

Schwartz

(continued from page 1)

didn't comply. "It was a verbal threat, if you want to call it that," he said.

Dressed in a conservative dark suit, the jacket heavily padded around the shoulders, Schwartz frequently ran his hand through his stylishly cut hair, short in front and collar-length in back, as he listened to the attorneys.

Ms. VanLeuven's parents huddled together on the hard courtroom bench, his arm around her shoulders. Both appeared haggard, their faces less gray than a year ago, at Schwartz's preliminary hearing.

Neither testified; both refused to comment to the press.

When asked by District Attorney Peter Paul Olszewski if, in his own opinion, he was not guilty, Schwartz unhesitatingly replied, "Yes."

He maintained that he had originally wanted to plead not guilty, but that Bott and Webby had coerced him into pleading guilty instead.

When Olszewski asked him several times if he had told the truth during completion of his 13-page guilty plea colloquy (questionnaire) and subsequent trial, Schwartz repeatedly answered, "I did as I was told. I didn't know that I was being dishonest. I answered everything the way that they wanted me to, because I knew that if I didn't, I would be representing myself up here before the bar."

Several of the 66 questions on the guilty plea colloquy dealt with the defendant pleading guilty of his own free choice, not being threatened or coerced or threatened in any way, understanding that the guilty plea is not mandatory and understanding the nature of the charges and their punishments.

When he was filling out the colloquy, Schwartz said that he had left nearly half the questions blank because he didn't understand them, later completing them under Bott's and Webby's direction.

Although Schwartz based his testimony completely on recollection, using no notes, he stated several times, "My memory may be different because I was in a totally different state of health after having been shot in the head."

During his testimony, Schwartz constantly referred to the murder as "the incident" and to his former girlfriend and mother of his child

as "the victim."

His mother, Lois Schwartz, testified that on the last day of the trial, her son had told her, "Mom, I'm not guilty but they want me to say that I am!" She added that she had been too nervous to remember much of the trial.

Both Webby and Bott testified that they had not threatened or coerced Schwartz into pleading guilty at his May, 1992, trial in any way, and that he had completed all but five of the questions in the guilty plea colloquy, not the 33 that Schwartz claimed.

Both attorneys said that during all phases of his defense, they had conferred with Schwartz and his parents, who had agreed that Schwartz should not testify in his own defense.

Bott elaborated, saying that Schwartz would not have been a credible witness because he had changed his story of the incident several times and claimed that he "didn't remember anything after Ms. VanLeuven had fired the first shot."

Bott also said that Schwartz later blamed his prescription medication for his having pled guilty.

Describing Schwartz as "intelligent, clever and shrewd," Bott said, "There was never a question in my mind that he understood his rights and his alternatives. Any defense other than a diminished mental capacity would have put his credibility in trouble."

After the hearing, Olszewski said that Schwartz's claim that the public defenders had forced him to plead guilty is a "very unusual" reason for asking to withdraw a guilty plea.

"Mr. Schwartz is making every effort to manipulate the criminal justice system to his own favor," Olszewski continued. "His claims are absurd. But this has been a futile attempt on his part: I'm confident that he'll spend the rest of his life behind bars."

Olszewski commended Webby and Bott as "consummate professionals and gentlemen, neither of whom would ever coerce or force a defendant in any way."

When asked if he had improperly advised or ineffectively defended Schwartz, Webby snapped "Hell, no! And you can quote me on that!"

Judge Mundy said that he will render a decision on Schwartz's request to change his plea "in the near future."

Sequence of events in Schwartz murder case

More than a year after he shot his former girlfriend to death in the driveway of his parents' Dallas Township home, Setphen G. Schwartz asked Judge Hugh Mundy for a new trial, claiming that his former attorneys, public defenders Louis Bott and Ferris Webby threatened and coerced him into making the written and oral statements that he made during his trial last May. This sequence of events led up to his hearing, Monday, February 22:

January 17, 1992: Schwartz shot Deborah VanLeuven three times in front of their two-year-old daughter, Stephanie, in the driveway of his parents' Dallas Township home, using a semi-automatic pistol that he took from the home of his then-girlfriend, Carole Cimokasky.

As a result of the wounds, Ms. VanLeuven died later that evening in the emergency room at Nesbitt Memorial Hospital, where doctors treating her had removed a set of handcuffs from her wrist. Schwartz fled the scene in Ms. VanLeuven's car, taking her purse and credit cards.

January 20, 1992: Police apprehended Schwartz, the object of a nationwide manhunt, after a 6-1/2 hour standoff at the Day's Inn in Wilkes-Barre. Before surrendering to police, Schwartz shot himself in the head with the same pistol that he had used on Ms. VanLeuven.

February 14, 1992: District Magistrate Earl Gregory bound over to Luzerne County Criminal Court charges against Schwartz of homicide, reckless endangerment, theft and receiving stolen property. Represented by public defenders Louis Bott and Ferris Webby, Schwartz never took the stand at the hearing.

