

A Crime of Insanity

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NEWSCASTER: They say he pulled out a Remington .270 rifle.

NEWSCASTER: He told them he had a computer chip in his brain and he wanted to see the president.

NEWSCASTER: Ralph Tortorici was hollering something about a government experiment as he was hauled away by police.

ANNOUNCER: Cheryl Coleman was a career prosecutor-

PSYCHIATRIST: -delusions and even psychosis-

ANNOUNCER: -with a defendant she knew was insane.

RALPH TORTORICI: The government and its use of advanced technology-

CHERYL COLEMAN, Prosecutor: Within 30 seconds, it was obvious that he wasn't faking it.

ANNOUNCER: She says she did everything right.

CHERYL COLEMAN: We were going to have to convince the jury that he pulled off the crime in a logical and organized way.

ANNOUNCER: But in the end, everything right-

Judge LARRY ROSEN, Presiding Judge: The defendant is hereby sentenced to an indeterminate term of incarceration, not to-

ANNOUNCER: -turned out to be all wrong.

CHERYL COLEMAN: When you're a trial lawyer, you're not thinking about right, you're not thinking about wrong. You're just thinking about winning.

ANNOUNCER: Tonight, FRONTLINE investigates the ethical dilemmas in A Crime of Insanity.

NARRATOR: On the morning of December 14th, 1994, a 26-year-old psychology student walked across the Albany campus of the State University of New York. Hidden under his clothes were a hunting knife and a high-powered rifle. He was headed for a classroom, Lecture Center number five.

As the doors closed behind him, he announced to the students, "I am taking this class hostage, and you are all going to listen to me."

NEWSCASTER: They say he walked into Professor Hans Pohlsander's History of Ancient Greece class and pulled out a Remington .270 rifle.

ROBERT TORTORICI, Ralph Tortorici's Father: I was in my office. The TV was on. Oftentimes I work with the TV on.

NEWSCASTER: And police believe he was ready to kill.

ROBERT TORTORICI: First there was, you know, the announcement that a hostage was taken, and then they were showing films of it.

NEWSCASTER: He told them he had a computer chip in his brain and he wanted to see the president.

NARRATOR: With negotiations going nowhere, 19-year-old sophomore Jason McIneney rushed the gunman. As he wrestled away the rifle, the gun went off. Police SWAT teams moved in. McIneney had been seriously wounded, shot in the leg and the groin.

ROBERT TORTORICI: And then I see this person I thought was Ralph.

NEWSCASTER: Why'd you do it? Why'd you do it?

ROBERT TORTORICI: I mean, it looked- it looked like Ralph.

NEWSCASTER: Why'd you do it?

ROBERT TORTORICI: Moments later, seconds later, a split second later, they actually said his name.

NEWSCASTER: Psychology major Ralph Tortorici of Schenectady was hollering something about a government experiment as he was hauled away by police.

ROBERT TORTORICI: They showed Ralph being drug off.

POLICE OFFICER: Clear the area! Back off! Back up!

ROBERT TORTORICI: That's how I found out about it. I don't know if anything can describe it, other than disbelief, shock.

NARRATOR: Ralph Tortorici was taken to the Albany County Jail and charged with 14 counts of kidnapping, aggravated assault and attempted murder. His lawyer entered a plea of not guilty by reason of insanity.

For Tortorici, as for other mentally ill defendants, a successful insanity defense can mean the difference between being sent to a psychiatric facility or locked up in prison. But when the insanity defense fails, the mentally ill find themselves in prison for longer and longer periods of time.

How the criminal justice system deals with these kinds of cases is almost always controversial. In a courthouse in Albany, the struggle over how to handle Ralph Tortorici's mental illness was left to a small cast of characters -- a prosecutor, a defense attorney, a jury and a judge - all of whom had to grapple with the difficult and troubling questions that arise when the legal and psychiatric worlds collide.

LARRY ROSEN, Presiding Judge: The bizarre nature of the incident itself and the bizarre nature of what Ralph Tortorici was claiming - computer chips implanted in brain and penis - certainly made it clear that mental health issues would be at the forefront in this case.

NARRATOR: Even before addressing the issue of Tortorici's sanity at the time of the crime, the judge had to decide whether Ralph was competent to assist in his own defense and stand trial. At first, the psychiatric evaluation indicated that he wasn't competent. Then, within weeks, it was decided that he was.

PETER LYNCH, Defense Attorney: The competency standard - whether somebody is fit to proceed to trial or not - it's an extremely low threshold. I mean, if you can understand that you're being charged with a number of counts, and you can understand that that guy up at the bench is a judge and that guy's a prosecutor and he's going to try to convict you, and this other person over here is a defense lawyer and he's going to try and help you- if you have that bare bones understanding, most of these doctors will find that, "Oh yeah, the person's fit to proceed."

