* when the plaintiff fails "to give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 127 S. Ct.*

1955, 167 L. Ed. 2d 929 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47, 78 S. Ct. 99, 2 L. Ed. 2d 80 (1957)). While a complaint need not contain detailed factual allegations, a plaintiff's allegations must include more than labels and conclusions. Id. at 555; Ashcroft v. Iqbal, 556 U.S. 662, 678, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009) ("Threadbare recitals of elements of a cause of action, supported by mere conclusory statements, do not suffice."). The Court must determine whether the complaint contains "enough facts to state a claim to relief that is plausible on its face." Twombly, 550 U.S. at 570. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Iqbal, 556 U.S. at 679. "[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not 'show[n]'—that the pleader is entitled to relief." *Id.* (second alteration in original) (quoting Fed. R. Civ. P. 8(a)(2)).

III. ANALYSIS

A. ERISA Grants Remedial Rights to Plan Beneficiaries

BCBSM argues that no private right of action is available under the MHPAEA. (Mot. 12.) A case BCBSM **[*4]** itself cites explains why that argument is unsuccessful. In *Mills v. Bluecross Blueshield of Tennessee*, the plaintiff sought to enforce MHPAEA independently of ERISA, the statute to which the MHPAEA added a requirement that mental-health coverage be on a par with coverage for other treatments, *see Pub. L. No. 110-343, div. C, sec. 512, § 712, 122 Stat. 3765, 3881 (2008)*, or to invoke the analogous parity provision in the Affordable Care Act (ACA). No. 3:15-cv-552, 2017 U.S. Dist. LEXIS 2730, 2017 WL 78488, at *6 (E.D. Tenn. Jan. 9, 2017). The court dismissed the first claim on the grounds that the MHPAEA itself does not contain a private right of action; the second, because no ACA provision is subject to individual enforcement.

Here, by contrast, Plaintiff explicitly invoked the MHPAEA's ERISA provision (Compl. ¶ 36) and the private right of action available to those denied plan benefits (*id.* ¶ 43). ERISA's version of the parity requirement can be enforced using that private right. That is plainly recognized by *Mills* and numerous other cases. *See, e.g.*, T.E. v. Anthem Blue Cross & Blue Shield, No. 3:22-cv-202, 2025 U.S. Dist. LEXIS 59403, 2025 WL 952486, at *7 (W.D. Ky. Mar. 29, 2025); A.G. ex rel. N.G. v. Cmty. Ins. Co., 363 F. Supp. 3d 834, 840 (S.D. Ohio 2019); AK v. Behav. Health Sys., Inc., 382 F. Supp. 3d 772, 773 (M.D. Tenn. 2019); *cf.* E.W. v. Health Net Life Ins. Co., 86 F.4th 1265, 1281 (10th Cir. 2023) (entertaining MHPAEA-based claim without deciding if the statute grants a right of action independent of that available through ERISA).

BCBSM's motion appears to assume that the limitations on enforcing the MHPAEA as to ACA plans extend to ERISA, but the insurer provides no reason to **[*5]** think that ERISA's private right of action does not extend to the parity requirement, which is arguably a "right[] under the terms of" Perrone's health-insurance plan and whose contravention would certainly be an "act or practice which violates any provision of" ERISA. 29 U.S.C. § 1132(a)(1); (3). BCBSM's citation to Warren Pearl Construction Corp. v. Guardian Life Insurance Co. of America, 639 F. Supp. 2d 371, 377 n.2 (S.D.N.Y. 2009), is even less convincing, as the part of that case referenced in the motion relates to a state HIPAA analogue, a statute without obvious bearing on whether MHPAEA creates rights enforceable by beneficiaries of ERISA group-insurance plans. (Mot. 12.) BCBSM's argument that Perrone lacks a remedial right to invoke MHPAEA's parity requirement fails.

B. The Breach-of-Contract Claim Is Preempted

On the other hand, BCBSM is right that Perrone's breach-of-contract claim is barred by ERISA. Preemption of contract-law claims that lie "at the very heart of issues within the scope of ERISA's exclusive regulation," Smith v. Commonwealth Gen. Corp., 589 F. App'x 738, 744 (6th Cir. 2014) (quoting Cromwell v. Equicor-Equitable HCA Corp., 944 F.2d 1272, 1276 (6th Cir. 1991)), is essential to the uniformity that ERISA was enacted to accomplish. Ingersoll-Rand Co. v. McClendon, 498 U.S. 133, 142, 111 S. Ct. 478, 112 L. Ed. 2d 474 (1990); Hutchison v. Fifth Third Bancorp., 469 F.3d 583, 589 (6th Cir. 2006). The key consideration determining whether ERISA preempts a state-law claim is whether the remedy sought is related to a benefit plan regulated by the statute. Aldridge v. Regions Bank, No. 24-5603, 2025 U.S. App. LEXIS 17733, 2025 WL 1983483, at *6 (6th Cir. July 17, 2025); Johnson v. Decor Fabrics, Inc., 250 F.R.D. 323, 329 (M.D. Tenn. 2008).

A claim that a health insurer breached its contract **[*6]**

with the policyholder by refusing to cover a hospital stay for reasons that ERISA prohibits is self-evidently a claim that relates to the benefit plan through which the insurance policy was made available. *Caffey v. Unum Life Ins. Co., 302 F.3d 576, 582 (6th Cir. 2002)*; *Walsen v. Alcoa, Inc., No. 1:13-cv-243, 2013 U.S. Dist. LEXIS 64359, 2013 WL 1891361, at *3 (N.D. Ohio May 6, 2013)* (collecting cases). In consequence, Plaintiff's state-law claim is preempted by ERISA, and because the claim is merely duplicative of, or "would create an alternative enforcement mechanism for," Perrone's claim for recovery of benefits under ERISA itself, *Penny/Ohlmann/Nieman, Inc. v. Miami Valley Pension Corp., 399 F.3d 692, 700 (6th Cir. 2005)*, that claim will be dismissed outright.[1] *Patterson v. UnitedHealthcare Ins. Co., 762 F. Supp. 3d 643, 666 (N.D. Ohio 2025)*; *Rogers v. Unitedhealth Grp., 144 F. Supp. 3d 792, 798 (D.S.C. 2015)*; *Ctr. for Restorative Breast Surgery v. Humana Health Ben. Plan of La., No. Civ. A. 10-4346, 2014 U.S. Dist. LEXIS 41124, 2014 WL 1276503, at *7 (E.D. La. Mar. 27, 2014)*; *cf. Hogan v. Jacobson, 823 F.3d 872, 884 (6th Cir. 2016)* (approving of "district court['s] appropriately recast[ing]" a state-law claim found to be completely preempted).

IV. CONCLUSION

BCBSM is correct that Perrone's contract-law claim is preempted by ERISA, but its argument that Perrone lacks remedial rights under MHPAEA fails by virtue of ERISA's private right of action. The Court therefore grants BCBSM's motion to dismiss only in part. The Court will issue an order consistent with this Opinion.

Dated: July 21, 2025

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE

[1] Whether that preemption is best understood as "complete" or "express" poses a nuanced question. *See Lowe v. Lincoln Nat'l Life Ins. Co., 821 F. App'x 489, 491 (6th Cir. 2020)*. Because the Court concludes that Perrone's breach-of-contract claim is merely a relabeled claim for recovery of benefits under ERISA proper, however, there is no practical difference between treating the claim as completely preempted—which entails regarding it as if it *was* labeled an ERISA claim—or as expressly preempted, which necessitates the claim's dismissal. *See id. at 492* (avoiding complete-preemption analysis by addressing express preemption first). Either way, Perrone's challenge to BCBSM's denial of coverage remains live.

ORDER

For the reasons stated in the opinion entered concurrently with this Order:

IT IS ORDERED that BCBSM's motion to dismiss is **GRANTED** as to **[*7]** Count III of the complaint and **DENIED** as to Count II. Counts I and II of the complaint remain pending.

Dated: July 21, 2025

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE

End of Document

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
Southern Division

JACOB A. PERRONE, an individual

Plaintiff,

-vs-

Case No. 1:24-cv-
HON.

BCBS LIFE INSURANCE COMPANY., a Michigan Corporation
BCBS MICHIGAN, a Michigan Corporation

Defendant,

/

PERRONE LAW PLLC
Jacob A. Perrone (P71915)
Attorneys for the Plaintiff
3310 Kresge Lane
East Lansing, MI 48823
(517) 719-4657
jacob.perrone@yahoo.com

PLAINTIFF JACOB A. PERRONE'S VERIFIED MHPAEA COMPLAINT AGAINST DEFENDANT BCBS MICHIGAN

/s/ JP

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

Plaintiff, **JACOB A. PERRONE**, (hereinafter referred to as "Jake" unless referred to otherwise), through his undersigned counsel, complains and alleges against Defendants BCBS Michigan Life Insurance Company, and Blue Cross Blue Shield Michigan (collectively "BCBS Michigan"), as follows.

PARTIES, JURISDICTION AND VENUE

1. Jake is a natural person residing in Clinton County, Michigan, Western District.

2. BCBS Michigan Life Insurance Company and its subsidiary BCBS Michigan, are insurance companies and acted as insurers and claims administrators for the health insurance plan providing coverage for the Plaintiff, ("the Plan") during the treatment at issue in this case.

3. The Plan is a fully-insured employee welfare benefits plan under 29 U.S.C. §1001 *et. seq.*, the Employee Retirement Income Security Act of 1974 ("ERISA") Jake's spouse was a participant in the Plan and Jake was a beneficiary of the Plan at all relevant times.

4. Jake received medical care and treatment at FHE Health in Deerfield Beach, Florida ("FHE") from March 27, 2021, to Apil 23, 2021. FHE is a residential treatment facility located in Deerfield Beach, Florida, which provides acute inpatient treatment to patients with severe mental health, behavioral, and/or substance abuse problems.

5. Before leaving for FHE in Florida from Michigan Jake's spouse called the Plan and discussed options for treatment and was told the Plan would pay the claim through their reimbursement process. Jake relied on the Plan's representative's advice and paid for the inpatient stay at FHE for 30 days.

6. After Jake sought reimbursement through BCBS Michigan Life Insurance Company, acting in its own capacity, or through its subsidiaries and affiliates BCBS Michigan denied claims for payment of Jake's medical expenses in connection with his treatment at FHE. This lawsuit is brought to obtain the Court's order requiring the Plan to reimburse Jake for the medical expenses he has incurred and paid for treatment.

7. This Court has jurisdiction over this case under 29 U.S.C. §1132(e)(1) and 28 U.S.C.§1331.

8. Venue is appropriate under 29 U.S.C. §1132(e)(2) and 28 U.S.C. §1391(c) based on ERISA's nationwide service of process and venue provisions, because BCBS Michigan does business in Michigan, and because the treatment at issue was approved while Jake was in Michigan. Finally, in light of the sensitive nature of the medical treatment at issue, it is the Plaintiffs' desire that the case be resolved in the State of Michigan where it is more likely his privacy will be preserved.

9. The remedies the Plaintiffs seek under the terms of ERISA and under the Plan are for the benefits due under the terms of the Plan, and pursuant to 29 U.S.C. §1132(a)(1)(B), for appropriate equitable relief under 29 U.S.C. §1132(a)(3) based on the Defendants' violation of the Mental Health Parity and Addiction Equity Act of 2008 ("MHPAEA"), an award of prejudgment interest, and an award of attorney fees and costs pursuant to 29 U.S.C. §1132(g).

BACKGROUND FACTS

Jake's Developmental History and Medical Background

10. In November 2017 Jake was diagnosed with Bipolar during a manic/psychotic episode and was diagnosed with attention deficit hyperactivity disorder ("ADHD") which made it hard for him to focus and stay on task. Jake's mother and father described Jake as having a difficult temperament since he was a toddler.

11. In 2017 Jake was given psychiatric medications after two inpatient hospitalizations. The first hospitalization was for 3 days and the second lasted 17 days. Jake continued to struggle with anxiety and depression as time progressed and often had suicidal ideation in addition to manic episodes.

12. These behaviors continued in September 2020 and November 2020 respectively when Jake was involuntarily committed for 14 days in September 2020 and 5

days in November 2020.

13. After the hospitalization in November 2020, it was apparent that Jake was potentially treatment resistant. This precipitated the necessity for additional mental health services.

14. Jake's treatment team recommended that he be placed in a residential treatment center at least a 30 day stay to stabilize him after the nearly 7–8-month mania.

15. There were no other alternatives anywhere in the country that were more cost effective because of the inpatient and acute nature of the treatment.

FHE

16. Jake was admitted to FHE on March 27, 2021, after consulting with BCBS Michigan.

17. In a letter dated January 24, 2022, as attached in attached as incorporated herein by reference, BCBS Michigan denied payment for Plaintiff's treatment at FHE. Jake was provided with a copy of this letter. The reviewer gave the following justification for the denial:

> In your appeal letter, you stated that you were advised by BCBSM that your services would be covered. Upon review of a phone call placed to our provider servicing department on March 25, 2021, by a representative from Deerfield Florida House, I confirmed that we gave specific benefit information to the facility based on the NPI (provider identification number) and procedure codes that the provider intended to bill. The provider was advised that the services would not be covered by the health plan. Further, inpatient charges for room and board are not covered without a preapproval to assess the necessity of the admission, which we are unable to complete when the admitting facility is nonparticipating.
>
> On the same day (March 25, 2021), we received a phone call placed by your wife. I confirmed that Mrs. Perrone stated that she was informed by the facility that the services were declined by the insurance, which is true, and agreed to self-pay. Your wife asked if there were any options for reimbursement of any portion of the charges. Mrs. Perrone was provided with general out-of-network coverage information, which is not specific to the actual services being performed, and the representative informed your wife that she could

submit a request for reimbursement.

> It is important to know that Blue Cross provides a disclaimer which advises callers at the time of the call that benefit quotes are not a guarantee of payment. Payment is determined upon receipt of the claim. Because the claim reported with your wife's request for reimbursement does not support covered services (the services were performed by a nonparticipating provider and there is no preapproval to support the necessity of the admission), the claim does not qualify for out-of-network coverage under the health plan. Further, we are unable to honor a request for payment on a one time basis based on the series of phone calls reviewed because correct and specific benefit information was provided before the services occurred prompting a self-pay arrangement.
>
> Blue Cross recognizes that the representative assisting your wife could have been more specific regarding the coverage information provided, and we will use this information to better our member services for our members.

18. BCBS acknowledge that they received a phone call on March 25, 2021, from Jake's spouse requesting approval for the services. BCBS acknowledges that she was informed that she could submit a request for Member Reimbursement that would pay for the services after specifically inquiring into the whether it would be approved. By providing assurances that BCBS would pay for the claim through Member Reimbursement they agreed to pay the claim.

19. If the services were to be performed by a non-participating provider, BCBS shouldn't have said the services would be paid for through Member Reimbursement. Further, there is no mechanism for a 30-day inpatient acute treatment care facility that insurance would pay for. There is no way to quantify the severity of the illness to determine if a longer duration of treatment is necessary. BCBS Michigan takes advantage of this by denying the type of care that is necessary in acute situations such as 30 day required inpatient, based on archaic principles and outdated logic.

20. Further, based upon it being a psychiatric emergency it is very evident that a pre-approval should have been granted. BCBS also recognizes that they could have been more

specific regarding the coverages. ...

21. On April 22, 2022, Jake requested that the denial of payment for his treatment be evaluated by an external review agency.

22. State run or subsided mental hospitals were not intended to treat individuals suffering from severely acute symptomology such as an imminent risk of suicide, homicide, or psychosis in the severely acute mentally ill. The Plan led Jake to believe the 30 day required inpatient treatment at a private residential facility would be approved and it was clearly medically necessary given the persistence of symptoms after half-hearted treatment in a dilapidated and antiquated state facility. Jake requested that the external review agency not utilize the criteria utilized by BCBS Michigan in its review as they were incongruent with generally accepted standards of mental health care and incorrectly mandated acute symptomology for an acute level of care.

