

Defendant sent back to jail in death of elderly city man

By Pete Shellem/Patriot-News

A Colonial Park man who allegedly punched a 78-year-old man so hard that it killed him was returned to Dauphin County Prison yesterday after a district justice held him for court on a homicide charge.

District Justice Michael Stewart raised Jeffrey S. Ulerick's bail to \$200,000, saying he found it "unconscionable" that he would hit the elderly Fred B. Bullock for no apparent reason.

"The issue here is it was a 78-year-old man," Stewart told Ulerick's attorney, Patrick F. Lauer Jr. "I think it's unconscionable that a young person like this would strike a person like that."

Ulerick, 23, of the 4900 block of Wyoming Avenue, had been free on \$50,000 bail.

Meanwhile, charges were withdrawn yesterday against Michael E. Algozo, 24, of Lower Paxton Twp., who also was charged in the fight, which apparently started when Bullock complained about Algozo tossing a cigarette on the sidewalk.

Deputy District Attorney Sol Weinberg said the charges were withdrawn because the evidence showed Ulerick was the only person to hit Bullock. Algozo was charged initially because he remained in front of the Second Street restaurant where the assault occurred.

John W. Brown, 83, of Middletown testified he was about to give Bullock a ride home from The Spot restaurant about 10:45 p.m. Aug. 23 when Bullock began arguing with Algozo.

Ulerick, who had been in the restaurant, came out and punched Bullock in the head, calling him a derogatory term implying he was homosexual, Brown testified. The blow knocked Bullock into the street, Brown said, and left him bleeding from the nose and mouth.

Ulerick continued walking up Second Street after he punched Bullock, Brown testified.

Dauphin County Coroner Graham S. Hetrick testified that Bullock died three weeks later from respiratory failure caused by being hooked to life support equipment after he slipped into a coma.

The cause of death is listed as adult respiratory distress syndrome due to blunt force trauma to the head, Hetrick said.

The coroner testified an autopsy showed Bullock had suffered a fracture to the left side of his skull, apparently where Ulerick had punched him.

Lauer, who presented no defense at the preliminary hearing, argued the evidence against his client amounted to no more than involuntary manslaughter.

But Weinberg countered that the force of the blow and the slur Ulerick shouted showed malice, which is required to sustain a homicide charge. Weinberg said Algozo also had called Bullock a homosexual, but the prosecutor was unsure why.

Lauer said Ulerick would be unable to post the \$200,000 bail.

Algozo's attorney, Richard F. Maffett Jr., called the death an "unfortunate situation." He said Bullock had hit his client with an umbrella.

Jury acquits accused rapist

By **BILL CALLEN**
Public Opinion staff writer

CARLISLE — A jury in Cumberland County Court Wednesday acquitted one of two men of charges he raped a Chambersburg woman, but was unable to reach a verdict on his co-defendant.

The jury of seven women and five men deliberated more than seven hours before acquitting 26-year-old Gerald Ross Conyers Jr. of Shippensburg of all charges in connection with an early morning incident Jan. 18.

He and co-defendant Michael L. Doyle, 26, also of Shippensburg, were charged with rape, deviant sexual intercourse and conspiracy. Doyle was acquitted of the latter two charges, but will face retrial on the rape charge.

Doyle has other charges to face. On Sept. 24, he was taken into custody by Pennsylvania State Police, Chambersburg, and charged with driving under the influence, aggravated assault on a police officer, disorderly conduct and driving under suspension.

Court reconvened amid tight security at just after 4:30 p. m. Wednesday. Visitors and both defendants were scanned with metal detectors before re-entering the courtroom to hear the jury's verdict.

A tense 20 minutes elapsed between the time court reconvened and the reading of the verdict. More than a dozen of the defendants' friends and relatives sat clustered on the left side of the courtroom.

On the other side of the room, the alleged victim sat clutching a tissue, surrounded by friends and law enforcement officials.

A brief but joyous yelp erupted from the left side when the jury foreman announced that Conyers had been found not guilty of rape. Less than 20 feet away, their accuser victim wailed in anguish as one charge after the other was greeted with not guilty verdicts.

"They did wrong. I didn't," she said in a broken voice.

Conyers leaned back, looked skyward and heaved a tremendous sigh. Meanwhile, Doyle sat collapsed onto a table, sobbing, his head buried in his arms for

minutes after the jury was unable to determine his fate on the rape charge. He later was helped to his feet and led from the courtroom by Conyers and his attorney, Patrick Lauer Jr. of Carlisle. Doyle will remain free on \$50,000 bail.

Shortly after the verdict was read, Edward Guido, the assistant district attorney who prosecuted the case, said, "I'm disappointed with the verdict, but other than that I can't comment further. We still have a pending charge and we intend to retry that case."

"You never know what 12 people will do," said Shippensburg Police Chief Michael Lynch. "You try your heart out, you do your best . . . I don't know of anything (the prosecution did) they could have done differently."

Shendele Kaiser, a counselor/court liaison with Women In Need Inc. of Chambersburg, said the outcome likely was decided by the question of consent.

