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SPECIAL PATIENT REVIEW TRIBUNAL

Tribunal: MR. J.R. BAULCH S.C. (CHAIRMAN)
DR. J. ROPER, MS. L. MOXHAM

Patient: REGINALD BASIL DURHAM

Matter/s to be considered: 1. 3-MONTHLY REVIEW OF FITNESS FOR TRIAL – SECTION 34.1
2. REVIEW OF ENTITLEMENT TO LEAVE – SECTION 36.a

Applicant/s: 1+2. NONE

Venue: LEINSTER PLACE, PEARCE STREET
NORTH ROCKHAMPTON

Date and time: 04/02/2002 10.00am

PATIENT DETAILS

Date of Birth: 30/08/16

Nearest Relative:

Marital Status:

Legal Status: LIABLE TO BE DETAINED UNDER SECTION 34 (AS A RESTRICTED PATIENT UNDER PART IV) SINCE 21/02/01 AT ROCKHAMPTON HOSPITAL (PRESENTLY ON LEAVE)

MATERIAL PRESENTED

1. PREVIOUS PRT FINDINGS
 - 1.1 22/03/01 LEAVE, ADJOURNED..
 - 1.2 19/04/01 NO DETERMINATION RE FITNESS FOR TRIAL, ADJOURN S36 REVIEWS
 - 1.3 14/06/01 CONTINUE, LEAVE CONTINUE, UNABLE TO DETERMINE FITNESS FOR TRIAL.
 - 1.4 06/11/01 CONTINUE, LEAVE CONTINUE, UNABLE TO DETERMINE FITNESS FOR TRIAL

2. MEDICAL/OTHER REPORTS
 - 2.1 DR J LAWRENCE – 11/06/98 & ATTACHMENTS
 - 2.2 DR J LAWRENCE – 09/06/00
 - 2.3 DR P FAMA – 10/02/01
 - 2.4 DR I WILSON – 03/03/01
 - 2.5 DR I WILSON – 19/04/01
 - 2.6 DR P POWER – 11/06/01
 - 2.7 DR I WILSON – 13/06/01
 - 2.8 DR D GRANT – 21/01/02

3. APPLICATIONS
 - 3.1 NIL

4. MHT/COURT DOCUMENTS
 - 4.1 FORM K – 21/02/01
 - 4.2 FORM 51 – 21/02/01
 - 4.3 VARIOUS COURT TRANSCRIPTS
 - 4.4 REASONS FOR FINDINGS MHT – 21/02/01

This is a three monthly review of the fitness for trial of REGINALD BASIL DURHAM liable to be detained as a restricted patient since 21 February 2001 at the Rockhampton Hospital and presently on leave.

Also, a review of the entitlement to leave of REGINALD BASIL DURHAM.

Dr. Grant was present to discuss the review with the Tribunal.

Mr. Justin Hoolihan, Solicitor, was granted to appear on behalf of the patient.

Dr. Grant was interviewed.

Dr. Grant confirmed that he remained of the views expressed in his report of 21 January 2002. Dr. Grant advised the Tribunal that he had had an opportunity to see the patient again shortly prior to the hearing and found him to be in a similar mental state to that which he had assessed prior to preparing his report but noted that his physical condition was rather worse than when previously interviewed. Dr. Grant advised that the patient has a good understanding of his surroundings and the significant adults in his life as detailed in the report. The Tribunal noted that Dr. Grant had received background information from Ms. Findlater very similar to that which the Tribunal had received from her on 6 November 2001. The Tribunal noted that the patient is able to describe the charge, and the alleged offence and his defence. Further, his general knowledge is good and consistent with the Tribunal's personal contact with him on 6 November 2001. Dr. Grant reaffirmed the views that he had expressed and particularly his rejection of a diagnosis of dementia of either of the types referred to in his report for the reasons set out in the report.

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The Tribunal noted that the patient's physical health was such that he would require special consideration in a trial process and felt that, such consideration being made for him, he would not exhaust himself and would be able to appropriately participate in the trial process.

The Tribunal having determined that the patient was currently fit for trial determined that it would report to the Attorney General to that effect.

The Tribunal was satisfied that the current leave arrangements were appropriate and should remain in place.

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J.R. BAULCH S.C.
Chairman
PRTREASONS RKY DURHAM 040202