23. Jake stated that MHPAEA compelled BCBS Michigan to offer mental health and substance use treatment "at parity" with comparable levels of medical or surgical treatment such as skilled nursing facilities. The MHPAEA prohibits non quantifiable treatment limitations, and that because BCBS Michigan required acute symptomology for his mental health care, it would have also had to require acute symptoms for treatment in a medical facility where a patient is required to be held inpatient for 30 days in order to be in compliance with MHPAEA.

24. Jake's medical records will show an extremely combative and uncontrollable psychotic, and that while in treatment he continued to struggle with psychosis, anxiety, panic attacks.

25. Jake hereby requests that BCBS Michigan provide him with a copy of all

documents under which the Plan was operated including the Certificate of Coverage, any insurance policies in place for the benefits he was seeking, any administrative service agreements that existed, the Plan's mental health and substance abuse criteria, the Plan's skilled nursing and rehabilitation facility criteria, and any opinions from any physician or other professional regarding the claim (collectively the "Plan Documents")

26. BCBS Michigan later informed the Plaintiff that the external review organization had upheld the denial.

27. BCBS Michigan's use of acute care criteria violated MHPAEA, because it did not conform with generally accepted standards of care when reviewing residential level mental health or substance abuse claims.

28. The Plaintiff exhausted his pre-litigation appeal obligations under the terms of the Plan and ERISA.

29. The denial of benefits for Jake's treatment was a breach of contract and caused him to incur medical expenses that should have been paid by the Plan in an amount totaling at least $25,000.00 not including prejudgment interest and consequential or punitive damages.

FIRST CAUSE OF ACTION

(Claim for Recovery of Benefits Under 29 U.S.C. §1132(a)(1)(B))

30. ERISA imposes higher-than-marketplace quality standards on insurers and plan administrators. It sets forth a special standard of care upon plan fiduciaries such as BCBS Michigan, acting as agent of the Plan, to "discharge [its] duties in respect to claims processing solely in the interests of the participants and beneficiaries" of the Plan. 29 U.S.C. §1104(a)(1).

31. ERISA also underscores the particular importance of accurate claims processing and evaluation by requiring that administrators provide a "full and fair review"

of claim denials and to engage in a meaningful dialogue with the Plaintiffs in the pre-litigation appeal process. 29 U.S.C. §1133(2).

32. BCBS Michigan and the agents of the Plan breached their fiduciary duties to Jake when they failed to comply with their obligations under 29 U.S.C. §1104 and 29 U.S.C. §1133 to act solely in Jake's interest and for the exclusive purpose of providing benefits to ERISA participants and beneficiaries and to provide a full and fair review of Jake's claims.

33. The actions of BCBS Michigan and the Plan in failing to provide coverage for Jake's medically necessary treatment are a violation of the terms of the Plan and its medical necessity criteria.

SECOND CAUSE OF ACTION
(Claim for Violation of MHPAEA Under 29 U.S.C. §1132(a)(3))

34. MHPAEA is incorporated into ERISA and is enforceable by ERISA participants and beneficiaries as a requirement of both ERISA and MHPAEA.

35. Generally speaking, MHPAEA requires ERISA plans to provide no less generous coverage for treatment of mental health and substance use disorders than they provide for treatment of medical/surgical disorders.

36. MHPAEA prohibits ERISA plans from imposing treatment limitations on mental health or substance use disorder benefits that are more restrictive than the predominant treatment limitations applied to substantially all medical and surgical benefits and also makes illegal separate treatment limitations that are applicable only with respect to mental health or substance use disorder benefits. 29 U.S.C.§1185a(a)(3)(A)(ii).

37. Impermissible nonquantitative treatment limitations under MHPAEA include, but are not limited to, medical management standards limiting or excluding benefits based on medical necessity, restrictions based on geographic location, facility type, provider specialty,

and other criteria that limit the scope or duration of benefits for mental health or substance use disorder treatment. 29 C.F.R. §2590.712(c)(4)(ii)(A) and (II).

38. Specifically, the Plan's medical necessity criteria for acute mental health treatment benefits are more stringent or restrictive than the medical necessity criteria the Plan applies to acute level medical or surgical benefits.

39. Comparable benefits offered by the Plan for medical/surgical treatment analogous to the benefits the Plan excluded for Jake's treatment include acute inpatient treatment settings such as skilled nursing facilities, inpatient hospice care, and rehabilitation facilities. For none of these types of treatment does BCBS Michigan exclude or restrict coverage of medical/surgical conditions based on medical necessity, geographic location, facility type, provider specialty, or other criteria in the manner BCBS Michigan excluded coverage of treatment for Jake at FHE.

40. BCBS Michigan, requiring Jake satisfy acute care medical necessity criteria to be approved for a minimum 30-day residential treatment violates MHPAEA because the Plan does not require individuals receiving treatment at acute inpatient facilities for medical/surgical conditions to satisfy acute medical necessity criteria in order to receive Plan benefits. Further, and importantly, the practical necessity of imminent treatment for psychiatric emergencies obviates the necessity for a stringent insurance company review of whether coverage will be approved. This would be violative of public policy.

41. In this manner, the Defendants violate 29 C.F.R. §2590.712(c)(4)(i) because the terms of the Plan and the medical necessity criteria utilized by the Plan and BCBS Michigan, as written or in operation, use processes, strategies, standards, or other factors to limit coverage for mental health or substance use disorder treatment in a way that is inconsistent with, and

more stringently applied, than the processes, strategies, standards or other factors used to limit coverage for medical/surgical treatment in the same classification.

42. When BCBS Michigan and the Plan receive claims for acute level treatment of medical and surgical conditions, they provide benefits and pay the claims as outlined in the terms of the Plan based on generally accepted standards of medical practice. BCBS Michigan and the Plan evaluated Jake's mental health claims using medical necessity criteria that deviate from generally accepted standards of medical practice. This process resulted in a disparity where equivalent mental health benefits were denied when the analogous levels of medical or surgical benefits would have been paid.

43. The violations of MHPAEA by BCBS Michigan and the Plan give the Plaintiff the right to obtain appropriate equitable remedies as provided under 29 U.S.C. §1132(a)(3) including, but not limited to:

(a) A declaration that the actions of the Defendants violate MHPAEA;

(b) An injunction ordering the Defendants to cease violating MHPAEA and requiring compliance with the statute;

(c) An order requiring the reformation of the terms of the Plan and the medical necessity criteria utilized by the Defendants to interpret and apply the terms of the Plan to ensure compliance with MHPAEA;

(d) An order requiring disgorgement of funds obtained by or retained by the Defendants as a result of their violations of MHPAEA;

(e) An order requiring an accounting by the Defendants of the funds wrongly withheld by each Defendant from participants and beneficiaries of the Plan and BCBS Michigan insured plans as a result of the Defendants' violations of MHPAEA;

(f) An order based on the equitable remedy of surcharge requiring the Defendants to provide payment to the Plaintiffs as make-whole relief for their loss;

(g) An order equitably estopping the Defendants from denying the Plaintiff's claims in violation of MHPAEA; and

(h) An order providing restitution from the Defendants to the Plaintiffs for their loss arising out of the Defendants' violation of MHPAEA.

44. In addition, Plaintiff is entitled to an award of prejudgment interest pursuant to U.C.A. §15-1-1, and attorney fees and costs pursuant to 29 U.S.C. §1132(g)

THIRD CAUSE OF ACTION
(Breach of Contract – Common Law)

45. Defendants entered into a contract with Plaintiff to provide insurance for medical care. A copy of the contract has not been attached as it is in the possession of the BCBS Michigan.

46. Plaintiff incurred a hospital bill that was at least tentatively approved by the hospital before the stay in October of 2021 at Sparrow Hospital in a partial hospitalization program. The Plan denied the claim on the basis of the program utilizing group therapy although group therapy is the standard in the mental health community for inpatient of quasi-inpatient settings.

47. After completing the program, BCBS Michigan did not approve the hospital stay although the hospital had previously run Jake's insurance and obtained at least preliminary approval for the partial hospitalization program

48. Plaintiff promptly brought these matters to BCBS Michigan attention after the initial insurance coverage denial and they did not overturn the denial

49. Defendants' conduct as described in this complaint constituted a breach of the contract between the parties.

50. Jake has been damaged by Defendants' breach in the amount of at least $25,000.00 which consists of the medical bills incurred in October 2021 for the stay at FHE.

WHEREFORE, the Plaintiff, **JACOB A. PERRONE**, seek relief as follows:

1. Judgment in the total amount that is owed for Jake's medically necessary treatment at FHE under the terms of the Plan, plus pre and post-judgment interest to the date of payment;

2. Appropriate equitable relief under 29 U.S.C. §1132(a)(3) as outlined in Plaintiff's Second Cause of Action;

3. Attorney fees and costs incurred pursuant to 29 U.S.C. §1132(g);

4. enter judgment in *his* favor and against Defendant in an amount in excess of $25,000.00, plus interest at the statutory rate from the date of filing; and

5. For such further relief as the Court deems just and proper.

DATED this 14th day of December 2024.

1. I verify that the foregoing Verified Complaint, and the allegations therein are true and correct to the best of my knowledge, information, and belief.

2. I declare under penalty of perjury that the foregoing is true and correct.

By s/ [illegible]
JACOB A. PERRONE
Attorney for Plaintiff
Individually as Plaintiff

County of Plaintiffs' Residence:
Clinton County, Michigan

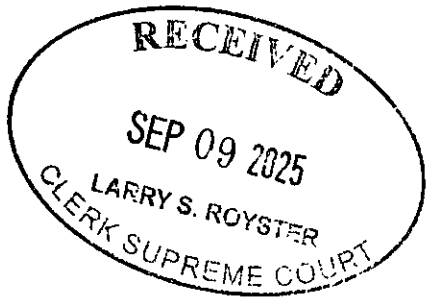

EXHIBIT A
Appeal Documents

Request for External Review

You may be eligible for an External Review at no cost to you if ALL of the following apply:

- You have exhausted BCBSM's internal appeals process (unless waived because BCBSM did not complete its review within the required time)
- The request is within 4 months of receipt of a Final Adverse Determination
- The patient was covered on the date of service
- The health care service appears to be a covered benefit
- And, where these requirements are met, the external reviewer determines the claim decision involves medical judgment, or that there was a rescission of coverage.

You are responsible for submitting

- A copy of the Final Adverse Determination from BCBSM or its third party designee
- Pertinent documentation, such as bills, explanations of benefits, medical records, correspondence, statements from doctors, research material that supports your position, etc

Note: It is your responsibility to submit medical records
Always send copies. Never send original documents

1. Patient Name | Name of INSURED Person
Jacob Perrone Ashley Perrone

BCBSM Policy (Contract) Number | Group Number | Claim number (if applicable)
[redacted]

Dates service was received or requested: If service was received, enter date received. If not, enter date service was requested
March 27, 2021 - April 23, 2021

Name of physician and medical facility involved
Deerfield Florida House, Inc.

2. Statement of request: Provide a brief explanation of the problem and the resolution you are seeking. Describe the medical service or requested service

See attached STATEMENT OF REQUEST

4. This request is being filed by (choose one)
X The patient – provide patient's contact information in Part 5
The patient's parent (if patient is a minor child) or the patient's legal guardian – provide parent or legal guardian's contact information in Part 5
A representative authorized by the patient – provide authorized representative's contact information in Part 5

5. Contact information for person filing the form

Name of Patient, Parent, Legal Guardian or Authorize Representative
Jacob A. Perrone

Address 3555 Shearwater Lane

City East Lansing | State MI | Zip 48823

Daytime phone number | Evening phone number
517.719.4657 517.719.4657

If you are not the patient, what is your relationship to the patient?

If person filing is NOT the patient or the patient's parent or the patient's legal guardian, the patient must designate the representative by reading and signing the statement in Part 6 below:

6. Patient authorization statement
I authorize the person named in Part 5 to act as my authorized representative in this External Review.

Signature of Patient | Date

7. Authorization to review medical information

I authorize the Independent Review Organization and any other health care provider needed to review protected health information and records pertaining to this external review.

Signature of Patient | Date
Jacob Perrone 4/28/2022

8. Send your Request for External Review to:
BCBSM External Review Requests
500 Lafayette East – Mail Code 1620
Detroit, MI 48226 – 2998
Fax: 877-348-2210

3. Urgent External Review Requirements (If you are not requesting an urgent external review or your request does not meet the conditions below, skip to Part 4.)

The following conditions must be met:

- An urgent INTERNAL review has been requested AND
- The request is filed within 30 days of receipt of adverse determination AND
- A physician substantiates the medical condition involved in the adverse determination is serious enough to jeopardize the life or health of the covered person.

My request meets these requirements. By completing items (3a.) and (3b.), I am requesting an Urgent External Review.

(3a.) Date you requested an Urgent INTERNAL review _____

(3b.) Name and phone number of substantiating physician _____

Telephone number (Expedited External Review request only. Conditions in section 3 must be met.): 313-225-0646

Revised 12/08/14

STATEMENT OF REQUEST

On March 25, 2021 in preparation for the provided service BCBSM was contacted to determine whether the service would be covered. Maria, a representative of BCBSM, advised that I would be able to apply for member Reimbursement. Maria advised that BCBSM would process the claim although it was out of network. I was led to believe by the representations of BCBSM that the facility and the service would be covered by BCBSM. This induced me to pay for the service out of pocket with the understanding that I would be allowed to seek Member Reimbursement pursuant to the terms of the policy. After the service was provided for BCBSM was contacted on numerous occasions and BCBSM representatives repeatedly advised to file for Member Reimbursement and repeatedly requested that the provider use appropriate revenue and procedure codes to process the claim. After the claim was finally processed it was denied although BCBSM stated on numerous occasions that the claim would be approved.

On January 24, 2022, a decision was made on my appeal. BCBSM acknowledge that they received a phone call on March 25, 2021, from my spouse requesting why the services were declined. BCBSM acknowledges that they my spouse was informed that she could submit a request for Member Reimbursement that would pay for the services. By providing assurances that BCBSM would pay for the claim through Member Reimbursement they agreed to pay the claim. If the services were to be performed by a non-participating provider, BCBSM shouldn't have represented the services would be paid through Member Reimbursement. Further, a pre-approval to support the necessity of admission wasn't required as BCBSM already represented it would be covered by Member Reimbursement. Further, based upon it being a psychiatric emergency it very evident that a pre-approval would have been granted. BCBSM also recognizes that they could have been more specific regarding the coverages.

Executive Services
600 E. Lafayette Blvd MC 1620
Detroit, MI 48226-2998
bcbsm.com

Blue Cross Blue Shield Blue Care Network of Michigan

1620
JACOB PERRONE
3555 SHEARWATER LN
EAST LANSING, MI 48823

Member Name:	JACOB PERRONE
Enrollee ID:	[redacted]
Provider Name:	Deerfield Florida House, Inc
Service Date(s):	March 27, 2021 - April 23, 2021
Type(s) of Service:	Mental Health Services
Claim Charge(s):	$18,000 and $5,000

January 24, 2022

We made a decision on your appeal.

Dear Mr. PERRONE:

This letter is in response to the appeal you submitted regarding the denial of payment for your mental health services. After review, I confirmed that because your residential treatment and partial hospitalization services were rendered by a nonparticipating provider, the denial of payment is appropriate and must be maintained.

As a Grievance and Appeals Coordinator, I reviewed your claim(s), your appeal, and your health care plan benefits.

You are covered by the Edward W. Sparrow Hospital group health benefits plan, which includes the *Comprehensive Health Care Certificate Series CMM, ASC (Certificate)*. Page 23 of the *Certificate*, under "Psychiatric Residential Treatment" and page 24 of the *Certificate* under "Psychiatric partial hospitalization program" explains that treatment services are payable by a facility that participates with Blue Cross Blue Shield of Michigan (BCBSM) or with its local Blue Cross Blue Shield plan if located outside of Michigan. Because your provider is nonparticipating

Blue Cross Blue Shield of Michigan [illegible] and independent licensees of the [illegible]

with the local Blue Cross Blue Shield of Florida plan, these services are excluded from your coverage.

