

CASE REPORT

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Compatibility Between Mental Disorder and Mental Capacity: Analysis of a Particular Case of Group Sexual Homicide

ABSTRACT: On the night of August 19, 2000, at the foot of Castel del Monte, an 8-year-old girl was brutally murdered. The perpetrators were identified as five young men who captured their victim and sexually abused her. The policemen found the cadaver by following "Mario," one of the five, who had been discovered lying on the ground, near the castle. Investigation led to demonstrate that the murder was not premeditated. The only desire of the group was to sexually molest the little girl. Mario showed signs of psychiatric pathology and for that he underwent psychiatric evaluation by judicial authorities. Analysis of this case, combined with a criminological and medical-legal perspective led to conclusions very much different from the expectations of Mario's defense attorneys. Mario, a marginal figure and seemingly the least intelligent, played the role of group instigator, both in the initiation of sexually abusing the child, as well as in the elimination of an inconvenient witness. However, the group was able to activate Mario's sadistic fantasies and his sexual perversions, and he ended up in a catalyzing role influencing the behavior of others and realizing what would otherwise remain only fantasies. The circularity of the group allows people like Mario, who are apparently subordinate, to influence the behavior of others. Mario was found to have a mental disorder but it was not sufficient to diminish his personal responsibility related to the crime. In fact, according to Italian judicial code, it is necessary that the motivation for the crime was psychopathological. It was for this reason that, according to Italian law, all of the members of the group were considered to be responsible for the crimes committed and were condemned.

KEYWORDS: forensic science, sexual homicide, mental illness, mental capacity, criminal responsibility

On the night of August 19, 2000, at the foot of Castel del Monte, a castle renowned for its octagonal layout which had once served as a hunting lodge for Emperor Frederick II of Swabia in the southern Italian region of Apulia, an 8-year-old girl was ruthlessly murdered.

The perpetrators of this act were identified as five young men who captured their victim and sexually abused her. Afterwards, they covered her up with branches, setting fire to them while she was still alive. It later came out that this murder was not premeditated. The only desire of the group was to sexually molest the little girl. The end of this tragic turn of events was the result of the "dynamic" of the group, demonstrating how the members of a group, made up of unassuming individuals, as was the case with those responsible for this violent homicide, can influence each other beginning with a "common object of interest" up to the point which Freud, in his renowned "Group Psychology and the Analysis of the Ego" (1), termed "a sentiment of invincible power." The group, in the end, functions as the catalyst for each individual in a progressive, affective-emotive fervor. Even the most recent of investigations have highlighted the influence of the peer group on the execution of violent and antisocial behavior (2). This is especially true when speaking of socially marginalized individuals or those with modest psychological and cultural resources, as was the case with the group here in question.

One of the elements which characterize the case presented here is that it turned out to be Mario (fictional name), just turned 18 years, who played the role of group instigator, both in the initiation of sexually abusing the child, as well as in the elimination of an

inconvenient witness. Of the five group members, it was he who was the least endowed with social resources, who had a low level of education and minimal cultural and intellectual resources. For these reasons he underwent psychiatric evaluation by judicial authorities.

Mario was found to be mentally retarded with schizoid personality disorder, but not at such a level as to diminish his personal responsibility related to the crime. In fact, according to Italian judicial code, the diagnosis of a mental disorder is not sufficient in itself to apply what is called "vizio di mente" (i.e., a judicial term which describes a mental disorder where there is a diminished or total elimination of criminal responsibility). In such cases, it is necessary that there is a close correlation between the mental disorder and the crime to the point where it is the disorder which is the cause of the crime committed, in other words, that the motivation for the crime was psychopathological. After having ascertained this aspect, it is then necessary to demonstrate an alteration of "will and intent" of the accused, whereby the expert examiner must verify if the subject had, at the time of the crime, a true sense of reality, if he suffered from any disorders which were able to alter his contact with reality, if he realized the significance of his behavior, and if he was able to understand the consequences and repercussions of his behavior. If at the end of forensic psychiatric evaluation these capacities are completely absent (total "vizio di mente"), then the subject may not be punished and will not be convicted. If, however, his mental capacity results in "grandemente scemata" (i.e., greatly diminished capacity), then it will result in a reduction in the time served in prison, up to one-third of the usual sentence for such crimes. According to Italian judicial code, criminal responsibility is always individual and the fact that a psychiatric evaluation demonstrates an individual was influenced by the group is not sufficient to change the individual's responsibility unless the individual is found to have a mental disorder. This was the case with Mario, the only one of the five accused to undergo psychiatric

