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ADV TUES PMS, APRIL 18
TOPPOLINO TRIAL BJT 380
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NAPLES, FLA., APRIL 18 (AP)—A DOCTOR WHO ONCE HAD HIMSELF EXPERIMENTALLY INJECTED WITH THE PARALYTIC DRUG SUCCINYLCOLINE TESTIFIED IN THE COPPOLINO MURDER TRIAL MONDAY THAT HE WOULD HAVE DIED IN PAIN WITHOUT ARTIFICIAL RESPIRATION.

"WITHIN 30 SECONDS I FELT CRAMPING PAINS IN MY LEGS, ARMS AND CHEST," SAID DR. VALENTINO MAZZIA, PROFESSOR AND CHAIRMAN OF ANESTHESIOLOGY AT NEW YORK UNIVERSITY.

IN ANOTHER 30 SECONDS, MAZZIA CONTINUED, HE WAS COMPLETELY UNABLE TO MOVE AND COULD NOT EVEN ASK HIS COLLEAGUES FOR WATER. YET HIS MIND WAS ALERT TO WHAT WAS HAPPENING.

MAZZIA SAID HIS FACIAL MUSCLES WENT LIMP ALMOST IMMEDIATELY AND THE PARALYSIS SPREAD QUICKLY TO HIS ARMS, LEGS, TRUNK, CHEST AND FINALLY, THE DIAPHRAM--STOPPING VOLUNTARY BREATHING.

MAZZIA AND DR. BERT LA DU, PROFESSOR AND CHAIRMAN OF PHARMACOLOGY AT NYU, TOOK THE STAND FOR THE PROSECUTION WHILE THE COURT STUDIED A DEFENSE MOTION AIMED AT BRINGING THE TRIAL TO CONCLUSION WITHOUT A JURY DECISION.

COPPOLINO, 34-YEAR-OLD ANESTHESIOLOGIST, IS ON TRIAL FOR FIRST-DEGREE MURDER IN THE DEATH OF HIS FIRST WIFE, CARMELA, IN 1965. THE STATE SAYS COPPOLINO GAVE HER A FATAL INJECTION OF SUCCINYLCOLINE TO CLEAR THE WAY FOR HIS MARRIAGE TO A WEALTHY DIVORCEE.

CHIEF DEFENSE LAWYER F. LEE BAILEY SOUGHT TO PULL THE RUG OUT FROM UNDER THE STATE'S CASE WITH A MOTION TO STRIKE SIX DAYS OF TESTIMONY BY TWO STAR PROSECUTION WITNESSES--DRS. MILTON HELPERN AND CHARLES J. UMBERGER OF THE NEW YORK MEDICAL EXAMINER'S OFFICE.

THE STATE HAS SAID IT BASES ITS CIRCUMSTANTIAL EVIDENCE CASE AGAINST COPPOLINO MAINLY ON THE OPINIONS OF HELPERN AND UMBERGER THAT THE WOMAN DIED OF "A TOXIC OVERDOSE OF SUCCINYLCOLINE."

THESE OPINIONS, TOGETHER WITH LA DU'S, WERE THE SOLE EVIDENCE OF

CAUSE OF DEATH--AN ESSENTIAL TO CONTINUING THE TRIAL. WITHOUT A "CRIMINAL AGENT," THE DEFENSE WOULD BE IN A POSITION TO MOVE FOR A DIRECTED VERDICT OF ACQUITTAL.

THE DEFENSE ARGUED THAT THE TESTIMONY SHOULD BE THROWN OUT BECAUSE HELPERN BASED HIS EXPERT OPINION ON THE CAUSE OF DEATH ON THE OPINION OF UMBERGER, WHOSE REPORT ON AN ANALYSIS OF BODY ORGANS LISTED SUCCINYLCHOLINE.

"THE OPINION OF AN EXPERT CANNOT, UNDER THE LAW, BE BASED ON THE OPINION, INFERENCE OR CONCLUSIONS OF OTHERS," SAID DEFENSE CO-COUNSEL JAMES MCEWEN.

"THE TESTIMONY OF UMBERGER DOESN'T CARRY THE CASE," SAID BAILEY. "IT WAS A HIGHLY EXPERIMENTAL, NOVEL EFFORT."

LA DU, A MEDICAL DOCTOR AND BICHEMIST, SAID HE ANALYZED THE TISSUE SURROUNDING THE PUNCTURE WOUND WHICH HELPERN FOUND ON THE LEFT BUTTOCK DURING HIS AUTOPSY.

HE SAID USING METHODS DIFFERENT FROM UMBERGER HE FOUND TRACES OF SUCCINYLCHOLINE IN THE TISSUE. HE FOUND NO SUCH TRACES IN AN EXAMINATION OF TISSUE FROM THE RIGHT BUTTOCK," SAID LA DU.

ASST. STATE ATTY. WILLIAM STRODE TOLD THE JUDGE THAT TO RULE OUT HELPERN'S TESTIMONY WOULD BE GIVING "A LICENSE TO KILL." HE SAID IT IS "MANIFESTLY IMPOSSIBLE" FOR MEDICAL EXPERT TO PERSONALLY CONDUCT ALL EXPERIMENTS.

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