In your appeal letter, you stated that you were advised by BCBSM that your services would be covered. Upon review of a phone call placed to our provider servicing department on March 25, 2021 by a representative from Deerfield Florida House, I confirmed that we gave specific benefit information to the facility based on the NPI (provider identification number) and procedure codes that the provider intended to bill. The provider was advised that the services would not be covered by the health plan. Further, inpatient charges for room and board are not covered without a preapproval to assess the necessity of the admission, which we are unable to complete when the admitting facility is nonparticipating.

On the same day (March 25, 2021), we received a phone call placed by your wife. I confirmed that Mrs. Perrone stated that she was informed by the facility that the services were declined by the insurance, which is true, and agreed to self pay. Your wife asked if there were any options for reimbursement of any portion of the charges. Mrs. Perrone was provided with general out-of-network coverage information, which is not specific to the actual services being performed, and the representative informed your wife that she could submit a request for reimbursement.

It is important to know that Blue Cross provides a disclaimer which advises callers at the time of the call that benefit quotes are not a guarantee of payment. Payment is determined upon receipt of the claim. Because the claim reported with your wife's request for reimbursement does not support covered services (the services were performed by a nonparticipating provider and there is no preapproval to support the necessity of the admission), the claim does not qualify for out-of-network coverage under the health plan. Further, we are unable to honor a request for payment on a one time basis based on the series of phone calls reviewed because correct and specific benefit information was provided before the services occurred prompting a self-pay arrangement.

Blue Cross recognizes that the representative assisting your wife could have been more specific regarding the coverage information provided, and we will use this information to better our member services for our members.

This is Blue Cross Blue Shield of Michigan's final determination regarding your appeal. If you disagree with this decision, you may request an external review at no cost to you from an Independent Review Organization (IRO) within 4 months of receiving this notice. An IRO may review appeals involving medical judgement. To request the external review, please complete the enclosed Request for External Review form and send it to:

BCBSM External Review Requests
600 East Lafayette Blvd Mail Code 1620
Detroit, MI 48226 2998
Fax: 877-522-4767

If you need assistance with this process, please contact a Blue Cross representative by calling (877) 790-2583. There are also state and federal agencies available to assist you with any additional questions with the appeals process.

At the federal level, you can contact the Employee Benefits Security Administration at 1-866-444-EBSA (3272). At the state level, you can contact the Department of Insurance and Financial Services at 1-877-999-6442 or for general information, you can visit: www.michigan.gov/cofr

Once we receive your request for an external review, Blue Cross will randomly assign your request to a contracted IRO which meets legal requirements to ensure against bias and ensure independence. Your request will be reviewed to see if it requires medical judgement or meets other federal requirements for review.

The IRO will notify you and Blue Cross if it accepts your case for review because it involves medical judgement. The IRO will inform you and Blue Cross of its decision on your case within 45 days. Blue Cross will abide by the IRO's recommendation. The Independent Review Organization's decision ends the appeal process.

The Blue Cross Regulatory Affairs area will notify you if your case is not accepted by the IRO because the IRO determines your case does not involve a medical judgement.

If you still remain dissatisfied following the IRO's review you have the right to bring a civil action under ERISA (Employee Retirement Income Security Act) section 502(a), as amended. If you wish to pursue a civil action, you must initiate your civil action within 3 years of receiving a final determination from the external review. Or, if your company's plan document specifies a different timeframe, you must initiate a civil action within the timeframe specified in your company's plan documents. You must complete the external review process before you bring a civil action under section 502(a).

You are also entitled to receive, upon request and free of charge, reasonable access to any and all documents, including copies of the actual benefit provisions, guideline, protocol, medical policy or other similar criterion on which the appeal decision was based. Diagnosis and treatment codes and their corresponding meanings are also available upon request, unless precluded by other laws. We will also provide you with the standard on which the adverse determination was based.

To request copies of the above or any documents on which this decision was based, please write to 600 E. Lafayette Blvd, Detroit, Michigan 48226-2998, Mail Code 1620.

Sincerely,

Shameka Whatley

Shameka Woodson
Grievance & Appeals Coordinator
Executive Services

Blue Cross Blue Shield of Michigan and Blue Care Network are nonprofit corporations and independent licensees of the Blue Cross Blue Shield Association

Blue Cross Blue Shield Blue Care Network of Michigan

MEMBER APPEAL FORM

Blue Cross Blue Shield of Michigan will accept your request for an appeal when the request is submitted within **180 days from the initial denial notification.** If more than 180 days have passed since you were notified, and you still have a question, please call your Customer Service Center using the number on the back of your BCBSM ID card.

ENROLLEE/PATIENT INFORMATION

Enrollee's Name	BCBSM Enrollee ID	Group Number
Ashley Perrone	[redacted]	[redacted]

Patient Name (if different from enrollee)	Relationship to Enrollee	Daytime Telephone Number
Jacob Perrone	☐ Self ☑ Spouse ☐ Dependent	5177194657

Mailing Address	City	State	Zip Code
3555 Shearwater Ln	East Lansing	MI	48823

APPEAL REQUEST

You can appeal a pre or post-service claim.

A pre-service claim is a claim for services that requires approval from Blue Cross, as medically necessary, before you receive the service, item, treatment, or prescription drug; this is sometimes referred to as prior authorization, prior approval, or preauthorization.

A post service claim is a claim that you or provider submitted for payment for a service or item you think is covered.

Have you already received the service(s)? ☑ Yes ☐ No

Did your claim(s) deny because you or your provider did not get authorization? ☐ Yes ☑ No

Please complete the following information:

Provider Name	**Type of Service**
Deerfield Florida House Inc.	Residential Mental Health Hospital and PHP
Date(s) of Service	**Total Charge Amount**
03/27/2021 -- 4/23/2021	$ 24,000.00

TELL US WHY YOU'RE APPEALING

On March 25, 2021 in preparation for the provided service BCBSM was contacted to determine whether the service would be covered by BCBSM. On March 25, 2021 Maria advised on behalf of BCBSM that I would be able to apply for Member Reimbursement for the service although it had been verified it was a non-participating provider. Maria advised that it would process out of network. I was lead to believe that the service would be covered by insurance and induced to pay for the service out of pocket. After the Service was provided BCBSM was contacted on numerous occasions and BCBSM representatives repeatedly advised to file for Member Reimbursement and provided assistance in ensuring the provider used appropriate revenue and procedure codes to process the claim. After the claim was processed it was denied although it was repeatedly stated by BCBSM that the claim would be covered.

Your Signature Date Signed

Mail this completed form to **Blue Cross and Blue Shield of Michigan, 600 E. Lafayette Blvd., M.C. 1620, Detroit, MI 48226-2998, or fax it to 877-522-4767.**

- Attach any documents you'd like BCBSM to consider in support of your appeal (e.g., receipts, medical records, etc.)
- If you would like someone else to communicate with us and act on your behalf regarding this appeal, please complete the Designation of Authorized Representative for Appeal form and attach it to your appeal request.
- All appeal decisions will be sent to you in writing and will include a detailed explanation about the decision. We will respond to your appeal for a post-service claim within 60 days of when we receive your request and within 30 days for a pre-service claim.

Blue Cross Blue Shield of Michigan is an independent licensee of the Blue Cross and Blue Shield Association

Gmail

Jacob A. Perrone <jacob@perronelawpc.com>

RE: Itemized Bill

1 message

Ayelen Garcia <agarcia@fhehealth.com> Tue, Oct 19, 2021 at 10:09 AM
To: "Jacob A. Perrone" <jacob@perronelawpc.com>
Cc: David Deckard <ddeckard@fhehealth.com>

Good morning,

Attached is the new claim; I have corrected what BCBS requested and added the HCPCS.

FHEHealth

Ayelen Garcia
RCM Specialist
FHE Health
www.fhehealth.com
Phone: (954) 421-6242 Direct: (954) 794-7158
Fax: (412) 451-8656
agarcia@fhehealth.com

TOP WORK PLACES 2021 SunSentinel MEDIA GROUP

The information contained in this message may be privileged, confidential and protected from disclosure under 45 C.F.R and 42 C.F.R.. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify your administrator immediately and delete this message from your computer. Thank you.

From: Ayelen Garcia <agarcia@fhehealth.com>
Sent: Thursday, August 12, 2021 4:33 PM
To: Jacob A. Perrone <jacob@perronelawpc.com>
Subject: RE: Itemized Bill

Hello Jacob,

Blue Cross Blue Shield of Michigan

I paid out of pocket and I am requesting reimbursement for medical services.

Member Reimbursement

Usually, we pay your health care providers for you without you having to do anything. But, sometimes you have to pay the doctor or hospital yourself. This form is how you ask us to reimburse you

Please fully complete the form, print clearly

Section 1 — Member information

From your Blue Cross Blue Shield of Michigan member ID card	Subscriber's alpha-numeric contract number		Blue Cross group number
	Alpha:	Numeric:	
	XYQ	[redacted]	[redacted]

Subscriber's last name	first name
PERRONE	ASHLEY

Subscriber's street address		
3555 SHEARWATER LN		
City	State	ZIP
EAST LANSING	MI	48823

Section 2 — Patient information

Patient's first name	Sex	Medicare HIB / MBI number
JACOB	M ⊙ F ○	N/A

Patient's date of birth	Date of illness or injury	Admission date	Discharge date
02/22/1982	03/27/2021	03/27/2021	04/23/2021

Was this related to:	Check box that applies	This was related to:	Other health insurance
Auto Accident Work Related	☐	Other	
Metabolic Diseases & Foods	☐		Yes ○ No ⊙
Accidental Dental	☐	RESIDENTIAL MENTAL HEALTH HOSPITAL AND PHP	

Section 3 — Other Insurance information

Name of other insurance	Policy number
N/A	

I certify that the above information is true, and the enclosed material is correct and unaltered, and the expenses were incurred by the patient. I understand all material submitted becomes the property of Blue Cross Blue Shield of Michigan and will not be returned. I realize false receipt or fraudulent alterations of these materials will result in civil or criminal prosecution. I authorize the release of any information necessary to process or review this claim.

Sign after printing.

X _____ _____

Signature Date

DEERFIELD FLORIDA HOUSE INC.
504 SOUTH FEDERAL HIGHWAY
DEERFIELD BEAC FL 33441-4117
(954)421-0087

DEERFIELD FLORIDA HOUSE INC.
504 S FEDERAL HIGHWAY
DEERFIELD BEACH FL 334414117

924496946

112

582670224 | 032721 | 041621

43305512

PERRONE, JACOB

3555 SHEARWATER LANE
EAST LANSING MI 48823

02221982 M 032721 12 3 9 30

BCBS MICHIGAN
PO BOX 1798
JACKSONVILLE, FL 32231-0014

1001	BEHAVIORAL HEALTH ACCOMM	032721	1.0	857.15	
1001	BEHAVIORAL HEALTH ACCOMM	032821	1.0	857.15	
1001	BEHAVIORAL HEALTH ACCOMM	032921	1.0	857.15	
1001	BEHAVIORAL HEALTH ACCOMM	033021	1.0	857.15	
1001	BEHAVIORAL HEALTH ACCOMM	033121	1.0	857.15	
1001	BEHAVIORAL HEALTH ACCOMM	040121	1.0	857.15	
1001	BEHAVIORAL HEALTH ACCOMM	040221	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	040321	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	040421	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	040521	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	040621	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	040721	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	040821	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	040921	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	041021	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	041121	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	041221	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	041321	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	041421	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	041521	1.0	857.14	
1001	BEHAVIORAL HEALTH ACCOMM	041621	1.0	857.14	

0001 PAGE 1 OF 1 CREATION DATE 081221 TOTALS 18,000.00 0.00

1649500182

BCBS MICHIGAN 582670224 Y Y 18,000.00 0.00 582670224

PERRONE, JACOB 18 XYQ924547483 007004954

F31.2 Y F12.20 Y
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F31.2

1598828881
CASTELLON ALBERT MD

18,000.00 PAID BY
JOSEPH PERRONE ON
3.27.2021 BY AMEX

DEERFIELD FLORIDA HOUSE INC
504 SOUTH FEDERAL HWY
DEERFIELD BEAC FL 3344 -4112
(954)421-6242

DEERFIELD FLORIDA HOUSE INC
504 SOUTH FEDERAL HIGHWAY
DEERFIELD BEACH FL 3344[illegible]

134

592670224 | 041721 | 042421

43305512

3555 SHEARWATER LANE

PERRONE, JACOB

EAST LANSING MI 48[illegible]

02221952 M 032721 12 3 9 06 01

BCBS MICHIGAN
PO BOX 1798
JACKSONVILLE, FL 32231-0014

0912 A/D OR MH PHP	S0201	041721	1.0	714.29	
0912 A/D OR MH PHP	S0201	041821	1.0	714.29	
0912 A/D OR MH PHP	S0201	041921	1.0	714.29	
0912 A/D OR MH PHP	S0201	042021	1.0	714.29	
0912 A/D OR MH PHP	S0201	042121	1.0	714.29	
0912 A/D OR MH PHP	S0201	042221	1.0	714.29	
0912 A/D OR MH PHP	S0201	042321	1.0	714.29	

PAGE 1 OF 1 CREATION DATE [illegible] TOTALS 5,000.00 0.00

BCBS MICHIGAN 592670224 5,000.00 0.00 592670224

PERRONE, JACOB XYQ024547483 007004954

F31.2 F12.20

F31.2

CASTELLON ALBERT MD

5,000.00 PAID BY
JOSEPH PERRONE ON
03272021 BY AMEX

FHEHealth

Deerfield Florida House
504 South Federal Highway
Deerfield Beach Fl. 33441-4112
954-505-5357 | 772-360-1127 | www.fherehab.com

Jacob Perrone
3555 Shearwater Lane
East Lansing, MI 48823

Statement of Account

Provider: **Deerfield Florida House, Inc.**
Address: 504 S. Federal Highway,
Deerfield Beach, FL 33441
TIN: 58-2670224
NPI: 1649500182

Description of Services	Date Range	Revenue/ CPT Code	Units / Days	Unit Price	Amount
MH RES	03/27/21 – 04/16/21	1001	21	$857.15	$18,000
MH PHP	04/17/21 – 04/23/21	0912	7	$714.29	$5,000
Medication/Labs	3/27/21-4/23/2021	-	28	-	$1,000
		Total Paid			**$24,000**

SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

JACOB A. PERRONE

v.

BCBS LIFE INSURANCE COMPANY, a Michigan corporation
BCBS MICHIGAN, a Michigan corporation

Case No.
Hon

TO: BCBS Life Insurance and BCBS Michigan
ADDRESS.

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within _____ days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court.

Plaintiff's or Plaintiff's Attorney Name and Address
Jacob A. Perrone (P71915)
3310 Kresge Ln
East Lansing, MI 48823
jacob.perrone@yahoo.com
(517) 719-4657

CLERK OF COURT

The Court has offices in the following locations:

399 Federal Building, 110 Michigan St., NW, Grand Rapids, MI 49503
P.O. Box 698, 330 Federal Building, Marquette, MI 49855
107 Federal Building, 410 W. Michigan Ave., Kalamazoo, MI 49007
113 Federal Building, 315 W. Allegan, Lansing, MI 48933

_____ _____
By Deputy Clerk Date

PROOF OF SERVICE

This summons for _____ BCBS Life Insurance and BCBS Michigan _____ was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
(place where served)
on _____
(date)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____.

Other (specify) _____.

My fees are $ _____ for travel and $ _____ for services, for a total of $ _____

I declare under the penalty of perjury that this information is true.

Date _____

_____
Server's signature

Additional information regarding attempted service, etc.

