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CLAIM OF DOMESTIC DISPUTE AT CHIEF'S HOME RULED FALSE

BYLINE: TORSTEN OVE, POST-GAZETTE STAFF WRITER

BODY:

A federal jury yesterday found former **Pittsburgh police** Officer Edmond Gaudelli Jr. guilty of lying when he said he responded to a domestic violence call at the home of Chief Robert W. McNeilly Jr. in 1996.

After deliberating for about five hours, the jury convicted Gaudelli of committing perjury when he made the accusation in a 1999 civil suit he filed against the chief and other **police** officials.

McNeilly and his wife, **Police** Cmdr. Catherine McNeilly, were elated when U.S. Attorney Mary Beth Buchanan called with the news.

"My family and I are incredibly relieved that this very trying ordeal is over and that, in our opinion, justice has been duly served," the chief said in a statement. "We would like to thank the jury for their time and attention to the facts during the trial and we'd also like to extend our thanks to the U.S. attorney's office and the FBI for their efforts in unveiling the truth of this case."

Catherine McNeilly's response came in the form of a three-page letter she wrote to Gaudelli's lawyer, Tony Mariani, before the trial had ended. In it, she expressed love for her husband, who she said has taken care of her since she was diagnosed with multiple sclerosis two years ago.

She also said she had confidence that Gaudelli would be found guilty and criticized Mariani for taking the case.

"I am disappointed that you have succumbed to the delusions of Mr. Gaudelli, and have used these delusions to try to build a case from nothing," she wrote. "I do not know what your motivations were for your role in this case -- perhaps it was for money or exposure. Or, perhaps, you have really bought into this whole lie -- but you have made a grave mistake by representing this man."

Mariani had no comment on the specifics of the letter.

"I've always thought Catherine McNeilly was a fine person," he said, "and I continue to think so."

Gaudelli, who did not testify, didn't want to discuss the verdict, nor did his family, but Mariani said he will appeal.

One issue will be U.S. District Judge David Cercone's decision not to grant immunity to defense witness Gail Elliott.

Elliott, a 911 dispatcher, originally told the FBI in February that she had handled a call for a domestic dispute at McNeilly's house sometime between 1993 and 1999.

Last week, after the trial had begun, Elliott approached FBI Agent Larry Juliano and told him that she didn't want to testify.

At a meeting on Thursday, Juliano said, Elliott told him a different version of her story. Juliano explained to her that nothing he had found supported Gaudelli's claims and that if she now changed her story she would have to face "the consequences."

Elliott said she took that as a threat and indicated she would refuse to testify unless Cercone granted her immunity. Cercone refused and Elliott did not testify.

It was the first time in more than 20 years that the issue had come up in this judicial circuit, and Mariani said he'll appeal the decision "with all due respect to the judge."

Most jurors refused to comment on their deliberations, although one did tell reporters that they had some trouble sorting out "conflicting testimony."

But two questions they asked of the judge indicated their mindset.

On Thursday they asked, who called 911 about the alleged domestic?

The government presented extensive computer records and testimony that there never was a domestic, and the whole case hinged on that very question. The judge said he couldn't instruct them on a factual issue.

In another question, the jury wanted the judge to explain the elements of perjury.

To prove that charge, the government had to show that Gaudelli's story about the domestic was "material" to his civil suit.

Mariani argued that the story wasn't relevant because the suit claimed **police** officials retaliated against Gaudelli for filing grievances over transfers, not over responding to a domestic.

Assistant U.S. Attorney Carolyn Bloch argued that the story was part of Gaudelli's complaint and a later deposition in which he gave more details about it, so it was relevant.

The jury sided with her, but Mariani said his appeal may address that issue as well.

Gaudelli said he responded to a domestic at the chief's house on Sept. 28, 1996, and was told to leave by Sgt. Dennis McQuaide. The McNeillys denied they have ever had a domestic fight and produced records indicating they were on vacation in Florida on that day. McQuaide also denied the claim.

The only time **police** had ever responded to the McNeilly home in 1996, according to computerized 911 records, was for burglar alarms in July and October.

Gaudelli remains free on bond pending sentencing Oct. 10. Buchanan said he faces between 10 and 30 months in federal prison.

She also said the U.S. attorney's office will examine the conduct of other officers who, the

trial revealed, tried to bolster Gaudelli's claim.

One was Officer Stacy McDonald, who worked at the 911 center. Testimony revealed that she asked a 911 dispatcher to print out "test" 911 calls to the homes of McNeilly and Assistant **Chief William Mullen**, then asked the dispatcher to alter the priority status field from "test" to "domestic."

NOTES:

Torsten Ove can be reached at tove@post-gazette.com or 412-263-2620.

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