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Culture defense used for husband in slaying trial

By Anne Burke

Daily News Staff Writer

Van Nuys-- A psychologist took the stand Tuesday as part of a defense plan to convince jurors that an Iranian immigrant was driven to kill his wife after years of abusive treatment that violated the tenets of Persian Jewish culture.

Clinical psychologists Homa Mahmoudi testified in the murder trial of Moosa Hanoukai, 55, that Persian men hold the family purse strings and are treated with respect and deference by their wives and children.

"Women are basically in charge of internal affairs - the household, children and food," Mahmoudi said in Van Nuys Superior Court.

Earlier in the trial, Hanoukai, 55, tearfully admitted that he bludgeoned to death Manijeh Hanoukai with a wrench, but said she had treated him "like a slave" during their 25-year arranged marriage.

The defense hopes the unusual "cultural defense" will sway the jury to return a verdict of manslaughter instead of second-degree murder. Judge Kathrynne Ann Stoltz earlier ruled out first-degree murder as an option.

The Hanoukai's moved to the United States with their only child, Deleram, about 10 years ago. They live in Woodland Hills - where Manijeh Hanoukai was killed - and ran successful women's clothing store in Huntington Park.

Earlier in the trial, the husband said Manijeh Hanoukai cursed him, called him "stupid," held such tight control over family finances that she doled out cigarette money to him, and forced him to sleep on the floor in a separate bedroom.

Mahmoudi said that divorce is socially unacceptable among Persian Jews, and can ruin the children's chances for a good marriage.

Persian Jews "will do anything not to lose face or bring shame to the family," she said.

The psychologist called Hanoukai a "passive-dependent person" who ignores his own needs in order to please others.

"Why wouldn't Mr. Hanoukai leave or fight back?" defense attorney James Blatt asked Mahmoudi. "That was part of his personality structure. It's what he's suffering from. It's almost like an illness," Mahmoudi said.

On cross-examination by Deputy District Attorney Kathleen Cady, Mahmoudi said that in Southern California divorce is not unheard of among Persian Jews.

The psychologist also said some wives are in charge of family finances.

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Man who said wife abused him guilty in killing

By Anne Burke

Daily News Staff Writer

VAN NUYS - A Woodland Hills man who admitted bludgeoning his wife to death - but said he killed her after years of psychological abuse - was convicted Friday of voluntary manslaughter.

Moosa Hanoukai, 55, broke down in tears after the six-man, six-woman panel delivered its verdict in Van Nuys Superior Court after a week of deliberations jurors described as contentious.

"I am very grateful for the jury verdict. Thank God," said Hanoukai, who surrendered to police on March 29, 1993 - five days after the body of Manijeh Hanoukai, 45, was found stuffed inside a garbage bag in the couple's Woodland hills home.

Prosecutors and others described the verdict as worrisome. Deputy District Attorney Kathleen Cady, who prosecuted the case, said the jury's decision sends a "horrible message," but she declined further comment about the verdict or the prosecution of the case.

Jurors rejected the more serious second-degree murder charge in finding Hanoukai guilty of voluntary manslaughter. He faces a possible 11-year prison term.

Hanoukai's attorney, James Blatt, said he will argue that Hanoukai be sentenced to probation.

Outside court, jurors said that several panel members believed that Hanoukai was a murderer, but had to vote for manslaughter because the crucial element of malice was not proved by the District Attorney's Office.

Sheila James Kuehl, counsel to the California Women's Law Center in Los Angeles, criticized the verdict, saying it "seems to reflect an ancient mythology that it's understandable and excusable that men can be driven to murder by what women say."

Legal experts said the verdict is another in a string of setbacks and defeats for prosecutors in cases - the Menendez brothers and Lorena Bobbitt among them - in which jurors have lent a sympathetic ear to the defendant's claims of abuse.

Juries deadlocked in the murder trial of Erik and Lyle Menendez, who claimed they killed after years of abuse. Bobbitt was found not guilty of cutting off her husband's penis after she claimed he sexually assaulted her.

Last week, a Los Angeles jury acquitted a woman who tearfully claimed that she castrated her husband in self-defense.

Blatt called the jury's verdict in the Hanoukai case groundbreaking.

"Any prolonged abuse of any man, woman or child - whether it is physical or psychological - is going to be seriously considered by the jury," the Encino attorney said.

Prosecutors argued that Hanoukai killed for money and revenge, and they sought a second-degree murder conviction that could have sent Hanoukai to prison for 15 years to life.

Prosecutors initially argued that the killing was premeditated, but Superior Court Judge Kathrynne Ann Stoltz ruled out first-degree murder earlier in the trial because of lack of evidence.

An unusual defense strategy by Blatt and Co-counsel Alaleh Kamran blamed the killing on what Hanoukai described as his wife's relentless browbeating and emasculating treatment during their 25-year marriage.

The wife forced her husband to sleep on the floor for eight years and called him "stupid" and "idiot" in front of other people, according to testimony during the trial.

The attorneys argued that Moosa Hanoukai's humiliation was worsened by the couple's conservative, male-dominated Persian Jewish culture.

Testifying in his own defense, Hanoukai, speaking in his native Farsi, told jurors during the trial that the wife made vile remarks to him and the couple's daughter Deleram, 25, during a bitter argument before the killing on March 20, 1993 - the Persian New Year.

A clinical psychologist testified that Moosa Hanoukai was in a "dissociative state" when he took a wrench from the kitchen and climbed the stairs to a bedroom, where he beat his wife over the head until she died.

Prosecutors said the husband later took \$31,000 from his wife's purse and took a taxi to Las Vegas. Police found the body four days later.

UCLA law professor Peter Arenalla said Friday's verdict indicates that juries are stretching the notion of what constitutes adequate provocation for killing.

"Normally speaking, the law prefers some form of physical abuse," Arenalla said. "But there are some forms of psychological torture that can be incredibly severe."

Robert Puglsey, a professor at Southwestern University School of Law, said the verdict is not out of line, given the yardsticks jurors use to decide whether a killing is murder or manslaughter.

"I can understand the verdict if they believed this pattern of abuse existed over along period of time and if the final argument was a flash-point culmination," said Puglsey.

Prosecutors did not put on rebuttal witnesses for the psychological abuse or cultural defense, Blatt said.

Moosa Hanoukai was prevented from ending the couple's 25-year marriage because divorce among Persian Jews is a taboo that can ruin an offspring's chances for entering into a good marriage, the defense argued.

Some jurors said they were not swayed by the cultural defense.

"We probably would have thought the same thing if he was a farmer from Kansas or from South Africa," said juror Kim Redasky, 29, of Reseda.

Juror Keiko Johnson, 24, of Woodland Hills said the panel was split 7-4 in favor of murder - with one undecided - during the first vote.

The accord came after many hours of loud, often angry discussions in the deliberations room, where jurors in favor of manslaughter convinced others that the defendant's crime did not meet the standards of murder.

"I just never had any evidence it wasn't done in the heat of passion," Johnson said.

Blatt said Hanoukai should be put on probation because he is not a danger to society.

Puglsey said the public often mistakenly views manslaughter as a crime that carries a light sentence.

But, "11 years in prison - even with parole possibilities - is no walk in the park," Puglsey said.

Sentencing is scheduled for April 29.

