

KILLER'S FATE STUMPS COURT

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Highlight: Authorities are unsure what to do with an illegal immigrant acquitted by reason of insanity.

Body

The question before Circuit Judge Pat Siracusa was this:

What should the **court** do with a 36-year-old mentally ill Mexican national here illegally, who has admitted to violently taking a life, and who despite years of treatment said he's heard voices in his head since age 8 and may still talk to his dead mother?

As the judge learned on Tuesday, there are no good options.

Six years ago, Enrique Guzan Garcia was found not guilty of first-degree murder by reason of insanity. He has been in a secure hospital ever since, but doctors say it's time for him to continue treatment someplace else.

But that someplace will be less secure - he might be able to defy a **court** order and just walk out.

The other alternative for the judge is to wait for federal immigration authorities to determine if Garcia should be deported.

But if Garcia is sent back to Mexico, then Florida's mental health system could no longer treat him. Who would make sure he takes his antipsychotic medications? And what would stop him from trying to illegally re-enter the United States?

After nearly three hours of testimony and argument, the judge was left with more questions than answers - and even fewer options.

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It was jealousy, Enrique Garcia told detectives, that led him to fatally stab a rival suitor in Tommytown 31 times in 1999 - eight times in the groin, the state repeatedly pointed out in **court** Tuesday.

But he told doctors he suffered from delusions. Garcia was found not guilty by reason of insanity in 2002 and sent to a secure mental hospital. The doctors at South Florida State Hospital in Pembroke Pines determined a year ago that Garcia no longer needs to be kept in a secure hospital there.

Under the law, Assistant Public Defender Violet Assaid said, "the **court** would have to impose the least restrictive treatment alternative to maintain his stability."

Officials have found just such an unsecured treatment facility in Tarpon Springs.

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An interpreter sat by Garcia, translating the **court** proceedings into Spanish for him.

A Pembroke Pines doctor testified that Garcia has followed the rules, taken his medication, is allowed to wander the secure hospital and has turned away when other patients hit him.

"He's never given us any type of problem," said Dr. Sheila Schmitt.

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Assistant State Attorney Manny Garcia didn't call on a state medical expert to counter the defense's testimony. But he worried about a relapse.

"It is quite clear from the testimony that there is evidence of delusional thinking by Mr. Garcia," the prosecutor said. "He has expressed belief that he has communicated with his mother via telepathy."

Said Assaid of her client: "I don't think Mr. Garcia has the sophistication to use the word telepathic." Assaid said her client may have just meant that he misses his mother.

Before he ruled, the judge decided he needed one more question answered: Did immigration authorities know that an illegal immigrant once accused of murder might go free from a mental hospital? And what did they plan to do about it?

The judge spoke by phone with a Tampa immigration agent who said he was trying to find out the answer. The judge said he'll rule Monday after he gets his answer.

Enrique Garcia, through his interpreter, thanked the judge and everyone for their time.

"God bless," he said.

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Graphic

PHOTO: Enrique Guzan Garcia was found not guilty of first-degree murder by reason of insanity.

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