_____
Server's printed name and title

_____
Server's address

STATE OF MICHIGAN

THIRTIETH JUDICIAL CIRCUIT COURT

INGHAM COUNTY

PEOPLE OF THE STATE OF MICHIGAN,

v

File No. 16-1064-FC
16-1065-FC
Hon. Clinton Canady

TUNC URAZ,

Defendant.

_____/

GINTHER HEARING

BEFORE HONORABLE CLINTON CANADY, III, CIRCUIT COURT JUDGE

Lansing, Michigan - Monday, October 4, 2021

APPEARANCES:

For the People:

KAHLA D. CRINO (P71012)
Ingham County Prosecutor's Office
303 West Kalamazoo Street, Fourth Floor
Lansing, Michigan 48933
(517) 483-6108

For the Defendant:

SUSAN K. WALSH (P40447)
P.O. Box 157
Northville, Michigan 48167
(248) 563-9149

Recorded By:

Toni Coltman, CER 8226
Certified Electronic Recorder
(517) 483-6404

OFFICIAL COURT REPORTER/RECORDER
30TH JUDICIAL CIRCUIT COURT
LANSING, MICHIGAN

ORIGINAL

Approved, SCAO

PCS CODE: PFH/PAS
TCS CODE: IPFH/PFH/PAS

STATE OF MICHIGAN PROBATE COURT COUNTY OF Clinton	PETITION FOR MENTAL HEALTH TREATMENT	FILE NO. 17-29766-MI

In the matter of Jacob Alan Perrone (First, middle, and last name) XXX-XX- (Last four digits of SSN)

Court ORI	Date of Birth	Place of Birth	Race	Sex
	2/22/82	Lansing MI	CA	M

1. I, Joseph V. Perrone (Name (type or print)), an adult Father (specify whether a relative, neighbor, peace officer, etc.) petition because I believe the individual named above needs treatment.

2. The individual was born 2/22/82 (Date), has a permanent residence in East Lansing, MI County at 3555 Shearwater Lane (Street address), East Lansing (City), MI (State), 48823 (ZIP) and can presently be found at 1500 E Medical Center Drive Ann Arbor MI. (Facility name or other address)

☐ This petition is for a person who was found not guilty by reason of insanity in this county.

Order Filed Date 11.14.17 48109
Time 2242
JMD

3. I believe the individual has mental illness and

☑ a. as a result of that mental illness, the individual can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure self or others, and has engaged in an act or acts or made significant threats that are substantially supportive of this expectation.

☐ b. as a result of that mental illness, the individual is unable to attend to those basic physical needs that must be attended to in order to avoid serious harm in the near future, and has demonstrated that inability by failing to attend to those basic physical needs.

☑ c. the individual's judgment is so impaired by that mental illness that s/he is unable to understand his/her need for treatment, and whose impaired judgment, on the basis of competent clinical opinion, presents a substantial risk of significant physical or mental harm to the individual or presents a substantial risk of physical harm to others in the near future.

☑ d. the individual's understanding of the need for treatment is impaired to the point that s/he is unlikely to voluntarily participate in or to adhere to treatment that has been determined necessary to prevent a relapse or harmful deterioration of his/her condition. The individual's noncompliance with treatment has been a factor in the individual's

☐ i. placement in ☐ a psychiatric hospital ☐ jail ☐ prison at least two times within the last 48 months.
(Specify the name(s) and location(s) of the hospital, jail, or prison and the date(s) of hospitalization or incarceration.)

9/17 Went to Sparrow Hospital with Severe Anxiety

11/17 Went to Sparrow Hospital w chest pains Left Against medical Advice

AND/OR

☑ ii. committing one or more acts, attempts, or threats of serious violent behavior within the last 48 months.
(Specify the acts, attempts, or threats of serious violent behavior.)

Punches holes in walls, is verbally abusive to his wife has said he will "Kill" ~~a/or destroy everyone, will take over Lansing & rule w/ an iron fist~~

this happens weekly for the last 2 years at least.

(SEE SECOND PAGE)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

FILED
NOV 16 2017
CLINTON COUNTY PROBATE COURT

2017029766MI

Pth & Certs provided as info only for filing Demand for Hearing. 11-22-17.

PCM 201 (5/16) PETITION FOR MENTAL HEALTH TREATMENT

MCL 330.1100a(25), MCL 330.1401, MCL 330.1423, MCL 330.1427, MCL 330.1434, MCL 330.1438, MCL 330.2050, MCR 5.125(C)(16)

Petition for Mental Health Treatment (9/16) File No. _____

4. The conclusions stated above are based on

a. my personal observation of the person doing the following acts and saying the following things:
He has many angry outbursts, disorganized thoughts. He thinks he is the most intelligent person in the world. He will "destroy" or "kill" everyone. He had called himself "my suicidal son". Has many Anger issues

b. the following conduct and statements that others have seen or heard and have told me about:

by: _____ Witness name _____ Complete address _____ Telephone no.

5. The persons interested in these proceedings are:

NAME	RELATIONSHIP	ADDRESS	TELEPHONE
	Spouse		
	Guardian*		

*(Specify the county where the guardianship was established and the case number.) _____

6. The individual ☐ is ☒ is not a veteran.

☐ 7. Attached is a ☒ clinical certificate by a physician or licensed psychologist taken within the last 72 hours.
☐ clinical certificate by a psychiatrist taken within the last 72 hours.
☐ petition/affidavit for examination (form PCM 209a) because an examination could not be secured.

8. I request the court to determine the individual to be a person requiring treatment and

☒ a. (Check if item 3a, 3b, or 3c is checked.) order appropriate mental health treatment.
☐ b. (Check if item 3d is checked.) order that the individual participate in assisted outpatient treatment without hospitalization.

☐ 9. I request the individual be hospitalized pending a hearing.

I declare under the penalties of perjury that this petition/application has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

_____ Signature of attorney
_____ Name (type or print) Bar no.
_____ Address
_____ City, state, zip Telephone no.

11/14/17 Date
Joseph V. Romano Signature of petitioner
15880 Brook Rd Address
Lansing, MI 48906 City, state, zip
Home telephone no. 517-290-1150 Work telephone no.

FOR HOSPITAL USE ONLY

This petition for mental health treatment was received by the hospital on 11-14-17 Date at 2220 Time

_____ Signature of hospital representative

11/27/2017

Neutral
As of: August 11, 2025 12:32 PM Z

Coddington v. Skopos Fin. LLC

United States District Court for the Western District of Michigan, Southern Division

August 4, 2025, Decided; August 4, 2025, Filed

Case No. 1:25-cv-100

Reporter
2025 U.S. Dist. LEXIS 149099 *; 2025 LX 322973; 2025 WL 2208190

SARAE CODDINGTON, Plaintiff, v. SKOPOS FINANCIAL LLC, Defendant.

Prior History: *Coddington v. Skopos Fin. LLC, 2025 U.S. Dist. LEXIS 150437 (July 18, 2025)*

Core Terms

show cause hearing, recommend, minute

Counsel: **[*1]** For Sarae Coddington, an individual, plaintiff: Jacob Perrone, Dragon Lawyers, PC, East Lansing, MI.

For Skopos Financial LLC, a Texas limited liability company, doing business as, Reprise Financial LLC, defendant: Charles Dunham Biles, Biles Wilson, PLLC, Heath, TX.

Judges: Hon. HALA Y. JARBOU, CHIEF UNITED STATES DISTRICT JUDGE.

Opinion by: HALA Y. JARBOU

Opinion

ORDER

On July 18, 2025, Magistrate Judge Phillip J. Green issued a Report and Recommendation (R&R) recommending that the Court impose sanctions against Plaintiff's Counsel Jacob Perrone and award Defendant costs pursuant to *Fed. R. Civ. P. 37(b)(2)(C)* (ECF No. 29). The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so expired on August 1, 2025. On August 4, 2025, the Court held a show cause hearing on the record. Mr. Perrone failed to appear for the hearing. For the reasons stated on the record, the Court finds "by clear and convincing evidence that [Mr. Perrone] violated a definite and specific order of the court requiring [him] to perform . . . a particular act or acts with knowledge of the court's order.'" *Rolex Watch U.S.A., Inc. v. Crowley, 74 F.3d 716, 720 (6th Cir. 1996)* (quoting *N.L.R.B. v. Cincinnati Bronze, Inc., 829 F.2d 585, 590 (6th Cir. 1987)*). Therefore, the Court finds Mr. Perrone in civil contempt of Court under *Fed. R. Civ. P. 37(b)(2)(A)(vii)*.

Accordingly,

IT IS ORDERED that the R&R (ECF **[*2]** No. 29) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that, pursuant to *Rule 37(b)(2)(C)*, costs are awarded in the amount of $800.00, payable to Defendant's Counsel by **August 18, 2025**, for his attendance at the following hearings:

1. The July 7, 2025, scheduling conference before Magistrate Judge Green in which Mr. Perrone failed to appear (Minutes, ECF No. 24);
2. The July 17, 2025, scheduling conference before Magistrate Judge Green in which Mr. Perrone failed to appear (Minutes, ECF No. 284); and
3. The August 4, 2025, show cause hearing before the undersigned in which Mr. Perrone failed to appear.

IT IS FURTHER ORDERED that Mr. Perrone shall complete 25 hours of professional responsibility CLE and electronically file verification of completion by **October 3, 2025**.

IT IS FURTHER ORDERED that Mr. Perrone shall pay a fine in the amount of $500.00, payable to the Clerk of Court, by **August 18, 2025**.

IT IS FURTHER ORDERED that, should Mr. Perrone fail to comply with this order, he shall **SHOW CAUSE** as to why he should not be barred from practicing in this

Positive
As of: August 11, 2025 12:31 PM Z

Coddington v. Skopos Fin. LLC

United States District Court for the Western District of Michigan, Southern Division

July 18, 2025, Decided; July 18, 2025, Filed

Case No. 1:25-cv-0100-HYJ-PJG

Reporter
2025 U.S. Dist. LEXIS 150437 *; 2025 LX 306571; 2025 WL 2211298

SARAE CODDINGTON, Plaintiff, v. SKOPOS FINANCIAL LLC, Defendant.

Subsequent History: Adopted by, Sanctions allowed by *Coddington v. Skopos Fin. LLC, 2025 U.S. Dist. LEXIS 149099 (Aug. 4, 2025)*

Core Terms

civil contempt, undersigned, recommend, contempt, show-cause, minute

Counsel: **[*1]** For Sarae Coddington, an individual, plaintiff: Jacob Perrone, Dragon Lawyers, PC, East Lansing, MI.

For Skopos Financial LLC, a Texas limited liability company doing business as Reprise Financial LLC, defendant: Charles Dunham Biles, Biles Wilson, PLLC, Heath, TX.

Judges: Hon. PHILLIP J. GREEN, United States Magistrate Judge.

Opinion by: PHILLIP J. GREEN

Opinion

REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff counsel, Jacob Perrone's, repeated failure to appear in Court as ordered, and his failure to comply with the Court's show-cause order. The undersigned judicial officer finds that there is clear and convincing evidence that Mr. Perrone has engaged in the following contemptuous conduct:

1. Failing to appear in Court on July 7, 2025, for a Rule 16 scheduling conference (Minutes, ECF No. 24);
2. Violating the Court's July 7, 2025, order requiring Mr. Perrone to show cause why he should not be held in contempt of court or otherwise sanctioned for his failure to appear at the July 7 scheduling conference (ECF No. 25); and
3. Failing to appear in Court on July 17, 2025, for a Rule 16 scheduling conference (Minutes, ECF No. 28).

Accordingly, the undersigned judicial officer certifies the facts contained in this **[*2]** report and recommendation for purposes of the Certification of Civil Contempt and Order to Show Cause, which will be filed herewith.[1] A show-cause hearing has been scheduled before the Honorable Hala Y. Jarbou for August 4, at 1:30 PM at 128 Federal Building, 315 West Allegan Street, Lansing, Michigan. The undersigned recommends that Chief Judge Jarbou adjudge Mr. Perrone to be in civil contempt of Court, and to impose sanctions as she determines appropriate.

Certified Facts and Procedural History

Mr. Perrone filed the complaint in this case on January 27, 2025. (ECF No. 1). On May 2, 2025, the Court set a Rule 16 scheduling conference for June 4, 2025, by video. (ECF No. 13). The Court later issued an order rescheduling the video conference for 1:00 p.m. on July 7, 2025. (ECF No. 16). Counsel for Defendant appeared for that conference; Mr. Perrone did not.

[1] Pursuant to *28 U.S.C. § 636(e)(6)(B)*, where "[an] act constitutes civil contempt, the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served upon any person whose behavior is brought into question . . . an order requiring such person to show cause why that person should not be adjudged in contempt by reason of the facts so certified."

Accordingly, on July 7, the Court issued a show-cause order requiring Mr. Perrone to respond in writing, no later than July 14, 2025, showing cause as to "why he should not be held in civil contempt, or otherwise sanctioned for his failure to appear as ordered by the Court." (*Id.* at PageID.165). Mr. Perrone has failed to respond to that order. **[*3]**

The July 7 show-cause order also ordered the parties to appear by video for a rescheduled Rule 16 conference at 1:00 p.m. on July 17, 2025. (ECF No. 25). Counsel for Defendant appeared; Mr. Perrone did not. (Minutes, ECF No. 28). The Court has received no communication from Mr. Perrone explaining his absence.

The undersigned notes that Mr. Perrone has previously been subject to a show-cause order in this case. On May 2, 2025, Defendant filed a motion to dismiss. (ECF No. 11). On June 6, after Mr. Perrone had failed to respond to the motion by the 28-day deadline, Chief Judge Jarbou issued an order requiring Mr. Perrone to show cause by June 20 why the motion to dismiss should not be granted. (ECF No. 18). Mr. Perrone responded to that order, untimely, on June 21. (ECF No. 20).[2] He explained that "a debilitating medical condition render[ed] him incapable of complying with the Court rules." (*Id.* at PageID.72). Mr. Perrone also advised the Court that his medical condition was "an isolated occurrence," but that the condition qualifies as a disability under the *American with Disabilities Act*, *42 U.S.C. § 12101*. (*Id.* at PageID.72-73).

Discussion

It is settled law that federal courts have the inherent authority to punish those who violate court orders. **[*4]** *See, e.g.*, *Int'l Union United Mine Workers of Am. v. Bagwell, 512 U.S. 821, 831, 114 S. Ct. 2552, 129 L. Ed. 2d 642 (1994)*. "Courts independently must be vested with 'power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates, and . . . to preserve themselves and their officers from the approach and insults of pollution.'" *Id.* (quoting *Anderson v. Dunn, 19 U.S. 204, 227, 5 L. Ed. 242 (1821)*). The Supreme Court described the nature and necessity of the contempt power in *Gompers v. Buck's Stove & Range Co.*:

> [W]hile it is sparingly to be used, yet the power of courts to punish for contempts is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law. Without it they are mere boards of arbitration, whose judgments and decrees would be only advisory.
>
> If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the 'judicial power of the United States' would be a mere mockery.

221 U.S. 418, 450, 31 S. Ct. 492, 55 L. Ed. 797 (1911).

While criminal contempt is governed by *18 U.S.C. § 401*, civil contempt remains a creature of the court's inherent power. *See Spallone v. United States, 493 U.S. 265, 276, 110 S. Ct. 625, 107 L. Ed. 2d 644 (1990)* ("[T]he District Court [is] entitled to rely on the axiom that 'courts have inherent **[*5]** power to enforce compliance with their lawful orders through civil contempt.'" (quoting *Shillitani v. United States, 384 U.S. 364, 370, 86 S. Ct. 1531, 16 L. Ed. 2d 622 (1966)*). "Contempts are neither wholly civil nor altogether criminal. And 'it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both.'" *Gompers, 221 U.S. at 441* (quoting *Bessette v. W.B. Conkey Co., 194 U.S. 324, 329, 24 S. Ct. 665, 48 L. Ed. 997 (1904)*).