NARRATOR: The case of Ralph Tortorici would be assessed by the chief assistant district attorney, Lawrence Wiest.

LAWRENCE WIEST, Chief Assistant District Attorney: I was concerned about how we would prosecute this case. Here was a case that was infamous, at least in this community. It was- his conduct was perceived by the public, as best I could tell, as repugnant. There was just an exceptional amount of media attention to it, and it was very sensational.

NARRATOR: Lawrence Wiest assigned the Tortorici case to prosecutors Cindy Preiser and Cheryl Coleman. Coleman, who had won a number of insanity cases, was asked to take the lead in developing a rebuttal to the psychiatric defense.

CHERYL COLEMAN, Prosecutor: The case needed a lot of work. Ralph had just gotten, as I remember, returned a few months before from Mid-Hudson, and none of the psychiatric angle of the case had been developed. We got a packet of psychiatric material about the size of the Encyclopedia Britannica and had to simultaneously, while I started going through that, attempt to locate an expert who would at least get to the point where they would agree to interview Ralph to be the prosecution's expert and to say that although he was insane, he was legally responsible for his actions.

NARRATOR: In the meantime, Ralph was being held in the Albany County Jail, surrounded by guards, constantly monitored. One young corrections officer watched him more carefully than the others, his younger brother, Matthew.

MATTHEW TORTORICI, Ralph's Brother: Brand-new correction officer at Albany County Jail, and my brother's an inmate in there. And he's not a normal inmate, he's a high-profile inmate. Not only

is he a high-profile inmate, but he's also crazy. And there was other mentally ill in there. I didn't see too many people that were schizophrenic to the degree that Ralph was.

I mean, I remember he'd be lying in bed screaming, screaming at the top of his lungs. I'd be sitting in the control cage, and I'd hear my brother screaming his - "Ahhhhhhh! You mother F-ers. I'll get you for this!" Whatever. You know, something along those lines, you know, screaming at the people that were doing this to him, you know, and just- and some- not even- not even always screaming words, just screaming in agony.

NARRATOR: Growing up in a family of four children, Matthew and Ralph were especially close.

MATTHEW TORTORICI: Ralph was a straight arrow up until 15. It was nothing but sports, sports, sports up until 15. When Ralph got in high school, things changed after that.

ROBERT TORTORICI, Ralph Tortorici's Father: He went from being a very gregarious person to one that was isolated. He became very antagonistic to me, very belligerent. I just thought it was normal adolescent stuff.

NARRATOR: Then signs of serious psychological problems began to emerge.

MATTHEW TORTORICI: I'm 12 and he's 16, and one of the- one of the earliest things I remember was we were working out in the basement, and he confronted me and asked me, you know, basically, if I and my parents were in on this conspiracy, you know, against him.

ROBERT TORTORICI: He thought the police were following him around wherever he went.

MATTHEW TORTORICI: He was seeing things on the TV, hearing things in the razor, the house. There's now- there's bugs in the lamps. You'd try to talk to him, and he'd be, like, you know, "You don't see that?" "No, Ralph. I don't see a thing."

NARRATOR: Ralph had also been born with a defective urethra and had to undergo a series of operations to correct it. He became convinced that during the last of his operations, the government had implanted a tracking device in his body.

ROBERT TORTORICI: He believed he had a microchip in his penis and this is how the cops were following him around. Of course, I said, "I don't believe that's the case, Ralph." But I later found out that he went and had his whole body X-rayed to find this chip.

NARRATOR: When the X-rays came back negative, Ralph concluded that the doctors were in on the plot. Ralph's psychiatric history would be crucial to his insanity defense.

PETER LYNCH, Defense Attorney: During the entire episode at the SUNY facility, he was acutely psychotic. He was completely delusional in his beliefs that he had these computer chips implanted in his person. And that is a total lack of reality, a total lack of understanding the difference between right and wrong within the context of that delusion, and certainly, a lack of any real understanding or appreciation of what the consequences of his actions were going to be.

NARRATOR: At first, the prosecutor, Cheryl Coleman, was not overly concerned. She had always been able to find experts who would testify her way.

CHERYL COLEMAN: You can pretty much find an expert to say what- you know, what you want to be said. You know, there's a lot of people who make their living consulting and doing that work.

NARRATOR: In this case, however, Coleman found herself on unfamiliar ground. She spent over six months searching for a psychiatric expert.

