

NATION & WORLD

Texas teen serving 100-year term

He admitted assaulting 7-year-old, but teen's mental retardation was not considered; a retrial looms

By Howard Witt
TRIBUNE CORRESPONDENT

HOUSTON — The crime Aaron Hart confessed to was undeniably repellent.

Last September, the 18-year-old man was charged with sexually assaulting a 7-year-old neighbor boy behind a tool shed in the small east Texas town of Paris. A relative of the victim said she walked outside and saw Hart with his pants pulled down, standing next to the boy.

Police read Hart his Miranda rights and he quickly admitted his guilt. On Feb. 11, Hart's court-appointed attorney entered guilty pleas to each of five related felony counts, a jury recommended multiple sentences and a judge then ruled that the prison terms be served consecutively, for a total of 100 years.

That might have been the end of Cause No. 22924 in the 6th Judicial District Court of

Lamar County, Texas—just another dismal criminal case on the docket of an obscure town.

Except that now, less than two months after Hart was sentenced, every court official who had a hand in the case seems to agree that he doesn't really belong in prison for what amounts to the rest of his natural life.

That's because Hart is profoundly mentally retarded. He has an IQ of 47, and his parents say he functions at the level of a 9-year-old. The boy he confessed to molesting is mentally retarded as well.

What's more, the judge and the jury never heard any expert testimony about Hart's diminished mental functioning, his capacity to understand his Miranda rights or his ability to assist in his own defense, because his defense attorney never subpoenaed any experts.

And since he has been in jail, Hart himself has been re-

peatedly raped, according to his parents. The first assault, allegedly by an inmate who is serving a far shorter sentence of just 8 years for sexual indecency with a child, so disturbed the alleged rapist's mother that she called Hart's parents to apologize.

"I have nightmares thinking about Aaron in prison and how he is going to survive in there," said Robert Hart, Aaron's 70-year-old father. "He's the type of kid who his whole life people beat him up, took stuff from him, and he wouldn't defend himself. He can't read or write. He can't hardly talk."

Hart's complex case is threatening to once again bring unwelcome outside scrutiny to the functioning of the criminal justice system in Paris.

The town of 26,000 drew national civil rights protests in 2007 following a Tribune report contrasting the judicial treatment of a 14-year-old black girl, who was sentenced to up to 7 years in youth pris-

on for shoving a hall monitor at her high school, with the treatment of a 14-year-old white girl, who was given probation for the more serious crime of arson. More racial tensions erupted last year after the murder of a 24-year-old black man, allegedly at the hands of two whites.

This time, though the issues are not racial—both Hart and his victim are white—black civil rights leaders in Paris are still advocating on Hart's behalf, because of their concerns that he was not treated fairly by the local justice system.

A spokesman for the local prosecutor, Gary Young, acknowledged that more serious sexual offenders have received much shorter sentences.

"You don't want to send [Hart] to prison for life, but you cannot put him back on the street and worry about what he may do to some other kid," Allan Hubbard, victim's advocate for the district attorney, told the local newspaper, the Paris News. "Speaking for

myself and not for the district attorney's office, this illustrates the need for some system between probation and life in prison for someone like this."

Hart's court-appointed defense attorney, Ben Massar, said he had recommended that Hart plead guilty only because he thought his client would be sentenced to probation.

"To me, this was a punishment case," Massar said. "And usually, in order to gain the benefit of more lenient punishment, like the probation we were hoping for, juries and judges like it when people plead guilty and take responsibility for their actions."

The judge who chose to stack Hart's prison terms to run consecutively for 100 years, Eric Clifford, said he's still agonizing over his decision, which was driven by his concern that Hart poses a danger to society.

"It was a sad situation. I was about to cry. The jury was crying," Clifford said. "Everybody looked at everybody like, 'What the hell do we do?' The only option we were presented was prison. We don't have any facilities in

the state of Texas for any type of care for somebody like that. That's the problem. It's a terrible problem. I don't know what you do with him other than what we did."

On Tuesday, Hart's newly appointed appellate attorney is scheduled to go before Clifford with a motion seeking a new trial on the grounds that Hart could not have understood any of the legal proceedings surrounding his arrest, guilty plea and sentencing.

Clifford sounded like he's inclined to grant the motion.

"I approved [the appellate attorney] to hire all the experts he wanted on competency," Clifford said. "I said, 'Whatever you need money-wise, I will sign the order.' If they can work something out on that appeal, I'm not going to be hard on them."

