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GANG RAPE?

OR DID SHE SEDUCE THE BOYS' CHOIR?



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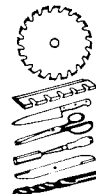
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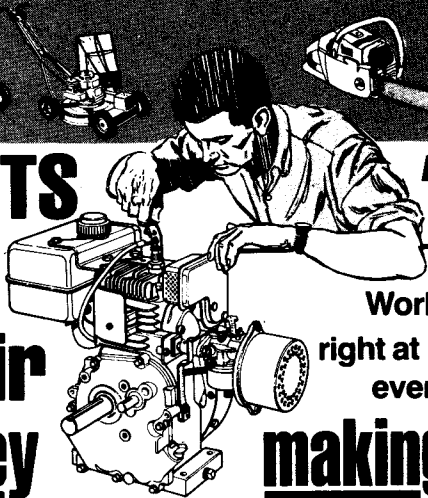
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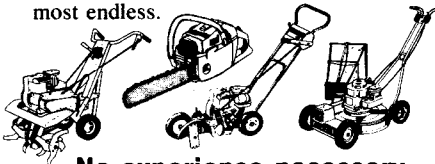
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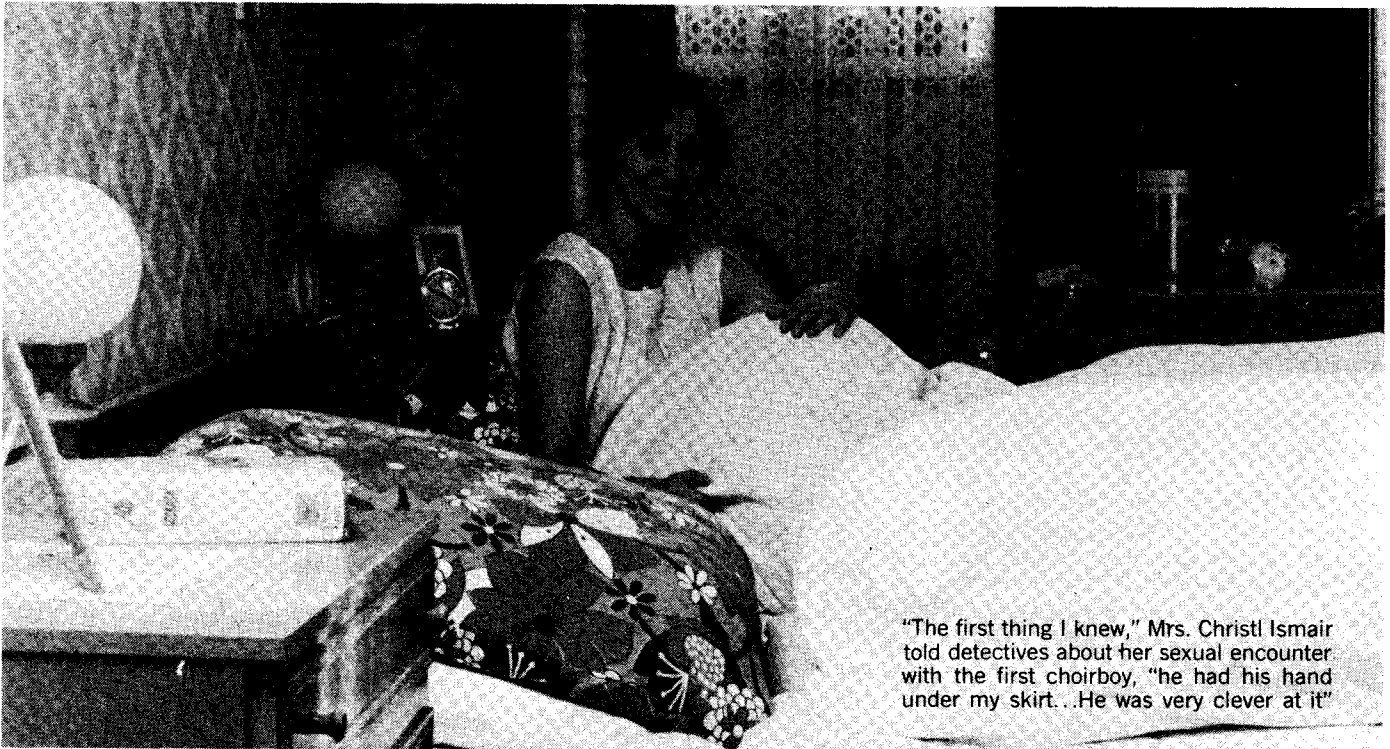


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"The first thing I knew," Mrs. Christl Ismail told detectives about her sexual encounter with the first choirboy, "he had his hand under my skirt...He was very clever at it"

In one of the most unusual scandals of the decade incredulous probers had to consider two options:

RAPE: The sexual violation either through force or through intimidation of a person, with the victim usually being female.

Contributing to the Delinquency of a Minor: The inciting or permitting of an illegal or immoral act on the part of a person below the age of 18 by an adult.

Inspector Boris Krembayer, chief of the Deggendorf Police Vice Squad, closed the regulations book and leaned back in his swivel chair.

"And there," he said, "you have it—the official definitions. Now, was it rape or was it contributing to the delinquency of minors—or was it both?"

"'Below the age of eighteen' is a stupid definition of a minor today," remarked his assistant, Sergeant Max Borsen. "When you're teaching sex practice in the grade schools and when any ten-year-old kid can lay his hands on hard-core pornography at almost any newsstand, what is an immoral act for a seventeen-year-old?"