CHERYL COLEMAN: No mental health professional wanted to be involved having his or her name attached to someone who was part of the prosecution of Ralph Tortorici and- because they believed, first of all, that he was not responsible. And on top of it all, we were running into a lot of anger. I was getting some lecturing by people who, you know, didn't believe that he should be prosecuted and that our office should know better.

NARRATOR: She and Preiser were getting worried.

CHERYL COLEMAN: We're going into the Christmas holidays with no expert and just about run out of places to look for one.

NARRATOR: They met with chief assistant D.A. Lawrence Wiest to try to get approval to plead the case out and have Tortorici sent to a secure psychiatric facility, rather than to a prison.

CHERYL COLEMAN: I says, "Well, if we can't get an expert, how are we going to get," you know, "a jury?" And I said, you know, "I don't have an expert. I don't know what to do."

LAWRENCE WIEST, Chief Assistant District Attorney: You know the D.A., the district attorney here in New York for the 62, I believe, counties, is an elected position, and they have to get elected every four years. And we didn't want to be perceived by the electorate as accommodating somebody that they felt - again, the electorate - should have gone to prison and not to some hospital. And if a jury made that determination, that's fine. That's 12 ladies and gentlemen from the community making that decision.

NARRATOR: And so with no psychiatric expert for the prosecution in sight, jury selection began. Then, two days into the process, Cheryl Coleman finally found a psychiatrist from another county who agreed to make the two-hour train ride to meet with the defendant.

Dr. LAWRENCE SIEGEL, Prosecution Psychiatric Expert: The first thing that struck me was the short amount of time before the trial was starting, and I told her that she should ask to get it adjourned. And what I was told was- I don't know if it was these exact words, but that when a trial is on the calendar in Albany, it's like a freight train, and it's moving and no one's stopping it.

NARRATOR: The lawyers and Dr. Siegel went to meet with Tortorici.

Dr. LAWRENCE SIEGEL: Mr. Tortorici started in right away with Jews, and I'm a Jew, and I should know about him. And I immediately knew that I was in for kind of a rocky ride on the exam.

PETER LYNCH: I could tell you, I was there with Ralph, and I looked over at Cheryl and Cindy Preiser, and it looked like their jaws were hitting the floor. And they were very surprised at, you know? Ralph's behavior was just, from my point of view, clearly, acutely, openly psychotic and very, very mentally ill.

NARRATOR: This was the first time that Cheryl Coleman had come face to face with Ralph.

CHERYL COLEMAN: When you have contact with a defendant who's- where there's going to be a potential psychiatric defense, the first thing that you screen in your mind is, is there a possibility that, you know, we can make the jury think that this guy's faking? And within 30 seconds, it was, you know, patently obvious, you know, to us that he wasn't faking it.

Dr. LAWRENCE SIEGEL: I asked him the name of his attorney, and he said, "Lynch," at which point, he put his hands on his ears, kind of like this. And it was very dramatic, like he was in pain. And he explained that the government had developed atomic particle beams and that they worked sound waves and air waves and they controlled people's minds and bodies, and he was attempting to block off the experimental mind control.

CHERYL COLEMAN: I'm going, like, "Oh God," you know, "Beam me up," you know? "I don't want to be here," you know? "This is- like, this is crazy!"

Dr. LAWRENCE SIEGEL: And he was part of an experimental project to create a world leader. And he said after the scenario of the world Christ figure and the anti-Christ figure - and that was him - and that they had set this up to be his graduation party, the whole trial.

PETER LYNCH: That night, we actually walked out to the parking lot together, and I think he just shook his head all the way out. And he goes, basically, "Wow." I think he was overwhelmed by Ralph. I think he was very much aware that Ralph was acutely psychotic that night. And he was.

CHERYL COLEMAN: I know that it made, you know, myself and my partner think, you know, "Whoa," you know, apart from, you know, "Can we do this?" "Should we do this?"

NARRATOR: Following the meeting, Dr. Siegel wrote a nine-page report to the court. In it he raised the issue of competency once again. Ralph Tortorici, he wrote, was not competent to stand trial. He recommended that the trial be postponed.

Judge LARRY ROSEN, Presiding Judge: He wrote this letter indicating that, well, he really couldn't assess Tortorici at this time because Tortorici wasn't being rational. But again, Siegel's job was to attempt to determine whether or not Tortorici was sane or insane at the time of the incident, not competent to stand trial.

Dr. LAWRENCE SIEGEL: He's right that I wasn't asked to evaluate him for competency. I was asked to evaluate him for responsibility. But it was- I couldn't do it. I couldn't do it. I could not pay attention to the things that I needed to because of the way that Ralph was when I saw him. In an adversarial system, based upon what they taught me, you have to be able to defend yourself. If you're not there mentally, it's not a fair trial.

