

Jury acquits two policemen, tavern owner in rape case

By The Associated Press

NEWBURYPORT, Mass. — A jury yesterday found two policemen innocent of raping a 21-year-old woman in an empty bar, and the tavern's owner also was acquitted on a charge he aided the attack.

The Essex Superior Court jury also found Lynn Police Officers Unree Poellnitz and Edward Jackson innocent of drugging a woman for sexual intercourse.

Jackson, 31, and Poellnitz, 34, showed no emotion as the verdict was read. Stephen Harden, owner of Ye Olde Ox Bar in Lynn, lowered his head and wept. Jackson's mother and wife sobbed in the courtroom.

During the trial, the woman testified the officers raped her after getting her so drunk she passed out. The defense argued the wom-

an "was the aggressor" and invited sex with the men after an evening of barroom drinking and flirting.

The jury of seven men and five women deliberated for two days.

Midway through yesterday's deliberations, the jury returned to the courtroom to ask Judge Francis Lappin to explain the difference between the charges of aggravated rape and simple rape. The men were accused of aggravated rape.

Lappin answered that, "Whoever has sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force or against that person's will" is guilty of rape.

A person is guilty of aggravated rape when he participates in the crime with the cooperation of one or more persons. Aggravated

rape is essentially gang rape.

In explaining the drugging charge to the jury, Lappin said, "Juries must determine whether the victim suffered 'a level of intoxication that deprived her of her freedom to exercise her will ... and the defendant knew she was incapable of giving consent.'"

He said the only possible verdicts for the bar owner were guilty or innocent.

The verdict concluded the fifth highly publicized gang rape trial in Massachusetts in the past 3 years.

Two weeks ago, two juries in Fall River convicted four men and acquitted two others in the aggravated rape of a woman on a bar-room pool table.

In early March, three men associated with the disbanded rock group Grand Slam were convicted in the gang rape of a 19-year-

old Fort Devens Army private. A fourth man was acquitted.

Last June, five young men were found innocent of raping and beating a former beauty queen near Holbrook, south of Boston, in 1980. The defense in that case conceded that sex took place, but said the woman was a "happy drunk" who willingly participated.

In 1981, three Boston-area doctors were convicted of raping a nurse in Rockport in 1980.

Prosecutor Howard Whitehead said in his summation Monday that the officers took the woman to the bar and "formed a plan to reel her in like a fish on a line."

The woman testified she and a 16-year-old girlfriend were handcuffed in the back of a police cruiser and taken to the bar by the officers on Nov. 22. The teen-ager was allowed to leave, but the victim remained and was raped, she said.

Whitehead, an assistant Essex district attorney, said the policemen "knew she was vulnerable." The woman has testified that she suffers a learning disability and reads at a third grade level.

However, Lappin instructed jurors that the defendants' position as police officers should not affect judgments of guilt or innocence.

Jackson's attorney, Ed Reardon, didn't dispute that the men had sex with the woman, but he argued, "She was the aggressor. She brought it on herself. She knew exactly what she was doing."

Frank Mondano, Harden's lawyer, called the woman "somewhere between a vicious liar and severely emotionally unstable."

Leg tumor on preacher's child shrinks after ordered treatment

By The Associated Press

KNOXVILLE, Tenn. — The tumor on the leg of a girl whose preacher father once fought her court-ordered treatment because of his religion has shrunk to one-third of its size and now contains little of the life-threatening cancer, officials said yesterday.

Pamela Hamilton, 13, is back in East Tennessee Children's Hospital for tests and eight days of chemotherapy, spokeswoman Pat Kelly said.

Dr. Frank Haraf, a cancer specialist, will conduct tests today and tomorrow to try to determine whether the cancer from the lump on her upper left leg has spread to other parts of the girl's body, Kelly said.

"We have no reason to think she has had any (spread)," she said.

Haraf believes that the tumor, which last September grew to the size of a football, is now mostly "a calcified area of scar tissue," Kelly said.

"Whether or not this lump also contains dormant cancer tumor can't be determined," she said.

"What's going to determine that is time."

Hamilton entered the hospital Monday for eight days of chemotherapy treatments, Kelly said, and the treatment cycle would be repeated every

three or four weeks through September.

The girl's cancer tumor was discovered last July, and state social workers took her family to court in August when they didn't seek treatment.

Pamela's father, Larry Hamilton, is a fundamentalist pastor of the Church of God of the Union Assembly in LaFollette. The church believes in faith healing and forbids its members to take any medicine.

A juvenile court judge ordered treatment, and chemotherapy began last September after the state Court of Appeals rejected Hamilton's appeal. The state Supreme Court refused to hear the case.

Doctors said last September that Pamela would have likely died by Christmas without the cancer-killing chemotherapy drugs.

In January, Hamilton dropped his court fight against treatment because his lawyer said it would be a "complete exercise in futility from a legal standpoint."

But last Friday, Hamilton sued Children's Hospital for \$15,000 because Pamela slipped on her crutches, fell and broke her cancer-weakened leg in November. The broken leg healed.

Portland, Ore. puts boots on guerrillas

By RICHARD GREEN

Associated Press Writer

PORTLAND, Ore. — Guerrillas fighting Soviet soldiers in Afghanistan have 2,000 pairs of new commando boots and other gear donated by a Portland-based organization, the group's director said Monday.

Don Weidenweber, director of American Aid for Afghans, said he used \$48,000 donated by 1,700 Americans to buy the equipment in Pakistan and give it to guerrilla representatives, including Mohammad Yahya Masaud, brother of guerrilla leader Ahmad S. Masaud.