"Granted," said the inspector, settling his square body a little deeper in the chair and locking his stubby fingers behind his massive, close-trimmed blond head. "The definition is no longer relevant today. However, that does not help us off the hook. Relevant or not, rape and contributing to the delinquency of a minor

remain as offenses in the book and we have one charge of each, the second, to be sure, in seven instances, but, of course, all identical."

"I am not naive," said the sergeant, who actually looked very naive indeed, with his large, innocent blue eyes and very light blond hair parted on the side, "but I do not see how she could possibly have had intercourse with seven boys simultaneously."

"She must have been hard-pressed," agreed the inspector. "There would scarcely have been enough natural orifices to go around. Still, young boys like that are pretty quick on the trigger. I don't suppose that it really took very much at all."

"The whole thing seems fantastic," commented the sergeant, getting up and going to the window to look down into the town square of Deggendorf with the flower boxes stretching along in front of the late gothic town hall. "The cleaning woman at a youth center, a Catholic boy's youth center of all things, and practically the entire back row of the parish boys choir. The people in Bodenmais find it hard to believe, too."

"Ah," said the inspector, "but a young cleaning woman, a twenty-six-year-old cleaning woman, living on the premises alone while her husband was away at

GANG RAPE? OR DID SHE SEDUCE THE BOYS' CHOIR?

by JOHN DUNNING

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Shown above with her 5-year-old daughter, Christl and husband Siegfried (photo right) were caretakers of the new village youth center. While her husband was away working during the day, she sold refreshments at the center, but that wasn't the reason the place became so popular with those eager choirboys

work the entire day in Regen. As for the boys, well, one is seventeen and the others are all fifteen and sixteen. By your own definition, made just a moment ago, these are scarcely minors."

"Perhaps not," said the sergeant glumly, coming back to his desk, "but I must say Bodenmais has seen a lot of activity this year for a place that size."

This was very true. Bodenmais is a village in the Bavarian Forest, only a stone's throw from the West Germany border with Czechoslovakia, and numbers no more than 3,500 inhabitants. It is a beautiful place, located at the foot of Mount Arber, at 1,456 meters and highest peak in the Bavarian Forest, and was chosen earlier in 1976 as the meeting place for the discussions between US Secretary of State Henry Kissinger and South African Premier John Vorster.

Mainly due to the efforts of Father Wilhelm Guentner, the parish priest of Bodenmais, the large new youth center had been created on the edge of the village. A modern building with a large library, game rooms, gym and auditorium, it had, of course, required a full-time caretaker and cleaning woman; these had been found in the persons of 28-year-old electrician Siegfried Ismail and his wife, 26-year-old Christl. The Ismairs had a 5-year-old daughter and Siegfried worked in Regen, a somewhat larger town seven miles to the south.

Nor were the Ismairs strangers. Both were born and bred in Bodenmais and had spent their entire lives there. Although the caretaker's job did not pay very much, it provided a fine, four-room apartment rent-free, and it did not interfere with Siegfried's regular job in Regen.

There was also a modest profit to be made in the sale of

refreshments, soft drinks, candy, salt sticks and, typically for Germany where children start with alcoholic drinks at an early age, beer.

Christl handled the sale of refreshments and did the cleaning and Siegfried did whatever maintenance needed doing after working hours or on the weekends. It was a good arrangement for the young couple until they could save up enough money to build their own house.

A village the size of Bodenmais has no Vice Squad, of course, and it was in Deggendorf, a medium-sized town on the Danube river, nearly 20 miles to the south, that Inspector Krembayer and Sergeant Borsen were pondering the most sensational case which the Vice Squad had ever had to deal with.

"If she even looked sexy, it would make the thing seem more realistic," said the sergeant, "but she looks just exactly like a nice, healthy farm girl."

"Which is what she is," said the inspector. "A nice, clean, healthy farm girl and that's what she talks like too. Have you listened to the tape of her statement?"

"Not yet," said the sergeant. "I thought we were going to now."

"Let's listen to the boys first," said Inspector Krembayer, leaning forward in the chair and bringing a box of cassettes for the small tape recorder on the corner of the desk out of the side



drawer. "Here. We'll start with Klaus Luebbich, age fifteen, choir boy. By the woman's statement and by his own admission, he's the one who started the whole thing."

"He's under the legal age for prosecution," remarked Sergeant Borsen. "Is his statement worth anything?"

"Oh yes," said the inspector, dropping the tape into the machine. "He can make a legal statement and, in any case, it has been confirmed by Mrs. Ismail. Actually, it is quite vital for the 'contributing to the delinquency of a minor' case."

He tapped the switch and, after a few squeaks and gratings, the sound of a boy's voice issued from the machine.

"I went to the caretaker's apartment to buy a beer," the recording began without preamble. "Christl was alone and I sat beside her on the sofa to drink my beer. Then, I thought, 'Why not — [vulgar German word for sexual intercourse] her?' so I put my hand on her breast.

"She looked surprised and said, 'Don't do that! What's the matter with you?'"

"I didn't say anything, but while she was trying to take my hand off her breast, I put my other hand up under her skirt and felt of her — [vulgar German word for the female sex organ] She made a sort of a gasping noise and then I put my finger up in-



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side her pants and into her.

"I started to tickle her tickler [the common German word for the clitoris] and she got very wet and was all red in the face. I thought she was probably going to have an orgasm so I stopped tickling."

Now the inspector's voice spoke out of the tape recorder.

"How do you come to know about 'ticklers' and 'orgasms?'" he asked. "Did Mrs. Ismail discuss this with you later?"