The principle purpose of civil contempt is remedial and it is imposed "for the benefit of the complainant." *Id.*; *see also United States v. United Mine Workers of Am., 330 U.S. 258, 303-04, 67 S. Ct. 677, 91 L. Ed. 884 (1947)* (The purpose of civil contempt is "to coerce the defendant into compliance with the court's order, and to compensate the complainant for losses sustained." (citing *Gompers, 221 U.S. at 448, 449*)). "[A] contempt is considered civil when the punishment is wholly remedial, serves only the purposes of the complainant, and is not intended as a deterrent to offenses against the public." *McCrone v. United States, 307 U.S. 61, 64, 59 S. Ct. 685, 83 L. Ed. 1108, 1939-1 C.B. 277 (1939)*. In addition, "[t]he award of attorney's fees and expenses to a successful movant may be appropriate in a civil contempt proceeding." *TWM Mfg. Co. v. Dura Corp., 722 F.2d 1261, 1273 (6th Cir. 1983)*.

Given the facts and circumstances of this case, Mr. Perrone's contumacious conduct falls within the scope of civil contempt. The undersigned believes that civil contempt, with a significant sanction, may be sufficient

[2] Mr. Perrone also filed Plaintiff's response to the motion to dismiss on that date. (ECF No. 21).

to effectively remediate the harm caused by Mr. [*6] Perrone's continued misconduct, vindicate the Court's orders, and provide the necessary incentive to obtain his future compliance with the Court's orders. The standards for civil contempt require a showing "by clear and convincing evidence that [the alleged contemnor] 'violated a definite and specific order of the court requiring [him] to perform . . . a particular act or acts with knowledge of the court's order.'" *Rolex Watch U.S.A., Inc. v. Crowley, 74 F.3d 716, 720 (6th Cir. 1996)* (quoting *N.L.R.B. v. Cincinnati Bronze, Inc., 829 F.2d 585, 590 (6th Cir. 1987)*). Based on the certified facts contained herein, the standard for civil contempt has been met.

Conclusion

Having found repeated violations of this Court's orders, the undersigned judicial officer recommends that Mr. Perrone be held in contempt of court under *Rule 37(b)(2)(A)(vii)*. The undersigned recommends that the Court impose sanctions as it deems appropriate.

Moreover, *Rule 37* provides that, "[i]nstead of or in addition to" the sanctions recommended above, "the court *must* order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust." *Fed. R. Civ. P. 37(b)(2)(C)* (emphasis supplied). Accordingly, the undersigned further recommends [*7] that the Court award Defendant's costs, pursuant to *Rule 37(b)(2)(C)*, relating to the following matters:

(1) Defendant counsel's attendance at the July 7, 2025, scheduling conference in which Mr. Perrone failed to appear (Minutes, ECF No. 24);

(2) Defendant counsel's attendance at the July 17, 2025, scheduling conference in which Mr. Perrone failed to appear (Minutes, ECF No. 284); and

(3) Defendant counsel's attendance at the August 4, 2025, show-cause hearing scheduled before the Honorable Hala Y. Jarbou.

It is further recommended that the Court refer the determination of the amount of the *Rule 37(b)(2)(C)* costs to the undersigned.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen days of the date of service of this notice. *28 U.S.C. § 636(b)(1)(C)*. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985)*; *United States v. Walters, 638 F.2d 947 (6th Cir. 1981)*.

Date: July 18, 2025

Respectfully submitted,

/s/ Phillip J. Green

PHILLIP J. GREEN

United States Magistrate Judge

End of Document

Neutral
As of: August 20, 2025 12:08 PM Z

Marko L. PLLC v. Salling

Court of Appeals of Michigan

September 10, 2024, Decided

Docket No. 371459

Reporter
2024 Mich. App. LEXIS 6958 *; 2024 LX 179974

MARKO LAW PLLC v ERIN SALLING

Subsequent History: Reinstated by *Marko L. PLLC v. Salling, 2024 Mich. App. LEXIS 8339 (Mich. Ct. App., Oct. 16, 2024)*

Motion granted by *Marko L. PLLC v. Salling, 2024 Mich. App. LEXIS 10339 (Mich. Ct. App., Dec. 23, 2024)*

Motion granted by *Marko L. PLLC v. Salling, 2025 Mich. App. LEXIS 2355 (Mich. Ct. App., Mar. 25, 2025)*

Motion denied by *Marko L. PLLC v. Salling, 2025 Mich. App. LEXIS 6463 (Aug. 13, 2025)*

Prior History: **[*1]** LC No. 23-009755-NZ.

The above appeal is DISMISSED for want of prosecution, appellant having failed to ensure the timely filing of the stenographer's certificate.

Jacob A. Perrone, retained counsel for appellant shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of $250 for allowing this appeal to appear on the involuntary dismissal docket. Such costs are personal to the attorney and shall not be charged back to the client or to the State.

Appellant may seek reinstatement of this appeal pursuant to *MCR 7.217(D)*.

/s/ Christopher M. Murray

End of Document

Core Terms

certificate

Counsel: For MARKO LAW PLLC, Plaintiff - Appellee: GASPER STARE, CHRISTOPHER PUTRYCUS, JONATHAN MARKO.

For ERIN SALLING, Defendant - Appellant: JACOB A PERRONE.

Judges: Christopher M. Murray, Judge.

Opinion by: Christopher M. Murray

Opinion

ORDER

Christopher M. Murray, Judge, acting under *MCR 7.217* and *MCR 7.219(I)*, orders:

No *Shepard's* Signal™
As of: August 20, 2025 12:07 PM Z

Jacobs v. Jones

Court of Appeals of Michigan

August 29, 2024, Decided

Docket No. 371750

Reporter
2024 Mich. App. LEXIS 6732 *

FELICIA LYN JACOBS v ROBERT EUGENE JONES JR

End of Document

Prior History: **[*1]** LC No. 2021-002407-DM.

Core Terms

defects

Counsel: For FELICIA LYN JACOBS, Plaintiff - Appellee: TERRY J. NOLAN.

For ROBERT EUGENE JONES JR, Defendant - Appellant: JACOB A. PERRONE.

Judges: Stephen L. Borrello, Chief Judge Pro Tem.

Opinion by: Stephen L. Borrello

Opinion

ORDER

Stephen L. Borrello, Chief Judge Pro Tem, acting under *MCR 7.201(B)(3)*, orders:

The claim of appeal is DISMISSED for failure to pursue the case in conformity with the rules. *MCR 7.201(B)(3)* and *7.216(A)(10)*. The Clerk of this Court provided notice regarding the nature of the defects in this filing, and the defects were not corrected in a timely manner by providing this Court with a copy of the register of actions (lower court docket entries), a jurisdictional checklist, and a signed and dated copy of the "Order After March 25, 2024 objection hearing." Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

/s/ Stephen L. Borrello

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Housing : FB103TOPB

JACOB PERRONE
DRAGON LAWYERS P.C.
dragon@dragonlawyerspc.com
325 East Grand River Ave., Suite 250
East Lansing, MI 48823
Tel: (844) JAKELAW

https://www.nytimes.com/2025/04/29/us/dragon-lawyer-lawsuit.html
By Michael Levenson yazmi michael.levenson@nytimes.com

Judge Rejects Lawsuit With Dragon Logo, Calling It 'Juvenile and Impertinent'
A lawyer said he had used the cartoon image of a dragon in a business suit as a logo for his firm, Dragon Lawyers, to symbolize "aggressive representation."

A purple dragon dressed in a business suit seemed like a natural choice for a logo when Jacob A. Perrone, a lawyer in East Lansing, Mich., recently opened a new firm and named it Dragon Lawyers.

He noted that some lawyers liked to call themselves "bulldogs" and said the dragon symbolized "aggressive representation."

But a federal magistrate judge, Ray Kent, was not impressed. He was so disgusted by the dragon that he struck a lawsuit filed by Mr. Perrone on behalf of an inmate who had accused jail officials in Clinton County, Mich., of being "deliberately indifferent" to her when she started vomiting last year.

In a brief order issued on Monday, Judge Kent noted that "each page of plaintiff's complaint appears on an e-filing which is dominated by a large multicolored cartoon dragon dressed in a suit, presumably because she is represented by the law firm of 'Dragon Lawyers PC © Award Winning Lawyers.'"

"Use of this dragon cartoon logo is not only distracting, it is juvenile and impertinent," Judge Kent wrote. "The Court is not a cartoon."

Judge Kent gave the woman, who was identified only as Jane Doe No. 2, until May 5 to refile her lawsuit "without the cartoon dragon." He also ordered her not to file "any other documents with the cartoon dragon or other inappropriate content."

Mr. Perrone, the lawyer, said in an interview on Tuesday that he planned to comply and would remove the dragon, which had appeared as a watermark on all 12 pages of the complaint. "I regret putting it on the pleadings so prominently displayed," he said.

But Mr. Perrone, 43, also defended his use of the mythical beast as a way to market his firm. He said that he had bought the image of the dragon in a suit for about $20 online.

"People like dragons," he said, adding: "The whole 'Game of Thrones' era is how I initially came up with the concept."

The judge's order prompted some amusement in legal circles after it was reported by The Volokh Conspiracy blog under the headline, "Exit the Dragon." Another legal blog, Lowering the Bar, also picked up the story, and commented, "So many things people shouldn't be doing, so little time."

Dyane O'Leary, a professor of legal writing at Suffolk University in Boston, was among those taking note of the judge's dim view of the dragon. She said that many lawyers had experimented with unusual typefaces, hyperlinks, photos and graphics in their filings, but typically in an effort to illustrate the substance of a case.

"This seems to have zero substantive purpose and is more, like the court said, decorative and silly," Professor

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O'Leary said. "So I think that's where the line gets drawn."

Mr. Perrone, who has practiced law for 17 years, said he would not stop using the dragon, but would be more judicious about displaying it on legal filings.

"I'm not trying to push the envelope," he said. "I'm just trying to run a business."

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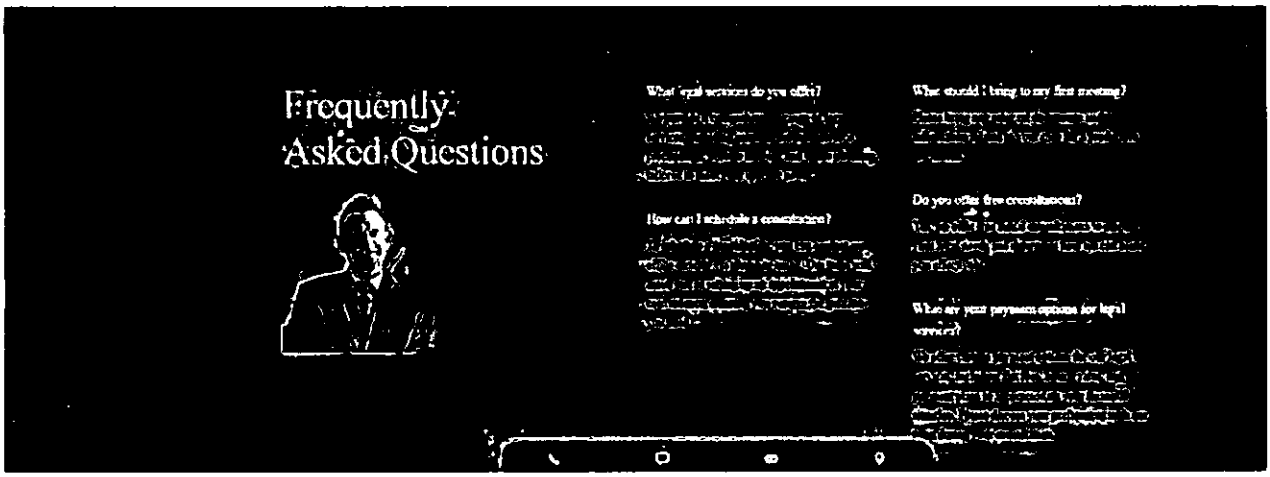

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Dragon Lawyers PC



E-commerce Lawyer

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Sent by: TUNC URAZ (114653)
Agency: Michigan Department of Corrections
Facility/Housing Unit: Thumb Correctional Facility/FB103TOPB
Date: 05/24/2025 12:22:02

Please do not reply to this email

TO:

RAYMOND S. KENT
HONORABLE MAGISTRATE JUDGE
U.S. MAGISTRATE JUDGE
WESTERN DIST. OF MI
110 MICHIGAN AVE NW
580 FEDERAL BLDG.
GRAND RAPIDS, MI 49503

FROM :

MR. TUNC URAZ #114653
THUMB CORRECTIONAL FACILITY
3225 JOHN CONLEY DR.
LAPEER, MI 48846

RE: A MENTALLY ILL ATTORNEY (JACOB A. PERRONE, P 71915) WITH EPISODES WERE APPOINTED TO ME FOR MY JURY TRIAL IN 2017

HONORABLE MAGISTRATE JUDGE KENT,

AFTER READING THE ARTICLE ABOUT "DRAGON LAWYER LAWSUIT" ON 04/29/2025 AT NYTIMES BY MR. MICHAEL LEVENSON, I WANTED TO SHARE SOMETHING IMPORTANT WITH YOU ABOUT ATTORNEY JACOB A. PERRONE (DRAGON LAWYERS PC) HIS QUESTIONABLE BEHAVIOR TOWARDS COURTS AND HIS PROFESSION. (CARTOON IMAGE OF A DRAGON; JUVENILE AND IMPERTINENT)

HE SENT THE SAME KIND OF DRAGON IMAGE TO MY FAMILY AND AN ABSURD E-MAIL, TEXT MESSAGES, AND HE HAS A DRAGON TATTOO ON HIS CHEST, HE SHOWED TO ME WHEN I WAS IN JAIL(SEE EXB A)

I WISH I CAN SEND YOU LANSING POLICE BODY CAM VIDEO OF JACOB A. PERRONE ON 11/20/2017. (HIS SECOND MENTAL EPISODE). HE WAS SENT TO MENTAL HOSPITAL BY LANSING POLICE. (EXB B)

ALL THE DOCUMENTS ATTACHED TO THIS LETTER WERE OBTAINED UNDER FOIA AND BASED ON THE TESTIMONIES GIVEN BY OTHER ATTORNEYS, PROSECUTORS DURING MY GINTHER HEARING AND FROM MY FAMILY.

I DO HAVE AN ACTIVE APPEAL WITH U.S. DIST. CT. EASTERN DIST. COURT OF MICHIGAN SOUTHERN DIV. (CASE # 4:25-CV-10608, URAZ V. WARDEN ARTIS), WATING FOR ATTORNEY GENERAL OF MI RESPONSE TILL SEPTEMBER 2025.

PERRONE CHOSE TO COMMIT PERJURY DURING HIS OWN GINTHER HEARING ON 10/04/2021 WITH "OTHER" ATTORNEYS AND PROSECUTORS TO COVER UP HIS FIRST MENTAL IMPAIRMENT/EPISODE. PERRONE'S FIRST ONE WAS WITHIN 24 HOURS MY TRIAL WAS OVER. 11/09/2017. (SEE EXB: C, ATTY. ERIC SCHROEDER'S PG.2 AGC RESPONSE FEB. 2023)

A PROSECUTOR FROM INGHAM COUNTY FILED GRIEVANCE AGAINST PERRONE (WILLIAM "BILL" CRINO)

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ON 12/11/2017. HE WAS STALKED, THREATENED AND HARASSED BY PERRONE, SEE PROS. ELIZABETH ALLEN'S SENT AN EMAIL ABOUT PERRONE'S BEHAVIOR TO PROSECUTOR JONATHAN C. ROTH(AUSA), AFTER PERRONE WAS RELEASED FROM MENTAL HOSPITAL. (EXB D)

MICHIGAN SUPREME COURT, COURT OF APPEALS, INGHAM COUNTY PUBLIC DEFENDER'S OFFICE, STATE BAR OF MICHIGAN, ATTORNEY GRIEVANCE COMMISSION, INGHAM COUNTY PROSECUTOR'S OFFICE, JUDGES WHO CHOOSES TO STAY COMPLACENT AGAINST ATTORNEY'S WITH MENTAL ILLNESSES/IMPAIRMENTS BEING APPOINTED TO INDIGENT DEFENDANTS AND/OR ALLOWED TO PRACTICE LAW IN MICHIGAN.

