

concentrate or remain on an issue, her confusion, inability often to think or speak logically or coherently--all these are symptoms of brain damage. The response to a question of Batzel's "or at least til after I'm gone you know" does not make sense. There are a number of incoherent vague irrelevant chaotic utterances throughout this exchange with Jeff Batzel. They indicated rather advanced cognitive failure in the patient.

An important process between Batzel and his client is clear also. He clearly leads his subject into abandoning the reinvestment theme to blatantly suggest that this woman is being tricked by her daughter who is stealing the money for her own sole use. Batzel turns questions into answers, e.g. "Okay what your're telling me is you think she's taking your money and she is going to use it herself...".

Batzel is telling the patient what she is thinking and saying according to Batzel. He is rewarded when he does this by the nonsense response "or at least til after I'm gone you know." More often when Batzel directs her thoughts she echos or agrees with what he appears to want.

At this point I want to comment that I don't know what it is Batzel thinks he is doing. He is not eliciting facts, rather he is blocking whatever the subject might say and telling her what she thinks. This is hardly investigative interviewing. It certainly is not interviewing of a psychological, psychiatric or psychoanalytic nature, i.e. arrived at by eliciting of what is true for an about the subject. The impression grows that he is pursuing an agenda, a predetermined course of which several

features are becoming apparent. Mary Jane is being portrayed as a crook and a thief deserting and betraying her dying mother. He starts the session with that theme made explicit to Mrs. Duchene. He moves into it in an authoritarian manner here. He knows. How he can be sure is not explained. According to his report he heard of the case for the first time at 8:15 a.m. that morning, when Reichstadt informed him of a new vulnerable adult case and wanted to discuss it at 10:15 a.m. They presumably did and with amazing speed. Both these men are charged with making independent investigations of extremely serious accusations, with momentous consequences for the lives of those affected, alleged abuser and abused, stemming directly from their investigations. How Batzel arrived at a state of mind in which he could denounce the daughter to the mother, without examination of the daughter directly, without taking into consideration the mother's mental condition which he doesn't and without carefully gathering and examining evidence from other sources is a mystery. Batzel did accumulate knowledge fast about Mrs. Duchene and Mary Jane's finances. Money, property and control of such are themes of his interview. A practical man is he and his associate in investigation social worker, Reichstadt, arrange to have an accommodating attorney on hand just in case Mrs. Duchene should wish to sign a second power of attorney that evening. She had gone with Mary Jane to her lawyer's offices that day and signed a power of attorney regarding Mary Jane, on the advice of her attorney there. This did not prevent her signing another naming her brother that same evening.

This clearly was not an inquiry or a meeting for the purpose

of eliciting facts and truth. It was an expedient opportunistic operation aimed at defaming Mary Jane Duchene and in a psuedo-legal but in fact piratical way grabbing control of much of the demented woman's and her daughter's money and property via Roger and his power of attorney and by appointing new counsel, a Mr. Dennis Briguet, to a dubious role in the patient's affairs. The interview proceeds. Batzel interrogates Mrs. Duchene showing detailed knowledge of the banks involved and he makes detailed inquiries about the accounts in each. Mrs. Duchene is vague and uncertain about where the accounts are and what sums are involved. The records are available to her but she has not or could not keep them in mind. She speaks of several things. She told Batzel she'd given Mary Jane money the past summer.

Det. B: "You gave your daughter some money."

Mrs. D: "Yeah so that she could ah when she came here for vacation I gave her about \$10,000 there so."

Det. B: "Okay, do you have another account at Minnesota Federal?"

Mrs. D: "Yes, I think its Minnesota Federal the one that was at Mendota."

Mrs. Duchene shows that she is unsure in response to Batzel's last question. She did give her daughter money as she said, but gave her quite a different amount. The disorganization in thought and speech is apparent in the reply she made there to Batzel's question. It is noteworthy that the interviewer glosses over the gross signs of impaired brain function. He tries to separate mother and daughter fiscally.

Det. B: "Ah, those accounts also are in your name and your daughter's name. Is that right?"

Mrs. D: "Right."

Det. B: "Is that money your money or your daughter's. I mean"

Mrs. D: "It's my money that I put in there."

Det. B: "And so is this money at Twin City Federal?"

Mrs. D: "Yeah all of it is mine."

Det. B: "Money that you earned and put in the bank?"

Mrs. D: "Uh huh." (This response is not completely factual, according to Ms. Duchene appreciable funds were left to her mother by Otto Krause and given her by the maternal grandmother circa 1980.)