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Received 4 Nov. 2006; and in revised form 18 Nov. 2007; accepted 19 April 2008.

evaluation. Analysis of this case, combined with a criminological and medical-legal perspective lead to conclusions very much different from the expectations of Mario's defense attorneys. It not only turned out that Mario well understood exactly what had transpired, but also that it was he—seemingly the least intelligent, and most marginalized, teased by the others for this reason—who played a determining role in the creation of the group's will to commit the crime.

The Young Girl's Murder

On the afternoon of the day of the crime, the young girl was with her father, who sold dried fruit and nuts from a stand in the main square of Castel del Monte. At about 6:00 PM, the father asked the child to draw some water from the drinking fountain, as she usually did. The girl never returned. At about 8:00 PM, the father, alarmed at his daughter's disappearance, and after having looked for her in the wooded area around the castle in vain with others present, reported the incident to the Carabinieri (a branch of the Italian militia maintained by the government for police duties). A patrol was sent to the location. Once arrived, they found the girl's bicycle and bucket near the fountain.

A short time after, the search team was joined by the castle caretakers. While busy searching for the girl, they heard moaning coming from a bush. As they approached, the search party came upon a young man lying on the ground, Mario, who appeared to be out of breath and exhausted. After being presented to Carabinieri officials present at the scene, Mario reported that he had unofficially been working as a "parking attendant" for a short while, and on that afternoon he had noticed three young men running off with a little girl. He explained that he followed and was eventually tackled by two of them. Mario reported that he was repeatedly struck by them and forced to flee.

Asked by a soldier to show them the way to where the events had taken place, he deftly reached the area nearby a dirt road, beyond a long stretch of scrub. It was there that he indicated the point at which he was able to follow the three young men. Upon inspection of the scene, the soldiers noticed that there were footprints which matched Mario's, and continued on past the point which he had earlier indicated as the place from where he fled the three young men. Interrogated further, Mario added that he remembered following them, and had continued on further than he had previously reported to the investigators. The soldiers followed him, and at 2:00 AM on August 20 they came upon the place where they found the cadaver of the young victim, lying on her back in the middle of a charred area of about 4 m in diameter. The medical examiner was immediately summoned, and performed an on-the-spot investigation following normal protocol (3).

The subsequent autopsy showed that the girl's death occurred between 19:15 and 20:15 hours on August 19, 2000, about an hour after her disappearance. In spite of the widespread and unmistakable heat damage to the body, the notable existence of lesions and the discovery of small quantities of blisters, the medical examiner ascertained that the death could, in fact, be traced back to the inhalation of a combustible gas which produced a deep congestion of the respiratory pathways (larynx, trachea, bronchi, and lungs) followed by the production of marked pulmonary edema, respiratory insufficiency, and thermal shock caused by severe heat damage. More in-depth toxicological investigation excluded other hypotheses for the cause of death. Of particular importance in the reconstruction of the events was the discovery of a superficial laceration of the hymen at the 11 o'clock position, which demonstrated attempted penetration; no significant signs of anal penetrations were found.

At this time Mario was taken to Carabinieri headquarters, where he gave his account of the events of that day up until 6:00 PM, in the presence of his legal representative. From that time on, Mario would assume an ever more important role in the investigation, offering a pinwheel of versions, some more plausible, and others obviously made up. In each phase of the inquiry, Mario would add a new detail, which would often be true, but other times would be completely fictitious, mixed together with previous versions in a kaleidoscopic reconstruction of events. In addition, it must be said that on one hand this behavior of Mario's appeared to be clearly defensive, in an attempt to remove himself from any responsibility, offering ever-changing versions of events. In other ways, however, his behavior seemed to express deeper mechanisms of denial and of projection which revealed a clear and significant psychopathology.

Investigation led to the identification of the other young men involved who shall be referred to as "Pietro," "Valerio," "Luigi," and "Giovanni." They all had much in common in the following categories: ages between 18 and 25 years, little schooling, single, employed in manual labor, and lacking stable emotional relationships with little or no heterosexual experience, unable to maintain stable emotional relationships with the opposite sex, which is often the case with sexual offenders (4). None of them had prior criminal records, nor the typical characteristics ascribed to serial rapists (5). That which was certainly lacking in all of them was the ability "...to form intimate relationships in adolescence, and later, adulthood..." (6), which certainly favors the social integration of the person (7).

