

The logo for the Daily Press newspaper, featuring the words "Daily Press" in a stylized, gothic-style font.

Rarely used defense gets wife acquitted in Newport News case

By Michele Canty September 17, 2016

Rose Marie Uribes was scared.

She believed the souls of her husband and children had been taken. She kept seeing a floating, legless girl on the staircase. Voices taunted her.

In a hellish loop, she was living the same day over and over again.

This was her reality in the weeks before Uribes shot and killed her husband — computer tech and Iraq War veteran Zacarias Uribes II, 30 — in 2014, said her defense attorney, Noah Weisburg, during a recent interview.

"The people around Rose, including her husband, knew she needed help and tried to get it for her." Weisburg said.

A Newport News Circuit Court judge handed down a rare verdict in April, finding Uribes not guilty by reason of insanity. In July, Uribes was committed to Central State Hospital in Petersburg, a secure psychiatric treatment facility for the criminally insane.

Uribes is one of only five murder defendants in Hampton Roads to be found guilty by reason of insanity in the last decade, circuit court records show.

The month Uribes was committed, a federal judge freed a man considered one of the nation's most infamous insanity defendants, John Hinckley Jr., from a [Washington](#), D.C., psychiatric facility to live in James City County.

Hinckley shot President Ronald Reagan, White House Press Secretary James Brady and members of the president's security team in a bid to impress actress Jodi Foster. His acquittal caused most states to re-evaluate their insanity defenses and some to opt not to have them.

After three decades of treatment, Hinckley was released Sept. 10 to live with his mother after a judge ruled he was no longer a threat to himself or others.

Uribes' treatment has just started. It's uncertain how long the 32-year-old will remain incarcerated, but Weisburg estimates it will be "for the next few years, at least."

The insanity defense might be a popular fixture in serial crime dramas, but in reality, its use is sparse and its success rate is minuscule.

Insanity defenses evolve

In Virginia, a person acquitted using an insanity defense is not considered responsible for his or her actions because of a psychiatric episode or persistent psychiatric illness.

Insanity defenses have been around since the 1800s, but they changed dramatically after Hinckley's case, said Cynthia Ward, a College of William and Mary law professor.

Before Hinckley's 1982 acquittal, it was a prosecutor's job to prove the defendant wasn't insane. Public outcry over Hinckley's acquittal changed that, said the professor, who specializes in criminal law and domestic violence.

"Juries, and the public, tend to be skeptical of the insanity defense — to believe, for example, that the defense is frequently used and that hordes of guilty defendants escape justice by claiming it," Ward said.

Nothing could be further from the truth, she added.

"The defense is used in a tiny percentage of cases and is successful only in a tiny fraction of those, but because cases in which it is successful tend to get a lot of media coverage and that tends to perpetuate the false idea that the defense is frequently used and frequently successful."

Over the past decade, 0.09 percent of circuit court cases — 455 out of 473,564 — in Hampton Roads resulted in not guilty by reason of insanity verdicts. They included just four other murder cases, according to a Daily Press analysis of court records from several municipalities.

Reforms include the current laws under which Uribes was judged that require the defense to prove insanity and use psychological and psychiatric evaluations as part of the proceedings.

"It's a difficult defense to use," Hampton defense attorney Tim Clancy said recently. "A very small percentage of people actually qualify for the use of this defense. It's a very high threshold, and in Virginia, it requires proof that a person can't distinguish between right and wrong."

Forty-six states and Washington, D.C., have some type of insanity plea. Four states — Kansas, Montana, Idaho and Utah — forgo the defense and use various levels of diminished capacity defenses, or a defense that finds a person guilty of a lesser crime because of a mental condition or episode, according to [Cornell University](#) Law School in New York.

Clancy said the defense is a hybrid because, as opposed to being released or going to prison, a defendant is sent to a facility for an indeterminate amount of time.

"The defendant cannot be held liable or responsible, but they're removed from the community until they can be properly treated," said Clancy, a veteran defense attorney and former prosecutor. "If/when they're released, it's with all kinds of conditions."

For Hinckley, release conditions include that he live with his mother, attend counseling sessions in Williamsburg and check in at a Washington, D.C.'s mental hospital for monitoring at least once a month.

He'll have to work or volunteer at least three days a week. He hasn't yet done paid work in Williamsburg, but he has volunteered at a church and a mental health hospital, where he has worked in the library and in food service, the Associated Press reports.

He can surf the Web but, at least initially, he's not allowed to search for information about his crimes or victims, among other things. Hinckley can't have accounts on Facebook, Twitter, Instagram, YouTube or LinkedIn without permission.