Judge LARRY ROSEN: This individual, under New York State law- not some moral precepts that can be interposed over New York State law, but in the law as it existed at that moment, he was competent to stand trial. I saw nothing to indicate otherwise.

CHERYL COLEMAN: I mean, competent is- somebody described "competent" once as knowing the difference between a judge and a grapefruit, and that was about the standard for competency. And I

think he- you know, I think he knew that. I mean, was he competent to help his counsel? Of course he wasn't. He was certainly less able to help in his defense than most. So in the spirit of competence, was he competent? No. Did he fit the legal definition of competency? Yes, probably.

NARRATOR: Judge Rosen moved forward with the trial without ordering another competency hearing.

Dr. LAWRENCE SIEGEL, Prosecution Psychiatric Expert: I was flabbergasted. There's no way this man could have been competent. It's just impossible. And apparently, people were thinking of other things.

NARRATOR: They were each thinking of their own particular problems. Judge Rosen had his concerns.

Judge LARRY ROSEN: Had I held off the trial because of the Siegel letter and the trial takes place months later, and in those several months, the prosecution finds psychiatrists who are willing to testify that Ralph Tortorici was sane at the time of the incident, it could be argued later by the defense that "The judge should have let us go. We wanted to go forward because the prosecution had no psychiatrists or psychologists at that time." So there were dangers no matter what I did.

NARRATOR: Peter Lynch had a client who did not want to be found unfit.

PETER LYNCH: So do I know whether or not Ralph's telling me he wants this case to get behind him, that it's a nuisance to him, but he's also telling me to make sure I go forward with the case- whether or not that's part of the delusion or not? I don't know the answer to that.

NARRATOR: And because no one stopped it, the process went on.

Judge LARRY ROSEN: When you are orchestrating a major trial and you're primed to go and primed to start and you've already had a day of jury selection, you've got 40 witnesses or so lined up to testify, you've got all your doctors ready, you've got everybody ready to go, the idea of holding more hearings and delaying the trial is not appealing to a trial judge.

NARRATOR: But Coleman and her colleague were troubled. A prosecutor's job is not only to win cases, but to see that justice is done. Could both functions be accomplished in this case? They went back to the chief assistant D.A.

CHERYL COLEMAN: Cindy and I told him that there was- that there was no way. And I remember saying to him, "I don't want to do this. There's no way that you're going to win this. Put aside the fact of whether or not he really is crazy, if you don't care about that." You know, "We're all going to look stupid." You know, "This is going to be a huge exercise in futility, a huge public exercise in futility."

LAWRENCE WIEST, Chief Assistant District Attorney: At a point in time, you have to make a decision, and you can't continue on second-guessing that decision. What I said was, "We're taking it to trial, and if you say it's not winnable, fine. I don't care. But bring it to trial."

CHERYL COLEMAN: He says, "I want you to go out there and be Rush Limbaugh." And I said, "What do you mean, Rush Limbaugh?" He said, "Well you've got that way about you. Just go out there and,"

you know- you know- you know- "start," you know, "insulting," you know, "psychiatrists, and just take a slap at the- at the psychiatric profession," and just basically, like a burn-and-destroy kind of mission.

LAWRENCE WIEST: I said we owe it to the community to show them that this criminal justice system here and this prosecutor up here, the D.A. and his staff, are fierce in the protection of the rights of the victims.

CHERYL COLEMAN: Cindy Preiser and myself refer to it as our kamikaze mission. You- we felt like we were going in there because we had to go in there, because it was our job to go in there, because we were told to go in there, but we didn't realistically think that we had a snowball's chance in hell of prevailing.

NARRATOR: So on January 3rd, 1996, Ralph Tortorici's trial began. But to everyone's surprise, Ralph Tortorici had announced that he would not be present at his own trial. He was coming to the courthouse, but he was going wait out the trial in a holding cell in the basement.

RALPH TORTORICI: You know better. You know better, lady.

REPORTER: I know what? I know better than what?

RALPH TORTORICI: You better be careful.

Judge LARRY ROSEN: I did over a hundred jury trials in my seven years in county court and handled several thousand major felony criminal cases, and I can't recall of any other defendant that which to absent himself or herself from the proceedings.

Dr. LAWRENCE SIEGEL: Well, he thought that the court was not just to decide whether he was guilty of a crime. He thought the government was behind what he did and had directed it, or at least he told me he thought that there were airwaves in the court. He thought that everybody knew what was going on. He didn't think they were actually making a decision about him at the time, so he didn't need to go.