In spite of the fact that they had known each other a long time, the group had only been a stable entity for about a month, merely due to the fact that these young men frequented the same video game arcade. It was not a close friendship which united them, but rather a relational "void." Together they developed the custom of going around their city in Valerio's car, with no particular destination, loitering and harassing all those who crossed their paths. Pietro was the leader of the group, a role which all attributed to his "unspoken" physical superiority as well as to his greater psychological capacity; a leader, at any rate, incapable of having a "strategic" vision of events, not knowing how to direct course.

Mario, on the other hand, had to earn his place within the group so as to feel as an equal to the others. He was "put to the test" by the others in various criminal "deeds." The group began engaging in these activities almost as a game, having no clear economic strategy. Little by little, their first "pranks" were increasingly followed by the behavior of little criminals (i.e., acts of vandalism to cars and private property; harassing of people they did not know; theft and attempted theft), almost in a sort of progressive suspension of self-inhibition processes (8). The acts of violence and antisocial behavior seemed to consolidate the group, aiding in the integration of weak and marginal people, like Mario, to the point where it was he who, at a certain moment, took the initiative, for example, to slap an unknown youth as he passed by on a motorcycle so as to make the others laugh, or breaking the windows of a car belonging to an acquaintance of Valerio, simply because he was irritated with that person. The consolidation of the group came about through repeated and progressively more serious violent actions, almost as a preamble to higher levels which will later be evident.

It was understood by the investigators that the day before the crime, Mario had met up with his friends at a video game arcade. The idea to "play a joke" on the girl was proposed by Pietro in an off-hand manner, almost as a game as they later explained it. But it was clear that their intention was to rape her. It had been

extemporaneously proposed by Pietro a few days prior to the homicide, almost as a prank. Mario, in particular, backed up the idea and did all he could to convince the others to go along. He would later tell the experts: "I have never been with a girl" and he had desired to do so. As it came out through investigation, Mario had already noticed the girl, as they had lived in the same neighborhood.

That same day, the five young men went to the castle in Valerio's father's car. They identified the stand belonging to the girl's father, but soon realized that only her little sister was present, and was much too young for their plan. They decided to wait for a more suitable moment. The following day, Mario, taking flight from his house due to a conflict with his father, spent the entire night in the garden of the main square. It was not the first time that this had happened. From the time he was very young he had always been harshly punished for his irregular behavior, beginning in the family with his younger sister who he used to beat, then at school with his classmates with whom he argued, and finally at work where he was inconstant, inefficient, and undependable. And even though he was punished, it did not alter his behavior. His relationship with his father had always been insufficient and emotionally poor, confirming what Saarni (9) maintained, which is that negative emotional relationships with the father during development correlate to scant and poor relationships with the son and his contemporaries, potentially resulting in antisocial behavior.

The following day—the day of the crime—after having breakfast and after having played video poker in a café (bar), he went to an amusement arcade where he met up with Pietro. A while later, the others came and together they decided to go back to the castle. As soon as they arrived, Pietro spotted the girl and considered abducting her immediately but realized that there were too many people around. They waited until 12:00, but at the end, decided not to proceed. His friends went away, but Mario stayed behind and contemplated raping the girl, feeling more ready than ever to do so, even on his own. It is interesting to note in Mario, the most problematic of the youths, that his feeling of being "part" of a group gave him the "strength" to act, a strength which did not belong to him, almost as though the group allowed a part of him to emerge which would have otherwise remained hidden. It is equally interesting to see how he—apparently weak and marginal—was able to involve the others in carrying out his plan.

Mario would later admit to the experts that he had, for a long time, cultivated sadistic fantasies. He fantasized about sequestering a classmate and locking her up in a nearby shack so as to keep her at his disposal and to rape her as often as he wanted. Mario had never imagined an actual planning out of his idea, but limited himself to a general fantasy of possession. He imagined actual scenes (e.g., how to feed her and keep her alive during her imprisonment). This had remained only a morbid and distant fantasy, but thanks to the group, it was able to be concretely realized.

