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Heidnik Jury Ponders Insanity Questions, Lengthy Deliberations, Bring Peruto Hope For A Win



By KURT HEINE, Daily News Staff Writer

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A divided jury now in its third day of pondering Gary Heidnik's guilt boosted the spirits of Heidnik and his lawyer yesterday by indicating at least an interest in his insanity defense.

At midday yesterday, jurors asked Common Pleas Judge Lynne M. Abraham to redefine murder, legal insanity and mental illness.

Heidnik, who appears to have recovered from a beating by two other prisoners a day earlier in a City Hall holding cell, whispered to defense attorney A. Charles Peruto Jr.: "Looks like you did a good job," the lawyer said.

Peruto was even more cheered as the jury's deliberations dragged on. He chatted gaily with reporters and relatives of the two women he admits Heidnik slew in his basement dungeon, and predicted his client would wind up convicted of second-degree murder, which carries a mandatory life sentence.

"That means a big party," Peruto said. "It probably means he'll go to Farview till he's cured. Then he goes to prison and everybody will forget about him, including me." Farview is the state maximum-security institution for the criminally insane.

But the prosecutor said he remained undaunted by the undecided jurors, who spent 10 1/2 hours deliberating yesterday and Wednesday. They resumed their job at about 9 a.m. today.

"Obviously, somebody on that jury didn't accept my argument," said Deputy District Attorney Charles F. Gallagher, who contends Heidnik should be convicted of first-degree murder and then put to death. "I think most of them accept it, but it just takes some people longer to grasp difficult legal principles."

Abraham spent an hour answering the jury's questions yesterday and explaining the possible verdicts of not guilty, guilty, not guilty by reason of insanity and guilty but mentally ill.

Heidnik admits he kidnapped six women, chained them in his basement, and tortured and raped them in his failed dream of breeding a race of cellar dwellers. His lawyer concedes Heidnik killed two of the women and butchered one to feed the others.

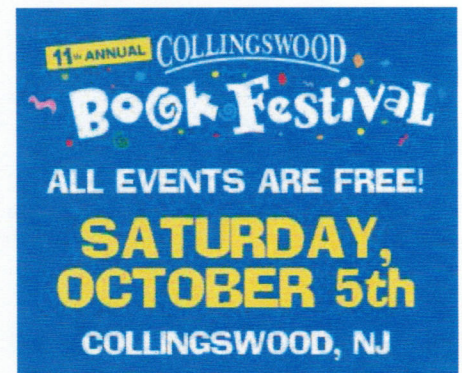
To win insanity, Heidnik must show he neither knew what he was doing nor that it was wrong. If he wins, he goes to a mental institution until no longer a threat to society.

Guilty but mentally ill - a verdict made possible by a state law that was criticized yesterday outside of the jury's presence by the judge and both lawyers - means only that Heidnik was so warped he couldn't appreciate his wickedness and obey the law.

Abraham and the lawyers agreed that the law is poorly written because it saddles the prosecution with the burden of proving Heidnik mentally ill if the defense fails to prove him insane.

If found guilty of first-degree murder but mentally ill, Heidnik still might be eligible for the death penalty, Abraham said, but only after he is cured of mental illness.

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