

# Mayron insanity plea weighed

By EVAN SCHUMAN  
Staff Writer

NEWTON — Attorneys for Gary Mayron, who says that he beat a 17-year-old Parsippany girl to death partly because he had wanted to beat his mother, are seriously considering using an insanity defense in an effort to

help their client avoid the death penalty.

Mayron told the Herald in an interview earlier this week that he would refuse to plead innocent by reason of insanity. But Sussex County Public Defender Gerald ... says that his office would look for such a plea.

"He would have no control," said

Hanifan. "I feel morally obligated that if he is insane that he deserves a defense. I'm endeavoring to get some people to look at him as soon as possible."

MAYRON, 22 of Branchville, was charged with the murder of Susan Brennan of Lake Hawatha in Sparta last month, after police say he had

sexual relations with the high school senior the day after he met her at a Morris County arcade.

In a followup phone interview with The Herald on Tuesday, Mayron said he killed Brennan "out of a lot of hate and a lot of anger" for her because she had sex with him so soon after they had met.

"You just don't do that unless you

love somebody," he claimed he told the girl as they drove from a Morris County motel to a wooded area of Sparta where he said he kicked and beat her while she pleaded with him.

"Please don't kill me. I'm sorry." Mayron quoted the teen-ager as saying.

Mayron said he would refuse to See INSANITY, Page A2

CONTINUED FROM PAGE A1

## Insanity

enter a plea of insanity.

"I wouldn't do that. God's with me. He understands," said Mayron, who describes himself as a Baptist. "He understands and He forgives because He knows I didn't mean it."

"I didn't mean to kill her. Just to hurt her. She was in the place of my real mother," said Mayron, who was adopted. "And that's what I felt like doing to her (his mother)."

"IT WAS like physically it was me, but mentally it wasn't. Anger and hate constantly controlled me for four or five hours."

What psychiatrists for the Sussex County Prosecutor's Office and the Public Defender's Office will have to prove if the insanity defense is used, however, is what Mayron was actually thinking the night of the murder.

"It's an uphill battle," said Flemington attorney Lowell Egan, a former deputy attorney general who has been assigned by the Public Defender's Office to represent Mayron. "I don't think (the insanity defense) is viewed too favorably."

Mayron is expected to face two legal and psychiatric battles with this defense, attorneys said. First, it must be decided whether or not he is competent to stand trial, and secondly, whether or not he is innocent because he did not realize what he was doing at the time of the crime.

THE FIRST battle, proving that he is unable to stand trial, is considered by attorneys as very difficult for Mayron to win. His legal counsel would have to prove, among other things, that Mayron does not understand who the judge, prosecutor and defense attorney are and what their functions are.

Psychiatrists say that the question of ability to stand trial is an easier issue to dispose of because it deals with the defendant's current mental state as opposed to what his mental state was at the time of the offense.

"You don't have to have a very

high level of mental functioning to go to trial," said Dr. Irwin N. Perr, a professor of psychiatry at Rutgers University who also teaches law and is often called as an expert witness in trials.

The second battle, deciding whether the defendant was responsible for his actions, is far more difficult, said Perr. That requires an extensive review of the defendant's history.

"If you have a mental disorder, it should be reflective in a number of ways," he said. "We try to find evidence to indicate that he had a major mental disorder. If the person had a history of ongoing mental illness, that certainly goes to substantiate your conclusion."

THE ACCEPTED standard for an insanity defense in American courts has been the 1843 McNaughton rule which says that a murder defendant can only be convicted of murder if he knew at the time of the killing that he was killing someone and that killing someone was wrong.

Several states began reconsidering their insanity statutes after John Hinckley was acquitted of trying to murder President Reagan in 1971 by reason of insanity.

Last year, the New Jersey Legislature held six months of hearings on the insanity defense, eventually concluding that New Jersey insanity standards were already sufficiently stringent.

Barbara Hutcheon, the attorney who wrote the report for the state, said in the case of Hinckley, the Washington prosecutors were responsible for proving that the defendant was insane.

In New Jersey, Hutcheon said, it has always been the responsibility of the defendant to prove that he is insane.

While authorities say that the public is often suspicious of an insanity defense because it is perceived to be an act, they say that instances of successful insanity fraud are rare.

"It's always possible, but it's highly unlikely," said Stanley R.

Kern, president-elect of the New Jersey Psychiatric Association. "The person would have to know the details of the syndrome that they're trying to mimic. They would also have to be a good enough actor to carry it off."

Most prosecutors and defense attorneys agree that a defendant who is judged insane could serve more years incarcerated in a medical institution than he might had he pleaded guilty.

"You might be hospitalized the rest of your life," said Perr.

## DEP

A referendum to fund the project was scheduled to go before the voters by late May or early June.

SCHOOL Superintendent Dr. John Greed said that school officials met with the DEP last Tuesday and toured the site. The DEP has not yet forwarded its recommendations to the township, he said.

School officials will decide when notified whether to select an alternate site for the school project, said Greed.

"My concern about the site is the perception of the toxicity," he said. "It will be viewed as a problem (by the public), even if it turns up clean."

## Jamesway

THERE ARE currently two other Jamesways in Sussex County, in Wantage on Route 23 and in Montague near the Port Jervis, N.Y., border. Tax records show that the Jamesway Department Store in Wantage is assessed at more than \$1.7 million.

Martin would not disclose the construction cost of the project.

The department store was described by Baron as being "an ultramodern design discount department store with computerized cash registers. It will have an easy-to-shop layout with an innovative merchandising layout."