In the afternoon of the day of the crime, the four friends returned to the castle where Mario had remained, this time using a small road in the woods. Mario felt encouraged by the presence of the others. At that point, Pietro challenged Mario, asking him to demonstrate that he was able to "get the girl." They waited for the girl to approach the fountain and at that point Mario and Giovanni forcibly grabbed her by wrapping their arms around her body, preventing her from screaming, and taking her away to an old cottage hidden in the woods about a half-a-kilometer away, which they had chosen earlier. Having arrived, Pietro was the first to try having sexual relations with the girl, but was unable to penetrate her due to anatomical disparity. He then forced her to perform oral sex. After, it was Mario's turn. He tried to penetrate the girl anally as Pietro held her down, without result.

During these first phases of the seizure and rape, the roles of each of the five youths were delineated. In particular, it was the "leader" of the group, Pietro, and Mario who were the most determined, but also the least able to recognize the victim's pain. The investigators would learn, for example, that during the initial phase of the crime the weeping victim implored them: "boys, please don't hurt me," but they were aggressive, and unable to empathize with the victim, as described in the literature (10–12). The others played more marginal roles: Giovanni, whose participation was limited; and Valerio and Luigi, who only looked on.

From a distance, the voices of those searching for the girl could be heard. The five young men moved even farther away in the woods, running for about half-a-kilometer, carrying the girl in the same manner as described earlier, who by now was exhausted. At this time the voices could no longer be heard. They remained undecided as to what to do. The group had planned to rape the girl but none of them had considered what might happen afterward. Fear began to mount among them, and almost unanimously, the idea came up of not releasing the girl so as "not to get into trouble." As far as it seemed, it was Pietro who laid the girl on the ground, holding her arms down with his knees trying to suffocate her with his hands. When the girl lost consciousness, he was convinced that he had killed her and he suggested to Mario and Giovanni the body be covered with dried leaves and set on fire as a way of not leaving any evidence behind. As the flames began to lap at the girl's face, she started to move, and the five young men realized that she was still alive. It was at that point that Mario held her to the ground, initially pressing his foot into her thorax, before the flames took hold while the girl was still alive. This was later confirmed during the external examination of the body which revealed an area of de-epithelialization at the mesogastric level of an area of about 7×5 cm.

After a while, the young girl stopped moving and Mario remained there for a short time, fascinated at seeing the girl's body enveloped in flames—details recounted during the course of subsequent examination. The five young men scattered and, in our view, were sent into an act of selective exclusion with regard to Mario, who was, in a way, considered to be the carrier of the "sick" aspect of the group. The other four in fact, immediately ran toward the car, abandoning Mario, leaving him as he lingered to watch the girl's body in flames. It was then that Mario, not knowing what to do, thought about returning to the castle and to his role as parking attendant. But as he attempted to do so, he heard the voices of those looking for the child and became alarmed. He continued wandering aimlessly around the woods; later, afraid of the darkness he decided to invent a story of three assailants, as was mentioned earlier. The other four decided to create an alibi, and then went outside a bank in the nearby town of Andria so as to be recorded by its surveillance camera.

Mario was arrested and soon the responsibility for his part in the crime came out, at which time he involved his accomplices. As far as the others were concerned Mario had an unexpressed desire for vengeance. During the investigations, Pietro and Giovanni chose to remain silent, while Valerio and Luigi tried to attribute responsibility to the others, attempting to minimize their own.

Discussion

The drama of this case, the brutality of the torture, and the death itself stirred up a great uproar in the area and there was a high expectation of identifying "those monsters," "lunatics," or "seriously disturbed people" responsible. It did not seem possible that those who committed such a heinous act, a crime so brutal, could

be “normal” people. Assessments carried out excluded the presence of mental illness; only Mario showed signs of psychiatric pathology. It was discovered that as a child, Mario suffered from grand mal seizures, which had been absent for many years despite the fact that he had not received any treatment for them. At school he had always had a remedial teacher and demonstrated poor socialization abilities with his classmates. He attended sessions with reputed psychiatrists, and underwent diagnostic tests (WAIS-R; ORT; Rorschach) revealing mental retardation (I.Q. 72) and schizoid personality disorder. His personality profile was marked by emotional fragility, impulsiveness, the feeling of being excluded and of being “different” than the others, with no respect for social conduct, as well as sexual immaturity.