Det. B: "But because your daughter is your only child, is that right?"

Mrs. D: "Uh huh."

Det. B: "You changed these accounts around just for you might say good practices in the past. Right?"

This tendentious questioning and the answers are absurd. The picture of the thrifty hard-working woman, saving for her old age earning every penny, is something of a fiction. Mary Jane is referred to as a sort of non-person "your only child." Batzel remarks on changing accounts around for "good practices." Mrs. Duchene agrees. This is rubbish. No changes occurred. The accounts had been created in Mary Jane's name and stayed that way until March 21, 1986 when Roger Krause set about deleting Mary Jane's name and putting his name on the accounts with his brand new power of attorney.

The detective, since first hearing of the case after 10 a.m.

that morning, has acquired specific knowledge of banking institutions used by Mrs. and Miss Duchene. He directs the interview by questioning her about these accounts, with occasional diversion after one question.

Det. B: "And ah, okay. Do you have any reason to believe that your daughter is trying to sell your house?" (A curious question in view of the facts that the ladies are in agreement about the desirability of selling the house in that Mrs. Duchene can't look after herself or the house, living alone. The fact that she is gravely ill and will be dead before long, may not have been in the patient's awareness at the time of this interview but was an obvious reason for disposing of this property.)

Mrs. D's response to this slightly accusatory question was:

Mrs. D: "She is going to sell, it cus she wants to sell it and I can't live in it." (COGNITIVE IMPAIRMENT IS INDICATED BY THE ODD SENTENCCE STRUCTURE AND AMBIQUITY. Mary Jane is not attempting to sell their home "cus she wants to sell it" but because her mother can't survive in it without help, supervision is more effectively provided in facilities such as she and her mother had been inspecting, despite Roger Krause's anger and antagonism on Mary Jane undertaking to do so as was her appropriate responsibility, at least, so it seems to me. THE SENTENCE IS DISORGANIZED AND NEAR INCOHERENT. In the past Mrs. Duchene would not have spoken in this manner, according to her daughter. It is an example of impreci-

sion and deterioration of language usage in this patient.)

There follows a passage where it is recognized Jane Duchene must move and is asked

Det. B: "Where would you prefer to go?"

Mrs. D: "I don't know. It's up to what the doctors say. The cancer specialist I had figured I could live in ah anywhere."

"I don't know" recurs throughout the 22 minute interview. In fact it was not up to what the doctors say primarily, it was a matter for her and her daughter to investigate and decide. Mrs. Duchene had had discussions with Mary Jane, had brochures to read but could take no initiative nor absorb and retain the facts involved. The matter was proceeding rationally at this point. The reference to the cancer specialist, in the past tense "had" raises a distinct possibility this patient saw the cancer and the doctor as something in the past, to be left behind. From listening to Mrs. Duchene no recognition of the fact that Mary Jane had been making enquiries, visiting sites obtaining brochures, and talking about these things repeatedly with her mother, can be obtained. It is as if Mary Jane's activities on her mother's behalf never happened, apart from Jane offering a crumb of misinformation about a "retirement" village which would be paid for with her pension as a plan favored by Mary Jane. This is conflation as the facility I think Jane refers to would have been more costly, and her "pension" specifically was not an issue. The pension was perhaps the one fraction of Jane Duchene's wealth she felt she had retained control over. I think this is an

oblique example of the persecutory thinking so prominent in a muted paradoxical way. This patient - her daughter is trying to force her into a situation she doesn't want and is taking her pension from her to do it. There is a rather chilling mean spirited quality to some of this woman's psychotic productions.

A few days later she told the Rev. Ruhnke she would be better when she got her house and car back. She spoke as if she could manage house and car, denying weakness and death. There may have been an accusatory meaning as if Mary Jane who was still living in the house at that time, was usurping Jane's place.

W.P. Batzel's interrogation is as if nothing intelligent has been done about Jane's living conditions. He goes on to ask if "Mrs Duchene" would:

Det. B: "...like to go to a place where they ah make your meals and where they have nurses on staff and things like that?"

Mrs. D: "Yeah."

Det. B: "That's what you would like to do?"

