

Home Page

World

U.S.

Weather

at CNNMoney

Business

at SI.com

Sports

Politics

Law

Technology

Science & Space

Health

Entertainment

Travel

Education

Special Reports

Video

with Edmunds.com

Autos

SERVICES

E-mails

RSS

Podcasts

CNNtoGO

LAW CENTER

Was Eric Clark insane or just troubled?

Supreme Court to review insanity defense on Wednesday

Saturday, April 15, 2006; Posted: 10:18 p.m. EDT (02:18 GMT)

FLAGSTAFF, Arizona (AP) -- The phone roused Terry Clark from sleep. She eyed the clock: 5 a.m. Who could be calling at this hour?

"Flagstaff Police Department," a voice announced, abruptly. The next minutes and hours would pass like a slow-moving horror film where the evil emerges bit by bit.

At first, investigators told her only that a policeman had been shot.

She heard a name, Officer Jeff Moritz. He was called to the neighborhood after residents reported a pickup circling round and round, blaring loud music.

Her son Gentry's pickup sat abandoned -- driver's-side door flung open, keys in the ignition, a Dr. Dre CD in the player -- next to the sidewalk where the police officer had died.

Her son was the prime suspect. Not Gentry, though, who had been at home in bed, safe. Her other son. Eric. The one who had been a star football player and a good student with dreams.

The one who just two months earlier had called his mother and father aliens.

Slaying shocked town

martindale.com
lawyer locator

LAST NAME:

FIRST NAME:



Eric Clark was found guilty of first-degree murder in September 2003.

Image:

advertiser links [what's this?](#)

[2.75% Fixed Student Loan Consolidation](#)

70% lower student loan payments - fixed rate, no fees, qualify in one...

www.nextstudent.com

• CNN Pipeline

SEARCH

THE WEB CNN.COM

powered by
YAHOO! SEARCH

What happened in those early morning hours of June 21, 2000, left an entire town in shock. The victim was the only police officer ever killed in the line of duty in this mountain community north of Phoenix.

He was a caring cop who cut firewood for the handicapped and bought burgers for hungry transients he arrested. He was a husband and father with one young son and a second on the way.

The accused was a 17-year-old high school senior who had a history of marijuana use and had been arrested two months earlier for drunken driving and drug possession. Police had found two dozen hits of LSD in his car.

A portrait quickly emerged of a drug-crazed teen with no regard for life. But as the facts slowly surfaced so did a different picture of Eric Michael Clark -- that of a decent boy from a stable family who had descended into schizophrenia.

With this revelation came a question: How do you measure justice when a killer is a mentally ill kid?

It took three years for Eric Clark to be found competent to stand trial. His lawyers pushed for a verdict of "guilty except insane," meaning incarceration in a psychiatric facility. Instead, a judge found him guilty of first-degree, intentional murder and sentenced him to life in prison, where treatment isn't assured.

On Wednesday, the U.S. Supreme Court is scheduled to take up the case of Clark v. Arizona and the issue of just how difficult states can make it for criminal defendants to prove insanity.

It's the first time the court has dealt with a direct constitutional challenge to the insanity defense since lawmakers around the country imposed new restrictions following John Hinckley's acquittal by reason of insanity in the 1981 shooting of President Reagan.

"When is it just to punish, or not?" says Richard Bonnie, director of the Institute of Law, Psychiatry and Public Policy at the University of Virginia. "There are some cases where a person was so mentally disturbed at the time of the offense that it would be inhumane and morally objectionable to convict and punish them."

Signposts of mental illness

Looking back now, Terry Clark remembers things, little things, and wonders when it all started.

Eric was a gifted athlete who played soccer, baseball, basketball, football. As a running back at Flagstaff High, he

2 Free Months of Covad T1

Free equipment and free installation - keep your business a step ahead.
www.covad.com

Homeowners - Don't Miss Out

\$145,000 mortgage for \$484 per month. Refinance while rates are still low.
www.lowermybills.com

More Useful Links

- [Sleep Aids](#)
- [Airline Tickets](#)
- [Spyware Removal](#)



YOUR E-MAIL ALERTS

Arizona

Supreme Court

Police

Trials

or [Create Your Own](#)

[Manage Alerts](#) | [What Is This?](#)

LoanWeb
.com

Find Today's Low Rate

Loan Type:
Refinance

Loan Amount:
\$150,000

Shop For A Loan

- [Find a Home Loan](#)
- [Compare Rates](#)
- [Home Equity Loan](#)
- [Refinance Today](#)
- [Debt Consolidation](#)
- [Bad Credit OK!](#)
- [What Can I Afford?](#)

Calculators

- [Should I Refinance?](#)
- [What Will My Payments Be?](#)
- [15 or 30 Year Loans](#)
- [Interest-Only](#)
- [Fixed or Adjustable](#)

© 2005 LoanWeb Inc.

was one of the young stars selected to play varsity and dreamed of becoming a professional athlete. Then he lost interest in sports.

He had been popular -- a homecoming court nominee -- but his friends quit calling. His grades, usually As and Bs, took a dive.

On June 21, 1999, Terry and her husband, Dave, had their son admitted to Aspen Hill, a local mental health facility. He'd abandoned his car on a road.

