

Whelan cleared in auto fatality

The Right Rev. Thomas A. Whelan, pastor emeritus of the Cathedral of Mary Our Queen, was found innocent yesterday of driving with impaired ability, reckless driving and manslaughter charges stemming from a fatal automobile accident June 15.

A fourth charge of driving while intoxicated lodged against the 67-year-old prelate was dismissed Tuesday by Judge William H. Murphy.

Evidence presented in the two-day trial showed that Helen H. Smith, 82, of the 100 block West University parkway, died within 30 minutes after being crushed between Monsignor Whelan's car and her own vehicle, which was parked in the 500 block West Cold Spring lane.

Two witnesses said the Monsignor's car was parked facing west, on the north side of the street when it suddenly shot forward, swerved into traffic, then back into the parking lane where it struck Mrs. Smith, who was standing in front of her car.

In the only testimony heard yesterday, Eugene L. Marron, an expert automobile appraiser, said that the gear-shift selector in the Monsignor's 1967 sedan was defective.

Mr. Marron testified that tests of the automobile conducted seven days after the accident revealed that the engine would slip into reverse 20 per cent of the time when started in neutral gear.

Jerome W. Taylor, assistant state's attorney, in his summation recounted the testimony of Dr. William G. Helfrich, the former pastor's personal physician, who said that it was his opinion the Monsignor was "under the influence of alcohol" at the time he was examined.

Judge Murphy said later in the interview that the Monsignor had taken some alcohol after the accident and "may have been intoxicated" when he saw Dr. Helfrich, "but that did not prove he was in that condition when the accident occurred."

The judge also said Monsignor Whelan had been drinking in the morning and that Dr. Helfrich may have seen the results of "two drinking periods. It was apparent he only gave the Monsignor a cursory examination, and then shipped him off to the hospital."

Judge Murphy went over the evidence for about 40 minutes before saying he could not find gross personal negligence on the Monsignor's part.