

VICTIM RECOUNTS RAPE

DEFENSE CLAIMS INSANITY

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Fighting tears, a rape victim told a jury Tuesday that she thought she was having a nightmare before she awoke to discover a nude attacker lying next to her in bed, between her and her boyfriend.

"I thought I was having a strange dream," the 55-year-old Rocky Point woman said. "Then I realized there was somebody else in the bed." The assault jolted the victim awake, but not before her sleeping boyfriend reached over to comfort her and realized he was touching a stranger, court records show. The assailant fled, only to be arrested in a traffic stop.

The Rocky Point couple told their story to a mesmerized jury in the first day of testimony in the sexual battery and burglary trial of Asher Daniel Jones. The 26-year-old defendant, a neighbor who once did yard work for the victim, doesn't deny committing the rape. Jones and his attorneys hope to convince the jury that he was insane at the time.

The fact that Jones crept naked to the victim's home at 1:30 a.m. that June morning in 2002, without making any threats, and that he curled himself into a fetal position after the attack, is evidence itself that Jones was mentally ill, defense attorney **Lance Richard** said in opening statements.

"This incident, I submit to you, begs insanity," he said.

Beginning in his late high school years, Jones deteriorated from a popular surfer and guitar player to a morose, withdrawn shadow of his former self, eschewing friends, isolating himself in his room and complaining of hearing voices that ordered him to commit suicide, **Richard** said.

"This was a slow progression," **Richard** said. "Asher didn't wake up one day and decide he was crazy. This happened over a period of time."

Assistant State Attorney Kathleen Roberts told jurors that bizarre behavior is no excuse for committing a violent crime, at least not under Florida law.

"Odd behavior does not rise to the level of criminal insanity," Roberts said. "What you will find is not an insane defendant, but a criminal defendant."

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