

## Quick Acquittal in P.G. Robbery Case; Defense Says County Police Tried to Smear Man They Suspected of Killing Officer

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A Prince George's County jury deliberated 15 minutes and then acquitted Jeffrey C. Gilbert of armed robbery yesterday after hearing defense attorneys argue that county police officers manipulated the case to punish the man they suspected of killing a fellow officer.

Douglas J. Wood, Gilbert's attorney, said the police department was embarrassed by allegations that officers beat Gilbert during his April 28 arrest in the slaying of Cpl. John Novabilski. And to win over the public, Wood told the jury, the police tried to smear Gilbert by charging him May 18 with armed robbery.

The murder charges were dropped June 2 after strong evidence surfaced implicating another man. That suspect, Ralph McLean, fatally shot himself after a gun battle with police.

Yesterday, after a day-long Circuit Court trial, the jury found Gilbert not guilty of the armed robbery charge. Three jurors said in interviews after the trial that the state's case was too weak.

"I felt like I was going to faint. I'm glad it's over," Gilbert said later. "It's just something else they tried to make stick. They were trying to make me look like the villain or something."

Assistant State's Attorney Deneeka Varner-Cotton asked the jury to ignore Gilbert's "vendetta" against the police and convict him based on the testimony of the only person who saw the actual robbery -- the 38-year-old victim, Linda Walder.

Walder testified that Gilbert robbed her at gunpoint last March 1 outside her apartment building in the 2000 block of East Marlboro Avenue in Landover. She said Gilbert threatened to kill her that afternoon if she did not give him her purse.

Walder said she picked Gilbert's picture out of a photo spread of six people that Cpl. Donald Frick showed her May 8. But under cross-examination, Walder confirmed that she had told a judge in a preliminary hearing that she had picked someone else at first and that detectives told her she had made a mistake. Frick denied that when he testified.

The defense called two witnesses, who described themselves as friends and neighbors of Walder. They said they saw the man who robbed Walder moments before the crime, and it wasn't Gilbert.

Wood also emphasized that both the neighbors and Walder agreed that the robber had "hazel, cat-like eyes." During his cross-examination of Walder, Wood asked Gilbert, who has brown eyes, to approach the stand.

"Are these the hazel eyes that you saw on March 1, 1995?" Wood asked.

"No, but that's the guy," Walder answered.

Wood said the police charged Gilbert with the robbery so they could have another chance to question him about Novabilski's slaying. Gilbert was not questioned the night of his arrest because of his injuries.

"They weren't interested in the robbery except to jam him up," Wood said of the police. "Miss Walder was used just like Mr. Gilbert was used."

A federal grand jury convened in August and has been investigating whether police officers violated Gilbert's civil rights by beating him during his arrest. About 20 officers have testified before the grand jury, and eight more received subpoenas this week, police officials said.

Gilbert was convicted in 1990 of conspiracy to possess cocaine and in 1991 of robbery. He was convicted in November of possession of cocaine with intent to distribute; that case is under appeal.

**[Illustration]**

PHOTO,,Rich Lipski CAPTION: Jeffrey Gilbert hugged his mother in June after murder charges against him were dropped. He says county police beat him in that arrest.

Credit: Washington Post Staff Writer

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