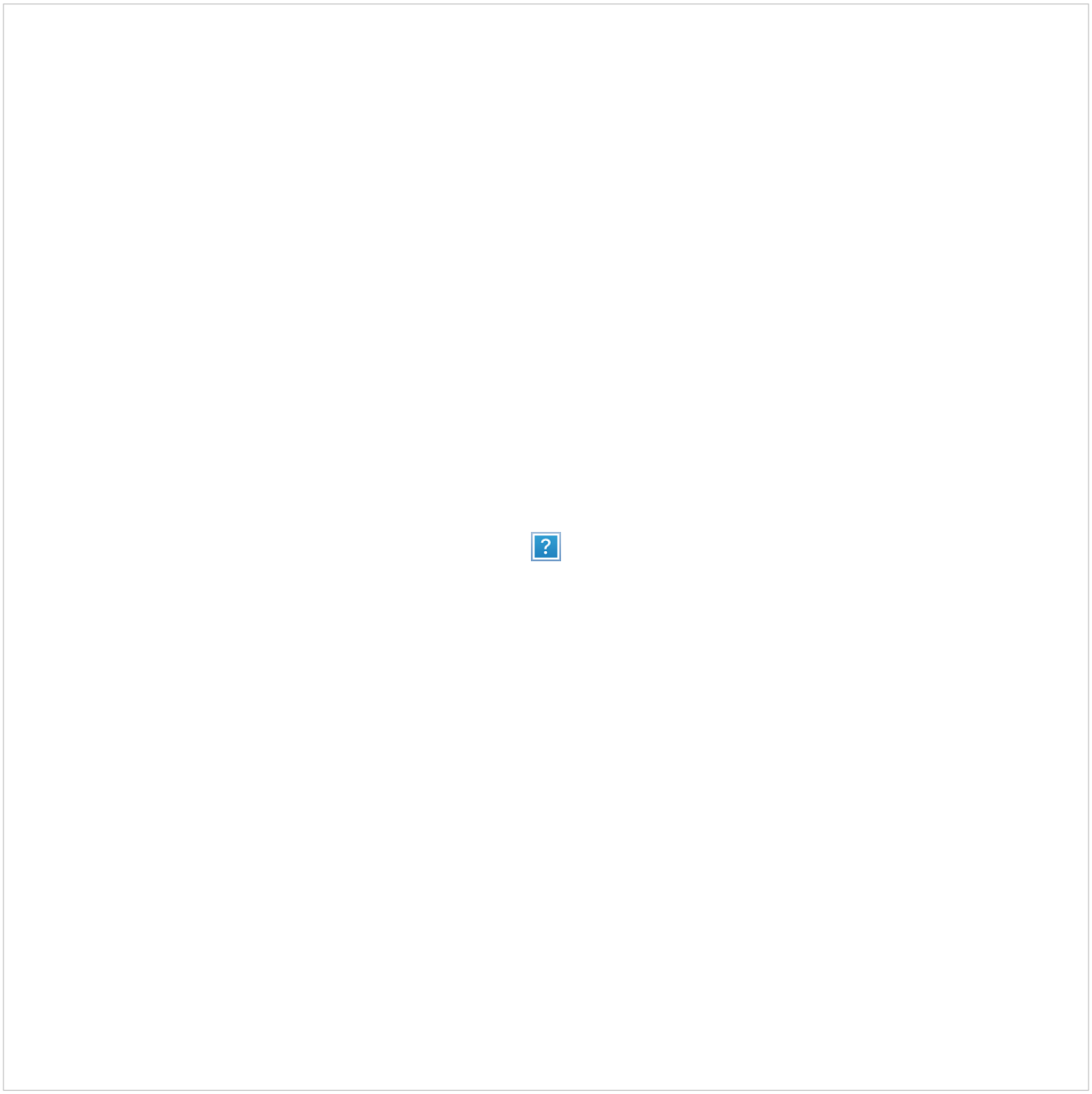
Griffey acquitted of attempted murder; guilty on other counts in stabbing attack

SJ sunjournal.com/2017/03/02/griffey-acquitted-of-attempted-murder-guilty-on-other-counts-in-stabbing-attack

March 2, 2017





Eric Griffey reacts as the jury finds him innocent of attempted murder during his trial in Androscoggin County Superior Court in Auburn on Thursday.

AUBURN — A jury of seven women and five men took less than two hours to find Eric Griffey not guilty of attempting to murder his then-fiancee last summer in a case that pitted dueling psychologists and featured graphic accounts of heroic neighbors flocking to the rescue of a bloodied stabbing victim.

The jury convicted the 45-year-old local man of three lesser charges: aggravated assault, domestic violence criminal threatening with a dangerous weapon and domestic violence assault.

Griffey will be held at the Androscoggin County Jail until his sentencing, which will be held at a later date.

He faces up to 10 years in prison for aggravated assault and a maximum of five years for the weapon charge. The domestic violence assault charge is a misdemeanor, punishable by up to 364 days in jail.