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Focus on a Texas town

Read Tribune reports about tensions in Paris at chicagotribune.com/paris

Suicide attack kills 22 near Pakistan mosque

By Mubashir Zaidi and Laura King
TRIBUNE NEWSPAPERS

ISLAMABAD, Pakistan — A suicide bomber struck a Shiite mosque outside the Pakistani capital Sunday, killing 22 people in the latest sign of rising sectarian violence and the growing reach of the Islamic insurgency.

The attack took place in Chakwal, about 60 miles south of Islamabad. It came less than 24 hours after at least eight paramilitary troops were killed in a bombing in the capital and six days after militants stormed a police training center in the eastern city of Lahore.

The violence in Pakistan has long since spilled out of the tribal areas along the Afghan border, where Taliban and Al Qaeda militants find a haven, and into Pakistan's heartland. The bombing marked the third major attack in six weeks in Punjab,

the country's most populous and affluent province.

A Taliban-linked group claimed responsibility for Sunday's bombing, which occurred at the entrance to a Shiite mosque packed with worshippers. Insurgents in Pakistan have stepped up efforts to sow chaos by fomenting violence between Sunni Muslims and the Shiite minority.

A district police officer, B.A. Nasir, said guards intercepted the bomber before he could enter the mosque compound, where at least 1,000 people were gathered, thus preventing further carnage.

The pace of attacks has emphasized the fragility of Pakistan's civilian government, in power just over a year. Prime Minister Syed Yousuf Raza Gilani vowed to bring the perpetrators to justice, but most suicide bombings in the country go unsolved.

The Fedayeen al-Islam, which is believed either to be allied with Pakistan's Taliban movement or a front for another Taliban-linked group, claimed responsibility for Sunday's attack in calls to Western news agencies.

Special correspondent Zaidi reported from Islamabad and staff writer King from Istanbul, Turkey.

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MOLDOVA

Election protesters storm parliament, president's offices

1 This tiny, poverty-racked European nation slipped into chaos Tuesday as thousands of stone-hurling youths, demonstrating against what they said were rigged national elections, overran parliament in the capital city of Chisinau. Police were unable to keep an estimated 10,000 protesters from ransacking the building that houses the country's legislature and storming offices of President Vladimir Voronin. It was unclear whether Voronin was in the building at the time. Fueling the violence were allegations by opposition leaders that Voronin's Communist-led government had falsified legislative elections Sunday in a bid to maintain power. Legislative elections in Moldova are pivotal because the president is selected by parliament and not by popular vote. Read *Tribune* correspondent Alex Rodriguez's full report at chicagotribune.com/moldova.

WASHINGTON, D.C.

Biden warning on Israeli attack

Vice president's comments underscore a widening gap between the new Israeli government and the White House

2 Amid growing concern that Israel might attack Iran, Vice President Joe Biden warned Tuesday that Israel's new government would be "ill-advised" to launch such a strike.

Biden also said in a CNN interview that he does not believe newly installed Israeli Prime Minister Benjamin Netanyahu would take such a step.

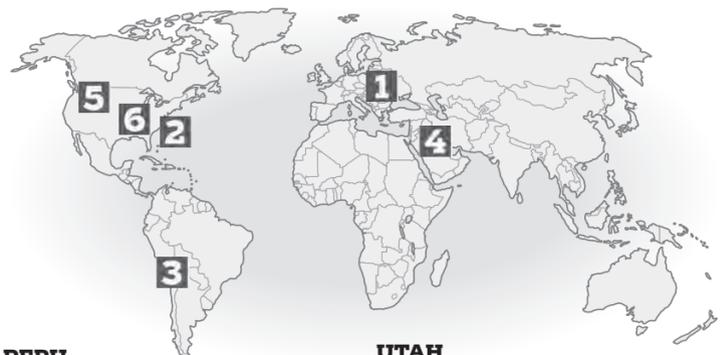
Even so, the high-level admonition from the Obama administration underscored a widening gap between the new Israeli government and the White House.

While the Obama administration has made a series of recent overtures to Tehran, the Israelis have grown more confrontational out of concern about the Islamic Republic's increasing nuclear know-how.

In the interview, Biden was asked whether he was concerned that Netanyahu might strike the Iranian nuclear facilities. "I don't believe Prime Minister Netanyahu would do that. I think he would be ill-advised to do that," Biden said. "And so my level of concern is no different than it was a year ago."

Also Tuesday, Israel's Defense Ministry said it had successfully tested an anti-missile system designed to protect the country against Iranian attack, The Associated Press reported.

