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**Dr. Matthew Given
3-Year Sentence**

By WILL LISSNER

Dr. Thomas W. Matthew, the neurosurgeon who won powerful support at the White House for his advocacy of "black capitalism," was sentenced yesterday to three years in prison for having misapplied Medicaid funds.

Justice Thomas Agresta, sitting in State Supreme Court in Kew Gardens, Queens, stayed execution of the sentence for 60 days to permit an appeal, for which Dr. Matthew has engaged a noted constitutional lawyer, Herald Price Fahringer of Buffalo.

But Justice Agresta refused a request made by Mr. Fahringer by affidavit that the court de-

Continued on Page 31, Column 5



The New York Times

**Dr. Thomas W. Matthew
outside court yesterday.**

Politician Is Versatile

MONTGOMERY, Ala. (UPI) —State Rep. Tom Drake also practices law and wrestles professionally.

Continued From Page 1, Col. 2

lay sentencing so that appellate counsel might "make an adequate record" on certain constitutional issues, some of which "do not appear on the face of the record, such as prosecutorial misconduct."

Instead, Justice Agresta provided that the sentencing should not foreclose a complete review of the case.

Inquiry Is Urged

Justice Agresta further declared that there was a question in his mind whether the Federal, state and city governments were not "equally guilty" for "the conditions that went on here" and said:

"It is the recommendation of this court that an investigation be made as to whether they [the governments] should be held accountable."

Andrew Zweden, defense counsel, in arguing for delay, said that the record showed that neither Dr. Matthew nor any other individual had di-

verted the funds to his personal benefit. Justice Agresta began his sentencing by noting that the evidence showed that "Dr. Matthew did not misappropriate one penny to any individual's benefit" or to his own pocket.

However, the judge said the court was aware that Dr. Matthew had abused his position and misapplied more than \$200,000 of Medicaid funds that should have been used for the hospital he founded in the early nineteen-sixties, Interfaith of Jamaica, to two other projects, a bus line in the Watts district of Los Angeles and a drug-addiction facility, Freedom Village, in Harlem.

Hospital Called Shambles

As a result, Justice Agresta said, Interfaith Hospital was "a shambles and a disgrace and not an institution where anyone should have been sent for treatment." Interfaith is housed in a brick building at 135-10 88th Avenue, Jamaica, Queens.

Assistant district Attorney

Lawrence Finnegan, who sought a sentence of from four years and eight months to 14 years, recalled that a state health official, Dr. Leon Lazar, and a former member of Interfaith's medical staff, Dr. Harold Wright, had reported that conditions at the hospital were unhygienic, unhealthful and degrading.

Mr. Finnegan recalled that Dr. Wright had reported that conditions at the hospital had caused the premature deaths of terminal patients under dehumanizing circumstances.

Justice Agresta pointed out that \$8-million had been received to finance Interfaith and indicated that the circumstances of the funds' appropriation and disposition should be part of the investigation he suggested.

Dr. Matthew was continued in \$25,000 bail. Hehelda news conference in the court's corridor in which he explained that the misconduct charged to the prosecutor was an attempt to get a conviction "by any

means." Mr. Finnegan later called this "absurd."

"The truth will come out in the appeal," the surgeon said. Asked how he felt about going to jail, he said, "If I have to go to prison to establish justice and equality of opportunity for black America, I'll go."