"I learned it in school," said the boy. "The book says you have to be very careful with the tickler because it is so sensitive. Mrs. Ismail didn't know much about sex. We had to teach her everything."

He sounded extremely proud.

"I see," said the inspector. "And what happened then?"

"She was very excited," said Klaus, "and she wanted it so I pushed up her skirt and took down her pants and then I did it to her. I did it to her twice. She had an orgasm both times and maybe once before."

"Clear cut case of contributing to the delinquency of a minor," said Inspector Krembayer, switching off the tape recorder. "The woman had two or three orgasms and made no attempt to stop the boy from having sexual intercourse with her."

"According to *his* statement," said Sergeant Borsen. "What about her? Does she admit this?"

"She doesn't deny what took place or even that she had one or more orgasms," said the inspector, "but she makes herself out more of a victim and less of a pushover than the gallant Klaus, who, I am afraid, does not quite fit the role of the gentleman-lover."

"Who loves and keeps silent about it," added the sergeant, completing a popular German witticism regarding lovers.

"Right," said the inspector. "Klaus loved, but he bawled like a calf about it to everybody who would listen. Vanity and pride were his downfall. Now, let us listen to Karl-Heinz Schuhmacher, seventeen years old and the oldest of our group, and the first person to whom Klaus told his adventure."

He studied the tapes, selected one and, after exchanging it with the one in the machine, pressed the start button.

"My name is Karl-Heinz Schuhmacher, presently unemployed, residing at Forty-one Hiller Street in Bodenmais," said a deep voice, which had obviously already changed. "On June fourteenth, nineteen-seventy-six, I was engaged in conversation with Klaus Luebbich at the Boy's Recreation Center in Bodenmais when he stated that he had had sexual intercourse with the center cleaning woman, Christl Ismail, on the preceding day.

"I told him he should stop masturbating so much because he was beginning to believe his fantasies. He said that it was



Asked why she hadn't told anyone about her predicament at the outset, Christl replied, "I was ashamed... Nobody would believe that I hadn't encouraged them!"

true and that Mrs. Ismail had had several orgasms. I said I should come with him and we would both have intercourse with Mrs. Ismail.

"I thought he was playing some kind of a joke and I went with him to the caretaker's apartment. We rang the bell and when Mrs. Ismail opened the door, I said we would like two beers.

"We went inside and Mrs. Ismail got the beer. Then, I said, 'I understand there is also other entertainment to be had.'

"Mrs. Ismail got very red in the face, but didn't say anything. She was standing facing me and Klaus went around behind her and pulled her skirt all the way up around her waist.

"She acted as if she was trying to stop him, but he put his hand inside her pants and I thought he was tickling her.

"I realized then that Klaus was maybe telling the truth and I came forward and helped him pull her pants down over her feet. We then sort of led her over to the sofa and I did it to her first and then Klaus. By the time he was finished, I was excited from watching them and I did it to her again. Klaus then tried a second time also, but could not have his climax.

"Mrs. Ismail was very wet and had several orgasms to my knowledge. When we left, she was lying on the sofa with her skirt up around her waist and her legs still wide apart. We had also opened her blouse and her breasts were exposed.

"We had not paid for the beer and she did not say anything about it then, but did ask us the next day and we paid for what we had drunk."

There was a short pause and then the inspector's voice said, "How was Mrs. Ismail dressed when you came in? Was she wearing anything unusual?"

"The boy answered: "No, just the things she always wears. A shirt and a blouse. She had on ordinary white cotton pants and brassiere... stockings, shoes."

"And did she act seductively, fondle you or the other boy?" asked the inspector. "What did she say?"

"She didn't say anything," said Karl-Heinz. "When she was doing it, she made sort of little grunting noises and when she had her orgasms, she moaned a little, but she didn't touch Klaus or me either with her hands. Not that day."

"Not that day," repeated Inspector Krembayer, flipping off the machine. later on, Mrs. Ismail was going to find that she had to use everything at her disposal and even that would not be enough. Karl-Heinz was no more discreet than Klaus and, as the business people say, word of mouth publicity by satisfied customers is the best advertising of all."

"Customers?" asked Sergeant Borsen. "She was charging for it?"

"Not a penny," replied the inspector. "It was all free. The beer, the candy and the potato chips had to be accounted for to the last cent, but Mrs. Ismail herself was, so to speak, on the house."

"Small wonder she was popular," said the sergeant. "So what happened next? She was gang-banged by the entire population of Bodenmais?"

"Nothing so dramatic," said the inspector. "You must remember that part of the population of Bodenmais is made up of women, babes in arms, elderly men no longer capable of the walk out to the Youth Recreation Center—which is, incidentally, not open to girls on the grounds that potentially immoral situations might arise."

"A reasonable assumption," said the sergeant, nodding. "Do we hear Mrs. Ismail's statement now? All I've heard so far is support for the contributing to the delinquency of minors charges."

"Well, not quite yet," said the inspector, switching tapes. "Let's listen to a few more of the minors themselves before we call the witness for the defense. This is a particularly good one. He watches television too much."

"The tape began with the inspector's voice: "Your name is Julius Wagner, you are sixteen years old and reside with your parents at Twelve Auer Street. Is that correct?"

"Figure it out for yourself, cop!" replied a voice that started out as a baritone rasp and ended up an almost soprano squeak.

"Reply to the question!" snapped the inspector's voice.

"It's correct," answered the boy sulkily, then sighing audibly.

"Describe what happened in the caretaker's apartment of the Boys' Recreation Center at Bodenmais on June sixteenth, nineteen-seventy-six or thereabouts."

