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Dealer sentenced; hope lives for art deal

By Stephen Kurkjian
GLOBE STAFF

DEDHAM — William P. Youngworth III, who contends that he can help gain the return of artwork stolen from the Isabella Stewart Gardner Museum, was sentenced yesterday to 2 to 3 years in state prison for possession of a stolen motor vehicle.

The sentence, well below the 14- to 15-year term recommended by the prosecution, was light enough for Youngworth's lawyer to declare that it could lead to restarting negotiations with federal authorities for return of the 13 paintings, sketches and other objects of art before the end of the year.

"If all could be put in order, I'd say we're in a position that it could

be a very merry Christmas," said attorney Martin K. Leppo of Randolph following yesterday's sentencing, when asked by reporters if a breakthrough might come soon.

However, Leppo acknowledged, Youngworth must get over several important hurdles in the coming weeks for the negotiations to succeed. They include:

■ Federal authorities would have to agree to provide Youngworth and his associate, Myles J. Connor Jr., with immunity from any prosecution for possible involvement in the theft of the art and its return. Similar immunity, he said, must also be provided to any "caretakers" who have possession of the art.

US Attorney Donald K. Stern declined to comment on Leppo's request yesterday. However, others, who asked not to be identified, said they were encouraged that Leppo was not pressing for federal authorities to ask Massachusetts to drop the stolen vehicle sentence against Youngworth, or to reduce or drop a sentence Connor is serving on an unrelated charge.

One source familiar with the negotiations said yesterday that it was likely authorities would seek the return of one of the less valued artworks stolen in the heist, such as one of several sketches by Edgar Degas, before agreeing to immunity for Youngworth or Connor.

During the summer, Youngworth had asked that federal authorities persuade Norfolk County prosecutors to delay or even drop the charges related to the stolen vehicle case so a deal could be reached on the stolen artworks. However, Stern, whose office is leading the investigation into the 1990 theft from the museum, rejected that demand and the negotiations between the federal authorities and Youngworth broke down.

Joan Norris, spokeswoman for the Gardner, had no comment on Leppo's remarks, nor on yesterday's sentencing.

■ The state Supreme Judicial Court must reject an appeal by Norfolk District Attorney Jeffrey A. Locke, who wants the court to reinstate a habitual offender indictment against Youngworth. That indictment would put the former Randolph antiques dealer behind bars for 15 years on the stolen vehicle charge.

The decision is up to the SJC because on Wednesday, Norfolk Superior Court Judge Isaac Borenstein threw out the habitual offender charge, saying insufficient evidence had been presented to the Norfolk County grand jury last November to issue the indictment.

Locke's office filed an emergency appeal to have Borenstein's order overturned. A single SJC judge will probably conduct the appeal hearing by next Wednesday.

Borenstein maintained that Locke's office, while showing that Youngworth had been sentenced to more than three years in prison for two prior offenses, had failed to document whether he actually served the time in jail for the crimes.

Yesterday, before sentencing Youngworth to prison for 2 to 3 years, Superior Court Judge Elizabeth Butler said she would stay that sentence for a week to allow for the appeal hearing.

Youngworth has stated that if he was sentenced to 15 years in prison under the habitual offender statute, he would cease all cooperation for return of the paintings.

In court yesterday, Assistant Norfolk District Attorney Kim S. Gainsboro said that, regardless of the habitual offender law, Youngworth should be sentenced to 14-15 years in prison for possession of the stolen van because of his prior criminal record.

Unfurling the rap sheet for the 38-year-old Youngworth, she said it included seven convictions for receiving stolen property as well as others for illegal possession of a handgun, possession of illegal narcotics, and numerous driving violations. She also said Youngworth had been found guilty of illegal possession of a firearm, and served a year in jail under the alias of Mark Hagan.

"He is a habitual criminal," Gainsboro said of Youngworth. She added that while the jury that convicted him of the latest offense had not been told why he had a stolen van in his possession, a police report stated that it was going to be used in the armed robbery of a Brighton antique rug dealer.

However, Judge Butler rejected Gainsboro's request for a longer prison sentence, stating that the recommended term for such an offense is 20 to 30 months in prison.

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