"I think whenever drugs and alcohol are involved there is a question in the back of everyone's mind of who knew what while they were doing it," Kaiser said. "The guys admitted that the acts occurred, but they said she consented. I think (Guido) handled the case well, but clearly something was missing."

All three reportedly were under the influence of alcohol when the incident occurred. Doyle and Conyers were said also to be under the influence of marijuana. The victim denied smoking marijuana with the men.

Neither Doyle nor Conyers would comment, but Conyers' attorney, H. Anthony Adams of Shippensburg, made no attempt to mask his feelings.

"I am extremely happy," Adams said, a wide smile creasing his face. "(But) I was scared to death by the fact that juries will sometimes take a sympathetic stance without looking at the facts in a case like this. They see the alleged victim take the stand, she cries, and they feel sympathy."

"I feel that justice was finally served. I feel the charges should never have been brought, that there was more than a reasonable doubt. There were a number of inconsistencies in the victim's testimony. I'm confident that a new trial, if that is on the horizon, will bring an acquittal."

Jury acquits area man; second may face retrial

By CAROLYN SEIBERT
News-Chronicle Staff Writer

A Shippensburg R.D. 1 man was acquitted of rape and other charges in Cumberland County Court last week, but his co-defendant may face another trial.

A seven-woman, five-man jury found Gerald R. Conyers Jr., 26, not guilty of rape, conspiracy to commit rape, and involuntary deviate sexual intercourse following a three-day trial. Conyers was charged in connection with a Jan. 18 incident that involved a Chambersburg woman.

A second man charged in the incident, Michael W. Doyle, 26, of 19 Spring St., was found not guilty of conspiracy to commit rape and involuntary deviate sexual intercourse, but the jury was hung on the rape charge, and Doyle may face another trial on that count.

According to previous testimony on the incident in question, which took place at Doyle's residence, the woman said she was forced to have sexual intercourse with the two men. During the trial, the two said the woman consented during the incident.

"I'm just glad it's over," Conyers said later. "It never should have come to trial in the first place, but it turned out the best it could for me. And if Mike has to go to trial again,

I'm sure it will turn out the same way."

"We told it the way it was, and except for the one charge, it came out right," Doyle said. "I thought our lawyers did a hell of a job. This is a real relief off our backs — we've had to live with this for almost eight months."

"Jerry is innocent. I think the jury was absolutely correct in its verdict," H. Anthony Adams, Conyers' attorney, stated. "There were quite a few things that the alleged victim did earlier that evening that were highly inconsistent with her 'not consenting'." Luckily, the jury looked past the usual sympathy for the woman in these things."

Neither Edward Guido, the assistant district attorney, nor Patrick Lauer, Doyle's attorney, were available for comment today. But Shippensburg Borough Police Chief Michael Lynch said he was disappointed in the verdict.

"You can't say what 12 people will do," he commented. "There's nothing that could have been done any differently — we did the best we could, and I think the assistant district attorney did the best he could."

Lynch said the police department plans to work with the DA's office in bringing the rape charge against Doyle to trial again.

Jury acquits man in death of city resident

By Shellem
News

Lancaster County jury yesterday acquitted a 23-year-old Park man of killing an Harrisburg resident by pushing him to the ground.

The jury deliberated a little more than an hour before finding Jeffrey S. Ulerick innocent of the slaying of 78-year-old Michael Bullock.

Ulerick's family and friends cheered the decision.

Outside the courtroom, Ulerick said, "I'm just glad it's all over. I'm glad I stood up for my rights."

The jury apparently found Ulerick justified in punching Bullock, who was beating Ulerick's unken friend with an umbrella or tossing a cigarette on the ground, when Ulerick intervened and struck him. Prosecutor Sol Weinberg pre-

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— Jeffrey S. Ulerick

sented several witnesses who said Ulerick's blow knocked Bullock to the street outside the Spot restaurant. Bullock died 23 days later from injuries to the back of his head caused by hitting his head on the pavement.

But Ulerick testified Bullock was still standing after he punched him.

Defense lawyer Patrick F. Lauer Jr. presented a witness who said a cook from the restaurant knocked Bullock over.

Brent Gamble, a Front Street man who was passing by at the time of the fight, said he tried to report his story to the police on numerous occasions, but was ignored.

After the trial, Lauer said U-

lerick "was a victim of circumstances beyond his control."

In closing arguments he told the jury the incident was a "tragedy over a cigarette butt" for both Bullock and Ulerick.

However, he said Bullock was to blame for what happened.

"What was Mr. Bullock doing swinging at someone's head?" he asked. "If he hadn't died, he would have been guilty of a crime."

His client didn't have time to assess the situation before reacting, Lauer said.

Ulerick testified he saw Bullock harassing his friend and leaned out the restaurant door to tell him to stop when Bullock began swinging his umbrella.

Bullock struck Michael Algoso, who was returning home from a concert with Ulerick, so hard that it broke a post off his earring and forced the earring into his neck.

"He had a second's notice to help a friend and in that second his life was changed," Lauer said. "Not in a million years did this boy ever think what he did that night defending his friend would cause someone to die."

