

Leroy says Idaho law would have convicted John Hinckley

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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

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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."