NARRATOR: Cheryl Coleman was stunned. Not having a psychiatric expert was one thing, not having a defendant was another.

CHERYL COLEMAN: I remember talking with Peter about it, saying, you know, "Peter," you know, "can't"- and Peter's, like, "Hey, he's absolutely adamant about it. There's no way that I can talk him into it." And I know that every day Peter tried to talk him into it.

PETER LYNCH: My client, Ralph, who is speaking on a rational basis with me, is telling me, "I am not going to be in the courtroom. I want you to proceed with this trial." And so I had to make a judgment call, based on what I knew, as to whether or not to go forward.

NARRATOR: He had reason to believe he could win, even without Ralph in court.

PETER LYNCH: We had put together a very significant medical record and a medical defense team to support the legal insanity defense, and we felt that we had a legitimate shot of winning the case.

NARRATOR: So whatever Ralph's current mental condition was, a jury would still decide, without ever seeing him, whether he was legally insane at the time of the crime. Did he know what he was doing when he took the class hostage, and did he know it was wrong?

By then, Coleman was ready to go.

CHERYL COLEMAN: When you're a trial lawyer, it doesn't even matter what side you're on because you go into a zone and you're into the battle. You're not thinking about right, you're not thinking about wrong. You're just thinking about winning. And you're just thinking about doing anything that you have to do, short of, you know, lie, cheat and steal. But you're doing everything that they say you can do to win. And anybody who says that they don't do that isn't telling you the truth.

If you had come from the perspective where you were going to prosecute him, it was easy to convince yourself that there were good reasons for it. And how you do it, first of all, is you concentrate on the victims and all the agony they went through.

JASON McINENEY: I felt a shot go through my thigh. I felt a shot go through my- my scrotum.

NARRATOR: Jason McIneney was the student injured by Tortorici.

CHERYL COLEMAN: Jason was an incredible witness. He was one of those rare people that let you see the inside of him when he talked.

JASON McINENEY: And the bullets just hit the floor and the concrete came up-

CHERYL COLEMAN: It was one of the times, I just remember in 15 years of doing that, where I remember just totally being taken in by what he said.

JASON McINENEY: Professor Pohlsander, who had been taken out of the room, was sitting in the corner. I pulled down my pants, and my scrotum was hanging there. It was, like, four inches long. And my left testicle was, like, destroyed, and my leg was bleeding. I just lay down on the ground and kept saying, "Am I going to die? Am I going to die?"

Judge LARRY ROSEN: As they say, there wasn't a dry eye in the house.

PETER LYNCH: What did not help was when Jason was at the- at the pivotal point of his testimony, explaining the physical injuries that he had suffered, one of the jurors actually literally passed out.

NARRATOR: Then Lynch called a number of witnesses to the stand who had seen Ralph over the years and could testify to his consistent complaint about the microchips- a state trooper to whom Ralph had gone, pleading for help.

TROOPER McDONALD: He was here to speak to me about the problem because he felt that they had gone too far this time, and they had implanted a tracking device in the tip of his penis.

NARRATOR: A nurse who had treated him two years before the incident.

NURSE FORD: He grabbed me at one time, pushed my head down towards the genital area and asked me to keep listening because he really needed help. It was a pitiful sight. He was sure that something was wrong.

NARRATOR: His grandmother.

GRANDMOTHER: And then I asked him, "Why? Ralph, why did you take the gun and go to SUNY?" And he said the voices in the back of his head told him that if he did that, the chip would be removed.

NARRATOR: Lynch also had four psychiatric experts who testified that Tortorici was legally insane at the time of the crime.

Dr. QUALTERE: Schizophrenia, paranoid type.

Dr. McINTYRE: Paranoid schizophrenia or paranoid delusional disorder.

Dr. THALMANN: This is a bizarre- a very bizarre delusion that he firmly believes, and it's documented for years. He does not know the nature of what he's doing, the consequences or its wrongfulness, as it pertains to material-

NARRATOR: But the prosecution argued that Ralph was sane at the time of the crime, and they would have to convince the jury.

CHERYL COLEMAN: The prosecutor didn't have a legal burden, but we knew that, in reality, if we were going to rebut the insanity defense, we were going to have to convince the jury that he pulled off the crime in a logical and organized way. You know, look at all the actions that showed he knew what he was doing physically - the fact that he says, you know, "This is a gun, I'm taking all of you hostage," you know, the fact that he lays out the ammo and says, you know, "I've got enough rounds to kill," you know, "a ton of people," the fact that he wanted the doors tied together so that the cops wouldn't come in, the fact that he knew the cops were going to be called - all show that he was appreciating potential consequences for his actions.

