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REHABILITATION AND RESPONSIBILITY

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[Program helps troubled offenders turn lives around](#)

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Staff Writer

AUGUSTA -- Most defendants in court normally don't get to hug the judge.

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Nichole Rogers, left, laughs as Kennebec County Superior Court Justice Nancy Mills recognizes her Monday during a graduation ceremony in Augusta for the Co-Occurring Disorders Court. Rogers, of Augusta, was enrolled in the program for two years after being charged with several crimes. She had to tackle mental health and substance abuse problems. Seven people graduated from the program Monday.

Staff photo by Andy Molloy

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But such rejoicing was the order of the day recently when seven former defendants with mental illness and substance abuse problems graduated from a special court program designed to help them succeed in life and avoid further criminal trouble.

"The time has come for rehabilitation to transcend punishment," Justice Nancy Mills told them and more

than 100 people gathered to recognize their achievement last week.

The graduates and a handful of others won hugs from Mills, who wore a print dress for the festive occasion rather than the traditional black judicial robe.

Nichole Rogers, 30, formerly of North Anson and now of Augusta, won a big round of applause and a special "Congratulations, girlfriend!" from Mills.

Rogers described herself as "a woman 2 1/2 years in recovery" who at one time "couldn't remain sober for 24 hours to enter a detox program."

She said the road to self-destruction began when she was 17.

Rogers said she went to a doctor for pain management and ended up addicted to Oxycontin.

The addiction drove her to crime, and she was convicted of burglary and violated probation five times.

"I was powerless," she said. "My morals and values slowly diminished."

Judicial innovation

Mills met Rogers at the Somerset County jail when Rogers first entered the specialty court program, known formally as the Co-Occurring Disorders Court.

By then Rogers had been divorced, evicted and her car had been repossessed, so she had no transportation to get to the court program, which holds mandatory Monday meetings.

The court is essentially a team of social service providers connecting participants with housing, medication and other treatment, including an intensive outpatient program and a program of behavioral therapy. The goal is to reduce punishment and increase development of skills for participants to function better in society, including regulating emotions and tolerating stressful situations.

Applicants are screened to ensure they fit the court's criteria, and part of the regimen includes meeting every Monday with the judge.

In order to enter the special court program, the defendants plead guilty to the criminal charges or admit to violating probation and receive two sentences -- a best-case scenario with a shorter jail term, and a worst-case scenario sentence, which carries a longer sentence.

"We require these defendants to take responsibility for their conduct," Mills said.

Rogers was admitted to the court in June 11, 2009. Her best-case scenario was to be sentenced to 36 days she had already served; the worst case sentence was a full revocation: 1,334 days in jail, according to court records.

Rogers had been sentenced in October 2008 on a burglary charge to four years in jail with all but 30 days suspended and two years' probation.

Bad attitude

For Christmas 2009, Rogers had no presents for her children. Mills told her to focus on planning for a

better holiday the next year.

Rogers spent almost two years in the program because of her bad behavior in the beginning, which cost her an additional two months in jail for violating probation.

"Life with Nichole was not a bowl of cherries," Mills said.

Rogers then decided to reform. "I let my kids live with my husband full-time and moved to a shelter," she said. "I did everything (the judge and the case managers) told me."

The team working on the Co-Occurring Disorders Court consists of the judge, who has been Justice Michaela Murphy as well as Mills during the past few years; the district attorney and an assistant district attorney as well as a defense attorney; Hartwell Dowling, diversion and resource coordinator for the Maine Judicial Branch, Elizabeth Simoni, executive director of Maine PreTrial Services and two case managers from that agency; Ann LeBlanc, director of the State Forensic Service; Peter Wohl and Bob Kingman from Crisis & Counseling Centers and Mark Fortin, a probation and parole officer with the Maine Department of Corrections.

Rogers said she suffers from attention deficit/hyperactivity disorder as well as a form of borderline personality disorder resulting from post-traumatic stress disorder.

When she graduated last week, Rogers thanked everyone for the support.

"I know for sure I never, never, never could have done this alone," she said to applause from the audience.

After watching her graduation, her parents, Ed and Darcia Duguay of North Anson, were full of praise for their daughter's success in overcoming her addiction and for the special court program.

"I used to go to bed every night believing she wouldn't be here in the morning," Darcia Duguay said. "We love her."

Overcoming

Rogers is now a success story.

"After 11 years of living to satisfy drugs and alcohol, I am one test away from completing my GED," she said.

She is involved with Alcoholics Anonymous, volunteers at MaineGeneral Medical Center's overdose recovery program and works with people at the Spruce Street Center for Women.

Mills noted that Rogers advocates for more treatment for Maine citizens with mental illness. Through Crisis & Counseling, Rogers speaks to women in the Criminogenic Addiction Recovery Academy at the Kennebec County jail.

"It's kind of nice to go into jail without handcuffs and leave an hour later," Rogers told everyone in the courtroom.

She is engaged, has custody of her 4-year-old daughter and has regular visits with her 10-year-old son.

Rogers is working a temporary job in retail and then will be looking for another job.

She finished the Co-occurring Disorders Court program in July, but graduation ceremonies are only held once a year.

Success noted

This was the fifth graduating class -- and the largest -- since the program began in 2005.

Demand for it is high. Mills said the program received 458 referrals; only 80 people have been admitted.

The seven graduates, Mills said, faced a total of 277.5 months in jail if they had failed. By succeeding, they served only one-tenth of that time.

"We are giving these clients the resources and tools they need to lead a happy, productive live," Mills said.

Mills used the graduation to announce that the specialty court's new name will be the Co-occurring Disorders and Veterans Court, with "a separate track in the court for veterans with mental health and substance abuse problems resulting from military service."

She said it was designed to reduce incarceration and provide resources for recovery.

Mills described a veteran now enrolled in the program -- who asked her not to name him -- who faced charges of attempted murder and aggravated assault.

She said he told her he came back from Iraq "and couldn't turn the switch off."

She said this veteran didn't need a 30-year sentence. Instead, he spent some time in jail, some time at VA Maine Healthcare Systems at Togus and some time in a special post traumatic stress disorder program in Massachusetts.

Mills also noted that the entry criteria for the court is high. Those accepted in the program plead guilty to their crimes and serve jail time up front.

"When they are released, we connect them with all the services they need," Mills said, adding that it's been described as "probation on steroids."

Watchwords

The judge said the program's watchwords are "rehabilitation and responsibility."

"They pay their obligations, work, volunteer or go to school."

Evert Fowle, district attorney for Kennebec and Somerset counties, whose office works with the co-occurring disorders court program, said that keeping a person in jail or prison in Maine costs between \$44,000 and \$55,000.

"It costs \$7,000 a year to put a client through our program and provide mental health and substance abuse services," he said.

Rogers and the other graduates of the program would say that \$7,000 was well-invested.

After all, they got to hug the judge.

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