

Mandel's son gets 4 months

Volunteer work, probation ordered; lawyer files appeal

By Karen E. Warmkessel

Gary S. Mandel, the son of former Gov. Marvin Mandel, was sentenced yesterday to serve four months in a halfway house for using forged prescriptions to get the narcotic painkiller Dilaudid in 1984.

U.S. District Judge Joseph C. Howard also required the 41-year-old Towson lawyer to participate in a work-release program at the Volunteers of America, the halfway house on Boston street. Judge Howard also placed Mandel on three years' probation once he is released. The judge ordered Mandel to perform 150 hours of community service. He also told him to continue medical treatment for back pain which Mandel claims led to his addiction to Dilaudid, and to make a "significant effort" to pay back alimony and child support to his former wife.

Mandel's lawyer, Paul R. Kramer, filed an appeal. Judge Howard agreed to allow Mandel, who still faces disbarment proceedings, to remain free on bail pending the outcome of the appeal. Mandel declined to comment on the sentence as he left the federal courthouse in Baltimore.

Mandel was convicted of the four forgeries Sept. 30 by a federal jury that also acquitted him of charges of distributing the narcotic from 1982

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SENTENCE, from 1C

until 1984.

Each count carries the maximum penalty of four years in prison and a \$30,000 fine. And the jury took the unusual step of asking the judge for leniency, saying they believed Mandel had a medical addiction.

Yesterday, federal prosecutors urged Judge Howard to impose a sentence of one year and a day in prison under a statute that would have made him eligible for parole immediately.

John G. Douglass, an assistant U.S. attorney, stressed that Mandel was an attorney who has continually held himself to be above the law. Not only did he realize he was breaking the law by forging prescriptions, he then continued to lie about his involvement, going so far as to perjure himself on the witness stand, Mr. Douglass said.

In a sentencing memorandum filed last week, prosecutors also contended that he had participated in "a corrupt scheme" to influence a judge in a pending narcotics case in 1983, although he has never been charged in connection with the alleged scheme.

The episode, which is related in scant detail, "serves further to demonstrate Mandel's belief that he can put himself above the law and manipulate the legal system for his own purposes," prosecutors said.

Mr. Douglass did not mention the alleged incident in court yesterday.

Mr. Kramer and Mandel himself asked the judge for probation.

Mr. Kramer said Mandel had already been "destroyed" by the trial and resulting publicity and would most certainly lose his right to practice law. He emphasized that Mandel forged the prescriptions while he was addicted to Dilaudid, and that he became addicted after getting prescriptions from doctors treating him for chronic pain.

Mandel indicated that he was re-

morseful and asked for mercy, saying that he had sought help for his drug addiction well before he knew he was under investigation. "I've tried the best I can to get my life back in shape," he said.

After listening to the arguments, Judge Howard imposed a three-year sentence on each of the four charges and ordered that they be served concurrently. He then suspended all but four months of the sentence.

Mandel was indicted March 13 by a federal grand jury on three counts of distributing Dilaudid, four counts of getting the drug with forged prescriptions and conspiring with a former girlfriend to distribute it.

The girlfriend, Katherine Harris Olszewski, 28, pleaded guilty in September to one count of distribution in a plea bargain with prosecutors. In exchange for her testimony, they will recommend that she receive probation when she is sentenced next month.

During the week-long trial, Mandel admitted becoming addicted to the drug, which he said he began using in August 1982 to ease back pain, but denied ever selling it. He said he gave it to Ms. Olszewski, but no one else.

Mandel told the jury that he wrote several prescriptions to get the drug, but contended they were not forgeries. He said his doctor had given him blank prescription forms and told him he could fill them out to get emergency refills.

Olszewski, who, like Mandel became addicted to Dilaudid, testified that she and Mandel sold some of the tablets for \$20 each.

She admitted that at first she lied to Mandel, saying that she needed the drug herself when she was actually selling it to a friend, Ernest Widener. Later, she said, she told Mandel the pills were for Widener, and he agreed to provide them.

"He didn't want to do it. He didn't want to sell to him. But he did it," she testified.