

## Allergic Defense

The Star-Bulletin has reported on the events and trial regarding attempted murder and firearms violation charges against Honolulu businessman Robert W. Hall.

Subsequently there have been several letters to the editor expressing dismay over the acquittal of Hall in his trial before Circuit Judge Patrick Yim. Yim apparently ruled, in the middle of the trial, that the prosecution had not (at the proper time) contraindicated Hall's defense, which was based on a claim of temporary insanity due to a "reaction" from an ingredient in the wine he had drunk on the day in which he apparently shot a fellow member of the Waikiki Yacht Club and several other bystanders, in front of witnesses.

In trials, especially a jury-waived trial such as this one, it seems to us that the judge should take special note that the prosecutor may be younger, less experienced, less well paid, and have less legal resources at his command than the well-known and highly experienced defense attorney.

We remain distressed at what seems to us from newspaper reports to have been an increasing annoyance toward the prosecution by Yim, culminating in his abrupt acquittal of Hall in the middle of an important trial.

But much more than that, such an acquittal sets the legal precedent that anyone committing a criminal act, violent or otherwise, can claim that it was due to "reaction" to some ingredient in a beverage or food and that therefore they were not responsible for their actions.

Alcohol was involved in the Hall case, and it is common knowledge that alcohol releases inhibitions and increases the frequency of hostile acts among those who use it. However, alcohol alone is not usually legal justification for criminal behavior, nor was it a defense claim in this case.

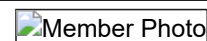
We are concerned because it is medical fact that someone is far more likely to be allergic or "reactive" to milk, orange juice or eggs than to some minor ingredient in wine or other alcoholic beverage.

Are we all to henceforth have to put up with claims by multiple criminal defendants that their actions were in fact due to a "reaction" to the glass of milk or orange juice or eggs which they ate or drank before their crime? Just where will this all stop?

In our opinion, it can and must be stopped by attention in our courtrooms to justice and public welfare rather than points of protocol and law between attorneys and judges.

We have asked the governor to take action, either through personal endeavor or through the next Legislature, in regard to the above courtroom decision, which we consider not only ill-founded but of vast and far reaching effects in our judicial system, as well as the public welfare, if it is allowed to stand.

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