(Continued on page 54)

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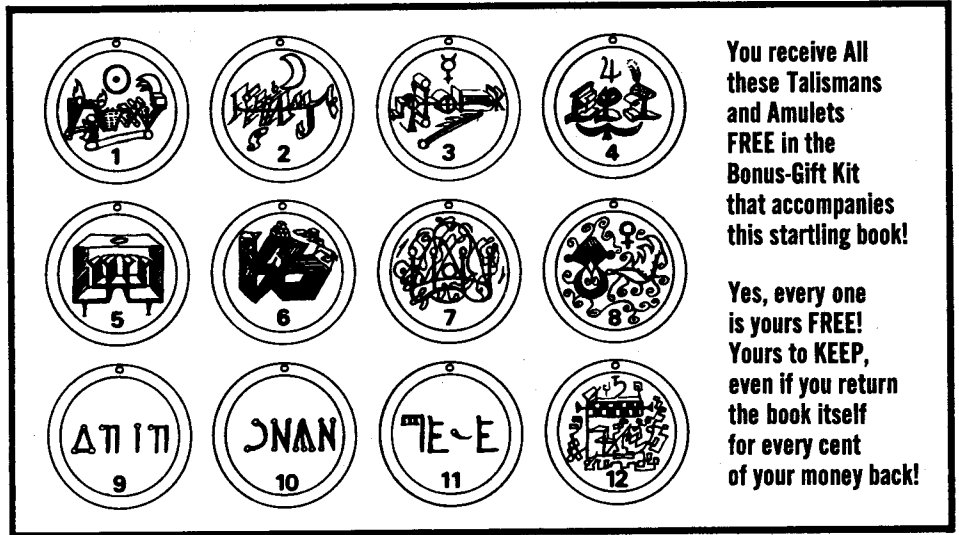
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by PADRAIC DILLON

For San Diego investigators, a strange missing person case became a homicide probe when they took the top off a playroom bar and exposed the

BIZARRE BURIAL FOR THE SLAIN MILLIONAIRE!



As murder probe reached a crucial stage, Federico Frank, here with Dets. Moller (l.) and Giaquinto, was taken into custody . . .

WEALTHY San Diego travel agent Ed Tubach indulged in three compulsions. He loved to travel to Mexico, South America and Europe. He favored having numbered bank accounts in foreign vaults. And he was in the habit of marrying and discarding wives. His sixth marriage and his last was to a former South American fashion model named Isabel Zerda Beltran. It lasted only about one year and turned out to be Tubach's stormiest and most fateful misalliance.

On December 8, 1976, a San Diego Superior Court judge granted Tubach, 47, a final interlocutory divorce decree from Isabel. Sixteen days later, on Christmas Eve, homicide detectives found his body, stabbed more than a dozen times and sealed inside a serving bar in the travel agent's swanky home.

Ed Tubach's travel-oriented lifestyle forced detectives to

follow leads that covered three continents and called for cooperation from police in other nations.

Although he was compulsive, Ed Tubach was also reliable.

When he left his travel agency in plush La Jolla the evening of December 10th, a Friday, his employees expected him to be back to work on the following Monday. Tubach told them he would.

It takes 20 minutes to drive from La Jolla to Tubach's rambling home on Lowell Way on a hillside overlooking the city of San Diego and its fine harbor filled by day with sleek sailboats and hulking Navy ships and tuna seiners. Tubach wheeled his 1974 Buick into his garage, locked the car and the garage door behind him and strode briskly up a dozen flagstone steps to the house. It had been his home for 10 years. More than one wife had lived in it during Tubach's succession of marriages. But now it was empty.

Tubach didn't stop to notice the city lights, brilliant in the clear winter air. He was anxious to get inside, particularly since someone had jumped him on his entry porch one night more than a little more than a month before. The man had thrust a knife to his throat, hit him repeatedly and demanded money. Tubach



Detective David Ayers worked with other officers on the weird case which found the victim entombed in his own bar

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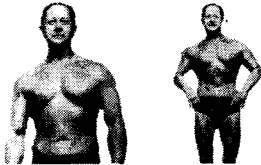
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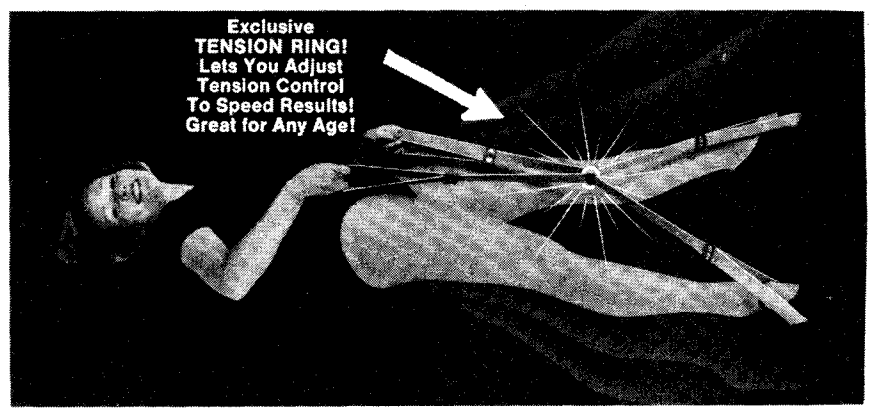
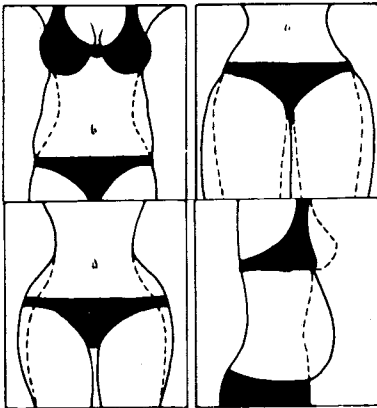
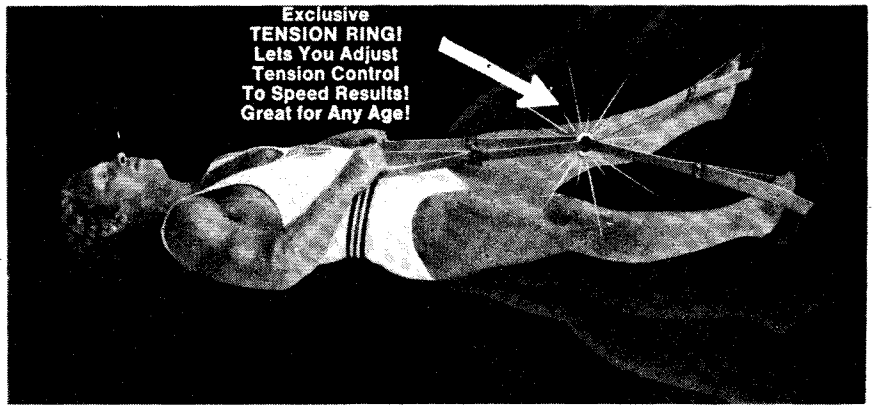
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The Science of SYNOMETRICS
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Investigation ranged as far as Mexico, where victim's ex-wife Isabel and her two daughters, Gloria (l.) and Patricia, came under suspicion



