

# The Great Disappearin' Machine

Case Study Three: "When the Dog Bites"



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1.I promise you, I'll be enraged enough for all of us – I always am!"

One key element to understanding what a nefarious actor is truly up to is motivation: why the hell did you do that? Why would an entity, be it a person or a government agency and the henchmen therein, go to what sometimes amounts to extraordinary lengths to obliterate liberty? Why would they bend the rules to the breaking point just so that one of their fellow human beings, once tumbled into a legal oublie, might never again see the light of day?

Well obviously, for the money.

Setting aside the tired old trope about it being the root of all evil – which I'm the last one to dispute – money does crop up in my research as a baseline motivation for many actions I consider deviant or abhorrent. And to be clear, I mean the motivation for state-sponsored actors, not the individuals who run afoul of their paper tyranny. While often anything but angels, a single individual would have to strive long and hard to replicate even a fraction of the avalanche of misery and injustice inflicted by the American legal machine. It's a prodigious beast, and the fuel it guzzles to sate its unquenchable thirst is money – cash, dollars, greenbacks, samolians.

But vengeance makes a good cover story. Avenging evil deeds, protecting the common good, and striking terror in the heart of evildoers packs a mighty emotional wallop that punches the audience deep down into their feelings, far distant from any inconvenient critical thinking abilities. By inciting onlookers to

wrath, a proper instigator can bypass any number of pesky moral quandaries and get right down to the good stuff – all in the name of plain old greed. Selfishness. Stinginess. It's-mine-screw-you-ishness.

So let's talk about one such supposed menace to society who must be locked away in service to the almighty dollar. Rather than getting mad<sup>1</sup>, though, let's retain our brains so that we can do more than gnash our teeth and surrender our agency to the first string-puller who happens by.

In 1998 – twenty seven years ago at the time of this writing – a woman was arrested for the crime of 'tampering' in the State of Missouri.

*" Tampering in the First Degree: a person commits the offense of tampering in the first degree when they knowingly receive, possess, sell, or unlawfully operate an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle without the consent of the owner thereof."*

The horror! This woman, let's call her Joan, stole a car. She was arrested. In 1999, she pleaded 'not guilty by reason of mental disease or defect' [in other words, 'not guilty by reason of insanity' or NGRI] to the charge of tampering.

NGRI pleas are often portrayed as a get out of jail free card, 'getting away with it by playing crazy.' Let's be clear that this is absolutely not the case; the bar to actually prove you are NGRI is

sentence the person instead to one year in the county jail in lieu of any prison time at all. After release, the person is subject to a conditional release [parole] period of one third of their prison sentence, meaning the most someone could possibly be punished for the crime Joan plead NGRI to is 7 years in prison followed by 2 and one-third years on supervised release.

Yet Joan is still entangled, 27 years later, in the state hospital system. That is three times longer than even the most hard-assed judge could possibly sentence a fully competent, fully liable convict to serve.

But if she'd gone to prison, the court couldn't have made her a ward of the state. And if the state hospital hadn't become her conservator, they couldn't collect her disability checks on her behalf for as long as she remains under their dutiful care. And if SeMo couldn't bank their clients' checks, they couldn't use that sweet government money to pay themselves for doing such a bang-up job providing mental health care to the people the court orders into their secure facility – all while ensuring they don't do quite a good enough job that they accidentally help someone get well enough to get out, and take their government benefits with them.

*That would just be fucking crazy.*

*stop incurring costs and they won't release me.*

*It's frustrating here. I've done everything I'm supposed to do but they won't even give me more privileges, let alone let me out. I've asked the nurses what else I need to do but they only say 'keep on doing what you're supposed to.' They just warehouse people. Then if you fight them in court they say you're a mental patient and the judge takes the psychiatrist's side over yours.*

*I'd like to get my freedom so Lightning and I can live in a single-family unit or house in a nice quiet area. I want to be gainfully employed at least part time and work from home. I have an Associate's degree with honors in Law Enforcement and a Bachelor's degree in Urban Affairs as well as Criminal Justice. I'm certified as a paralegal and also have taken classes in: business management, animal care, constitutional law, fitness, nutrition, psychology, and social work."*

Joan was involuntarily committed following her NGRI plea in 1999. She obtained conditional release in 2005 and spent an unspecified amount of time living under supervision in the community before having her release revoked. She obtained conditional release again in 2015, and in 2022 she was again returned to custody because she called her case manager after she got on a bus rather than before.

