

# Acquittal ruled in Dr. Fear case

# The Pocono Rec

The Stroudsburg, Pa. — Tues., Feb. 15, 1966

**STROUDSBURG** — Dr. Jesse Fear of Berwick, Pa., was given a directed verdict of not guilty on four counts of violating the State Drug Law yesterday by the Monroe County Petit Jury.

President Judge Fred W. Davis directed the jury to find Fear not guilty when the Commonwealth could present no evidence against the doctor.

The drug case began yesterday morning, but as soon as a jury was picked the district attorney and defense attorneys retreated to the judge's chambers.

Then, late in the afternoon, they returned to the courtroom, and James Marsh, Monroe County district attorney, said the Commonwealth could offer no evidence against Fear.

"After consulting with our chemist and doctor, we came to the conclusion that the pills on which this case is based contained a derivative of an isomer (compound) of amphetamine. The State Drug Law does not classify this as a dangerous drug," Marsh said.

He later explained that the drug act prohibits the sale of a dangerous drug — in this case a drug with amphetamine or an isomer of amphetamine.

However, as the pills involved in Dr. Fear's case contained only a derivative of an isomer of amphetamine, they cannot be considered dangerous under the act, Marsh noted.

Fear was charged with giving the pills in question to Walter

Thompson, proprietor of Walt's Diner on N. Fifth St. in Stroud Twp.; Fear and Thompson were arrested in January 1965 on charges of violating the State Drug Law.

Marsh said yesterday the charges against Thompson will also be dropped, based on the decision in Fear's case.

After Marsh said he could present no evidence against Fear, Elmer Christine, defense attorney, asked for a directed verdict of not guilty. Atty. Walter Olenick also represented Fear.

Judge Davis then ordered the jury to find Fear not guilty, noting that "after investigation, the district attorney has no testimony to present. Therefore, there is nothing on which the jury can find a verdict of guilty and the court orders you to render a verdict of not guilty."

The verdict ended a legal battle that had lasted since Fear and Thompson were arrested more than a year ago.

First came an arraignment before Forrest B. Setrin, S t r o u d T w p. Justice of the Peace. Then a hearing on the charges against Fear before Setrin was postponed and continued several weeks later.

Setrin decided the case should go to the Grand Jury. The Grand Jury then found the state had enough evidence to try Fear on all four counts.

Christine then asked that the trial be held outside Monroe County, but Judge Davis ruled

he did not have the power to grant a change of venue.

The case came to trial yesterday.

Fear was charged with: delivery of an amphetamine content drug; misbranding of an amphetamine content drug; and dealing in, dispensing, selling, delivery, distribution, trafficking in, or giving of a dangerous drug, over and above the regular course of his profession.

Also, dispensing of a dangerous drug by a practitioner without affixing to the container in which the drug was sold a label bearing the name and address of the practitioner, the date dispensed, the name and address of the patient and the directions for the use of the drug by the patient.

Jurors selected to try the case were Victor Henning of Stroudsburg, Lydia A. Christenson of Canadensis, Owen R. Howell of Tannersville, Paul M. Fellers of Stroudsburg, Harry C. Nace of East Stroudsburg, and Harvey B. Burris of Stroudsburg.

Also, Charles E. Hintze of Shawnee, Forrest Singer of Stroudsburg, RD 3, Thomas Shaw of Effort, Henry Lesone of East Stroudsburg, Edward Staples of East Stroudsburg, and Donald Marshall of Long Pond.

Raymond Allegor of East Stroudsburg, RD 3, and Robert McCain of East Stroudsburg, were alternates.



Off The Record:

By Bob Clark