THERE ARE NO ETHICS IN STATE OF MICHIGAN JUSTICE SYSTEM. AN ATTORNEY WITH PROVEN MENTAL IMPAIRMENTS CAN BE APPOINTED TO AN ACCUSED AND ONLY MCR 9.121(C) DEALS WITH THESE KIND OF COMPLAINTS. IT ASKS THE VERY SAME ATTORNEY WHO HAS MENTAL ILLNESS/IMPAIRMENT TO DEFEND HER/HIMSELF.

THIS IS AN UNCONSTITUTIONAL RULE ASKING ONE WHO IS MENTALLY ILL TO ANSWER GRIEVANCE(S) FILED AGAINST HIM OR HER.

ALL ATTORNEYS PROSECUTORS AND JUDGES ALL CONSPIRED TOGETHER TO COMMIT PERJURY UNDER OATH , TO COVER UP PERRONE'S MENTAL ISSUES WHEN THEY TESTIFIED IN COURT DURING MY GINTHER HEARING GRANTED BY COA .

THEY WERE ONLY ASKED AND ONLY TESTIFIED ABOUT WHETHER PERRONE HAD MENTAL IMPAIRMENT EPISODE(S) "DURING" TRIAL ONLY; NOT BEFORE OR NOT AFTER.

IN OTHER WORDS NONE OF THEM WERE MENTAL HEALTH EXPERTS INCLUDING PERRONE YET THEY WERE ALL ASKED ABOUT PERRONE'S MENTAL PSYCHOLOGICAL CONDITION "DURING" TRIAL ONLY. BECAUSE HE "SHOWED UP" TO TRIAL.

THEY ALL COMMITTED FRAUD UPON COURTS.

HERE IS MY STORY:

I WAS BORN HERE IN LANSING MICHIGAN IN 1967 AND MY PARENTS WERE HERE FROM TURKEY TO STUDY/ ATTEND CLASSES AT MICHIGAN STATE UNIVERSITY. ONCE THEY GRADUATED; THEY MOVED BACK TO TURKEY WHEN I WAS ONE YEAR OLD.

AFTER COMPLETING HIGH SCHOOL, I CAME BACK TO MICHIGAN TO COMPLETE MY UNDERGRADUATE DEGREE (GVSU) AND ALSO RECEIVED TWO MASTERS DEGREES (MSU).

I WORKED FOR MICHIGAN STATE UNIVERSITY FOR 25 YEARS FULL TIME, PAID MY TAXES OWNED MY HOME, MARRIED AND HAD A SON.

UNFORTUNATELY IN 2015-2016; HAVING A HEAVY DEPRESSION, ALCOHOL USE AND ABUSING PRESCRIPTION DRUGS (XANAX), MADE ME DO THINGS THAT I AM NOT PROUD OF AND I DON'T WANT THIS CRIMINAL CONVICTIONS TO DEFINE WHO I AM.

I WAS CONVICTED TO 16-30 YEARS FOR SOLICITATION TO MURDER AND 3-7 FOR STALKING DUE TO UNFAIR JOINDER OF CHARGES (BASED ON UNRELIABLE JAILHOUSE INFORMANTS TESTIMONY, FABRICATED EVIDENCE, FALSE INFERENCES, PERJURIOUS TESTIMONY BY COMPLAINANT, POLICE AND OTHER WITNESSES. I HAD A BIAS JUROR AND A JUROR WITH TWO IDENTITIES.

AND

A MENTALLY ILL/IMPAIRED ATTORNEY WITH SCHIZOPHRENIA AFFECTED BIPOLAR DISORDER INDUCED

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BY SUBSTANCE ABUSE (THC, AMPHETAMINE, ADDEROLL). (SEE EXB: E)

PERRONE REFUSED TO BRING IN CREDIBLE WITNESSES TO TESTIFY ON MY BEHALF AND EFFECTIVELY ARGUE THE CASE DUE TO HIS GRANDIOSE AND CONDESCENDING ATTITUDE TOWARDS JURORS AND COURT.

HOWEVER AFTER TRIAL, I WAS APPOINTED ANOTHER ATTY. (DUANE D. SILVERTHORN) TO REPRESENT ME DURING SENTENCING WHOM HAD NO KNOWLEDGE OF ANY MITIGATING CIRCUMSTANCES. MR. SILVERTHORN CHOSE TO COVER UP THE FACTS FROM ME AND COURTS ABOUT THE DOCUMENTS DISCLOSED TO HIM ON 12/18/2017 BY PROSECUTOR CHARLES T. KOOP II.
(SEE EXB: E)

PERRONE WAS PRESCRIBED AN ANTIPSYCHOTIC MEDICATION (OLAZIPINE) SCHIZO -AFFECTIVE DISOBEDIENCE, BIPOLAR TYPE I AND HIS MENTAL DISEASE MANIFESTED IN PARANOIA AND MOOD SWINGS.

PERRONE'S FATHER COMMITTED PERRONE TO MENTAL HOSPITAL INVOLUNTARILY UNDER LEGAL INSANITY MCLS 300.1400(g), WITHIN A DAY MY TRIAL WAS OVER AND TOLD PROBATE COURTS THAT PERRONE HAS BEEN MENTALLY UNSTABLE SINCE 2015 (2 YEARS BEFORE MY TRIAL DOCUMENTED BY HIS FATHER) ,ON PRT FORM ABUSIVE VERBALLY TOWARDS HIS WIFE AND FAMILY. (EXB:F)

DIMINISHED CAPACITY DEFENSE IS NOT ALLOWED IN MICHIGAN BUT A DIMINISHED CAPACITY ATTORNEY CAN REPRESENT AN ACCUSED ANY TIME.

WOULD YOU HAVE A MENTALLY ILL PILOT FLY THE PLANE YOU ARE IN?

WOULD YOU HAVE MENTALLY ILL DOCTOR, SURGEON OPERATE ON YOU OR YOUR LOVED ONES?

PERRONE IS STILL ALLOWED TO PRACTICE LAW IN MICHIGAN....

RESPECTFULLY SUBMITTED

TUNC URAZ

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MENTAL DISORDERS AND CRONIC STANDARDS FOR ATTORNEYS

INDEX OF CASES

BURDINE 262 F3D 336,344 (5th. Cir 2001)

CAPLIN & DRYSDALE V U.S. 491 US 617 (1989) BLACKMUN DISSENTING

CHILDRESS V JOHNSON 103 F3D 1221 (5th Cir 1997)

JAVOR V US, 724 F2D 831 834 (9TH CIR 1964)

JOHNSON V NORRIS, 207 F3D 513 (8TH. CIR 2000)

GIDEON V WAINWRIGHT, 372 US 335 (1963)

SCARPA V DUBOIS, 38 F3D 1,14 (1st. Cir 1994)

SMITH V YSTL, 826 F2D 872, 874 (9TH. CIR 1987)

US V CRONIC 466 US 648 655-57 (1984)

US V NOVAK, 903 F2D 883, 890 (2nd. Cir 1990)

WOODWARD V COLLINS, 898 1027, 1028 (5TH CIR 1990)

*1)MENTAL DISORDERS & CRONIC STANDARD for Attorneys

THE TEST ANNOUNCED IN CRONIC PRESUMES PREJUDICE WHEN COUNSEL IS:
1) ABSENT DURING
2) CRITICAL MOMENTS OF THE TRIAL, JURISPRUDENCE DEFINES "ABSENCE! AS OCCURRING WHEN COUNSEL IS "UNABLE TO EXERCISE JUDGEMENT" FOR REPEATED OR SUBSTANTIAL MOMENTS OF THE TRIAL THE MOMENTS ARE "CRITICAL" WHEN THE EVIDENCE IS BEING PRODUCED AGAINST THE DEFENDANT. THIS TEST CAN EXTEND WELL BEYOND THE UNUSUAL FACTS OF THE "ABSENT" LAWYER SUCH AS :
SEDATED, SCHIZOPHRENIC AND SILENT: APPLYING THE DOCTRINE OF PRESUMPTIVE PREJUDICE TO OTHER FORMS OF "REPRESENTATIONAL ABSENCE".

SOON AFTER ITS DEFEAT IN THE FIFTH CIRCUIT, THE STATE OF TEXAS SUPRISED THE PUBLIC AND MANY LEGAL OBSERVERS BY PETITIONING THE SUPREME COURT TO REINSTATE CALVIN BURDINE'S DEATH SENTENCE IN ITS PETITION FOR WRIT OF CERTIORARI, TEXAS PREDICTED, IN BURDINE'S WAKE "IMAGINATIVE HABEAS" PETITIONERS WILL PARADE: EXPERT WITNESSES INTO THEIR WRIT HEARINGS TO TESTIFY THAT GIVEN TRIAL COUNSEL'S SUBSEQUENTLY-DIAGNOSED ALZHEIMER'S, OR "BIPOLAR CONDITION," OR ALCOHOLISM, OR ATTENTION DEFICIT DISORDER-IT IS LIKELY THAT PERIODS OF "UNCONSCIOUSNESS" OCCURED DURING THE TRIAL, AND THEREFORE PREJUDICE SHOULD BE PRESUMED" BURDINE, 262 F 3d 336, 344)(5th Cir 2001).

REPRESENTATIONAL ABSENCES ;
MENTAL DISORDERS :
APPELLATE COURTS HAVE CONSISTENTLY APPLIED THE STRICKLAND STANDARD TO CLAIMS OF INEFFECTIVENESS BASED ON LAWYER'S MENTAL IMPAIRMENT. FOR EXAMPLE IN JOHNSON V NORRIS 207 F3D 513 (8TH. CIR. 2000)
THE EIGHT CIRCUIT COURT REQUIRED A DEFENDANT WHO WAS SENTENCED TO DEATH WHILE REPRESENTED BY A LAWYER WITH BIPOLAR DISORDER TO POINT SPECIFIC ASPECTS OF THE LAWYER'S PERFORMANCE THAT WERE DEFICIENT AND PREJUDICIAL. UNDER STRICKLAND. THE COURT EXPRESSED ITS CONFIDENCE THAT ANY ATTORNEY ERRORS CAUSED BY BIPOLAR DISORDER " SHOULD BE APPARENT FROM THE FACE OF THE TRIAL RECORD, OR OTHERWISE SUSCEPTIBLE OF PROOF, AND THUS READILY REVIEWABLE. Id. THE COURT ACKNOWLEDGED THAT BIPOLAR DISORDER, LIKE OTHER MENTAL IMPAIRMENTS COULD HAVE "VARYING EFFECTS ON AN INDIVIDUAL'S ABILITY TO FUNCTION, AND THE DISEASE CAN VARY WIDELY IN THE DEGREE OF ITS SEVERITY."Id.

AS WITH LAWYERS WHO SLEEP DURING TRIAL, IT IS SIMPLISTIC TO ASSUME THAT LAWYER'S MENTAL ILLNESS AND ITS EFFECT ON THE TRIAL WILL BE "APPARENT FROM THE FACE OF THE TRIAL RECORD" FOR EXAMPLE A PSYCHOTIC LAWYER COULD BE DELUSIONAL FOR EXTENDED PERIODS OF THE TRIAL. THE LAWYER COULD BE COMPLETELY UNAWARE OF HIS SURROUNDINGS, THE IDENTITY OF HIS CLIENT, OR THE NATURE OF THE CHARGES INVOLVED. IN SUCH CIRCUMSTANCES, THE RECORD MIGHT FAIL TO REVEAL THAT DEBILITATING PSYCHOTIC DISORDER AFFECTED THE LAWYER.

CERTAINLY, "CRONIC" DOES NOT MANDATE A "PER SE" FINDING OF PREJUDICE IN EVERY INSTANCE IN WHICH A DEFENDANT WAS REPRESENTED BY A LAWYER WITH A MENTAL DISORDER. JUST AS A LAWYER'S GENERAL STATE OF "SLEEPINESS" WILL NOT TRIGGER
"CRONIC" REVIEW WITHOUT PROOF OF ACTUAL SLEEPING DURING A CRITICAL PORTION OF THE TRIAL, A LAWYER'S "BIPOLAR" DISORDER SHOULD NOT BE AUTOMATICALLY TRIGGER A PRESUMPTION OF PREJUDICE WITHOUT A SHOWING OF ITS "MANIFESTATION" AT TRIAL.
IF THE DEFENDANT IS GIVEN A FULL OPPORTUNITY TO PRESENT EVIDENCE OF DISEASE'S EFFECT ON

HIS LAWYER DURING THE TRIAL, BUT IS UNABLE TO DO SO, THEN CRONIC WOULD NOT APPLY.

EVEN WHEN SUFFICIENT PROOF OF THE MENTAL DISORDER IS DEMONSTRATED, HOWEVER, COURTS STILL HAVE NOT GRANTED RELIEF UNDER CRONIC. ON APPEAL HIS CONVICTION FOR FIRST DEGREE MURDER, THE DEFENDANT IN SMITH V YLST 826 F. 2d 872, 874 (9th. Cir. 1987) PRESENTED COMPELLING EVIDENCE THAT HIS LAWYER WAS DELUSIONAL AND EXHIBITED SIGNS OF PARANOID PSYCHOSIS THROUGHOUT THE TRIAL. DESCRIPTIONS BY AN INVESTIGATOR AND THE LAWYER'S SECRETARY CONFIRMED THAT THE LAWYER FEARED FOR HIS LIFE AND ERRONEOUSLY BELIEVED HE WAS PART OF A MURDER CONSPIRACY THAT SOMETIMES INVOLVED INSURANCE FUNDS AND OTHER TIMES INVOLVED DRUG SMUGGLING. MOREOVER THE LAWYER SHIFTED HIS CONSPIRACY THEORY AND HIS SUPPOSED INVOLVEMENT IN THE CONSPIRACY WITH THE JURY DURING HIS OPENING STATEMENT. THE LAWYER TOLD HIS SECRETARY THAT HE WAS CRAZY AND WANTED TO BE COMMITTED TO MENTAL HOSPITAL, AND TWO PSYCHIATRIC REPORTS INDICATED THAT THE LAWYER SUFFERED FROM A PARANOID PSYCHOTIC DISORDER DURING THE TRIAL. NONETHELESS, THE NINTH CIRCUIT COURT DECLINED TO PRESUME PREJUDICE: "MENTAL ILLNESS IS TOO VARIED IN ITS SYMPTOMS AND EFFECTS TO JUSTIFY A "PER SE" RULE WITHOUT EVIDENCE THAT THE ATTORNEY'S PERFORMANCE FELL BELOW THE CONSTITUTIONAL NORM". LIKE THE EIGHT CIRCUIT'S PRONOUNCEMENT ON BIPOLAR DISORDER, THE NINTH CIRCUIT ASSUMED THAT IF THE PSYCHOSIS AFFECTED THE LAWYER'S JUDGEMENT "IT SHOULD BE MANIFESTED IN HIS "COURTROOM BEHAVIOR" AND "CONDUCT" OF THE TRIAL.