Tampering in the first degree is a Class D felony in the State of Missouri, punishable by a maximum sentence of 7 years in the state penitentiary. However, the court has the discretion to

astronomically high. Even if you succeed, you only 'get out of jail free' in order to be locked up in a state psychiatric hospital instead. For those of you who don't know, take it from the ones that do – there's nothing free about a place like that except the meds you'll be taking, whether you want them or not.

We have a decent grasp on psychiatry in this country, though. If the function of a so-called forensic hospital falls in line with their mission statements, people should get helped, healed, and discharged from there. Since successful NGRI pleas make up such a small number of convictions as to be effectively negligible, over time most state forensic hospitals ought to be emptying out rather than filling up.

Why, then, are they all stuffed to the padded rafters with alleged loons?

Spoiler warning: it's not because most people under involuntary civil commitments in secure treatment facilities are foaming at the mouth and itching to wreak havoc upon polite society. They are not rabid, raving lunatics – so why are they there, for years and years?

Money. More specifically: state and federal social security and disability benefits, because in the ravenous grab for dollars there is no lower limit on the level to which a state-sanctioned hand will not stoop to scoop up a few easy bucks.

Here is Joan's story in her own words:

*"I did something stupid 25 years ago. It was a cry for help. The owner of a vehicle left his keys in his car and I took it. Now I'm in here with murderers and rapists, being warehoused. We are supposed to have rights but they routinely violate them and falsify records. The Missouri Protection and Advocacy Services [the entity responsible for representing the clients of the state mental health system and ensuring that their civil liberties are not chucked under the bus] rubber stamp anything this place [Southeast Missouri Mental Health Center, AKA SeMo] does. For example both I and the psychologist I had in the community were denied the right to be present at my conditional release revocation hearing, as well as the hearing to forcibly medicate me.*

*My conditional release was revoked because Lightning, my service dog, was attacked. I used all my money and resources to move to the Eugene Fields Apartment Complex. To make a long story short, Lightning was mauled right in front of me by a German Shepherd/Rottweiler mixed breed dog. Lightning is a miniature American Eskimo dog, much smaller. She had to have two surgeries and took two full months to heal.*

*Animal control had the vicious dog removed from the premises. The dog's owner, and her friends, then started to harass me. This went on for over a year. Another tenant threatened to kill me and Lightning with a switchblade, but MACO, the apartment management company, refused to give me her name so I couldn't get*

*an order of protection.*

*Then Lightning was attacked again by another dog. When I complained that I kept Lightning on a lead but other tenants let their dogs out of their control, MACO gave me notice that Lightning had to go. So, I packed up all my things and started looking for a place to live.*

*That brings me to my 'crime': I took Lightning to Columbia, MO to be evaluated by a dog trainer. I failed to call my forensic case manager Justin H— prior to leaving Park Hills, MO. In retrospect my psychologist and I should have called before I went to the bus station, but I already had an oral agreement with Justin that I was going to take Lightning to the trainer. I did notify him I was in Columbia within 48 hours of arriving, but they revoked my conditional release anyway and sent me to SeMo.*

*I lost everything – my apartment, furniture, belongings, clothes, Christmas ornaments and knick knacks that have sentimental value. Thank God good friends are taking care of Lightning. She's all I have left. I've done a little over two years [as of April 2024] for this.*

*I also have a financial issue when I get out. The owner of the vicious dog only paid \$50 towards a vet bill of \$800. Then MACO says I owe them \$600 after they let the other tenants take my belongings. I'm below the federal poverty level, but SeMo also says I owe the \$3,200 for services. And my social security disability was not discontinued, so this place took another \$3,200 and made me use it on clothes and more services here. I can't save anything or*