

Killer Says Family Tried to Help, 'But I Wouldn't Let Them'

By GARY FIELDS

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Benjamin Hartman's problems began when he returned to Roanoke, Va., in 2005 after seven months in Montana working in construction. He heard voices, and imagined having sex with ghosts. He thought people could intercept his thoughts and were using them to stalk his family, said his mother, Judy Hartman.

In 2009, his father, Jeff Hartman, began asking questions about his son's therapy and diagnosis. Mental-health staff, citing privacy laws, said they couldn't answer his questions, he said. An employee at Walnut Avenue Associates in Roanoke, where Benjamin Hartman was treated, said the medical staff couldn't comment on the case.

In May 2010, when the younger Mr. Hartman refused to pick up a prescription, his father recalls trying to do it for him—only to be told his son hadn't provided authorization. "All I could do was stand in the yard and cry and beg him to get help," Mr. Hartman said.

In November 2010, Benjamin shot James Kirby III, his grandmother's ex-husband, killing him. He later explained, according to court documents, that he thought Mr. Kirby had

sexually abused him and was going to hurt his family, a belief he now knows was a delusion.

"State law says you can't have them committed against their will unless they are a danger to themselves or someone else," said Jeff Hartman. "Well, he killed somebody. How much more dangerous do you have to be?"

Evan S. Nelson, a forensic psychologist, assessed Mr. Hartman's mental state and concluded he wasn't sane at the time of the killing. Mr. Nelson declined to discuss his assessment specifically but said the broader situation is all too common. "When parents do see problems coming, a common difficulty is our society's efforts to protect the right to freedom," he said.

Patrick Buchanan Jr., the prosecutor, said in an interview the defendant "was definitely mentally ill and is mentally ill. The problem for him is, under Virginia law, he wasn't insane"—in legal terms, he had awareness of the effect of his actions. It's a key legal distinction because if the court were to accept that he was "criminally insane," he could be sent to a hospital instead of prison.

Mr. Hartman, now 28 years old, pleaded guilty to second-degree murder rather than take the chances a jury would reject an insanity defense and convict him of first-degree murder. He was sentenced to 33 years, 13 suspended.

In an interview earlier this year at the Western Virginia Regional Jail near Salem, Va., Mr. Hartman said he has been taking his medication and that he must cope with the "reality" of killing someone who had done nothing wrong. "My family tried to help, but I wouldn't let them and I didn't listen," he said. "There was nothing else they could do." If he had only

listened, he said, a murder "wouldn't have happened."