

# Directed Verdict Of Innocent Ends Donald Trammel Trial

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LANCASTER — The trial of Donald Trammel came to an abrupt end just after noon Tuesday when Seventh Circuit Court Judge Paul M. Moore granted a motion for a directed verdict of innocent after two key prosecution witnesses refused to testify.

The 39-year-old Pennsylvania native was charged with murder, armed robbery and burglary stemming from the Feb. 16, 1973, slaying of Dr. J. Dill Pittman.

The 69-year-old physician died after being beaten by intruders who broke into his Lancaster home.

The two witnesses, Billy McIlwain, 30, and Oliver Massey, 33, both of Lancaster, steadfastly refused to answer questions about the case posed by Sixth District Solicitor William R. Hare.

Both men now are serving prison sentences for crimes related to the case.

McIlwain pleaded guilty in November 1974 to being an accessory before and after the robbery and is serving a 10-year prison sentence.

In September 1974 Massey was sen-

tenced to life in prison after being found guilty of being an accessory before and after the fact of burglary and armed robbery.

According to the solicitor, both men previously identified the defendant in photographs Hare said McIlwain testified in February 1976 to that identification during grand jury proceedings which resulted in Trammel's indictment.

"The reason we were here is because of what they had said," Hare commented after the trial.

While on the witness stand, McIlwain frequently claimed Fifth Amendment rights against self-incrimination in refusing to answer questions about the case, even though Hare promised that the testimony would not be used against him.

McIlwain, after conferring with his attorney, insisted he be granted full immunity from further prosecution in exchange for his testimony. The solicitor would not consent to the request.

Massey similarly refused to testify, sometimes claiming lapse of memory, and finally, at Hare's prodding flatly denied ever having seen the defendant before.

After calling one other witness who was unable to identify the defendant, Hare moved for a directed verdict of innocent. Judge Moore immediately approved the request.

Trammel seemed dazed by the suddenness of his acquittal. After shaking hands with his attorneys, Jack Swerling and Ron Barrett of Columbia, he turned from the defense table and smiled wearily to well-wishers in the audience.

"I'm dizzy," he said after stepping from the courtroom. "I think I'm going to faint."

A stocky man of less than average height, Trammel said he plans to return immediately to Philadelphia where he owns a small delicatessen. He said family members have kept the business going while he was in custody.

Swerling, who directed the defense team, said he was "elated" by the trial's outcome.

"Justice was served. The system works," he said.

During trials in 1974, prosecutors had argued that Trammel and John Wells Trowery Jr. were hired by the local men to carry out the robbery. Trowery was acquitted by a jury in June 1974.

Trammel was not arrested until early last year when he was located in Philadelphia. A Pennsylvania court granted his extradition to South Carolina, but while the ruling was being appealed, Trammel fled the state.

He was recaptured in Manhattan in October, then waived extradition at a hearing before a New York judge.

After the trial Hare told reporters that the state's case depended on the testimony of McIlwain and Massey. Without their testimony, there was no case against the defendant.

The solicitor said he will consider lodging contempt of court charges against both men, and perjury charges against Massey.

"Both men have put me in a position where I have to do something about it," Hare said. "The state and county have gone to a great deal of expense to let them tell their stories. The court cannot let them play a game."

The Trammel trial marks the end of the murder case which received statewide attention in 1973 and 1974. No one has been convicted of the physician's murder.

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