

Man acquitted of cheating ailing senior

By Phil Helsel
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Prosecutors had alleged that Wilbert Howard helped his wife cheat an 85-year-old Ansonia man with Parkinson's disease out of \$500,000 while she worked for him as a home health aide, cashing obviously forged checks and accepting thousands of dollars to which he was not entitled.

But a Superior Court judge ruled Tuesday that the case against Wilbert Howard was too weak to justify placing his fate in the hands of a jury and acquitted him of all charges, prompting Howard to burst into tears and weep uncontrollably.

As her husband put his head down on a table and sobbed after the ruling, Linda Howard consoled him, saying, "Let it out." Wilbert Howard later declined to comment.

"I always thought this was a very thin case," said Wilbert Howard's attorney, Tara Knight of New Haven. "Unfortunately, I think he got sucked into this mess. He had no idea what was going on."

But the case against Howard's wife, 47, continues. She is accused of using a rubber signature stamp to make out hundreds of checks in David Seymour's name, draining his bank accounts of \$491,491 and then shipping him off to Griffin Hospital in Derby on a bogus medical emergency once his assets were expended.

Seymour died penniless at the age of 85 on April 9, 2004, about a year after Linda Howard allegedly sent him to the hospital on a fake medical emergency and moved out of his apartment on Westfield Road in Ansonia. Linda Howard is accused of spending the money on everything from Caribbean vacations to her daughters' tuition and a

new porch for the couple's home.

Linda Howard is accused of stealing the lion's share of the money, but Deputy Assistant State's Attorney Annemarie Braun argued that Wilbert Howard also was culpable in the crime because he deposited two checks made out to him for \$7,000, and he endorsed two allegedly fraudulent checks made out to his wife in 2003, and couldn't explain to investigators what exactly the money was for.

But Judge Brian T. Fischer said that wasn't enough to meet the state's burden of proof. He acquitted Wilbert Howard, 56, just before 1 p.m. Tuesday on one count each of first- and second-degree larceny and conspiracy to commit larceny.

"The only involvement is the four checks, and the issue is not whether he could explain the checks," Fischer said. "The issue is the burden of the state to prove (the charges)."

Michael Sullivan, an inspector for the chief state's attorney's office in Rocky Hill, testified earlier that Wilbert Howard admitted to depositing or endorsing the checks but he didn't seem to understand that depositing the checks meant money would come out of Seymour's account.

Knight said her client was "a simple man" who suffers from learning disabilities and memory problems, and that he was not a willing participant in any alleged criminal scheme.

Meanwhile, attorneys representing Linda Howard called their only witness and rested their case Tuesday afternoon. Dorothy Bailey, who said she was friends both with Linda Howard and Seymour, testified that when she cared for

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Seymour for nine days in 2001 while Linda Howard was on a cruise, Seymour told her that he considered her to be an "angel sent from heaven" and would share his wealth with her.

"He said Mrs. (Linda) Howard was a godsend, an angel sent from heaven for him," Bailey said. "He said there was nothing he wouldn't do for Mrs. Howard and her family."

Linda Howard's attorneys said they would make another motion for acquittal Wednesday morning before closing arguments, after failing to get the charges

against her dropped Tuesday afternoon. The focus this time will be whether Seymour told family members that someone had taken his money without his consent and whether Linda Howard made claims that she was in control of Seymour's finances prior to 2003.

If she isn't acquitted, closing arguments will be made Wednesday morning and the jury will begin deliberating. She is charged with four counts of first-degree larceny, two counts of second-degree larceny and conspiracy to commit first- and second-degree larceny. She is free on \$250,000 bail.