YLST IS A PRIME EXAMPLE OF A COURT MISAPPLYING CRONIC. THE FACT THAT DISEASE HAS VARYING EFFECTS ON A LAWYER DOES NOT OBVIATE THE NEED FOR THE COURT INQUIRE INTO THE FACT-SPECIFIC NATURE OF HIS MANIFESTATION IN A PARTICULAR CASE. CRONIC DOES NOT MANDATE THAT COURTS FIND, FOR EXAMPLE, THAT EVERY DEFENDANT REPRESENTED BY A "SCHIZOPHRENIC" LAWYER IS PRESUMPTIVELY PREJUDICED. CRONIC DIRECTS REVIEWING COURT TO INQUIRE THE "MANIFESTATION" OF THE DISORDER AT TRIAL AND WHETHER THE EFFECTS OF THE DISEASE WERE SUFFICIENTLY SEVERE TO CAUSE THE LAWYER TO BE CONSTRUCTIVELY ABSENT FROM THE PROCEEDINGS. THE NINTH CIRCUIT CONTENTION THAT THE PSYCHOTIC LAWYER'S PERFORMANCE DID NOT FALL BELOW THE CONSTITUTIONAL NORM IS THE BROAD APPLICATION OF STRICKLAND THAT CRONIC WAS DESIGNED TO AVOID. THE NINTH CIRCUIT FOUND THAT DEFENSE COUNSEL PERFORMED COMPETENTLY, AT LEAST DURING HIS "NON-DELUSIONAL" MOMENTS. HOWEVER, AS THE SLEEPING LAWYERS CASES DEMONSTRATE, THE ADEQUACY OF A LAWYER'S PERFORMANCE DURING HIS CONSCIOUS MOMENTS IS IRRELEVANT TO ASK THE QUESTION OF WHETHER THE LAWYER WAS MENTALLY ABSENT DURING A CRITICAL STAGE OF THE TRIAL

2)MENTAL DISORDERS & CRONIC STANDARD

THE SLEEPING LAWYER DECISIONS HAVE CONSISTENTLY HELD THAT "SLEEPING COUNSEL" IS EQUIVALENT TO NO COUNSEL AT ALL. (JAVOR V U.S. , BURDINE V JOHNSON, TIPPINS V WALKER)

A PSYCHOTIC LAWYER WHO THINKS HE IS NUREMBERG REPRESENTING WAR CRIMINALS WHEN IN FACT HE IS IN CALIFORNIA REPRESENTING A MURDER DEFENDANT, IS AS GOOD TO HIS CLIENT AS A SLEEPING LAWYER OR "NO COUNSEL AT ALL".

A PSYCHOTIC ATTORNEY IS AS INCAPACITATED AS A SLEEPING LAWYER BECAUSE BOTH CANNOT OBJECT, LISTEN TO TESTIMONY, OR CONSULT WITH THEIR CLIENTS IN ANY COHERENT FASHION. ALTHOUGH THE PSYCHOTIC LAWYER MAY BE ABLE TO UTTER THE WORD "OBJECT" AND CAN LISTEN THE TESTIMONY OF SOME WITNESSES, HE IS UNABLE TO GIVE MEANING TO ANY OF THESE FUNCTIONS IF HE DOES NOT KNOW WHERE HE IS. AN ABILITY TO RANDOMLY OBJECT OR TO OCCASIONALLY QUESTION A WITNESS DOES NOT PROVIDE THE KIND OF COGNITIVE PRESENCE REQUIRED BY CRONIC. THE SLEEPING LAWYER DECISIONS HOLD THAT CRONIC REQUIRES NOT MERE PHYSICAL PRESENCE, BUT AN ABILITY TO COMPREHEND AND PARTICIPATE IN THE TRIAL. IF ON APPEAL A DEFENDANT CAN ESTABLISH THAT AN EXTREME MENTAL IMPAIRMENT PREVENTED HIS LAWYER FROM PERFORMING THESE CORE TRIAL FUNCTIONS THEN HE IS ENTITLED TO POST CONVICTION RELIEF UNDER CRONIC.

COURTS HAVE BEEN RELUCTANT TO APPLY CRONIC CASES INVOLVING DRUG USED AND MENTAL IMPAIRMENTS. ALLEGATIONS OF AN ATTORNEY'S ABSENCE CAUSED BY DRUGS OR MENTAL DISORDER SHOULD TRIGGER AN INQUIRY INTO THE PRESENCE OF THE IMPAIRMENT DURING MOMENTS OF THE TRIAL WHEN THE DEFENDANT'S INTERESTS WERE AT STAKE AND ITS EFFECTS ON THE LAWYER'S ABILITY TO EXERCISE JUDGEMENT ON THE DEFENDANT'S BEHALF. IF THE DEFENDANT FAILS THE MEET THIS BURDEN OF PROOF, THEN THE CLAIM FAILS. IF HOWEVER, THE DEFENDANT PROVES THAT COUNSEL WAS CONSTRUCTIVELY ABSENT DURING CRITICAL TRIAL MOMENTS, STRICKLAND-TYPE INQUIRIES INVOLVING PREJUDICE ARE CONSTITUTIONALLY IMPROPER AND PREJUDICE SHOULD BE PRESUMED UNDER CRONIC.

APPELLATE COURTS GIVE GREAT DEFERENCE TO DECISIONS THAT CAN BE LABELED "STRATEGIC" GIVEN THIS REALITY, TRIAL COURTS SHOULD REQUIRE CONTEMPORANEOUS EXPLANATIONS OF DECISIONS THAT INVOLVE EXTENSIVE ATTORNEY INACTIVITY.

PRACTICAL TEST FOR DETERMINATION FOR COGNITIVE IMPAIRMENTS:

"THE DISTINCTION BETWEEN STRICKLAND AND CRONIC IS THE DIFFERENCE BETWEEN HAVING A BAD LAWYER AND HAVING NO LAWYER".(citing Woodward v Collins, 898 .. 1027,1028(5th. Cir 1990) ALTHOUGH COUNSEL MAY BE PHYSICALLY PRESENT IN THE COURTROOM, THE LAWYER MAY BE SNORING, HALLUCINATING, OR OTHERWISE UNABLE TO TEST THE PROSECUTION'S CASE. "AT SOME POINT" THE DEFENDANT IS EFFECTIVELY DENIED COUNSEL (quoting "prejudice is inherent at some point" Javor V U.S.,724 F2d 831 834(9th Cir. 1964), SUCH THAT THE "ADVERSARIAL TESTING" PROCESS IS MISSING AND PREJUDICE SHOULD BE PRESUMED UNDER CRONIC. (U.S V Cronic, 466 U.S. 648, 655-57(1984)

APPLICATION OF MEANINGFUL "ADVERSARIAL TESTING" GUIDE

1) DEFINING "ABSENCE"
CRONIC PRESUMES PREJUDICE FROM THE CONSTRUCTIVE DENIAL OF COUNSEL AT A CRITICAL STAGE

O THE TRIAL. AS DISCOVERED ....THIS "DENIAL" DOES NOT NECESSARILY NECESSARILY HAVE TO INVOLVE FORCES EXTRINSIC TO THE PROCEEDINGS OR LAWYER. BURDINE AND OTHER SLEEPING LAWYER DECISIONS HOLD THAT "DENIAL AND ABSENCE" REPRESENT DIFFERENT VERBAL FORMULATIONS OF THE SAME TASK- TO IDENTIFY "MOMENTS" WHEN COUNSEL IS EFFECTIVELY MISSING FROM THE PROCEEDINGS.

OF COURSE, THE MOST IDENTIFIABLE ABSENCE IS WHEN COUNSEL IS NOT PHYSICALLY PRESENT IN COURT. MORE DIFFICULT, HOWEVER ARE CASES IN WHICH COUNSEL SITS IN COURT, BUT IS CONSTRUCTIVELY ABSENT. BURDINE OUTLINES THE CLEAREST TEST FOR DEFINING "ABSENCE" HOLDING THAT AN "UNCONSCIOUS ATTORNEY IS IN FACT NO DIFFERENT FROM AN ATTORNEY THAT IS PHYSICALLY ABSENT FROM TRIAL SINCE BOTH ARE EQUALLY UNABLE TO EXERCISE JUDGEMENT ON BEHALF OF THEIR. CLIENTS. JAVOR DEFINES "ABSENCE" AS AN INABILITY TO CROSS-EXAMINE WITNESSES OR ENGAGE IN THE NECESSARY "ONGOING CONSULTATION" BETWEEN LAWYER AND DEFENDANT. SIMILARLY, TIPPINS STATES: EFFECTIVENESS OF COUNSEL DEPENDS IN PART ON THE ABILITY TO CONFER WITH THE CLIENT DURING TRIAL ON CONTINUES BASIS AND ATTORNEY MUST BE "PRESENT AND ATTENTIVE" IN ORDER TO MAKE "ADEQUATE EXAMINATION"- "A MATTER OF CONSTITUTIONAL IMPORTANCE" BY VIRTUE OF THE SIXTH AMENDMENT.

THUS "SLEEPING ATTORNEY" CANON DEFINES ATTORNEY ABSENCE AS AN INABILITY TO CHALLENGE THE PROSECUTION'S EV
THE FACTORS ARE EASILY APPLIED IN CASES IN WHICH A LAWYER SUFFERS FROM PSYCHOSIS OR SYMPTOMS CAUSED BY DRUG ABUSE. CERTAINLY NOT ALL MENTAL IMPAIRMENTS OR DRUG USES CONSTITUTE ABSENCE. TIPPINS RECOGNIZES THAT "CONSCIOUSNESS AND SLEEP FROM CONTINUUM, AND THAT LAWYER WHO EXPERIENCE BRIEF STINTS OF DROWSINESS MAY NOT BE ABSENT UNDER CRONIC. DRUG-INDUCED DISORDERS AND MENTAL IMPAIRMENTS FORM A SIMILAR CONTINUUM OF FUNCTIONALITY.
IN THE CASE OF THE MENTALLY IMPAIRED OR DRUGGED LAWYER, CRONIC IS RELEVANT ONLY THE LEVEL OF IMPAIRMENT PREVENTS THE LAWYER FROM "EXERCISING JUDGEMENT" AT TRIAL. THESE BREAKDOWNS WILL NOT BE DETECTABLE FROM THE RECORD, BUT WILL REQUIRE EVIDENCE FROM WITNESSES AND EXPERTS TESTING THE PRESENCE AND EFFECT OF THE IMPAIRMENT DURING CRITICAL TRIAL MOMENTS.

2) LENGTH OF ABSENCE

THE ANALYSIS IS THE SAME FOR ANY FORM OF COGNITIVE ABSENCE. DEFENDANT'S CLAIMING THAT THEIR LAWYERS WERE IMPAIRED BY DRUGS OR DELUSIONS WILL HAVE TO PROVE NOT ONLY THAT IMPAIRMENT RENDERED THE LAWYER UNABLE TO EXERCISE JUDGEMENT, BUT ALSO THAT THE DEPARTURE OCCURED FOR A SUBSTANTIAL PORTION OF THE TRIAL. THE "ABSENCE" CAN BE SUBSTANTIAL AS MEASURED IN A TOTAL TIME OR AS A PROPORTION OF THE TRIAL. IF THE LAWYER WAS ABSENT FOR A SUFFICIENT AMOUNT OF TIME, PREJUDICE CAN BE PRESUMED ASSUMING THE ABSENCE OCCURRED DURING AN IMPORTANT STAGE OF THE TRIAL.

3) MENTAL DISORDERS & CRONIC STANDARD

APPLICATION OF MEANINGFUL "ADVERSARIAL TESTING" GUIDE continued

3) CRITICAL MOMENTS OF THE TRIAL

NOT EVEN SUBSTANTIAL ABSENCE SATISFIES CRONIC UNLESS IT OCCURS DURING KEY MOMENTS OF THE TRIAL. EVEN IN SOME CASES INVOLVING SUBSTANTIAL PHYSICAL ABSENCE, COURTS HAVE NOT PRESUMED PREJUDICE BECAUSE ABSENCE OCCURRED DURING MOMENTS THAT WERE PERIPHERAL TO THE DEFENDANT'S INTEREST. THE SLEEPING LAWYER DECISIONS PRESUME PREJUDICE ONLY IF THE ABSENCE OCCURS AT A "CRITICAL TIME" WHICH HAS BEEN DEFINED AS PORTIONS OF THE TRIAL THAT "PERTAIN TO" A DEFENDANT OR WHEN DEFENDANT'S "INTERESTS ARE AT STAKE" . BURDINE PRESUMES PREJUDICE FROM AN ABSENCE THAT OCCURS WHILE "EVIDENCE (IS) BEING INTRODUCED AGAINST" THE DEFENDANT. HOWEVER, MOMENTS THAT ARE "SUBSTANTIAL BUT WITHOUT CONSEQUENCE" SUCH AS THOSE INVOLVING "UNCONTESTED ISSUES OR MATTERS PERIPHERAL TO A PARTICULAR DEFENDANT" WILL NOT QUALIFY.

IN THE CASE OF COGNITIVE IMPAIRMENTS, THE DEFENDANT WILL HAVE TO PROVE THAT COUNSEL'S DELUSIONAL EPISODES OR MENTAL FAILURES OCCURRED DURING THE PORTIONS OF THE TRIAL WHEN THE PROSECUTION WAS QUESTION WITNESSES OR OTHER TIMES WHEN THE DEFENDANT'S INTERESTS WERE AT STAKE. GENERAL TESTIMONY REGARDING A LAWYER'S DRUG ADDICTION OR MENTAL ILLNESS WILL NOT SUFFICE. RATHER THERE MUST BE EVIDENCE BASED ON OBSERVABLE INCIDENTS AT TRIAL OR EXPERT TESTIMONY INDICATING THAT AFFLICTION DISABLED THE LAWYER DURING CRITICAL MOMENTS OF THE TRIAL, AS DESCRIBED BY THE SLEEPING LAWYER DECISIONS AND CRONIC.

4) PER SE RULE

COURTS ARE GENERALLY RELUCTANT TO ANNOUNCE "PER SE" RULES. THE FEAR IS THAT IN FORMULATING A WIDE RANGE RULE, LATER CASES LACKING MERIT WILL DERIVE UNINTENDED BENEFITS FROM THE PRONOUNCEMENT. FOR EXAMPLE, THE FIRST CIRCUIT HAS EXPRESSED A RELUCTANCE TO APPLY CRONIC FOR FEAR OF REPLACING "CASE-BY-CASE LITIGATION OVER PREJUDICE WITH CASE-BY-CASE LITIGATION OVER PREJUDICE PER SE". SCARPA V DUBOIS, 38 F3D 1, 14 (1st. Cir. 1994)
HOWEVER, THE INQUIRIES ARE COMPLETELY DIFFERENT. ESTABLISHING A PRESUMPTION OF PREJUDICE UNDER CRONIC REQUIRES PROOF OF COUNSEL'S ABSENCE, WHEREAS PROVING PREJUDICE UNDER STRICKLAND REQUIRES A SHOWING OF A REASONABLE PROBABILITY THAT DIFFERENT OUTCOME WOULD HAVE OCCURRED, BUT FOR COUNSEL'S ERRORS. IN MANY INSTANCES OF REPRESENTATIONAL ABSENCE, THE DEFENDANT IS UNABLE TO PROVE PREJUDICE. THEREFORE, WITHOUT A WORKABLE TEST FOR APPLYING CRONIC, DEFENDANTS WHO ARE REPRESENTED BY CATEGORICALLY NON-FUNCTIONAL LAWYERS WILL CONTINUE TO BE DENIED RELIEF.

ANY CASE INVOLVING CRONIC RELIEF REQUIRES AN INQUIRY INTO TRIAL SPECIFIC FACT. FOR EXAMPLE COURTS HAVE APPLIED TO SITUATIONS IN WHICH A DEFENDANT'S TRIAL REPRESENTATIVE WAS NOT LICENSED TO PRACTICE LAW (U.S. V NOVAK, 903 F2D 883, 890 (2d Cir 1990).(Def. represented by an individual who sought admission to the NY Bar through fraudulent means)
SEVERAL FACTUAL DETERMINATIONS ARE REQUIRED IN ORDER TO PRESUME PREJUDICE IN THESE CASES. IN APPELLATE COURT MUST REVIEW THE TRIAL COURT RECORD AND GATHER EVIDENCE FROM WITNESSES IN ORDER TO DETERMINE WHO WAS THE ACTUAL "REPRESENTATIVE" AT TRIAL AND WHETHER THAT PERSON WAS LICENSED PRACTICE LAW AT THE TIME OF THE PROCEEDINGS.

