

Mrs. Trait Guilty

Murder
7/16/78

in 4 Child Deaths

DEC 21 1979

Jury Rejects Mother's Plea Of Insanity

Convicts Her on 4 Counts of Murder

-By GREG FAHERTY
Courier-Express Staff Reporter

A State Supreme Court jury late Thursday convicted Gail Trait on four counts of second-degree murder for the butcher-knife slaying of her four young children.

By its verdict, the jury of nine men and three women rejected the defense plea of innocent by reason of insanity.

Justice Joseph D. Mintz ordered Mrs. Trait taken to jail to await sentence on Jan. 25. She faces possible terms of 25 years to life in prison on each of the four counts.

No Visible Emotion

Mrs. Trait showed no sign of emotion when the jury foreman read the guilty verdict at 5:55 p.m. She smiled as she left the courtroom.

Defense attorney Carl Vizzi, stating he was "shocked" by the verdict, told newsmen the conviction will be appealed to the Appellate court in Rochester.

Should he win a reversal, the defense lawyer said, he will seek to have the retrial held in New York City in view of what he called the "poisoned" atmosphere for insanity defenses in Erie County.

"The insanity defense is alive and well in New York City," Vizzi said.

Second Day of Deliberations

The guilty verdict came in the second day of the jury's deliberations. Most of the jurors declined comment when approached by reporters, but one confided it had been a "tough time."

"All I can say," he said, "is I hope I never have to do it again."

Mrs. Trait, 27, was found guilty of intentionally killing her four children, aged 2 to 3, in an upper apartment at 122 Montana Avenue on July 16, 1978.

While the sounds of Christmas filled downtown streets outside Erie County Hall, the jury foreman four times responded "guilty" when asked by the clerk how the jury found on each of the counts.

A poll of the jury showed the verdict



Deputy Leona Fitzgerald

Mrs. Gail Trait

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Defendant is escorted back to holding center after her conviction

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The jury returned its verdict shortly after viewing, for the third time, a videotape confession Mrs. Trait gave at Buffalo Police Headquarters early the morning of July 17, 1978, only hours after the homicide.

Assistant District Attorney George B. Quinlan Jr., prosecutor in the case, showed the videotape during the 3½-week trial. The jury asked to see it again Wednesday night and again Thursday afternoon.

Both prosecutor and defense counsel claimed the videotape supported their claim on the insanity issue. Vizzi said his three defense psychiatrists all urged showing the tape to the jury.

"You would probably say this is murder, but it wasn't murder to me," the jury heard Mrs. Trait say on the tape. "I did that to help save their souls," she said.

Admitted Killings

Defense counsel admitted to the jury at the start of the trial that Mrs. Trait killed her four children, but claimed she was psychotic and therefore not criminally responsible for her actions.

Defense psychiatrists testified that Mrs. Trait was suffering from schizophrenia, paranoid type, that she did not know the nature or consequences of her actions.

Prosecution psychiatrists disputed that finding, testifying that Mrs. Trait had an anti-social or sociopathic personality and knew full well what she was doing.

They portrayed the defendant as a pleasure-seeking woman without goals who took out her anger and frustration by killing her four children.