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Ex-Marine shot in the face regains custody of son

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Peter Spitz and his seven-year-old son Asher walk with Peter's guide dog Jersey near their home in Aurora, Colo., on Wednesday, Aug. 3, 2011. Spitz left blind after his now ex-wife shot him in the face three times regaining custody of Asher after a contentious court battle. (AP | Ed Andrieski)

DENVER—A former Marine shot in the face three times by his now ex-wife has been reunited with his 7-year-old son, years after shootings that blinded the Colorado man and killed his mother.

Last week, an Arapahoe County judge ordered the termination of a guardianship involving Peter Spitz's son, Asher, after the guardians allowed Spitz's ex-wife, Teresa Lynn, overnight visits.

The ex-guardians, Donald and Sheila Reynolds of Aurora, Colo., were Lynn's aunt and uncle by marriage.

Spitz's mother, Mariko Shida, was killed in the shootings in Englewood on May 17, 2004. Lynn later was acquitted of first-degree murder, attempted first-degree murder and assault charges by reason of insanity. She was committed to the state mental

health institute in Pueblo but recently was granted more freedom, including the ability to travel to Aurora to spend time with her son every six to eight weeks.

"It's absolute happiness. Overwhelming happiness," Spitz said of the reunion with Asher that took place a few hours after District Court Judge Timothy L. Fasing granted him full custody July 27.

Spitz had periodic visits with his son since the shootings in 2004 but he said that stopped more than a year ago after a falling out with the Reynolds.

Spitz's attorney, Brett Martin, said Fasing noted that overnight visits by Lynn were a concern during a series of hearings that began in June but granted Spitz custody based on Colorado's

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family law, including Spitz's constitutional right to raise his son and his fitness as a parent. Court documents in the case are sealed.

"Our whole family is devastated," said Donald Reynolds, who added they were trying adopt Asher and are considering an appeal. "We treated him just as if he was our own."

Teresa Lynn, who lives under the supervision of doctors at the Colorado Mental Health Institute-Pueblo, said she understands why overnight visits with her son are a concern.

"Based on what I've done I understand society's view of me," she said in a phone interview with The Associated Press. "I would rather not have any relationship with him if that meant he'd get to stay with the Reynolds. It's the only family he's ever known."

Donald Reynolds said their involvement began in the early morning hours of the shootings when Lynn showed up at their house with Asher, clothes, money and diapers. Lynn said she had to leave because Spitz, her husband at the time, had suffered a heart attack and was in the hospital.

Instead, Spitz said that Lynn returned to their home where he was sleeping in an upstairs bedroom, placed a pillow over his head and shot him once, wounding him in the left cheek and waking him. He got shot again over his left eyebrow, popping out his left eye.

Shida, Spitz's mom who was living with the couple, died after being shot in the back of the head and then again through the heart as she tried getting out of the house through a door leading out of the living room downstairs. As Spitz crawled around the floor in the upstairs bedroom, blinded by his wounds, he got shot once more in the temple.

Spitz, who remained conscious during the attack, said he survived because the shots from a .38-

caliber handgun happened with the muzzle placed right up to his face, never allowing the hollow point bullets that are designed to shatter to reach full velocity.

Doctors placed him in a medically induced coma. When he woke up, he was blind.

With Spitz in the hospital recovering from the attack and Lynn in jail facing murder and other charges, a judge granted the Reynolds emergency guardianship of Asher in July 2004, less than two months after the shooting. Donald Reynolds said Spitz agreed to that arrangement, which had been in place until last week.

Spitz spent several months in the hospital, a rehabilitation center and a nursing home recovering from his wounds. Time with Asher was complicated by a decision Spitz now regrets that cost him family relationships: He defended his wife, arguing that she must have been mentally ill to commit such a hideous crime.

Spitz became a defense witness and the Reynolds were witnesses for the prosecution, set to testify about Lynn dropping off Asher at their house before the shootings. A protective order was issued preventing contact with the Reynolds, and Spitz didn't spend time with his son for nearly a year and a half after the shootings,

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except for a few hours during the Christmas 2004.

"Knowing what I know now, I would not defend her," Spitz said. "I wouldn't testify against her, but I wouldn't defend her.... What I now know of the mental health system they're going to get out."

Spitz learned how to walk with a cane, has gotten some equipment, including GPS to help him get around, as also has a guide dog named Jersey to help him. He took parenting classes that included learning how to change a diaper.

Regular visit with Asher began in November 2005 and when he learned of the Reynolds' plans for adoption, he petitioned the court in 2008 for full custody. That case languished in the court until Martin took his case in April.

"I thought it was a joke," Reynolds said of the court hearings. "Based on letting Teresa spend the night at the house put the child in danger. Therefore it was a safety issue.

"If the court deems her not a danger to society... then I think that the judge's ruling on that is not right."