Griffey, dressed in a dark suit, showed no reaction as an Androscoggin County Superior Court clerk read the verdict Thursday afternoon.

A woman in the gallery gasped: “Oh, my God!” shortly after the clerk delivered the not guilty verdict.

Despite guilty findings on three of the four charges, defense attorney James Howaniec said, “Overall, we’re pleased with the verdict. Obviously, a conviction on attempted murder would have been a major life-altering event for Eric.”

That was the charge the defense team was “most focused on because of the obvious potential for very significant incarceration,” Howaniec said.

Conviction of attempted murder, a Class A crime, carries a prison sentence of up to 30 years.

The jury had three options for returning a verdict on each of the four charges: guilty, not guilt or not guilty by reason of insanity.

The state was tasked with proving beyond a reasonable doubt the elements of each of the four alleged crimes. If the jury were to have found Griffey guilty of any of the crimes, jurors had been instructed to next apply the insanity test. In that case, the defense would have to have proved by a majority of evidence that Griffey had a mental disease or defect that rendered him incapable of “conforming his actions to the requirements of the law,” according to Justice MaryGay Kennedy’s instructions.

But, because the jury returned a not guilty verdict on the attempted murder charge, jurors appeared to have determined that the state had either failed to prove the elements of that crime beyond a reasonable doubt or they decided that Griffey had an abnormal condition of mind at the time of the assault and, for that reason, concluded he didn’t have the capacity to form the intention of attempting to murder Kellie Cardona.

Howaniec said Griffey enjoyed a “certain level of relief” from the acquittal but is aware that he’ll be sentenced on two felonies.

Deputy District Attorney James Andrews said he was “not totally surprised” by the jury’s verdict.

“These cases are always tough,” he said. There’s no way to know how jurors arrived at the verdict without talking to them afterward, he said.

Howaniec and Andrews pitched their cases to the jury Thursday morning, seeking to influence jurors’ thinking before they deliberated.

Andrews said Griffey beat Cardona mercilessly. She begged for her life. The kitchen floor, counters and cabinets were splattered with her blood; doors were streaked with it and the bathroom sink had traces of it where she had tried to wash it out of her eyes and off her face.

She fled her home to get help; Griffey chased her with a steak knife. He yelled: “I’m gonna kill you, b****!” and stabbed her several times before a neighbor put him in a headlock, pulled the knife from his hand and flung it into the street, Andrews told the jury.

During the beating inside their home, Griffey had told Cardona they were both going to die, Andrews said. Griffey had told Cardona he didn’t want to spend 12 years in jail after he had put the knife to her throat.

The physical evidence was “extraordinarily consistent” with Cardona’s testimony, Andrews said.

Griffey had admitted to a forensic psychologist that he had struck Cardona in the face at the beginning of his attack, Andrews said.

Cardona ran from their house leaving the couple’s 5-year-old son behind because she “knew deep in her heart that he was going to kill her,” Andrews said.

A fast-acting neighbor, who lived across the street, said Griffey was stabbing Cardona “wherever he could,” grunting with the effort before he was restrained and disarmed, Andrews said.

He said those elements proved beyond a reasonable doubt that Griffey was guilty of the four crimes alleged in his indictment.

The evidence was “overwhelming,” he said.

In his closing argument, defense attorney James Howaniec conceded that there may be sufficient evidence to prove the lesser three charges, but not attempted murder.

If Griffey had intended to kill Cardona, he would have done so in their home when the violence began, Howaniec said. Griffey had several more deadly weapons to chose from, including a butcher knife, a cleaver, a long gun and a handgun.

Moreover, he had several opportunities to kill Cardona with the steak knife he wielded inside their home, but he never used it there to injure her. At one point, he held the knife to his own throat, Howaniec said.

Griffey testified Wednesday that he didn't know why he assaulted the woman he had "treated like a queen" for eight years. He said he remembered visually some of his actions inside and outside their home the evening of July 19, but he didn't remember having heard anything nor had he thought or felt anything during that time, he testified.

He said he snapped back to reality when he was lying on top of Cardona on a neighbor's lawn, holding the steak knife. A rush of street sounds filled his ears, he said. Cardona had said, "No," when the knife was poised over her belly, Griffey told the jury. He then apologized to his fiancee and said he intended to cut his own throat but was stopped by the neighbor.

Howaniec said Cardona "did not deserve what happened to her, obviously," calling Griffey's attack a "heinous event."

Yet, Howaniec said the extent of Cardona's injuries from the steak knife didn't rise to the level of attempted murder. She was stabbed in both legs and the side. Her other injuries were sustained inside the house when Griffey had grabbed her arm, struck her in the face and banged her head on the floor and counter while holding her by the hair on the back of her head.

"If his goal was directed to killing Kellie Cardona, he did it in an odd way," Howaniec said. "Is that evidence of intent to murder somebody?"

He said: "You must be virtually certain that Eric Griffey intended to kill Kellie Cardona. If you have a doubt, you must find him not guilty."