remembered the words: "Give me money for your wife and child."

He had no child, Tubach told the assailant. He had no child—no money—only \$10 in his pocket. The man took the money, grabbed it out of his hand, withdrew the blade and fled into the night. Tubach shuddered at the recollection as he punched the numbers on a 10-digit combination lock he had installed on the front door right after the \$10 robbery.

While he pushed the final digits, someone waited in the bushes near the home—someone with a knife.

Monday came and went. Ed Tubach did not appear at his office, nor did he check into his other office in Spring Valley, a 15-minute drive east of San Diego.

By Tuesday afternoon, employees at Ed Tubach's La Jolla office began to fret. They had called his house almost every hour from Monday afternoon on, and no one answered.

Finally, Tubach's secretary went to the San Diego Police Department and filed a missing persons report. The case was assigned to the department's homicide division, a normal procedure. Detectives David Ayers and Ken Moller drew the assignment. Their combined homicide experience was less than three years. This would be their first major case.

Accompanied by the secretary, the pair of detectives visited the Tubach home. The secretary, a trusted employe, had a key to the back door and the three entered the home. It didn't take much detective work for Ayers and Moller to discover that obvious signs of foul play pervaded the interior of Tubach's home.

Chairs were overturned, blood was smeared on the walls. There had been a struggle. Moller entered Tubach's bedroom and discovered splotches of blood on the floor, the walls, on an overturned night stand. He also found an airline credit card covered with blood. It belonged to Ed Tubach.

Ayers, meanwhile, had searched the home and started out the front door. He noticed blood in the entry hall and on the porch. Below the home, the garage door was open—the Buick was gone.

The detectives returned to their office in the old stucco and tile downtown police station and began compiling a list of Tubach acquaintances, relatives and business associates. On Wednesday, December 15th, the case took its first major twist.

An employe at the La Jolla travel agency received a telegram from Mexico City; she read it and called the police. The message was signed by Tubach, saying that he unexpectedly decided to "spend three to four weeks" in Mexico and requested that his mail be forwarded to Mexico City. A code name was to be used and a post office box number was provided instead of a street number for a return address.

Ed Tubach loved Mexico. His employes knew that. But, while he was compulsive about some things, he wouldn't just pick up and jet off without telling his staff. They believed Tubach would have notified them of his intentions when he left the office on December

10th. Or, he would have called someone during the weekend and notified them of his plans.

Detectives Ayers and Moller instructed Tubach's secretary to send a wire seeking information to the Mexico City post office box. No response was received.

The next day, something even stranger happened. One of Tubach's lifelong friends, an attorney in the Southern California desert community of Brawley where Tubach grew up, received a telephone call.

The caller claimed she was Isabel Tubach, and, in broken English, told him not to worry, Ed was with her in Mexico. The attorney, who handled Tubach's numerous Southern California real estate holdings, did not know his friend had even been reported missing when he received the telephone call.

He didn't know Isabel Tubach. Although he had helped with some of the couple's divorce proceedings, he had never met the woman. Thus, he couldn't recognize her voice. But, the news that she and Ed apparently had patched things up struck him strangely.

He called friends in San Diego and learned that the travel agent had been reported missing. Then, Schmidt called the police.

Meanwhile, Ayers and Moller had returned to the Tubach home. Lab experts also had gone over the house, inside and out, taking photos, dusting for prints, hoping to uncover a telltale sign that might start the chain of investigation moving—the procedures, step by step, that make fact out of mystery.

(Continued on page 67)

How To Get Girls Through Hypnotism!

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R. C., Mich., says: *"I tried every trick I knew to meet girls. But I seldom succeeded. I used just about every pick-up technique ever invented. And I still came up empty-handed.*

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I'll admit ... I had my doubts at first. But I took a chance and gave it a try. I had nothing to lose.

Well, I'll tell you ... It didn't take me long to see that I had stumbled onto something big. Really big!

Within just 4 or 5 days, I was meeting more beautiful girls than I knew what to do with.

I started making dates with more girls than I really had time for.