Weinberg said the case belonged before a jury.

"The not guilty verdict means they believed his version of the facts, that he really believed his friend needed help," Weinberg said.

In closing he told jurors that Ulerick's attack occurred after Bullock stopped hitting Algoso and was backing away.

"That is not defense, it is retribution," he said. "He was ticked off his friend was being hit and he decided to retaliate."

Attorney tries to shift blame

By Pete Shellem/Patriot-News

The lawyer for a Colonial Park man charged with killing an older man by punching him and knocking him to the ground tried to point the blame away from his client yesterday in Dauphin County Court.

In opening statements in the murder trial of Jeffrey S. Ulerick, defense attorney Patrick F. Lauer Jr. said a cook at the restaurant where the fight took place shoved 78-year-old Fred B. Bullock to the ground, causing the fatal injury.

But prosecutors presented the cook and two other witnesses who said Ulerick came out of the The Spot restaurant at Second and Walnut streets and punched Bullock in the head. Bullock was knocked to the ground and suffered a fractured skull.

He died 23 days after the Aug. 23 beating.

Lauer said he would present a witness ignored by police who claimed Ulerick punched Bullock, but a cook inside the restaurant came out and knocked the elderly man to the street. The blow on the head from hitting the street caused Bullock's death, Lauer said.

But the cook, Panayiotis "Pete" Diplarides, said he saw the fight through the window and came out to aid Bullock, a longtime patron of The Spot.

Bullock's friend, John Brown, who was waiting

to drive him home when the fight erupted, identified Ulerick as the attacker, as did another patron of the restaurant.

But blaming the cook isn't Ulerick's only line of defense.

Lauer told the jury that Ulerick was justified in punching Bullock because he was attacking Ulerick's friend with an umbrella outside the restaurant.

Ulerick was trying to protect Michael E. Algosio, 24, who was under the influence of alcohol and LSD when Bullock began fighting with him over dropping a cigarette on the ground, Lauer said.

Algosio was originally charged with homicide, but charges were withdrawn after witnesses identified the 24-year-old Ulerick as the attacker.

"He's a good kid and he was merely looking out for a friend," Lauer said, adding the prosecution agrees Ulerick did not intend to kill Bullock. "Mr. Bullock was not acting like a 78-year-old. He was not acting responsibly. Jeff Ulerick was not bothering anyone that night."

Deputy District Attorney Sol Weinberg, who is seeking a third-degree murder conviction, said Lauer's claim of justification "is almost unworthy of comment."

"This is not a justified homicide," Weinberg told the jury. "Michael Algosio was in no danger. This was a 78-year-old man."

Patriot 5/21 Ulerick

Defendant testifies he defended friend

By Pete Shellem

Patriot-News

A 23-year-old Colonial Park man accused of killing an elderly city man by punching him to the ground tearfully testified yesterday in Dauphin County Court the victim was still standing after the punch.

Jeffrey S. Ulerick said he was trying to defend a drunken friend from 78-year-old Fred B. Bullock's attacks with an umbrella.

Ulerick, who had left the Navy two months before the Aug. 23 assault, described in two hours of testimony yesterday how he was trying to help Michael Algoson get home from a concert on City Island before the attack occurred.

Algoson had consumed about a half a fifth of whiskey and taken LSD before the concert and Ulerick said he was trying to steer Algoson home when he stopped to get a sandwich at The Spot restaurant at Second and Walnut streets.

Bullock began arguing with Algoson over throwing a cigarette on the ground and struck him on the head with his umbrella, after which Ulerick intervened and punched Bullock in the face, according to testimony.

"I had to do something," Ulerick said, crying. "He hit him twice. My friend was not defending himself, his knees buckled, receiving these blows to the head."

Prosecutor Sol Weinberg claims that punch knocked Bullock to the street, causing the fatal injury.

But Ulerick said Bullock stepped back and leaned against a car holding his face. He said he turned to see if Algoson was hurt and when he turned around again seconds later, Bullock was laying in the street several feet from the car.

His testimony leaves open defense attorney Patrick F. Lauer Jr.'s claim that someone else knocked Bullock to the ground, which would relieve Ulerick of responsibility for the death.

However, Algoson and several other eyewitnesses testified that Ulerick's punch sent Bullock flying to the street. Algoson and his brother, Brian, said Ulerick told

them he punched Bullock so hard it hurt his hand.

Bullock died 23 days after the Aug. 23 beating of a respiratory ailment brought on by the jarring of his brain, a pathologist testified yesterday.

Lauer opened the trial yesterday saying he would produce witnesses who saw a cook from the restaurant push Bullock to the ground after Ulerick struck him.

However, the prosecution presented the cook, who said he came outside to help Bullock, a longtime patron of The Spot.

Lauer also is claiming Ulerick's actions were justified, since Bullock was supposedly attacking the pair.

The defense is expected to wrap up its case this morning and the jury will be left to decide whether Ulerick was defending a friend or is guilty of third-degree murder, as the prosecution claims.