Uribes' attorney said physicians at Central State set up a care plan for Uribes' in July to span the next few years.

"Rose is grateful for the care she's receiving, and knows she needs to be there," Weisburg said. "This is not a 'get-out-of-jail-free' card, or going to be easy for her or her family."

The fatal shooting by Uribes

Uribes' attorney and family can't pinpoint what triggered the decline in her mental health, but said Uribes was different and troubled in the four to six weeks before Zacarias Uribes II was killed.

"Her symptoms were very apparent to us and were not limited to: suicidal thoughts, paranoia, hallucinations ... hearing voices, thinking we'd all left her, reliving the same experience ... and finally time travel," her family said in a statement.

Weisburg said Uribes was exhausted, and couldn't bring herself to care for herself or her family. Her text messages show erratic behavior, pendulum mood swings and other irregularities that didn't jibe with the wife and mother her family knew.

Less than a month before the slaying, Uribes was evaluated by local health care professionals.

Zacarias Uribes tried to get his wife help, taking her to therapists in the area, Weisburg said, before being referred to [Riverside Regional Medical Center](#), where her husband told doctors, "I'm worried about her."

The couple would make at least two trips to the medical health center, with the last one days before the fatal shooting, but Uribes' condition didn't improve, Weisburg said.

"Something happened in her brain, and Rose continued to lose grip with reality," Weisburg said. "I don't think anyone knew or could've known she would do what she did."

Uribes shot and killed her husband Oct. 10, 2014, in their Kiln Creek home, a suburban neighborhood that connects Newport News and York County.

At 10:40 that morning, [Newport News police](#) received a call from the Mathews County Sheriff's Office about a homicide.

City officers went to the address and found Zacarias Uribes II, 30, dead inside a townhouse in the first block of Watson Drive, according to police reports. Rose Uribes, a stay-at-home mother, confessed to the killing.

"Uribes admitted that she shot her husband, Zacarias Uribes ... and called a relative and then 911," a criminal complaint filed in Newport News Juvenile and Domestic Relations District Court states.

Uribes was arrested, charged with first-degree murder and use of a firearm in commission of a felony then incarcerated. The couple's daughter and son went to live with relatives.

A U.S. Marines veteran, Zacarias Uribes II was buried with full military honors Oct. 17, 2014.

Two families deal with loss

In Facebook messages, interviews and written statements, friends and family remember Zacarias Uribes II as a peaceful man, devoted father and loving husband. He was a 2003 grad from Kecoughtan High School who went into the military. He later worked as a systems analyst for Ferguson, his family said.

His father, Patrick Uribes, feels the loss every time he looks at his grandchildren, who have essentially lost both their parents, he said recently. After learning about the insanity verdict in the murder case, his father wrote some of his family's thoughts on it.

"We remain unconvinced that this is the appropriate justice for the senseless murder of our son," Patrick Uribes wrote. "We hope the judiciary and mental health professionals of the Commonwealth of Virginia will do everything in their power to ensure that the woman who killed our son is never a danger to others."

Clancy said the response from the victim's family is understandable.

"I understand how the public and family may think it's not fair, or that someone was faking it," Clancy said. "Mental health officials are good at weeding out cases that are not genuine."

William and Mary's law professor, Ward, agreed, saying, "The idea that someone might 'get off' on a serious criminal charge by faking insanity is tenacious in the public mind — though in fact it hardly ever happens."

"This explains much of the outrage over the Hinckley verdict," Ward said.

Hinckley, 61, had already been visiting Williamsburg for long stretches at a time and preparing for the full-time transition. His longtime lawyer Barry Levine says he thinks Hinckley will be a "citizen about whom we can all be proud."

Adam Kromeke said his daughter, Uribes, feels a tremendous amount of guilt and remorse over killing her husband. The family has no idea if/when she will be released, or under what conditions.

"She loved him, and she loves him still," Weisburg said on Kromeke's behalf. "To reconcile that love with what she did is something her family worries will be insurmountable."

Kromeke said his family blames the state's mental health care system for Zacarias Uribes' homicide. He said the family repeatedly tried to get Uribes help.

"(Our) pleas went unanswered by a health care system that almost seems indifferent, impotent and highly restricted by laws that limit intervention by the family of the mentally ill," Kromeke wrote. "The system is broken."

Still, the family admits Uribes' actions caused both families pain.

"(Zacarias Uribes II) was one of the most peaceful, beautiful and loved men we knew," Kromeke wrote. "There is no way to describe the loss the Uribes and Kromeke families have been made to endure ... or continue to suffer."