—Paul Richter, Washington Bureau



PERU

Prison for ex-president

3 LIMA — Former Peruvian President Alberto Fujimori was convicted and sentenced to 25 years in prison Tuesday for death squad killings and kidnappings during his 1990s struggle against Shining Path insurgents.

Outside court, pro- and anti-Fujimori activists fought with fists, sticks and rocks. About 50 people chanted "Fujimori killer!" while several hundred chanted "Fujimori innocent!" before riot police separated them.

The court convicted the 70-year-old former leader, who was widely credited with rescuing Peru from the brink of economic and political collapse, of "crimes against humanity" including two operations by the military hit squad that claimed 25 lives. None of the victims, the three-judge court found, were connected to any insurgency.

IRAQ

Time cut for shoe thrower

4 BAGHDAD — Iraq's highest court on Tuesday reduced the prison sentence for an Iraqi journalist who hurled his shoes at former President George W. Bush from 3 years to 1, a court spokesman said.

Abdul-Sattar Bayrkdar, the spokesman, said the decision was made because the journalist had no prior criminal history.

The defense had appealed the original ruling to the Federal Appeals Court, citing an Iraqi law stipulating a maximum sentence of only 2 years for publicly insulting a visiting foreign leader.

The decision came as President Barack Obama made his first official visit to Iraq as commander in chief.

Muntadhar al-Zeidi was sentenced to three years in March after pleading not guilty to a charge of assaulting a foreign leader. He described his action as a "natural response."

UTAH

Papers pulled after typo

5 PROVO — Thousands of issues of Brigham Young University's student newspaper were pulled from newsstands because a front-page photo caption misidentified leaders of the Mormon church as apostates instead of apostles.

An apostate is a person who has abandoned religious faith, principles or a cause.

The photo in *The Daily Universe* on Monday was of members of the Quorum of the Twelve Apostles, a governing body of The Church of Jesus Christ of Latter-day Saints, at the weekend general conference.

The caption called the group the "Quorum of the Twelve Apostates." The mistake happened when a copy editor ran a computer spell check and apostate was suggested as the replacement for a misspelling of apostle.

ILLINOIS

Oprah e-mail a fake

6 The FBI has issued a warning that an "Oprah Millionaire Contest Show" e-mail is a scam. The fake message says the recipient has been nominated to be on an Oprah Winfrey show during which a winner of \$1 million cash will be named. Then it asks for contact information.

As the scam-busting Snopes.com Web site discovered, those "chosen" for the show are told they must purchase an airline or train ticket to Chicago and pay to get into the show. The senders of the e-mail say to send the money for the travel and show tickets to them.

Oprah.com, the official Web site of Winfrey's media empire, has posted a warning that there are several "sweepstakes scams" and that no such program is scheduled.

—Tribune news services



PAUL DAVIS/DAILY AMERICAN REPUBLIC PHOTO

The single-engine airplane allegedly stolen by Adam Dylan Leon sits along a highway in Carter County, Mo. After landing the plane, Leon entered a store and waited to be arrested.

A long, strange plane trip

By P.J. Huffstutter
TRIBUNE NEWSPAPERS

Reportedly suicidal pilot hoped to be shot down

When Marilyn Simmons first heard the Cessna airplane and fighter jets over her home in rural Ellsinore, Mo., she thought her small town might be under attack.

But when the 59-year-old walked onto her back porch Monday evening and saw the small white plane landing behind a grove of pine trees, she figured there was only one place the pilot—a Canadian student who officials later said was planning to commit suicide—would go.

Her family's store, Simmons Grocery & Hardware, is the only place to get a bite for miles," Simmons said.

The store's staff didn't have to do much except point Adam Dylan Leon, 31, to the bathroom. Once freshened up, he had enough change in his pockets to buy a bottle of Gatorade — but not enough for the beef jerky to settle his grumbling stomach.

He then walked over to a table, sat down and calmly waited for authorities to show up.

It was an oddly anticlimactic ending to a nearly six-hour airborne chase that wandered erratically across five states, author-

ities said Tuesday.

Missouri State Trooper Justin Watson, who arrested Leon at the shop, told ABC's "Good Morning America" that Leon, who was piloting a stolen plane, said he had hoped that U.S. military planes would shoot him down because he was "trying to commit suicide and he didn't have the courage to do it himself." On Tuesday, Leon was being held in St. Louis by U.S. Immigration and Customs Enforcement.

FBI officials said Leon, formerly known as Yavuz Burke, was born in Turkey and lived in Ontario. He became a Canadian citizen in 2008 and had no connections to terrorist groups, FBI officials said.