NARRATOR: The prosecution presented evidence of other possible scenarios which they said might explain Ralph's actions. He had a dispute with the university. He had traces of cocaine in his system.

CHERYL COLEMAN: We were just going to throw that out there as something that people could look at to distract them from what was obvious. If that was going to form the basis of what a juror might think, we didn't care. Whatever worked, we were going to take.

NARRATOR: But without an expert of her own to testify that Ralph was legally sane, Coleman had to go after the defense experts.

Judge LARRY ROSEN: She examined probably every case that those psychiatrists had ever testified before in the past, found cases where they were testifying for the prosecution and was able to make it look, to some degree, like they were merely hired guns and would opine as they were paid.

CHERYL COLEMAN: In court, the truth is what it looks like. And a lot of stuff that means nothing in real life, a good cross-examiner can make it look like something on a witness stand.

PETER LYNCH, Defense Attorney: The one moment in the trial that was, I thought, a severe blow was Dr. Klopott, our psychiatric expert, had testified that at the time of the occurrence, Ralph was legally insane.

Dr. ZVI KLOPOTT, Defense Psychiatric Expert: Not specifically, but if it's in the record-

CHERYL COLEMAN: He was the psychiatrist for the defense in what had to be the most notorious serial killer case in this area and, you know, had testified on a lot of topics, a lot of stereotypical topics that people think of when they mock psychiatry. Like, you know, Oedipal complex, like, you know, bed-wetting. He was just, you know, lying there in wait, waiting to be ambushed.

Dr. ZVI KLOPOTT: -that a child's development is important in understanding functioning as an adult? Absolutely.

PETER LYNCH: And Cheryl Coleman, my very worthy adversary, basically brushed off the cobwebs from a 1979 murder trial and pointed out to a question essentially along the lines of, "Dr. Klopott, aren't you the guy that said Lemuel Smith killed all these people because he had trouble potty training?" And frankly, the looks on the jurors, you know, after they got done laughing, before Klopott even had an opportunity to respond- the looks on the jurors was like, you know, "This guy's an idiot."

CHERYL COLEMAN: Yeah, it was pretty ugly. And there were a lot of jurors that were laughing. There were a lot of jurors that were smirking. And you know, he pretty much left with his tail between his legs. Was that fair? No. Was it effective? Yes.

Dr. ZVI KLOPOTT: The fact that there's ridiculing going on, that is par for the course. The job of the psychiatrist is to educate. And the process, the adversarial process, depending on which side is involved, is to either educate or miseducate or confuse.

NARRATOR: Tortorici was still in his cell in the courthouse basement when Coleman and Lynch headed into their closing arguments. The jury would never set eyes on him.

PETER LYNCH: Ralph Tortorici went to the SUNY classroom that day in the fixed delusion belief that he was carrying out a mission.

CHERYL COLEMAN: Peter and I had tried so many cases against each other, we pretty much-I think I knew what he was going to say, and I think he knew what I was going to say. And so it was sort of like being in Vegas and playing blackjack open-handed.

PETER LYNCH: This case is simply a case of mental illness, a tragic event both for the lives of Jason McIneney and Ralph Tortorici.

Judge LARRY ROSEN: Peter Lynch gives an excellent summation, obviously, attempting to indicate to the 12 jurors, "Ladies and gentlemen, you heard the experts. This man was operating under a delusion. He didn't know right from wrong. He didn't understand the consequences of his action. He suffered from a mental disease or defect. Sure, he did all these things, but he's legally insane." And then Coleman gets up.

CHERYL COLEMAN: "You're not taking me seriously? I'll show you!" Bang! Shows he knows.

Judge LARRY ROSEN: And Coleman is strong and articulate and forceful and persuasive.

CHERYL COLEMAN: Jason McEneney, despite what Ralph Tortorici took from him, is more of a man than Ralph Tortorici will ever be.

And it's a typical prosecutor touch. You close with a rush of emotion directed at the victim. And that's what I did, you know, and when I was saying it, I- you know, I meant it, and I meant every word of it. But is it a standard formula? Absolutely.

NARRATOR: After eight days of testimony from 31 witnesses, the case was handed to the jury.

Judge LARRY ROSEN: My charge took approximately two-and-a-half hours, 15 counts, a psychiatric defense, probably the most difficult charge I ever made to a jury.

NARRATOR: By law, Judge Rosen was not permitted to tell the jury what would happen to Ralph if they found him not responsible. He could only tell them that commitment hearings would be held. So the jury would never know that, in all likelihood, if acquitted, Tortorici would spend as much time locked up in a secure mental hospital as he would in prison.