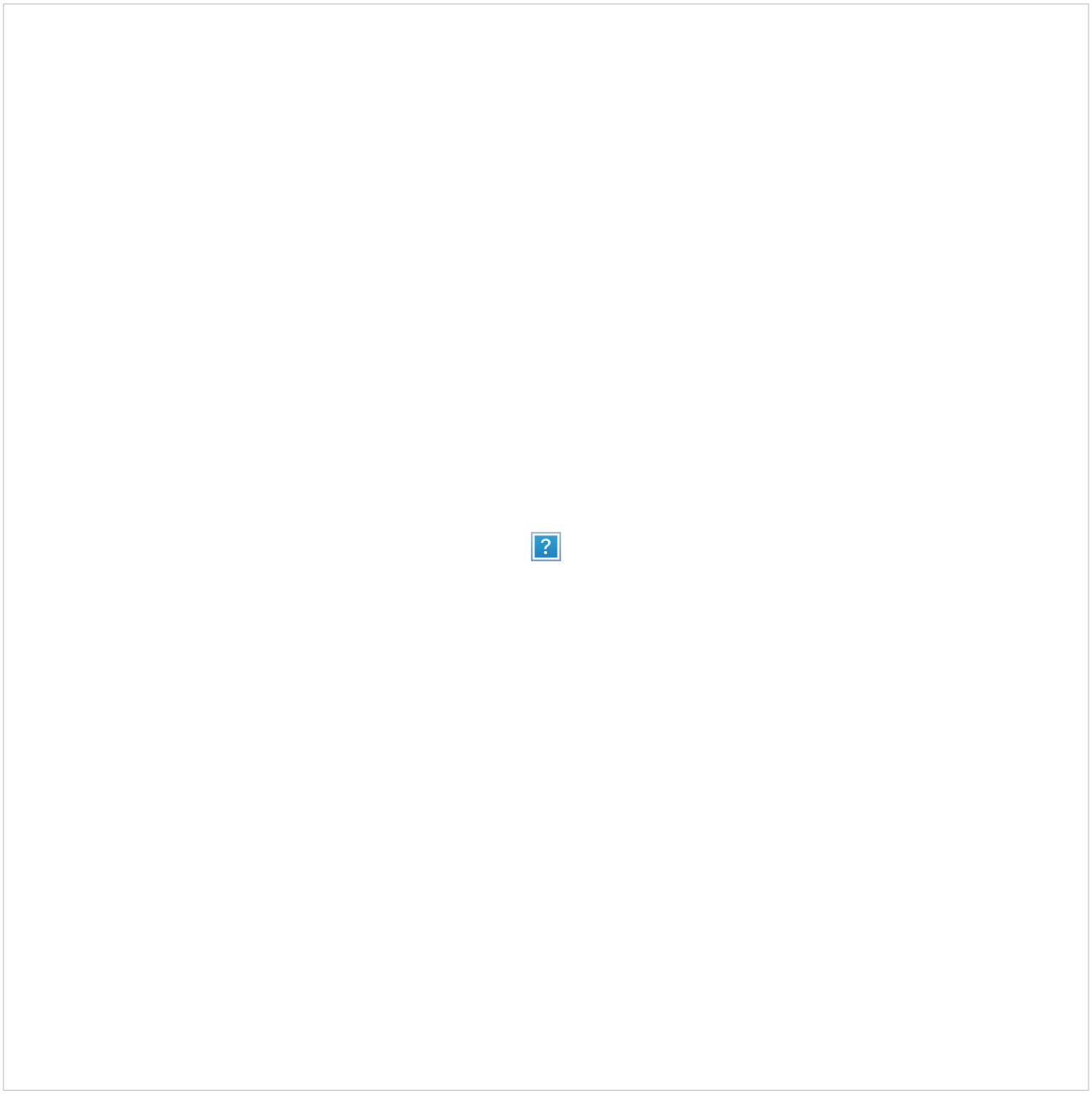
Howaniec told the jury that most of the blood found inside their home could be traced back to a 2-centimeter cut to Cardona's eye that bled profusely.

Both sides in the case called forensic psychologists to the stand to offer their diverging opinions about Griffey's state of mind during his attack on Cardona.

Both experts examined Griffey and administered tests and read police reports. Charles Robinson, who testified for the defense, said Griffey suffered from an abnormal jealousy that rose to the level of delusion, Howaniec said. Griffey's combination of alcohol and the anti-anxiety medication Zoloft caused Griffey to black out, resulting in tunnel vision that affected his senses, Howaniec said, referring to Robinson's conclusions.

Luke Douglass, a clinical psychologist at Bates College who contracts with the state in conducting forensic psychological evaluations, said Griffey's jealousy was obsessive but didn't render him psychotic. He said Griffey knew where he was, what he was doing to whom and he knew it was wrong.

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Eric Griffey, left, and his attorney Jim Howaniec look towards the jury during Griffey's attempted murder trial in Androscoggin County Superior Court in Auburn on Thursday.

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