Mrs. D: "Well I think so for a while cus my mind is all muddled from all of this." (THIS STATEMENT IS A CLEAR MOMENT IN WHICH INSIGHT TO THE EXTENT OF HER RECOGNIZING COGNITIVE IMPAIRMENT IS PRESENT. THE "from all of this" IMPLIES I THINK THAT SHE IS ATTRIBUTING HER CONFUSION TO HER CURRENT DOMESTIC SITUATION. THERE APPEARS TO BE HEAVY USE OF THE DEFENSE OF DENIAL OBLITERATING CONSCIOUS AWARENESS OF THE FACT OF HER INOPERABLE MALIGNANCY AND OF PSYCHOLOGICAL SYMPTOMOLOGY PRODUCED BY THAT. THE

VAGUE QUALITY OF "from all of this" HELPS EVADE FACING THE REALITY, FOR INSTANCE, THAT HER PHYSICAL DISEASE IS THE LIKELY CAUSE OF HER MIND BEING "all muddled up.")

Batzel responds by apparent recognition of the reality she has just told him.

et. B: "You're kinda confussed?"

Mrs D: "Uh Huh."

Det. B: "Today which is the 21st of"

Mrs. D: "21st is tomorrow." (Transcript)

Det. B: "20th, excuse me."

Speculatively it is probable Batzel deliberately made this error to give Mrs. Duchene an opportunity to show she is oriented in time by know it is the 20th. The transcript is not accurate at this point. Immediately after Batzel stops there is another voice on the tape saying a few words then Jane Duchene says "tomorrow" I am unable to hear the words--a brief question apparently, prompting Mrs. Duchene's answer. At this point muddled mind and confusion are not considered further. This is a very serious mistake. If the patient complains her mind is muddled it can't be dismissed with a cheap trick. Subjective confusion is very important. If she is confused and her mind is all muddled as she says here, then anyone competently conducting an interview would find such a complaint of primary significance and assess it. If she is confused, vague, amnesic, imparied in grasp, comprehension and logical thinking she is very possibly confabulating some responses. That is she is glossing over gaps in her understanding, in her memory, in reports of her relationships, with self manufactured content aimed at concealing the extent,

and the nature of her disorder.

It should have been obvious by now to any reasonably alert and concerned lay person, let alone a psychiatrist that this woman's mental processes showed much evidence of deterioration. A reasonable thing to do at this point, would have been to solicit opinion or fact from those present who, like the Krauses, had been in touch with Mrs. Duchene in recent days.

But this interviewer proceeds as if the issue did not exist. He goes on to question his subject concerning a power of attorney made to Mary Jane that day in the office of Mrs. Duchene's attorneys. This law firm had been found three years before at Mrs. Duchene's request, to accomplish some legal work she and presumably her daughter wanted done. Mary Jane had sought direction from Mr. Eugene Edie an accountant working at the University of Minnesota and a friend of both Jane and Mary Jane (See affidavit Mr. Eugene Edie). When it was known Mrs. Duchene was terminally ill, Mary Jane wrote to the attorney who drew up a power of attorney with particular reference to medical possibilities that might arise. The attorney had advised this move. Although she had done business with this firm over the past three years and had spent time with her lawyer that afternoon Jane was unable to fully remember the lawyer's name that evening.

Det. B: "And I believe you told me the attorney's name was Kanatz?"

Mrs. D: "I think its Kanatz." (She did agree, with more confidence that the attorney's office was in downtown St. Paul.)

Det. B: "And what was the purpose of that trip downtown?"

Mrs. D: "She wanted power of attorney."

Det. B: "And did you give her power of attorney?"

Mrs. D: "Yes, ah I signed papers yes."

Det. B: "Did you want her to have power of attorney?"

Mrs. D: "Well it was all I had to do I mean ah I didn't know that anybody was working for me."

This is a remarkable statement. It is an example of gross denial. She utterly denies or dismisses the fact that her daughter has done a great deal of "working for me." Mary Jane, by this time, had made sacrifices in the conduct of her own affairs, had told people to whom she had commitments she could not help them, had to leave her fiance in Europe, her home in England and devote herself full-time to her dying mother day, day out watching her mother die by inches. Besides the financial and residential move problems, the day by day chores of caring for a dying person, seeing that person dying in character and intelligence as well as bodily, meant emotional pain and involved real devotion, facts critical outsiders overlook. There should have been sympathetic intelligent cooperative help from relatives. The Krauses provided something rather different.

For Mrs. Duchene to obliterate her daughter's presence and responsible intelligent care was very pathological. To see her as an oppressor who was not "working for" her and to "discover" a saviour in her brother showed gross distortion of her sense of reality, of her ability to feel appropriately, to understand her situation, her estate, her dying condition. Her judgment was gravely flawed.