

The Sun

**Sentence of life plus 40 years upheld in 1994 murder
Harney case called 'particularly egregious'**

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Saying that Daniel S. Harney's murder of his estranged wife was a "particularly egregious" case, a panel of Howard Circuit judges yesterday refused to reduce Harney's lengthy prison sentence.

Harney, a former financial administrator at Westinghouse Corp., was sentenced to life in prison plus 40 years in 1995 after his conviction on charges of murder and attempted murder in the Ellicott City case that attracted nationwide attention.

Harney appeared in court Monday before the three-judge panel to argue that the sentence imposed by Circuit Judge Raymond Kane Jr. was excessive.

But the panel, made of up Circuit Judges James B. Dudley, Dennis M. Sweeney and Diane O. Leasure, decided the sentence was appropriate.

The judges' opinion was signed yesterday. It cited testimony by Harney's first wife that he once put a gun point blank in her face and said: "I am going to kill you," and "If I can't have you, no one else will."

They further noted the viciousness of the crime. In December 1994, Harney, of Owings Mills, broke into the Ellicott City home of his estranged second wife, Shirley, and confronted her and her lover with a gun when he found them in the bedroom.

He shot both of them and, after his wounded wife chased him outside, he beat her with the gun, the opinion states. He then drove his car over his wife. She died on the way to the hospital. The boyfriend, William Arthur Helmbold, survived.

State's Attorney Marna McLendon said she was pleased by the judges' decision.

"The facts of that case were clear from the beginning," McLendon said.

Harney's attorney, Clarke Ahlers of Columbia, could not be reached for comment late yesterday.

Prosecutors said the defense argued that Harney's use of the anti-depressant Prozac affected his state of mind. The decision said the testimony on medication was "apparently without legal significance."

During Harney's dramatic three-day trial two years ago, Ahlers argued that Harney -- at the time a senior in law school -- was in a fit of uncontrollable rage when he found his wife and Helmbold, of Woodlawn, together.

Prosecutors, however, maintained that Harney plotted the murder.

Harney fled with his two sons to Charlotte, N.C., after the slaying and was arrested there in January 1995, minutes after his case was featured on the television show "America's Most Wanted."

Prosecutors said in opening statements that Harney had plans to try to build a new life. They said he returned to the crime scene in Maryland Jan. 6 -- the day before his arrest -- to get his resume so he could get a new job as well as his sons' birth certificates to enroll them in another school.

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Harney received a sentence of life in prison for the murder of his wife and 30 years for the attempted murder of Helmbold. He received 10 years for the use of a handgun in the crimes.

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