

Evidence Hurt Belleview Child Rape Prosecution

By MARK GREEN
Staff Writer

The Belleview man found not guilty by reason of insanity earlier this month on a 1984 charge that he raped an 11-year-old girl in fact did not rape the child, according to medical evidence presented in his case.

The Marion Circuit Court judge who presided in the case was concerned over an article on the verdict which was written based on the written records in the court file for the proceedings against Danny Ray Garrels.

Those records show that Garrels, 33, in the pres-

ence of police, told a woman he had raped her 11-year-old daughter. And in a probable cause affidavit filed by the arresting officer, the girl gave police details indicated an actual rape occurred.

However, the story did not cite medical evidence presented at earlier hearings over the past year.

Assistant State Attorney Ben Ayers, the prosecutor in the case, said a doctor's examination of the victim showed no physical trauma.

Garrels, whom Ayers said has a low IQ, had suffered a heart attack in the past and must take medication as a result. However, he mixed his medication

with alcohol which together caused a toxic psychosis, according to mental health specialists who examined Garrels. The mental condition, Ayers said, meant Garrels legally could not have formulated a specific intent to commit crimes.

"All I could have proven was lewd and lascivious assault by a man who was not competent," said Ayers.

This was the background which led Judge William T. Swigert to rule that the defendant was innocent by reason of insanity. However, the judge ordered
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Garrels to undergo any treatment recommended by the Marion-Citrus Mental Health Center and has instructed him to stay away from his old neighborhood and his alleged victims, according to court records.

Ayers said Garrels has moved.

Swigert also ordered the court be given reports on Garrels' mental health every six months.

Garrels was arrested early last July after Belleview police were called to a disturbance at his home. There they found him holding a 14-inch butcher knife at his 9-year-old son's throat threatening to kill the boy if anyone approached, reports state.

He dropped the knife and released his son after police summoned a woman Garrels demanded to speak with, and he told the woman he had raped her 11-year-old daughter two days before when the girl spent the night at his house, according to court records.

The girl told police Garrels, whom she knew as "Uncle Danny," came into the bedroom where she was sleeping, raped her and threatened to kill her and his son if she told anyone, according to records. She told police that the

next morning, Garrels used a butcher knife to again threaten her, her 10-year-old sister and his son, according to records.

After giving himself up, Garrels was charged with capital sexual battery, kidnapping and aggravated assault. Then, within a week, a second capital sexual battery charge was filed when a 6-year-old girl whom Garrels had babysat at least 10 times, according to records, told police he had attempted to rape her and told her not to tell anyone, "especially the police." The second girl reported she also knew Garrels as "Uncle Danny."

A Marion County grand jury indicted Garrels on the charges last Aug. 11.

Ayers said the mothers of the two girls "want him castrated and put away for life." But the prosecutor said he believes the insanity ruling was the best solution because it calls for continued supervision of the defendant.

Confidential competency evaluations in the case were conducted by a private psychologist and by a physician with the Marion-Citrus Mental Health Center. Under the judge's order, the center is to continue to monitor Garrels.