CHERYL COLEMAN: It's snowing like all get-out outside, and we're trudging outside. And we don't even get down to the edge of the street. We can still- you know, we could probably still throw a snowball and hit the courthouse, and Cindy's cell phone rings. And she looks, and she goes, "A verdict? You're kidding!" And at that point in time, I had a feeling that they had convicted him.

COURT CLERK: Do you find the defendant is not responsible by reason of mental disease or defect?

JURY FOREMAN: No.

COURT CLERK: Is your vote unanimous?

JURY FOREMAN: Yes.

COURT CLERK: Ladies and gentlemen-

NARRATOR: In just over an hour, the jury found Tortorici guilty on 11 counts of kidnapping and aggravated assault.

COURT CLERK: Do you find the defendant, Ralph Tortorici, guilty of the charge of kidnapping in the second degree under the third count in the indictment, so say you all?

JURORS: Yes.

CHERYL COLEMAN: No one thought we were going to do it. It was just a foregone conclusion that he was going to be found insane. In fact, I think even Judge Rosen wanted to make sure when we came in for the verdict that we had the psychiatric commitment order prepared.

PETER LYNCH: And I can recall Judge Rosen basically commenting to me that the insanity defense in Albany County is essentially, you know, dead because, you know, if you don't win a- if I didn't win this case on legal insanity, what possible case could you win?

Dr. LAWRENCE SIEGEL, Prosecution Psychiatric Expert: I was surprised. You know, you never know what a jury is going to do. You never know what a judge is going to decide. You know, since there were four experts for the defense, I would assume that one of the reasons that the jury convicted him is that they had no reason to empathize with him. He wasn't even there.

MATTHEW TORTORICI, Ralph's Brother: You know, all they were hearing about was this- this terrorist, more or less, you know, shooting some kid in the privates and holding hostages and firing a gun and demanding to see the president. And who the heck is this crazy guy? He ain't even come in here. You know, it's a lot easier is to say, "Go away. We don't want you in society."

CHERYL COLEMAN: If you just take the straight technical, legal definition - and that's what we're supposed to do, and that's what the jury was supposed to do - yeah, and that's all it was supposed to be about- yeah, we were right.

LAWRENCE WIEST, Chief Assistant District Attorney: I thought they were great, and I told them so at the time. I said, "Congratulations on a job very well done." And there was no shrugging of shoulders or scratching of heads or of sheepish sliding out the courtroom door for some miscarriage of justice. God bless them both. They did good service for this community.

NARRATOR: A month later, Ralph returned to the courthouse to be sentenced. This was the first time since his trial began that Ralph Tortorici entered the courtroom.

Judge LARRY ROSEN: This court finds no pleasure in the sentence about to be imposed. There never was a serious question that defendant was a psychologically troubled person for many years prior to 1994. This jury-

NARRATOR: Before Judge Rosen imposed his sentence, he allowed Ralph to speak.

RALPH TORTORICI: I want to briefly say something about the modern era, the government's advance technology on me. For many years now, I've been studying the government and the Jews of advanced technology. You will find out in military tests in Bethesda, Maryland, [unintelligible] they've been experimenting by monkeys and dolphins with advanced technologies, including microchips-

ROBERT TORTORICI, Ralph Tortorici's Father: Oh, he's ranting. He's ranting and raging, you know, just a banter of, you know, crazy things.

RALPH TORTORICI: And I am a descendant of the Roman Empire. And in AD 70, when the Jewish temple was destroyed-

ROBERT TORTORICI: About world powers and Jewish people behind it all, ruin the world and-

RALPH TORTORICI: You see, if you study these Jewish doctors, you will find out that Jewish doctors, they mess up- as they did on my body here, they messed up my operations.

ROBERT TORTORICI: It was sad. It was embarrassing. All I could do was view my- you know, my son, who's gone mad.

RALPH TORTORICI: I went to many officials, and they would not listen to me. I had to find some sort of extreme way to get the Jews to be identified as troublemakers in society and trying to overthrow the government.

Judge LARRY ROSEN: Your statement is now complete, and I will not hear from you again during the sentencing.

NARRATOR: Judge Rosen sentenced Ralph to 20 to 47 years in prison.

Judge LARRY ROSEN: All I can say is, I did sentence him to the maximum that he could get by law. I thought it was appropriate.

-not to exceed 15 years, nor be less than 5 years, commonly referred to as 5 to 15, in a state correctional facility.

PETER LYNCH: He didn't have to give him the maximum. He could have given him far less time than he gave him. And every single count, he gave him the maximum. And on the counts that he could run consecutive - that is, stacking the counts on one another - he did so.

Judge LARRY ROSEN: The defendant is hereby sentenced to an indeterminate term of incarceration not to exceed 25 years nor be less than 8-and-a-third years.

