

Leroy says Idaho law would have convicted John Hinckley

BY BEN J. PLASTINO
Post-Register political editor

Attorney General David H. Leroy said that under the new Idaho law passed by the 1982 Legislature, John W. Hinckley would have been convicted.

Leroy explained the law he drafted rules out insanity as a defense. Hinckley would have been remanded to jail to await criminal sentencing for his attempted assassination of President Reagan.

"Under our Idaho law," said Leroy in a Post-Register interview while in Idaho Falls, "Hinckley would then have appeared at a hearing before the judge where psychiatry testimony would have been re-evaluated as to what could be given in mental facility treatment during the time he would be serving in prison."

Leroy said the three steps that would have been



David H. Leroy

taken in Hinckley's case in Idaho would have been conviction instead of acquittal, sentenced to an appropriate term and incarceration, and then setting up mental therapy.

The observation by Leroy, who has repeatedly said he was plowing new judicial ground, was well substantiated in the light of the Hinckley trial.

As a result, the national limelight was focused on Idaho which presently has the only law which rules out insanity as a defense but allows mental conditions to be considered.

Leroy said the jurors in the Hinckley trial can't be blamed for acquittal in view of the way the federal law is written.

"The lay jurors were subjected to four weeks of conflicting and confusing psychiatric testimony," said Leroy. "They couldn't help but have a reasonable doubt."

"That Idaho was well ahead of the nation in this field is well realized," said Leroy, the youngest attorney general at 34 in the nation.

Leroy said he has been swamped with calls regarding the Idaho law from other states, the U.S. Department of Justice, and others in the legal profession.

"I would expect the Hinckley verdict will accelerate the abolition of sanity defense."

Young criticizes Evans pay plan

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Nolan G. Young, Republican nominee for state auditor, Friday labeled Gov. John V. Evans' deferred payment plan "no less a liability at this time than it will be later."

Young, a Boise businessman but who was a longtime Certified Public Accountant in Idaho Falls before moving away last year, said "the governor is only fooling himself and the people of Idaho in delaying these payments."

Young, who is spending the Fourth of July holidays here and participating in the celebration parade Monday, pointed out the Evans' plans call not only for delayed payments at the end of the 1982 fiscal year, but this can be carried out for the current 1983 fiscal year, and even beyond.

"It doesn't mean any less money will be spent," said Young. "I don't think what he is doing is fiscally sound."

Young said this also could bring future problems, particularly if the economy slumps further.

He said deferring the \$5.7 million payroll payments from one fiscal year to the next is clouding the future.

"It might be all right for one time only," he said.

Young, who finally won the nomination over State Sen. Dean Van Engelen, by less than 500 votes after the official canvass reversed 160 votes that had been counted for Van Engelen.