May 11, 1992: At a bench trial (with no jury) before Luzerne County Judge Hugh Mundy, Schwartz pleaded guilty to a general charge of homicide, leaving it up to Mundy to decide his degree of guilt. Mundy convicted him of homicide, which carries a mandatory sentence of life in prison without parole, theft and receiving stolen property. The reckless endangerment charge was dropped. Schwartz was lodged in the Luzerne County Prison, awaiting sentencing.

January 22, 1993: Representing Schwartz, attorney Gerald Deady filed a petition to change Schwartz's original guilty plea to not guilty, claiming that Webby and Bott had been ineffective in advising Schwartz to plead guilty to the original manslaughter charge.

February 22, 1993: Judge Mundy presided at the hearing on Schwartz's petition to change his plea.

By Grace R. Dove

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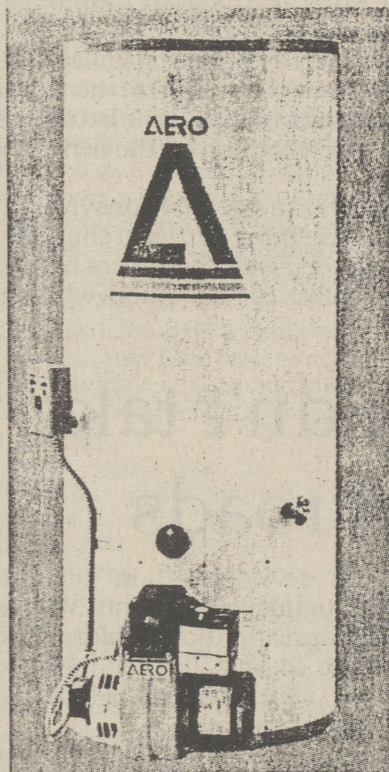
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BIO	227 25	Bacteriology	M/W/TH	5:00-8:00PM
ACC	202 25	Intermediate Accounting II	M/TH	5:40-8:00PM
ACC	402 25	Taxes I	M/TH	5:40-8:00PM
BIO	104 25	General Biology II	M/TH	5:40-8:00PM
BUS	371 25	Business Financial Management	M/TH	5:40-8:00PM
ENG	103 25	Composition	M/TH	5:40-8:00PM
MTH	115 25	Basic Statistics I	M/TH	5:40-8:00PM
ACC	302 25	Advanced Accounting II	M/TH	8:10-10:30PM
ENG	222 25	Major British Writers II	M/TH	8:10-10:30PM
BUS	440 25	Marketing Management	M/TH	8:10-10:30PM
PSY	123 25	Introduction To Psychology	M/TH	8:10-10:30PM
RLS	104 25	World Religions	M/TH	8:10-10:30PM
ACC	472 25	Accounting Internship		TBA
RDT	413 25	Radiography Co-op		TBA
Weekend Classes (March 13 to May 1, 1993)				
ACC	102 16	Principles Of Accounting II	Sat.	8:00 AM-NOON
BUS	206 16	Microeconomics	Sat.	8:00 AM-NOON
BUS	301 16	Quantitative Methods II	Sat.	8:00 AM-NOON
BUS	491 16	Seminar In Business Policies	Sat.	1:00-5:00PM

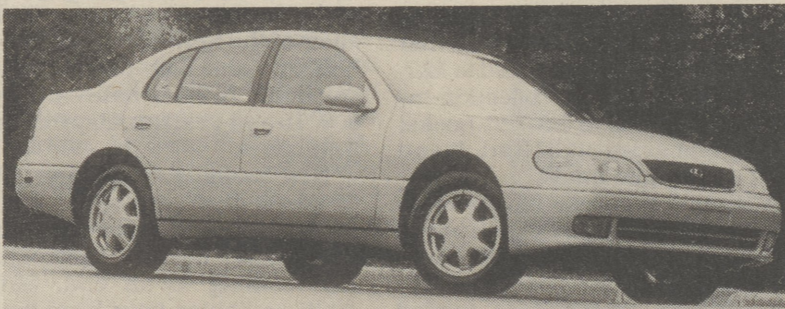
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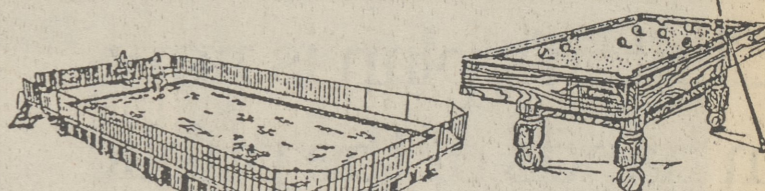
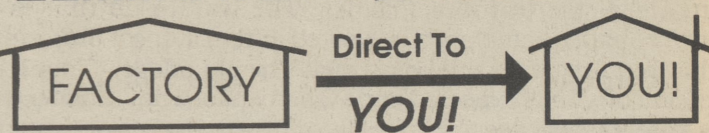
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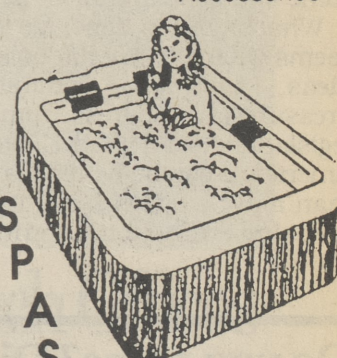


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