

Mandel convicted of forgery

Jury acquits him of distribution

By Karen E. Warmkessel

A federal jury in Baltimore yesterday acquitted Gary S. Mandel of distributing the narcotic painkiller Dilaudid between 1982 and 1984, but convicted him of less serious charges of using forged prescriptions to get the drug in August and September of 1984.

The jury of nine women and three men deliberated more than 10 hours Friday and yesterday before announcing the verdict shortly after 4 p.m.

Afterward, in a highly unusual move, the jurors gathered on the courthouse steps as the foreman, Alton Payne, read a brief statement effectively asking for mercy for the 41-year-old Towson lawyer.

In finding Mandel guilty of the four forgeries, the jury said, "We believe the defendant's judgment was impaired due to a medical addiction. We hope the court will take this into consideration in imposing sentence."

Mr. Payne declined to comment further, as did all but one of the other jurors. One woman said reaching a verdict in the week-long case had been "very trying." The jury had sent out numerous questions during the deliberations.

Mandel, the son of former Gov. Marvin Mandel, showed no reaction as the jury announced its verdict. Later, he said he was pleased to be acquitted of the more serious charges, but "very disappointed" with the conviction, for which he could be barred from practicing law.

"I think the jury got confused with having [the distribution and forged prescriptions charges] all lumped together," Mandel said, noting that his lawyer had unsuccessfully tried to have the charges tried separately.

Mandel said he will file a motion for a new trial and if necessary, appeal to the Fourth Circuit Court of Appeals.

Judge Joseph C. Howard set sentencing for Nov. 14. The forgery counts each carry a maximum penalty of four years in prison and a \$30,000 fine. The distribution and

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conspiracy to distribute charges of which he was acquitted each carry a maximum penalty of 15 years' imprisonment and a \$20,000 fine.

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

During the trial, he 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 his girlfriend at the time, Katherine Harris 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 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.

Olszewski said she would leave the tablets on the kitchen table and Widener would take them and leave the money.

Barbara Grove, Widener's girlfriend, also testified about the drug sales, saying they went to the home of Mandel and Olszewski 20 times in the fall of 1982 to buy drugs.

In addition, Ms. Grove, who was testifying under a grant of immunity, told the jury that Mandel traded the drug for sex and permission to take pictures and make a videotape of her when she lived with him briefly in 1983.

Olszewski, 28, pleaded guilty earlier this month to one count of distribution as part of a plea bargain with prosecutors. In exchange for her cooperation, they will recommend that she receive probation.

During his closing argument Friday, Paul R. Kramer, Mandel's lawyer, sought to discredit the prosecution's witnesses as drug addicts who cut their own deals with the government. He also criticized prosecutors for bringing the charges.

"I suggest to you that this case is the hounding of a person who has finally put his life together . . ." he said at one point. "The government wants a Mandel scalp. That's why we are here today," he said at another.

Mr. Kramer painted a portrait of Gary Mandel as a man who had been victimized by the Bethesda doctor who prescribed the Dilaudid and had been taken advantage of by Olszewski and Ms. Grove.

But, John Douglass, an assistant U.S. attorney, contended that Mr. Kramer was attempting to blame everyone but Mandel and that these were excuses, not defenses to criminal charges. He told the jury that the charges have nothing to do with Mandel's being a lawyer or his well-known name.

"We've got one law in this country and the judge is going to tell you what it is. It applies to this man as you would apply it to anyone else," Mr. Douglass said.

The prosecutor tried to poke holes in the defendant's testimony, stressing that he had lied before under oath in his divorce trial in an effort to save himself. To believe his story, he said, one would have to conclude that the government's witnesses were lying. J. Sedwick Sollers 3d, who prosecuted the case with Mr. Douglass, told the jury that Mr. Mandel has lied "continuously."

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Douglass, told the jury that Mr. Mandel has lied "continuously."

"He has gotten away with it before. I ask you not to let him get away with it again today."

Mr. Sollers also pointed out that Mr. Mandel had undergone surgery for his back problems in 1978, but did not start using Dilaudid until 1982. He contended he started obtaining the drug to please Katherine Harris Olszewski, who had been a drug user, and then began stockpiling it.

"His motive was to get a stash of Dilaudid pills for himself and his girlfriend, Katherine Harris," he said.

Mr. Sollers said the home which she and Mandel shared in Columbia had turned into a "drug store."

The prosecution has contended that the defendant, who was largely unemployed at the height of his addiction, needed the money from selling drugs. The defense said that he received \$50,000 from his mother, Barbara Mandel, to pay bills.

Both Mrs. Mandel and former Governor Mandel testified that they had tried to help their son receive treatment for his addiction. The former governor's ex-wife and their son left the courthouse together after the verdict.