

Lewiston man sentenced to 60 days in jail in racially charged altercation outside store

By Brad W. Gary of the Tribune

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Steven S. Leas, the Lewiston man charged under Idaho's hate crime law for an altercation with a black man outside a convenience store, will spend 60 days in jail.

Leas, 26, was convicted of felony malicious harassment last fall, charged with confronting Herman L. Gary with a shove and racial slurs outside Lewiston's Southway Avenue Zip Trip store.

Prosecutors said Leas displayed the swastika tattooed on his chest during the August 2007 incident, before Leas and another man reportedly chased Gary around the station's parking lot.

A Nez Perce County jury convicted Leas under an Idaho law that makes it a crime to harass or intimidate someone based upon their race, color, ancestry, religion or national origin.

"I'd just like to say that I messed up and I'm just trying to make my life right," Leas told 2nd District Judge Carl B. Kerrick on Thursday.

Kerrick sentenced Leas to a suspended one- to three-year prison sentence for the crime, requiring Leas to serve 180 days in jail with 120 days suspended. Leas was also given 100 hours of community service and placed on probation for three years.

"I think you appreciate that it was the wrong thing to do, and obviously it's intolerable," Kerrick said while handing down his sentence.

Leas' conviction came at the end of a second jury trial in October. His first trial ended when a jury deadlocked after eight hours of deliberations. The second man charged in the incident, Cody A Lindell, was acquitted of malicious harassment but convicted of a lesser charge of misdemeanor disturbing the peace.

Nez Perce County Deputy Prosecutor Nancy Berger-Schneider noted a pre-sentence report recommended that Leas serve six months of retained jurisdiction at the North Idaho Correctional Institution in Cottonwood for the crime. The prison sentence includes treatment and GED programs Leas would benefit from, she said.

She said the Lewiston man has a record of failing to appear for court hearings that may not work well with probation.

"He needs to have some kind of sentence that will make him more cognizant of his actions," she said.

Defense attorney Robert Van Idour objected to the prison program, telling Kerrick that Leas was already in treatment locally.

Leas and Van Idour touted Leas' counseling for alcohol abuse in the last few months, and the attorney had Leas' counselor testify to his client's progress at Riverside Recovery.

Van Idour said his client works hard, but his problems with alcohol have fueled many of his run-ins with the law. He's not a racist, Van Idour argued. A swastika tattoo was removed after the altercation.

Leas' father, Fred Leas, also denied any racist inclinations by his son.

"What he done was irresponsible, but he is not a racist," Fred Leas said. "If I thought he was a racist I would not have any association with him."

Gary was absent from Thursday's hearing. The Lewiston man is awaiting trial in Asotin County on first-degree robbery charges, stemming from an alleged hold up of a man in Clarkston Jan. 5. Gary is incarcerated in the Asotin County Jail.

All of Leas' prior contacts with the law have been fueled by alcohol, the judge noted, adding levels of consumption testified to by Leas were almost incomprehensible.

"It's important that I send you a strong message, and to others as well that this kind of conduct is not to be tolerated," Kerrick said of Leas' altercation with Gary.

But the judge added he also wanted to evaluate Leas' progress. The judge granted Leas release for treatment during his incarceration.

Leas' sentence will begin Monday.

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