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WECHT ACQUITTED

By PAUL MARYNIAK

A jury today acquitted county Commissioner Cyril H. Wecht on a charge he used the morgue for private gain while coroner.

A loud shout from spectators, mostly friends and employees of Wecht, greeted the announcement of the verdict, which came after 10 hours of deliberations.

The jury of seven men and five women did not get the case until about 5:30 p.m. yesterday and it deliberated for about five hours before retiring.

Charged with theft of services, Wecht was accused of using three morgue employees to perform about \$115,000 worth of tissue tests for his private firm, Pittsburgh Pathology and Toxicology Laboratory Inc., from 1974 through January 1979.

Before retiring, the jury asked Special Judge Robert L. Walker to redefine the four elements of the crime with which Wecht is charged.

In order to convict Wecht, the jury would have had to find that he had control over the disposition of services within the morgue, that he was not entitled to those services

for his personal use, that he diverted those services to his own benefit, and that he acted knowingly.

In defining "knowingly," Walker told the jury that it would have to find that Wecht was aware that his conduct was wrong or that he acted in an unreasonable manner.

Before getting the case, the jury heard a three-hour closing by defense attorney Stanley E. Preiser, a 2½-hour summation by Assistant District Attorney James B. Lees Jr. and a 1½-hour charge by Walker of the Crawford County Common Pleas Court.

In closing arguments, Lees and Preiser vehemently criticized each other's case while giving their own theories about Wecht's use of the morgue employees to perform the private work.

The lawyers also gave sharply conflicting descriptions of Wecht.

The defense portrayed him as "the best public servant you'll ever have" and the prosecution accused him of being a public official who through "sheer arrogance" usurped the public's right to make decisions on how his office should be run.

Press

3 p.m.

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"He's got the system backwards," said Lees.

"It's you and everyone else who has the right to give to him. He doesn't have the right to take the power and make decisions that benefit him."

Preiser, on the other hand, asked the jury to consider what people would say "if you convict a man who has brought the morgue from the depths to the pinnacle of a modern medical examiner's office."

In contrast to the numerous charts used by Preiser in his closing,

Lees simply resorted to a blackboard and wrote just two words — "honest" and "reasonable" — as he discussed how the law should be applied in the case.

Noting that the only way a jury could acquit Wecht is if it found he honestly and reasonably believed that private work could be performed at the morgue, the prosecutor said:

"Reasonableness is judged by the norms of society and not what went on in Dr. Wecht's head. Here is a

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public official who is answerable only to himself."

Preiser asserted that his client was a victim of "the Get Wecht Squad."

"They've cost the county so much money with this nit-picking prosecution that it will take 20 years to repay it."

Preiser belittled a variety of prosecution witnesses, particularly former Acting Coroner Joshua A. Perper.

Calling Perper "Judas Brutus Perper," the defense lawyer claimed that the jury could not find reason to believe his testimony that Wecht told him to lie in 1979 to federal inspectors during a surprise visit to the commissioner's laboratory.

But Lees devoted a lengthy portion of his closing to a defense of Perper.

He noted that until the former

acting coroner testified at Wecht's preliminary hearing last fall, he enjoyed both a lucrative business relationship with Wecht as well as the commissioner's strong support as his successor at the morgue.

Noting that Perper was "on top of the world" before the preliminary hearing, Lees asked the jury to consider why he would "throw it all away to come here and lie."

He also noted that Wecht had recommended Perper as his successor in the coroner's office in a letter to Gov. Dick Thornburgh in November 1979, in spite of Wecht's claims that he was aware Perper had a reputation as a liar.

"What kind of public official in his right mind would recommend a man he knows to be a liar for an appointment to a public office?" Lees asked.

He then ripped one of the cornerstones of Wecht's defense — namely "the lengths to which the defense has gone to attack witnesses in this case."

Lees recalled how Preiser or Wecht have called one witness a Nazi, Perper a liar, another witness a blackmailer, and the prosecutors on the case to be acting out of a political vendetta.

"How long can they keep attacking people?" Lees asked. "How many people must testify before Cyril Wecht realizes that they're not trying to 'get him' and that they're telling the truth?"

Preiser characterized the prosecution in bitter terms, alternating his vehement attack on the district attorney's office with an impassioned plea for his client's acquittal.

He said Wecht came to the "City of Champions and found a last place team" in the coroner's office, and that he made the morgue "another winner."

"The services were never divert-

ed by Dr. Wecht or anyone else," the defense lawyer said.

"They were utilized for the benefit of the corner's office, and not to make a buck."

He also told the jury that the district attorney's office has been so engrossed with the Wecht case that it is "solely responsible" for a "run-

away crime rate" in Allegheny County.

Lees ignored that charge and instead reminded the jury "a public official serves at the will of the people."

He said Wecht's five days on the witness stand showed that the commissioner could not tolerate even questions about his administration of the coroner's office.

"I don't think Cyril Wecht reasonably believed he was entitled to those services," Lees said. "If he did, he was playing intellectual games with himself."

Lees went on to accuse Wecht of deliberately inflating the value of the free tests he claimed his private lab performed for the county.

He noted that in February 1979 Wecht had distributed a document at a press conference showing the total value of those tests was \$960 and that a year later, the commissioner estimated the value at about \$38,500.

Noting that Wecht testified that the free tests exceeded \$100,000, Lees charged, "the deeper Cyril Wecht got in trouble, the larger that figure got. It's a figment of his imagination."

Preiser made several references to Wecht's use of Central Medical Center and Hospital, Uptown, to conduct private examinations of tissue since February 1979.

The defense lawyer reminded the jury that Wecht could have used the hospital, where the commissioner is part owner and director of the laboratory, and that his only reason for not doing so was to benefit pathology students performing their residency at the morgue.

But Lees said "it's very easy to look back and say 'I could have done it this way.'"

"Who ran the lab there (Central Medical)? Cyril Wecht had to absorb the cost there, too," Lees added.

After the judge's instructions, Preiser charged that a co-prosecutor, Assistant District Attorney Anthony Krastek, had "improper eye contact" with a juror and moved for a mistrial.

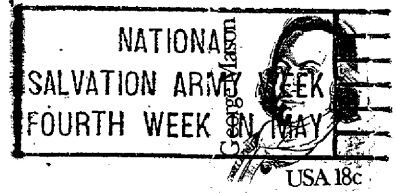
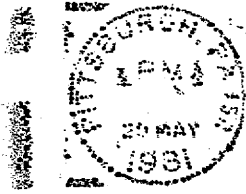
To support that accusation, Wecht and two of his sons, Daniel and Benjamin, testified that they saw a juror and Krastek "wink at each other" on several different occasions yesterday when the jury returned from recesses.

But Walker denied the mistrial motion or even further inquiry into the allegation stating "while she (the juror) may have smiled, so what?"

"I've made no observations of that and I've been very careful to watch the jury over the past few days."

It was later learned that the juror who was accused of winking was elected forewoman.

C. W. Acquitted



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