Leon had dreamed of becoming a pilot and, in 2006, enrolled in the flight management program at Confederation College in Ontario, according to the Thunder Bay school's staff. He had performed well but failed one of his tests in 2007 and had to leave the program.

Leon reapplied and was readmitted as a first-year student to the program last fall.

Just before 3 p.m. EDT on Monday, school officials said, Leon stole the plane from the Thunder Bay International Airport, where the school is based.

A pair of F-16s from the Minnesota and Wisconsin Air National Guards intercepted him as he crossed the border and flew deeper into the United States.

Leon kept flying, wending his way through Minnesota and Illinois into Missouri. By the time he reached Ellsinore — about 160 miles south of St. Louis — Leon had traveled nearly 800 miles.

TRIBUNE UPDATE

IQ of 47 is no bar to a 100-year sentence

Rehearing denied to man convicted of molesting boy

By Howard Witt
TRIBUNE CORRESPONDENT

PARIS, Texas — For more than six hours Tuesday, as a parade of witnesses testified about the severity of Aaron Hart's mental retardation and his inability to understand his legal rights, the 18-year-old defendant with an IQ of 47 sat silent and shackled in a chair, alternately fidgeting and making faces.

But in the end, none of it was enough to persuade a judge in this small east Texas town to reconsider the 100-year prison sentence he gave Hart in February after Hart pleaded guilty to molesting a 6-year-old boy.

Ruling in a case that critics of the local justice system say raises questions of fairness for the mentally challenged, Lamar County Judge Eric Clifford denied defense motions seeking either a new trial or a new sentencing hearing for Hart. His former special-education teacher testified that Hart functions

'The jury was crying'

For more about the Aaron Hart sexual assault case, see chicagotribune.com/hart

below the level of a 1st grader.

Last September, Hart confessed to police that he forced the boy to perform oral sex. The boy's stepmother had discovered them both behind a shed with their pants lowered. Hart's court-appointed attorney entered guilty pleas on his behalf to five related felony counts, a jury recommended multiple sentences and Clifford stacked the prison terms to run consecutively, for a total of 100 years.

But Hart's appellate attorney, David Pearson, argued Tuesday that Hart had received ineffective legal assistance because his trial attorney had failed to present any expert testimony about Hart's mental functioning or his ability to comprehend the charges against him.

"This case cried out for a mental health evaluation, to explain this disability to the judge and jury," Pearson told

Clifford. "One of the features of people with this kind of mental retardation is they cannot appreciate degrees of wrongfulness."

District Atty. Gary Young countered that a court-appointed expert had determined that Hart was legally competent and that a jury had determined he was a danger to the community.

"Everyone feels sorry for Mr. Hart," Young told the judge. "The question is, do you leave him on the street or send him to prison?"

Clifford, who last week said he had agonized over the case, took only a few seconds to issue his ruling.

"Irregardless of whether he understood his Miranda rights, the evidence I have seen is overwhelming that he committed the offense," Clifford said. "The court finds that allegations of incompetence of counsel are unfounded."

Hart will remain in jail pending the outcome of an appeal likely to be heard in the fall. Hart's parents say he has been raped repeatedly by other inmates since he was first arrested last September.

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Envoy: Holes in Taliban intel hurt U.S.

ASSOCIATED PRESS

ISLAMABAD, Pakistan — U.S. intelligence about the makeup and recruiting power of the Taliban movement in Afghanistan is so shallow that it impedes the U.S. war effort, President Barack Obama's special envoy to the region said Tuesday.

"I am deeply, deeply dissatisfied with the degree of knowledge that the United States government and our friends and allies have on this subject," veteran diplomat Richard Holbrooke told reporters during a break in

talks with Pakistani officials and private citizens.

Holbrooke and Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, were in the Pakistani capital on the second leg of a three-nation trip to South Asia. They were conducting the first face-to-face consultations in the region since Obama publicly outlined his strategy for turning around the stalled war effort in Afghanistan and defeating Al Qaeda in Pakistan.

Holbrooke blamed the shortcoming partly on the intense U.S. intelligence focus on Iraq over the past six years

and the high priority placed on Al Qaeda after Sept. 11.

The lack of intelligence has weakened efforts to counter Taliban propaganda, Holbrooke added.

"We need to make sure we know what the appeal of the Taliban is," he said. Holbrooke said that would be crucial in splitting hard-core Taliban leaders from many less ideologically driven fighters.

The envoy said there are indications that "well over half" of the Taliban is not committed to the radical Islamic ideology.