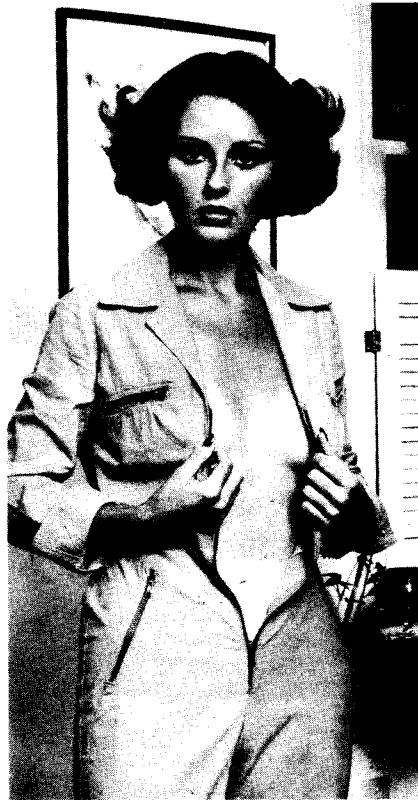
But that's nothing. You should see some of the sexy girls who were actually eager to sleep with me!

Honestly, I haven't had this much fun in years. Thanks to S/A Hypnotism!"

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In a matter of days, you too, will be able to walk up to a girl (any girl), and within seconds, have her name, address and phone number.

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Now maybe this sounds like a bunch of "mumbo-jumbo" to you. If so — let us suggest this:

Put your doubts aside for awhile and give yourself a chance.

Notice we said "give yourself" a chance. This principle works ... and all the doubts in the world won't change that. But if you let your doubts get in your way — and you don't at least give it a try — you'll be selling yourself short and robbing yourself of the success with girls you want so badly.

You don't need any special education or talent to learn *S/A Hypnotism*. There are no complicated courses to take.

Simply follow the steps in our easy-to-read, easy-to-understand book called ... *The Easy Way To Get Girls: Through S/A Hypnotism*.

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S/A Hypnotism is working for thousands of men — and it will work for you. We guarantee it.

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Try out the principle of *S/A Hypnotism* for a month. Then ... if you haven't met, dated and even *slept* with more beautiful girls in those four weeks than you have in the past year, return the material. We'll rush you a full refund *and more*.

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- 2¢ (the cost of the envelopé you sent your order in)
- 5¢ (for the time it took you to fill out the coupon)
- 10¢ (for your trouble)

Think about that for a second.

Once again: *S/A Hypnotism* works. And like we said before: "We'll prove it to you." All you have to do is send in the coupon now.

Every man who is popular with girls has his own special technique he uses to get them. If you are lucky enough to be one of these successful gentlemen, you don't need us or *S/A Hypnotism*.

On the other hand — if you're seriously looking for a *reliable, no-nonsense* method of getting girls; a method that will work *anywhere, anytime* ... maybe you should give *S/A Hypnotism* an honest try. You may soon find yourself with more girls than any ten men put together!

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I understand my material will be sent in a plain wrapper.

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State _____ Zip _____

Seattle homicide sleuths have seen a lot of brazen criminals, but none to compare with the cool cat they tagged for the

DARING DAYLIGHT SLAUGHTER OF A LITTLE GIRL

by ANDY STACK

ONE OF THE age-old questions that homicide probes must deal with is, "How do you tell the good guys from the bad guys?" Sometimes it's easy; sometimes it is far more difficult, as it was in a tragic murder that took place on a sunny September afternoon on Seattle's Capital Hill. Even today, the killer's reasons seem inexplicable and there are not enough words to ease the pain of the victim's loved one. One minute 8-year-old Kelly Ann Emminger was alive and laughing...and safe. The next, she was dead, murdered, although she was so close to help that it seems she surely could have been saved.

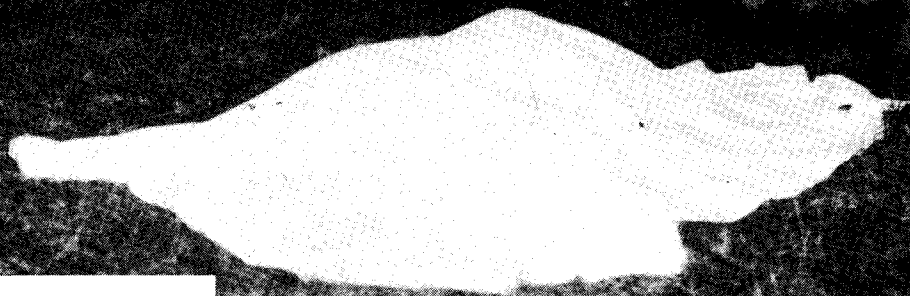
On September 28, 1976, blonde, blue-eyed Kelly Ann lived with her mother and her seven-year-old brother in the Hillcrest Apartments on East Howell Street. Her parents had been divorced for a few years, but the separation was amicable and she often saw her father, who lived nearby. The Hillcrest is a four-story building of brick built in the architectural style of the '30s, solid, with bay windows and large, high-ceilinged apartments.

Except for the fact that the crime rate (rapes, burglaries, muggings, et al) has soared on Capital Hill in the past 10 years, it was a good place to raise youngsters. The rent was reasonable, there were other children nearby, and there were even some ancient fir trees and a tire-swing out in the back yard. Nobody complained when youngsters shouted in high-spirited games through the halls and in the alley that ran adjacent to the building and Denny Street. Childish screams were part of the lifestyle.