THE SAME APPROACH APPLIES TO CASES INVOLVING REPRESENTATIONAL ABSENCEM CRONIC DEFINES A GENERAL STANDARD FOR PRESUMING PREJUDICE BASED ON THE DENIAL OF COUNSEL AT A CRITICAL STAGE OF THE TRIAL OR WHEN A LAWYER ENTIRELY FAILS TO MEANINGFULLY TEST THE GOVERNMENT'S CASE. IN ORDER TO PRESUME PREJUDICE FROM ANY INSTANCE OF REPRESENTATIONAL ABSENCE, DEFENDANTS WILL HAVE TO USE TRIAL FACTS TO PROVE THAT THEY WERE CONSTRUCTIVELY DENIED COUNSEL. A FINDING OF PRESUMPTIVE PREJUDICE IN ONE CASE WILL NOT SIGNIFY THE ANNOUNCEMENT OF A "PER SE RULE" BUT ONLY THE APPLICATION OF CASE SPECIFIC FACTS TO CRONIC, AS UNDERSTOOD THROUGH THE SLEEPING LAWYER CANON.

ESTABLISHING AN INEFFECTIVENESS DOCTRINE THAT ENCOMPASSES REPRESENTATIONAL ABSENCE.

THE TASK OF REVIEWING INEFFECTIVENESS CLAIMS IS RESERVED FOR COURTS, LEGAL STANDARDS MUST BE DEVELOPED IN ORDER TO DETERMINE WHEN TO PRESUME PREJUDICE BASED ON ATTORNEY'S CONSTRUCTIVE ABSENCE. THE PUBLIC IS LARGELY UNAWARE OR UNWILLING TO BELIEVE THAT "GIDEON" WAS THE HIGH WATER MARK FOR THE GUARANTEES RIGHT TO COUNSEL.
ALTHOUGH IT TOOK THE SUPREME COURT TWO CENTURIES TO FULLY DEVELOP THE RIGHT-FROM THE RATIFICATION OF THE SIXTH AMENDMENT TO "GIDEON"--IT TOOK COURTS ONLY TWO DECADES TO STRIP IT OF ITS MEANING--FROM GIDEON TO STRICKLAND. RATHER THAN STAND AS THE FINAL PROTECTOR OF A DEFENDANT'S RIGHT TO QUALITY REPRESENTATION, THE COURT CRAFTED AN INEFFECTIVENESS TEST THAT SANCTIONS THE PERFORMANCE OF LAWYERS WHO DRINK ALCOHOL ON THEIR WAY TO COURT OR SIT SILENTLY THROUGH ENTIRE TRIALS OR UNMEDICATED, UNDIAGNOSED MENTAL IMPAIRMENTS. THE STRICKLAND ANALYSIS HAS REACHED SUCH ABSURD LIMITS THAT THE EFFECTIVE ASSITANCE OF COUNSEL CAN BE "TESTED" BY SIMPLY PUT A MIRROR UNDER THE LAWYER'S NOSE, AND IF IT CLOUDS UP, THAT'S A EFFECTIVE COUNSEL!

A CRIMINAL DEFENDANT WHO OVERCOMES STRICKLAND'S STRONG PRESUMPTION OF A LAWYER'S COMPETENCE IS STILL PREJUDICE BARRIER. CRONIC REPRESENTS THE COURT'S ATTEMPT TO DEFINE A TEST FOR PRESUMING PREJUDICE FROM REPRESENTATIONAL ABSENCE. UNFORTUNATELY, DURING THE FORTY YEARS SINCE CRONIC'S PRONOUNCEMENT, COURTS AND COMMENTATORS HAVE LARGELY IGNORED THE EXCEPTION TO STRICKLAND'S PREJUDICE REQUIREMENT.
THE DECISIONS REPRESENT THE JUDICIARY'S FIRST CONCERTED EFFORT TO DEFINE A TEST FOR DETERMINING WHEN THERE HAS BEEN A CONSTRUCTIVE DENIAL OF COUNSEL OR WHEN COUNSEL HAS COMPLETELY FAILED TO PUT THE PROSECUTION'S CASE TO A MEANINGFUL ADVERSARIAL TESTING. THE ABSENCE MUST OCCUR AT A CRITICAL MOMENT WHEN THE DEFENDANT'S INTERESTS ARE AT STAKE. A LAWYER WHO ENTIRELY FAILS TO TEST THE GOVERNMENT'S CASE IS ONE WHO HAS ABDICATED HIS ROLE AS AN ADVOCATE FOR THAT DEFENDANT.

4)MENTAL DISORDERS & CRONIC STANDARD

THIS ANALYSIS OF "CONSTRUCTIVE ABSENCE" SHOULD BE EXTENDED TO INSTANCES OF ATTORNEYS WHO ARE PSYCHOTIC, SEVERELY IMPAIRED BY DRUGS, OR COMPLETELY SILENT THROUGHOUT ENTIRE PHASES OF A TRIAL ARE NO MORE ABLE TO ASSIT THEIR CLIENTS.

A DEFENDANT WHOSE TRIAL LAWYER WAS SOMNOLENT, SCHIZOPHRENIC, OR SILENT STILL FACES IMMENSE PROBLEMS OF PROOF OF IN ORDER TO ACHIEVE A PRESUMPTION OF PREJUDICE. MOST DEFENDANTS WITH VALID CLAIMS WILL BE UNABLE TO ESTABLISH THAT THEIR LAWYER'S IMPAIRMENT ROSE TO THE LEVEL OF "ABSENCE" REQUIRED BY CRONIC. NONETHELESS, "SLEEPING LAWYER" DECISIONS DEFINE THE MOST FLEXIBLE, PRACTICAL METHOD FOR PRESUMING PREJUDICE FROM REPRESENTATIONAL ABSENCE. (TIPPINS, BURDINE, JAVOR)

ACCORDING TO SUPREME COURT OF UNITED STATES, THE FEDERAL JUDICIARY HAS "AN INDEPENDENT INTEREST IN ENSURING...THAT LEGAL PROCEEDINGS APPEAR FAIR TO ALL WHO OBSERVE THEM (WHEAT V U.S. 484 U.S. 153(1988)
THE FAIRNESS EXISTS ONLY WHEN THERE IS A " MODICUM" OF EQUALITY BETWEEN GOVERNMENT AND THOSE IT CHOOSES TO PROSECUTE (CAPLIN&DRYSDALE V U.S. 491 U.S.617 (1989) (BLACKMUN, DISSENTING)
HOWEVER, NOT EVEN A MODICUM OF FAIRNESS EXISTS WHEN A WELL FUNDED STATE PROSECUTOR MATCHED AGAINST A SLEEPING LAWYER, SIMILARLY, WHEN A LAWYER REMAINS SILENT THROUGH LONG STRETCHES OF A TRIAL BECAUSE OF "COGNITIVE IMPAIRMENTS OR "TRIAL STRATEGY", CRONIC'S VISION OF A "CONFRONTATION BETWEEN ADVERSARIES" IS LOST. (U.S. V CRONIC, 466 U.S 648 (1984).
ALTHOUGH COUNSEL SHOULD BE " MORE SENTIENT THAN A PLANTED PLANT", (CHILDRESS V JOHNSON, 103 F3D 1221 (FIFTH CIR. 1997) (PRESUMING PREJUDICE BECAUSE COUNSEL CONDUCTED NO INVESTIGATION AND DID NOT DISCUSS THE CASE WITH HIS CLIENT, BUT MERELY WAIVED THE DEFENDANT'S RIGHT TO A JURY TRIAL)
IT REMAINS TO BE SEEN WHETHER COURTS WILL APPLY THE CONSTRUCTION OF CRONIC TO REQUIRE ATTORNEYS TO BE MORE SENTIENT THAN A SLEEPING LAWYER, IN ORDER TO GRANT THE RELIEF OWED TO DEFENDANTS WHO ESSENTIALLY SIT ALONE AT THE DEFENSE TABLE COURT MUST RECONSIDER THE HISTORICAL MISAPPLICATION OF CRONIC AND PRESUME PREJUDICE FROM THE CONSTRUCTIVE DENIAL OF COUNSEL. IN DOING SO, COURTS WILL GIVE FULL MEANING TO CRONIC, DEFENDANTS WILL RECEIVE REDRESS FOR THEIR LAWYER'S REPRESENTATIONAL ABSENCE.

Massachusetts Supreme Judicial Court Announces Constructive Denial of Right to Counsel Where Defense Counsel Sleeps for Significant Portion or During Important Aspect of Trial

by David M. Reutter

In a case of first impression, the Massachusetts Supreme Judicial Court held that "a defendant constructively is deprived of his or her constitutional right to counsel under art. 12 [of the Massachusetts Declaration of Rights] where trial counsel sleeps for a significant portion of during an important aspect of trial." The Court, therefore, vacated the judgment of conviction and ordered a new trial.

Nysani Watt was convicted of first-degree murder for the 2013 shootings that killed 16-year-old Jaivon Blank and wounded 14-year-old Kimoni Elliott. Watt informed his first appellate attorney "that his trial counsel slept during portions of the trial," but the "first appellate counsel dismissed the issue as unmeritorious and did not investigate it further." The conviction was affirmed on appeal.

A motion for new trial was denied in 2020. Approximately two months later, Watt "filed another motion for new trial, contending that he was deprived of his right to counsel because his attorney was sleeping during critical parts of the trial. In support of this motion, the defendant submitted his own affidavit as well as affidavits from his second appellate counsel, his codefendant, his codefendant's two trial attorneys, the two trial prosecutors, and his mother. Each affidavit described the affiant's recollection as to whether trial counsel was observed sleeping during the trial and, if so, when and for how long." The motion judge denied the motion. Watt timely appealed.

The Court applied the gatekeeper analysis under G.L.c. 278, § 33E, which is "the mechanism by which this court exercises plenary review of all convictions of murder in the first degree, provides this court with 'extraordinary powers' to 'consider the whole case, both the law and the evidence, to determine whether there has been any miscarriage of justice.'" *Dickerson v. Attorney Gen.*, 488 N.E.2d 757 (Mass. 1986). "This unique form of review requires our consideration of issues raised by the defendant, as well as issues not raised, 'but discovered as a result of our own independent review of the entire record.'" *Id.*

Because no one at the trial raised the fact that counsel was sleeping during trial, the error was not apparent from the record. "As a result of first appellate counsel's ineffective assistance, this court was not able to consider the claim under its plenary review, despite the efforts of the defendant," the Court stated. "In these unique circumstances, we conclude that the defendant has presented a 'new' question under § 33E, because this claim was not available to the defendant in prior proceedings."

Having found the gatekeeper criteria was met, the Court turned to the merits of the appeal. The Court noted that a defendant may be deprived of counsel even when counsel is physically present under certain circumstances. *See United States v. Cronic*, 466 U.S. 648 (1984) (constitutional error where, without a showing of prejudice, counsel was present but was "prevented from assisting the accused during a critical stage of the proceeding"). The issue of whether "an attorney's slumber during trial results in deprivation of counsel requiring reversal" was a matter of first impression for the Court. It noted that in such cases the "United States Courts of Appeals for the Fourth, Fifth, Sixth, and Ninth Circuits focus on whether counsel slept for a substantial portion of the trial.... Meanwhile, the United States Court of Appeals for the Second Circuit focuses on whether counsel was unconscious 'at critical times,' a consideration that the Fifth Circuit has also discussed." *United States v. Ragin*, 820 F.3d 609 (4th Cir. 2016); *Muniz v. Smith*, 647 F.3d 619 (6th Cir. 2011); *Burdine v. Johnson*, 262 F.3d 336 (5th Cir. 2001); *Tippins v. Walker*, 77 F.3d 682 (2d Cir. 1996); *Javor v. United States*, 724 F.2d 831 (9th Cir. 1984).

The Court concluded that under art. 12 of the state Constitution, "a deprivation of counsel occurs when counsel sleeps for a significant portion of trial or sleeps through an important aspect of trial." The Court stated that the significant portion of the trial standard provides a defendant "might prevail regardless of the demonstrated importance of the particular times at which counsel slept, if the duration and frequency of counsel's sleeping was significant in and of itself. Although less frequent or shorter periods of unconsciousness at trial may support a claim of structural error, mere momentary lapses in attention or consciousness are insufficient." *Tippins*.

Under the important aspect of trial standard, even "if a defendant cannot demonstrate that counsel slept for a significant portion of the entire trial, prejudice may be presumed where a defendant demonstrates that counsel slept through an important aspect of trial," the Court stated.

The Court announced that the "standard we adopt today for determining whether a constructive deprivation of counsel has occurred at trial affirms that which already may be intuitive—that there is a distinction between those portions of trial where unremarkable, ancillary evidence is being presented versus when direct evidence of guilt or innocence is being presented, and that the line between the two must be assessed on a case-by-case basis."

Applying the newly adopted standard, the Court ruled that the affidavits submitted "provide a sufficient factual basis" to support the determination that trial counsel was asleep for a significant portion of the trial, including an important aspect of trial. *Commonwealth v. Sylvain*, 46 N.E.3d 551 (Mass. 2016).

The Court explained that "submitted affidavits [came] from both sides of the aisle, all of which corroborate the defendant's claim that trial counsel was sleeping throughout trial." Thus, the Court concluded that Watt was deprived of his right to counsel under art. 12 and determined that a miscarriage of justice occurred because "the deprivation of counsel at trial is the type of structural error that inherently raises serious concerns whether the trial itself was an unreliable vehicle for determining guilt or innocence.'" *Neder v. United States*, 527 U.S. 1, (1999).

Accordingly, the Court reversed the order denying the defendant's motion for a new trial, vacated the convictions, set aside the verdicts, and remanded for a new trial. See: *Commonwealth v. Watt*, 224 N.E.3d 377 (Mass. 2024).

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§19 Libels, truth as defense.

Sec. 19. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it appears to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

History: Const. 1963, Art. I, §19, Eff. Jan 1. 1964.
Former Constitution: See Const. 1908, Art. II, §18.

§20 Rights of accused in criminal prosecutions.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than 12 jurors in prosecutions for misdemeanors punishable by imprisonment for not more than 1 year; to be informed of the nature of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor; to have the assistance of counsel for his or her defense; to have an appeal as a matter of right, except as provided by law an appeal by an accused who pleads guilty or nolo contendere shall be by leave of the court; and as provided by law, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

History: Const. 1963, Art. I, §20, Eff. Jan. 1, 1964;—Am. H.J.R. M, approved Aug. 8, 1972, Eff. Sept. 23, 1972;—Am. S.J.R. D, approved Nov. 8, 1994, Eff. Dec. 24, 1994.
Former Constitution: See Const. 1908, Art. II, §19.

§21 Imprisonment for debt.

Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in cases of fraud or breach of trust.

History: Const. 1963, Art. I, §21, Eff. Jan. 1, 1964.
Former Constitution: See Const. 1908, Art. II, §20.

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§22 Treason; definition, evidence.

Sec. 22. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or on confession in open court.

History: Const. 1963, Art. I, §22, Eff. Jan. 1, 1964.
Former Constitution: See Const. 1908, Art. II, §21.

§23 Enumeration of rights not to deny others.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

History: Const. 1963, Art. I, §23, Eff. Jan. 1, 1964.

§24 Rights of crime victims; enforcement; assessment against convicted defendants.

Sec. 24. (1) Crime victims, as defined by law, shall have the following rights, as provided by law:

The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

The right to timely disposition of the case following arrest of the accused.

The right to be reasonably protected from the accused throughout the criminal justice process.

The right to notification of court proceedings.

The right to attend trial and all other court proceedings the accused has the right to attend.

The right to confer with the prosecution.

The right to make a statement to the court at sentencing.

The right to restitution.

The right to information about the conviction, sentence, imprisonment, and release of the accused.

(2) The legislature may provide by law for the enforcement of this section.

(3) The legislature may provide for an assessment against convicted defendants to pay for crime victims' rights.

History: Add. H.J.R. P, approved Nov. 8, 1988, Eff. Dec. 24, 1988.