When you have 37 victims, as you had here, I felt the hammer had to be utilized. And again, whether or not the psychiatric defense flew was not my decision. It was the jury's decision. That's why judges like juries for cases like this.

REPORTER: Mr. Tortorici, do you have any reactions to your son's sentencing?

NARRATOR: And so it was over. The family would not see their son free for at least 20 years.

REPORTER: Do you believe your son is mentally ill? Any statement at all, sir?

INTERVIEWER: Do you talk to his family at all?

CHERYL COLEMAN: Never. Uh-uh. No. No. Why would I? Why would I do that? There's no way. No way. That's just a- that's just a place you're not going to- that's just a place you're not going to go. I don't expect them to understand or agree with what we did, and it didn't make enough of a difference to me to- you know, to care what they thought.

NARRATOR: Ralph was sent to the Sullivan Correctional Facility, a maximum-security penitentiary. He was placed in their mental health unit in his own cell.

ROBERT TORTORICI: Worst possible thing, being put in a solitary situation 24/7, where he's totally alone with his delusions, not having any interaction with any other person, so you're just in prison with your own thoughts.

NARRATOR: Three weeks after his arrival, Ralph tried to kill himself by hanging from a bed sheet in his cell.

MATTHEW TORTORICI: I remember he was going in, and we're all standing around him, and I just prayed for him. You know, I put my hands right on him and prayed for him.

NARRATOR: Three years would pass. An appeal was filed and was turned down. Ralph was shuttled between prison and short stays at a psychiatric facility. Finally, he spent an entire year there and was deemed well enough to be returned to prison. The family was told he was doing well. In fact, he wasn't.

ROBERT TORTORICI: I wanted to believe them. And I suppose, to a large extent, I did believe them that, you know, they were going to watch out for my son.

NARRATOR: Three weeks later, on August 10th, 1999, Ralph Tortorici was found dead, hanging from a bed sheet in his cell.

ROBERT TORTORICI: As far as I know, he did exactly the same thing. That's the information I have. He tied his sheet to his shelf.

CHERYL COLEMAN: I was with some friends, some of the other D.A.'s in the hallway, and I think we were leaving the courtroom. And two news people from the various newspapers that are always in the courthouse told us they had just gotten on the wire that Ralph had killed himself and- I pretty much went into- I went into shock.

Judge Rosen was the first person I sought out, but he wasn't questioning himself like I was. And I guess, from his point of view, he shouldn't have because he didn't really have the role in it that I did. The discretion he had wasn't- it- you know, and he didn't convict him. I did. And you know, I couldn't get past that.

NARRATOR: In the meantime, her own life had changed.

CHERYL COLEMAN: You know, a lot of stuff had happened to me in the interim, in between, too, that I had- I had lost a child in between when Ralph's verdict happened and when Ralph had killed himself. And a lot of that- once you- once you lose- once you lose a child, it gives you- it's such a huge and life-defining event that it gives you- it gives you everything in common with somebody who's experienced the same thing, even though you'd have nothing in common with them otherwise. And it gives you nothing in common with even the people who you had everything in common with before.

And when it happened, I felt responsible for his death. And I thought of his parents and I thought of his family, and I thought how he didn't have to die. And I remember thinking that there was something wrong with what we did. We should have been able to say no to it. Or at least, it shouldn't have seemed like so much fun after- after we did it. And I felt really ashamed.

LAWRENCE WIEST, Chief Assistant District Attorney: You know, I hope I don't run across too many of those type of cases. Those are painful cases. It's not a happy circumstance for a case to prosecute, ever. But you make hard decisions and you stand by those decisions, and you stand by your

prosecutors. And after the smoke clears, you can take a step back and say, "Well, did we do the right thing?" We did that.

You know, if people ask was justice done in this case, well, for Jason McIneney and his family, yes, justice was done in this case. For this community, as represented by those 12 ladies and gentlemen pulling jury duty, justice was done in this case.

NARRATOR: But four years after she convicted him, Cheryl Coleman was questioning everything.

CHERYL COLEMAN: I guess I feel like we had the discretion to make a higher decision than we did. It showed me, because we get trained to win, how easy it is to sell out any thoughts that you have to do what you do.

NARRATOR: Soon after, Cheryl Coleman left the D.A.'s office and went into private practice. She has since been appointed a judge in the Albany City Court.

CHERYL COLEMAN: I think morality and what's right, as opposed to what's legal, plays so little a role in the system and plays so little a role in what we do. And this was a case, now that I look back on it, that was just a real wake-up call. I wish I hadn't been a part of it.