Kelly's mother picked up her and her brother from a child care center after she left her day's work on that Tuesday. It was shortly before five when the two youngsters ran outside to play. Kelly wore a short-sleeved pullover blouse with black-and-white trim, blue denims and sneakers. She was pleased to see that two neighbors were enjoying the 71-degree Indian Summer weather and had taken their babies out on the front porch. The winsome youngster loved babies and she begged to be allowed to take them for a walk around the building. Since both she and her brother were known as extremely dependable children, the mothers agreed. Molly Sheldon had twins, 18 months old, and Kelly took first the boy and then the girl hand-in-hand for walks around the building through the alley and into the back yard. There was no reason to worry. The whole area was alive with people and apartment dwellers had their windows wide open. The alley was only 16 feet wide, and, although cars parked there, it was far too narrow to allow automobiles to drive through at more than a snail's pace.

The babies loved it and eagerly awaited their turn to toddle along beside Kelly. But, suddenly, the mothers realized that Kelly and the little girl had been gone for a much longer time than it took to circle the apartment house. They felt apprehensive and were just about to walk through the alley to check on the children when 10-year-old Lisa Janis ran up to them. "Come quick...Kelly's been hit by a car!" she shouted.

Molly Sheldon reached the alley first. There was no sign of



Sheet-covered form of little Kelly Emminger (insert) lies in yard of her home where medics tried in vain to save her. The eight-year-old child was suddenly and ferociously slashed to death while playing in an alley near her home

Kelly, but her own tiny daughter was standing next to a huge puddle of blood in the walkway adjacent to the alley.

There was a butcher knife in the center of the blood splotch!

It had all happened so quickly, and none of it seemed to make sense. Ms. Sheldon and the other mother ran to the back yard and there they saw Kelly lying on the ground. A stranger, a tall husky white man, covered with blood, started to walk toward them. Kelly's mother, alerted by Lisa Janis, was already bending over her fallen child, and the other two young mothers grabbed children and Kelly's brother and took them into the apartment house away from the scene.

Another apartment resident was trying to comprehend what he had seen in the last few minutes. Lance Markham, an actor who lived with his wife and baby daughter in the Hillcrest Apartments on the second floor on the alley side, had seen Kelly on the front steps only 15 minutes before when he'd left to drop off some laundry. When he returned, he checked on his sleeping baby and lay down on the couch to take a nap. Almost immediately, he'd heard piercing screams coming from his open balcony door. He had disregarded them at first; kids were always screaming. But the screams were different somehow, and he'd gone out to the balcony to look down into the alley.

He recognized Kelly. He did not recognize the man who seemed to be holding her from behind, his arms pinioning hers. The child was flailing with her legs, although her screams had diminished. While Markham watched, the stranger picked Kelly

up and carried her out of sight into the back yard at the east side of the building. Markham ran to another window but could not see the pair.

When he returned to his first vantage point, he saw the pool of blood and the knife where he had seen the man holding Kelly.

The mind cannot fathom such shocking realities quickly; all Markham knew was that Kelly Emminger must have been injured in some fashion. He ran to the back stairway which led down to the yard area. The man was there, at the bottom of the stairs, holding Kelly in his arms, gulping and gasping for breath as would a person in deep shock.

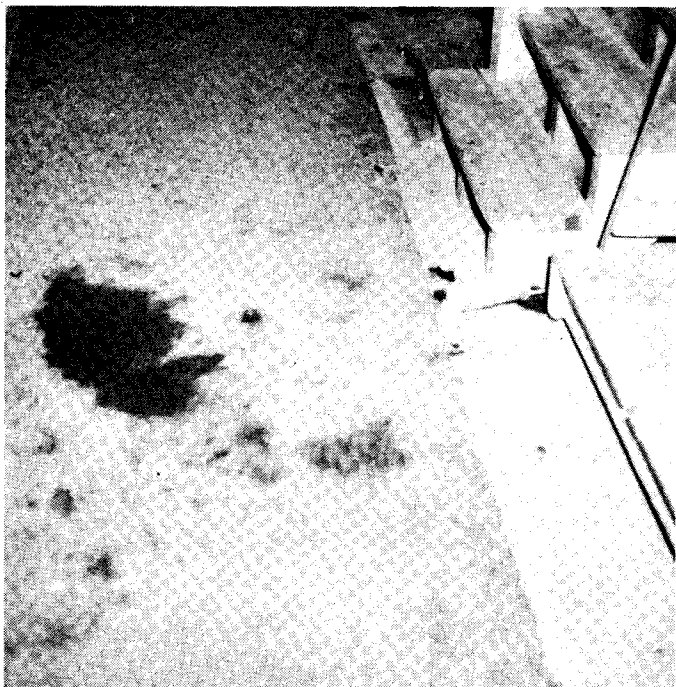
"Do you need help?" Markham asked.

"Call an ambulance. . . she's been hurt bad," the man pleaded. Now, Markham could see that the stranger was more a boy than a man, although he was over six feet tall, and must have topped 210 pounds.

Markham whirled and ran to his phone where he dialed 911 and requested emergency aid. He still did not know how Kelly had been injured, but he had seen so much blood in the walkway and on the carpet at the bottom of the stairs, and Kelly had seemed unconscious as the youth cradled her in his arms.

The stranger himself, clad in blue shirt and pants, was covered with blood, Kelly's blood.

While Medic I aides raced to the scene, Kelly's mother looked at the still form on the grass. The child's clothing was so disarrayed that she was almost naked, and there was one terrible



Killer dropped soft drink cup at steps near splotch of blood

wound in the left breast area. The youngster's eyes were half closed, and there was no reassuring rise and fall of her chest to indicate that she still breathed.

