

TO MICHIGAN SUPREME COURT
OFFICE OF ADMINISTRATIVE COUNSEL
ANNE BOOMER
File # 2014-45

WRITTEN STATEMENT FOR PUBLIC HEARING 9-16-15

Proposed Rule 5.731a becomes unnecessary and moot when the Constitutions and laws are duly upheld and enforced. The clinical certificates should not be admissible into court as evidence under the Rules of Evidence MRE 401,402,403,702, and Daubert v M.D. Pharmaceuticals (1993) standards, and under due process and equal protection. The scientific/scholarly community overwhelmingly agrees that psychiatric predictions of dangerousness are very unreliable, have high error rates (often greater than 50%), cannot be tested for truth at the time provided to court, are easily falsified, are fraught with bias, and their probative value is substantially outweighed by unfair prejudice. No one seriously disputes that psychiatric predictions of dangerousness are much less reliable than polygraph evidence which is inadmissible in most states. Note, Ziskin and Faust, COPING WITH PSYCHIATRIC TESTIMONY (1988), the continued participation of psychiatrists "in the legal process is a travesty." P.76.

Sufficient scrutiny also reveals that involuntary psychiatric exams should be prohibited to begin with under Constitutional protections of the right to remain silent and not to speak. Note, In Re Baker, 117 Mich App 583, Cavanagh dissenting, "If a respondent is really a danger... the state should be able to prove it through other means."

I urge the Michigan Supreme Court to protect the privacy and dignity interests of persons subjected to civil commitment simply by seeing that they are protected by the same laws that protect everybody else.

Thank you. Sincerely,



Sean Bennett
1011 Crown Kal Mi 49006
734-239-3541