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## Judge forces Health's hand

Senior with history of mental illness ordered taken to main office of department  
By BRIAN HAYES Court Reporter



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A Dartmouth provincial court judge took the unorthodox step Tuesday of dumping the thorny issue of caring for a 70-year-old woman into the government's lap.

Judge Bill MacDonald released Jean Roberts at the end of a bail hearing on charges of arson and violating court orders and then told sheriff's take the frail woman to the Health Department's main Halifax office.

Deputies escorted the woman, who has a history of mental health problems and who has go, to the department's Hollis Street building, where the astonished staff was unprepared her arrival or for the sight of numerous reporters, photographers and TV cameramen trail

The deputies left after ensuring that Ms. Roberts was seated comfortably in a waiting room receptionist had been told the woman needed someone to look after her.

A reporter asked how she felt about being released from custody.

"It's wonderful, wonderful, wonderful, wonderful," she said.

It wasn't immediately clear where the senior was heading, but Health Minister Chris d'Ent journalists he is "optimistic" that there's "a place willing to accept Ms. Roberts, should she place to stay."

"Staff have discussed that option with her this afternoon. At this point I understand she's our offer."

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The minister said he couldn't reveal exactly where Ms. Roberts will be going but that the Community Services and Justice departments had collaborated to find her continuing care home.

"She's going to a facility that the Department of Health takes care of."

Asked about Judge Mac-Donald's decision, the minister said: "We're very surprised."

In court, Ms. Roberts seemed a very different person Tuesday, compared to the sobbing woman who had appeared the day before, her voice sometimes drowning out those of Judge MacDonald's lawyers.

She was quiet and at one point apologized to the judge for her previous behaviour. "It was immature."

At Tuesday's hearing, Crown attorney Bob Morrison said the arson charge arose in June at an apartment the Community Services department had found for Ms. Roberts on Churchill Drive in Dartmouth.

Mr. Morrison said she used a toaster to start a fire and that by the time firefighters and police arrived, heavy smoke was coming from the apartment. She was waiting in the lobby and told police she started the fire, he said.

The Crown said she was apparently unhappy with her living arrangements and had asked for a move but that no one responded to her request.

On Tuesday, Mr. Morrison also told Judge MacDonald about several other charges against Ms. Roberts, including assault, mischief and violating court orders.

Last year, for example, she was charged with attempted murder for allegedly trying to smother a patient at the Nova Scotia Hospital with a pillow because she was snoring. The charge was reduced to assault.

Mr. Morrison told the judge she should be kept in jail because she was a threat to the public. Newton, Ms. Roberts' lawyer, termed the charges against her "cries for help" and said she was a contributing member of society for most of her life, only getting into trouble with the law 18 months.

Mr. Newton said Ms. Roberts has mostly been charged with property offences such as trespassing through windows and doors.

"Her behaviour clearly qualifies her for adult protection," he said, arguing that social services should get involved in the case.

Mr. Morrison responded that Community Services has provided her with places to stay, personal assistance for three hours a day and access to a 24-hour department hotline.

"Lots of people have provided help," he said. "She wants help, but when help is provided it's away from it."

But Mr. Newton said he found it questionable that at one point, in April, Ms. Roberts was housed in a motel for several days but then told to foot the bill.

Judge MacDonald said that while doctors at the East Coast Forensic Hospital in Dartmouth found her fit to stand trial, their report also notes that Ms. Roberts has had mental-health issues, including dementia.

She has other health problems, according to family members, who have said Ms. Roberts has Parkinson's disease.

"Why should the criminal justice system have to come up with all the options?" Judge MacDonald asked. "I don't want to take the responsibility of putting her out in the parking lot. There is no facility in our society to deal with people like Jean."

The judge said he only had the authority to release her or send her to jail to protect the public. He said he could not force her into a treatment program.

He said he discussed Ms. Roberts' plight with Health Department and other provincial workers. "Nothing was offered . . . so it's left to me to make my decision based on my authority."

He released Ms. Roberts on an undertaking and ordered her to return to court Jan. 17 for a plea.

Opposition Leader Darrell Dexter told The Chronicle Herald in an interview Tuesday that Ms. Roberts is a symbol for a whole group of vulnerable people who aren't getting the government's attention.

"When it comes to mental-health issues, the justice system has for a long time become a ground for people who more properly need assistance with mental-health issues," Mr. Dexter said.

"They are there because the government has made a deliberate decision not to provide the services these people need."

He said Judge MacDonald clearly felt he had no other choice.

"I don't know that people appreciate how unusual it is for a judge to make that kind of a decision."

Late Tuesday afternoon, Ms. Roberts emerged from a room in the Health Department office and was escorted to the elevator. Hunched over and carrying a plastic bag full of clothes, she passed a group of reporters who had been waiting much of the afternoon.

When they asked Ms. Roberts where she was going, she replied: "Hawaii."

A few minutes later, Mr. d'Entremont told reporters about the nursing home possibility, emphasizing that it's her decision to accept or reject the offer.

The minister said he doesn't know what the long-term answer is to Ms. Roberts' predicament. He promised the Health Department will continue to offer her services.

"Ultimately, we want to take care of her the best we can," he said.

( bhayes@herald.ca)

With Kristen Lipscombe and Amy Smith, staff reporters

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