In addition to the boots, the gear included 7,250 pairs of rubber boots,

435 overcoats, 577 jungle jumper suits, 2,000 Awami suits (shirt and pants), 3,500 jackets, 208 trousers and a radio amplifier with spare parts.

"Incredible as it seems, in a war waged against some of the most sophisticated weaponry in the world, Afghan guerrillas are battling the Soviets with little ordnance, less money, and in their bare feet," Weidenweber said.

—Don Weidenweber, director of American Aid for Afghans

American Aid for Afghans, a non-profit corporation, was formed after the Soviets invaded Afghanistan on Dec. 27, 1979.

While many groups are helping Afghan refugees, his organization is one of the few in the world and the only one in the United States providing aid to Afghan guerrillas.

The commando boots are being used by Masaud's men, while half of the rubber boots and clothing is being distributed by Masaud in the Panjshir Valley in Afghanistan, he said.

The rest of the rubber boots and clothing are being distributed by the Islamic Unity of Afghan Mujahedeen into Kunar, Bamian and Logar provinces, he said.

Official disputes claim that Zambia tourists are alive

By The Associated Press

HARARE, Zimbabwe — A government security official says there is "no evidence" that six kidnapped tourists — including two Americans — are still alive in neighboring Zambia.

Emmerson Munangagwa, Zimbabwe's minister

of state for security, disputed a claim by a rebel commander that the tourists kidnapped 20 months ago were alive and still being held.

"Zambia was consulted on the matter and the results were negative," he was quoted as saying in an interview published today by the Harare Herald.

The missing tourists are Brett Baldwin of

Seattle; Kevin Ellis of Bellevue, Wash.; Australians Tony Bajajel and William Butler; and Britons James Greenwell and Martyn Hodgson.

Ellis' father was cautious about the rebel commander's claims. "We have never lost hope as far as returning our son to his rightful home," William Ellis said in Atlanta.

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police log

• The State College Police Department on Tuesday reported a three-car accident at the intersection of South Pugh Street and Easterly Parkway.

Tawni Lee Myers, 31, of Spring Mills, was traveling north on South Pugh Street when she failed to stop at the stop sign at the Easterly Parkway intersection. Her car collided with an automobile driven by John Mullinger, 66, of Pleasant Gap, who was traveling east on Easterly Parkway.

After the initial collision, police said Myers' car proceeded to strike a

vehicle driven by Richard Barrierman, 32, 1232 N. Inverary Place, who was stopped at the intersection.

None of the drivers was seriously injured and total damages were estimated at \$5,800, police said.

Elizabeth Noll (senior-administration of justice), 215 W. Fairmount St., told State College police Tuesday a \$500 string of pearls was missing from her purse while it was in the ladies restroom of Sigma Phi Epsilon fraternity, 224 Locust Lane, between March 31 and April 1.

• Faten Melayah (freshman-engineering), 258 Simmons Hall, told University Police Services on Tuesday a \$350 gold bracelet was missing from her residence.

• Stephanie A. Heptner (freshman-vocational industrial education), 259 Simmons Hall, told University police on Tuesday a checkbook, various cards and \$60 was missing from her dormitory room.

—By Leslie Thomas

• The West Halls Radio Organization will meet at 9 tonight in McKee Lounge.

• The PSU Fencing Club will meet at 7 tonight in 33 White Building.

collegian notes

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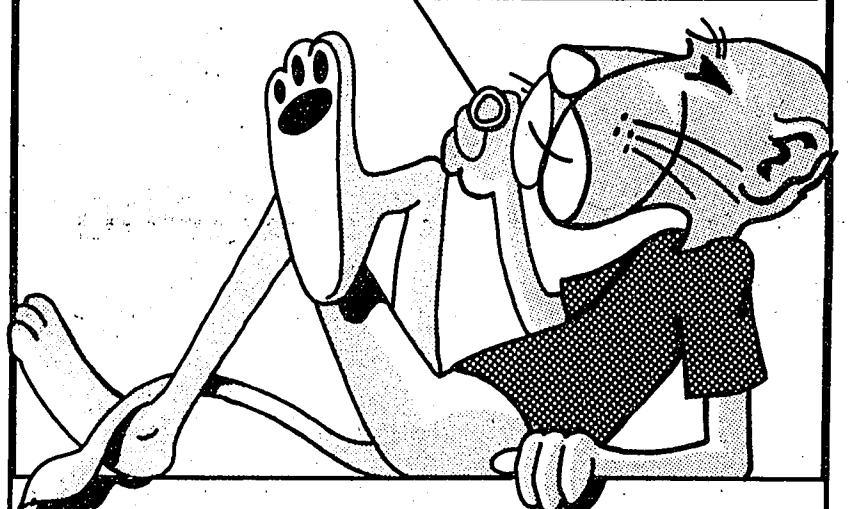
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on the bulletin board outside 223 HUB

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Man is kidnapped, forced to drive to North Carolina

A 20-year-old man was forced at gunpoint by an unidentified person to drive to North Carolina on March 27, the State College Police Department said yesterday.

The incident began about noon when the victim was driving on the 700 block of South Allen Street. When the two reached North Carolina, the driver was knocked unconscious and his vehicle stolen, police said. The vehicle was later recovered in North Carolina.

The suspect is described as a white male in his 20's, about 6 feet tall, medium build, with dark curly hair and a mustache, police said.

Police said "it is a reasonable assumption" that the victim was a University student, but would not comment any further on his identity. They received the report April 3 and the investigation is continuing.

—By Leslie Thomas

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