The defense entered a plea of “insanity,” which would limit Mario’s capacity to be responsible for his own actions. The judge however, with the support of the expert witnesses, argued that Mario’s intellectual limitations, affective immaturity, and schizoid personality disorder did not prevent him from comprehending the illegality of his actions, nor from understanding what he was doing and the subsequent consequences. Moreover, it was evident that the pathology of one member could not definitely explain a crime developed and carried out by a group. It was, in fact, the criminal dynamic analysis carried out by the psychiatric examiners which demonstrated that the events took form and were realized from within a particular group dynamic, and that the group shared in motivation and progressive steps leading to the crime. Even the choice of location shows that the group was fully aware of the possible risks involved in relation to what they were planning to do. Mario in particular was familiar with the places chosen to carry out the sexual violence and repeatedly returned there with excuse of being a parking attendant so as to identify possible escape routes. At the time, the possibility of escaping seemed easy to him.

The reasons for having chosen the object of violence were clear. The girl represented a defenseless sexual object, suitable for the sexually insecure and immature, which all of the young men were—to different degrees. Through an act of sexual violence they, on one hand, looked for a sense of security and power, and on the other hand, a way to squelch illusions of homosexuality. During the course of investigation, it was discovered that homosexual intercourse had taken place between Mario and Pietro. Mario had known Pietro from the time they were very young and had suffered Pietro’s bullying and intimidation. Pietro, abusing his physical strength and psychological superiority, had at times forced Mario to hand over money he had with him. Similar behavior had also taken place during one of their previous homosexual experiences, which occurred while they were present at a military medical examination conducted to ascertain whether they were eligible for military service. Both were about 17 years old at the time. According to Mario’s testimony, the two of them had agreed to reciprocal homosexual intercourse, but after having penetrated Mario, Pietro refused to change roles. This is another of many examples of Pietro’s “strong” role and apparent leadership. It is also an example of the fact that these homosexual acts, or at the very least the sexual immaturity of its members, are among the most significant characteristics of the group, especially in light of what had transpired later.

In accordance with the data in the literature (13–15), the protagonists of the crime had the common traits of lack of empathy, sexual immaturity, and inadequate sexual identities. The sexual violence that was borne of the group’s need to affirm its imaginary sense of power, transformed itself into homicide due to the fact that none of the protagonists had the real strength to govern the dynamics. Once the group gave into aggression to the point where the destructive

impulses of one mixed with the desires of the others, the homicidal ending was natural in a sense, albeit unexpected. The dynamics of the group had, as a consequence, taken on a fundamental significance. The fact that Mario had a borderline normal intellectual level or a schizoid personality did not have a great influence on his level of criminal responsibility, as the motivations for the crime were not pathological. Even though Mario suffered from a personality disorder, even though his intellectual assets were considered to be modest, and notwithstanding the presence of epilepsy in his clinical history, it was clear that these elements did not interfere with his ability to realize the acts he committed, and that he must be considered mentally competent (16).

Mario’s behavior merits careful consideration for the central role which he played, and makes one reflect upon the roles of each member within a group, and on the ease with which apparently marginal figures end up having catalyzing roles, as well as the fact that within the group it is easier for sexual instincts and perversions to be realized which would otherwise remain only fantasies. The circularity of the group allows people like Mario, who are apparently subordinate, to influence the behavior of others. His sadistic fantasies, for example, were able to activate hidden and secluded perverse parts in each and every member of the group. This demonstrates that a violent action does not always follow a hierarchic and vertical structure, beginning with the leader and then down toward the other members. At times it follows a circular structure as a way of respecting the unit represented by the group. In this case, Pietro, along with Mario, had difficulty with respect to relationships with girls, and the homosexual relationship described between them is a testimony to both Pietro’s sexual inadequacy and to the use of violence and abuse of power as a substitute for their sense of self-esteem.

A curious couple was created between Mario and Pietro, between the “leader” and the last “follower.” In different ways this relationship joined together their common goal of sexual possession expressed in a perverse and sadistic manner.

It was the group which acted together, involving both those with a mental disorder (in this case Mario), and those without. It was also for this reason that, according to Italian law, all of the members of the group were considered to be responsible for the crimes committed and were condemned to life in prison. It was only Mario, because of a plea bargain, who received a lesser sentence of 30 years, which is the maximum in such cases.

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