At Aspen Hill, Eric tested positive for marijuana, and Terry wondered whether drugs had triggered his behavior. But doctors alluded to something else -- the possibility of schizophrenia. With no mental illness on either side of the family, Terry pushed that idea aside.

Eric seemed to improve and she had him discharged after only three days. "He's getting better," Terry convinced herself. He got worse.

That fall, Eric quit school. He became obsessed with Y2K, took his dad's debit card and charged \$1,700 worth of survival gear. He wore layers upon layers of clothing and carried his possessions in a garbage bag.

When January 1, 2000, came and went, Eric's mood improved. He went back to high school. "He's getting better," Terry thought again -- until Eric started mentioning "them."

That April, Eric suddenly referred to her as an alien. Eric called his father an alien, too. "If you'd go get some tools," he told them matter-of-factly, "I'd show you."

Terry now believed the doctors were right about schizophrenia. She was relieved when, that same month, Eric was arrested on drunken driving and drug charges; she thought that would lead to getting help. But authorities decided to postpone prosecution until Eric turned 18 later in the year.

She and Dave searched for counselors, but Eric refused to go. Terry left messages at treatment facilities that were never returned.

On June 19, 2000, Eric called his mother an alien again. "How would you like to be me," he said, "and never know who your real mother is?"

Terry contacted her lawyer and begged him to convince the county to pursue the drug charges. Prosecutors still wanted to wait until Eric was an adult, so he'd face longer prison time if convicted.

Intent or insanity?

Investigators surmise that sometime after 1:30 a.m. on June 21, 2000, Eric made his way home, sneaked into his brother Gentry's bedroom, took his keys and left in Gentry's truck.

What happened after that, and why, no one can know for certain; Eric never talked about the events of that

morning.

At the 2003 trial, prosecutors and defense attorneys agreed that Eric suffered from paranoid schizophrenia and was mentally ill. But legal insanity is another matter; Arizona law spells out its limited use as a defense.

"A person may be found guilty except insane if, at the time of the commission of the criminal act, the person was afflicted with a mental disease or defect of such severity that the person did not know the criminal act was wrong," the law states.

The prosecutor, Assistant Attorney General David Powell, argued Eric did know. "Officer Moritz walked into ... an ice-cold ambush," he said at trial.

Defense lawyers insisted Eric's psychosis was so severe he was incapable of hatching such a plan.

They noted that two months after the shooting, Eric called his parents from jail and told them Flagstaff was a "platinum city" inhabited by 50,000 aliens. Before hanging up, he added: "The only thing that will stop aliens are bullets."

In his appeal to the U.S. Supreme Court, lawyer David Goldberg asserts that Arizona law is so restrictive that it violates a mentally ill defendant's right to a fair trial.

For one, he says, Arizona law prohibited the trial court from considering Eric's mental illness in weighing whether he intentionally killed the police officer. Testimony about his mental illness was not permitted until the second phase of the two-part trial.

Goldberg also argues that Arizona's right-wrong test is too narrow in determining legal insanity. Eric might have known that killing was wrong in the abstract, Goldberg says, but if he believed Moritz was an alien, "he didn't understand the nature of what he was doing."

The Supreme Court's decision, expected later this year, could also mean a retrial for Eric Clark, something the Moritz family would see as unjust.

"An angry young man who sets out to kill a cop, or anybody else, ought to be locked up for the rest of his life," says the victim's father, Dan Moritz, a psychologist who questions whether Clark actually is a paranoid schizophrenic.

For the Clarks, a new trial would mean a chance for their son to receive psychiatric care.

"Lock him up for his crime," Terry Clark says, "but treat him for his mental illness, please. Eric didn't choose to be mentally ill. It chose him."

Copyright 2006 The [Associated Press](#). All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.

Story Tools

- [SAVE THIS](#)
- [E-MAIL THIS](#)
- [PRINT THIS](#)
- [MOST POPULAR](#)

[Click Here to try 4 Free Trial Issues of Time!](#)



LAW

[Section Page](#) | [Video](#)

[Was Eric Clark insane or just troubled?](#)



- [Aruba official: Arrest made in Holloway case](#)
- [Feds: Glass-eating couple scammed insurers](#)
- [Grandson confessed to slayings, police say](#)

TOP STORIES

[Home Page](#) | [Video](#) | [Most Popular](#)

[Reports: Bomber kills self, 5 others in Tel Aviv](#)



- [Iran pledges \\$50 million to Palestinians](#)
- [Pentagon fights back over Rumsfeld](#)
- [Suspect blogged about cannibalism](#)

[International Edition](#) [CNN TV](#) [CNN International](#) [Headline News](#) [Transcripts](#) [Advertise with Us](#) [About Us](#)

SEARCH

[THE WEB](#) [CNN.COM](#)

powered by **YAHOO!** SEARCH

© 2006 Cable News Network LP, LLLP.
A Time Warner Company. All Rights Reserved.
[Terms](#) under which this service is provided to you.
Read our [privacy guidelines](#). [Contact us](#).

External sites open in new window; not endorsed by CNN.com
 [Pay service with live and archived video. Learn more](#)
 [Download audio news](#) | [Add RSS headlines](#)