

Defense attorney says psychologist sunk slaying case

By John Pacenti
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WEST PALM BEACH — A tiff between a psychologist and a defense attorney ended up sandbagging the state's first-degree murder case against a schizophrenic who stabbed his 8-year-old cousin 34 times with a kitchen knife.

On Friday, as the gallery gasped over the details of the crime, a judge allowed Jean Ricot Laguerre, 21, to plead guilty to a lesser charge of second-degree murder and receive a 30-year prison sentence for the death of Wilson Laguerre. Under current law, he would be released when he is about 45 and deported back to his native Haiti.

The state abandoned its plan to seek the death penalty last month, and then decided to forego prosecution of the first-degree murder indictment. That happened after Plantation psychologist John A. Spencer's testimony was disallowed by a circuit judge last month.

In court documents, Assistant Public Defender Randall Berman said Spencer made it a personal crusade to back the state's argument and thwart his use of the insanity defense.

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RANDALL BERMAN

Assistant Public Defender

The attorney and Spencer clashed over the use of an interpreter and the timeliness of the psychologist's report; Spencer then cursed at him and said that he and the state would win, Berman wrote. The professionals making mental-health evaluations are supposed to be impartial, Berman said.

"He blew the case for (the prosecutors)," Berman said Friday. "They never would have offered the plea and they never would have waived the death penalty."

Two other mental health experts reported Laguerre was insane at the time of the slaying. But Spencer indicated he would testify that Laguerre was sane and went into a rage on May 15, 1998, at his cousin's West Palm Beach home when Wilson told him to turn down his music.

Prosecutor Andrew Slater

said pursuit of the death penalty was abandoned because of Laguerre's well-documented mental problems, but that the plea came about because Spencer's testimony was rejected. "Obviously, that played a significant role," Slater said.

It's rare for the state attorney's office to back off from a previous decision to seek death, said Mike Edmonson, spokesman for State Attorney Barry Kirscher.

Circuit Judge Richard L. Otfedal never found Spencer did anything wrong, but decided to preclude his evaluation and testimony because it might provide grounds for an appeal. Spencer on Friday denied that he was biased or made inappropriate comments.

"I'm an advocate for my findings," he said. "I have given reports favorable for the defense (in

the past)."

Slater said a decision to accept a plea was made because Laguerre had a good chance of being found not guilty by reason of insanity. The defendant jumped at the plea bargain when his attorney told him such a verdict would probably keep him in a mental institution for the rest of his life.

Wilson's mother, Venal Laguerre, consented to the plea, but said it would be too emotionally draining to show up in court. The recitation of events led even those unrelated to the case to squirm in the full courtroom.

Laguerre had made his way to his cousin's home after relatives at his home in Palm Beach Gardens complained he was being disruptive and he was escorted out of the city by police.

Wilson asked Laguerre to turn down his music. The 6-foot, 4-inch Laguerre chased the 8-year-old through the living room with a 10-inch knife, then grabbed him and pulled him into a bedroom. An 11-year-old neighbor heard Wilson trying to fend off his cousin by saying, "I love you, I love you." When police arrived, a bloody Laguerre confessed.

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