Mrs. Emminger knew Kelly was dead, that realization mercifully dulled by shock, and she stared up uncomprehendingly at the tall, husky youth who stood near her daughter.

"Don't worry," he told her. "We called the aid car. Everything will be all right.

He went on to tell her that he'd seen the man who'd hurt Kelly, "a black man."

By this time, Kelly's father had been summoned, and he too was at the child's side. Medic units were there in what seemed like a minute or two, but it did no good. The little girl was dead.

Seattle Police Officers Fred Aesquivel, E. Maser, and C. Danielson had received a call on radio—"rape and stabbing" and arrived just as the fire department medics were shaking their heads over the tiny body.

The child's clothing was almost off. Her jeans and panties were down around her ankles, turned inside out over her sneakers. Her black top had been yanked up to her armpits. King County Medical Examiner Donald Reay arrived at the scene and confirmed that she had suffered a single stab wound in the left chest, a wound that had probably penetrated her heart. Beyond that, there was only a shallow defensive wound at the base of her left thumb. Although the condition of her clothing suggested a rape attempt, Reay could find no indication that it had been consummated.

Sergeants P. Hurd and A. Zampardo arrived to help contain the crime scene and protect it from the crowd which had gathered almost immediately. Officer Danielson stayed with the butcher knife, warning the man in the blue pants and shirt not to touch it. It had been guarded until the officers' arrival by Jane Janis, a neighbor who had once worked as a dispatcher on the 911 line and knew that it must not be disturbed.

At Homicide Unit headquarters, Detective Sergeant Jerry Yates and Detectives George Marberg and Bill Baughman were alerted and headed toward the neighborhood atop Capital Hill. It was the kind of case that detectives and patrolmen everywhere dread. No matter how much experience they may have in dealing with the violence and tragedy peculiar to the human race, they never become accustomed to the death of a child.

Officer Maser attempted to interview the young man who had carried Kelly to the grassy lawn near the tire swing. The youth seemed confused and disturbed, which was to be expected; the little girl's blood still glistened on his shirt and trousers.

"I found her in the back, but I moved her because I didn't want her to have to lie in the dirt."

The youth, who said his name was Michael Charles Green, said he'd seen her attacker, chased him, but was unable to catch him. He had returned to the fallen child to be sure she was all right, and then carried her until he found someone who would call for an aid car.

It seemed that Green was the only eyewitness to the actual murder, and he told Maser that he hoped they could get fingerprints from the knife. Maser asked him if he had touched it at all, and he said he hadn't. He agreed to be transported to the homicide offices to give a statement. On the way in, he told Officer Doug Vaughn that he sure hoped they would catch the killer.

Officer Aesquivel described for Marberg, Baughman, Yates, and R.I. McAvoy (a patrolman temporarily assigned to homicide) the scene that the first officers had viewed. He told them that Michael Green had seen the suspect and a description of a tall black male wearing purplish clothing was broadcast at once to all units.

The call for Medic I had gone out at four minutes after five, and they had arrived four minutes later.

The homicide detectives could see all too well the trail that led from the pool of blood in the walkway under Markham's balcony next to the apartment house and around to the back stairs. Marberg sketched the details, while Baughman took photographs. The butcher knife was bagged into evidence; it was an "Old Hickory" brand with an eight-inch blade.

Sections of the green rug covering the alcove floor where Markham had first encountered Green as he carried Kelly were cut away and retained, along with a paper "Slurpee" cup from a 7-11 store. There was still some melting ice and yellow liquid in the cup.

They found two cars parked in the alley—a green squareback Volkswagen and a blue Chrysler station wagon with a Wisconsin license. Further on, near the back yard, there were two garbage bins and a full garbage can. The detective pair examined the contents of these bins but found nothing of evidentiary value.

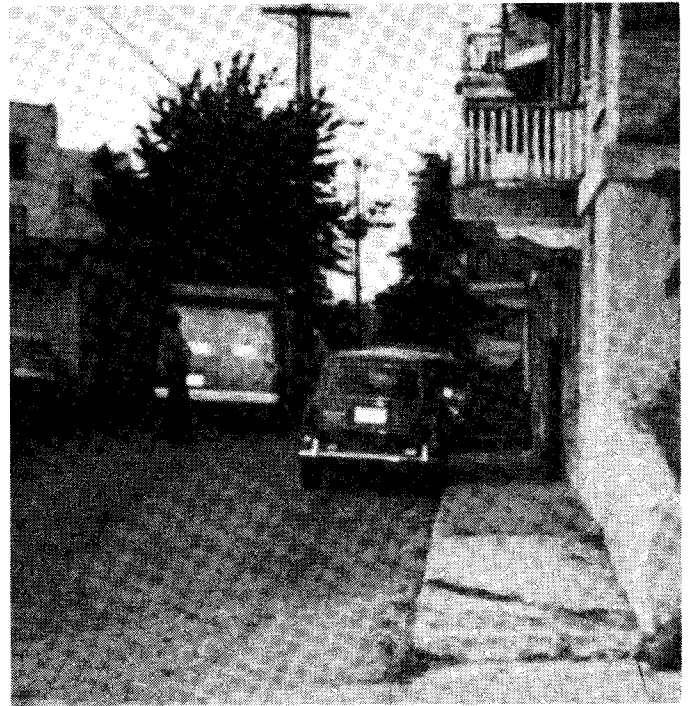
Beyond, there were a row of garages and the alley-way sloped upward so that its far end was obscured to the sight of an individual standing near the garages.

The white sheet that had been placed over Kelly's body by the firemen medics was removed. She lay on her back, a look of utter calm on her face. But there was blood on her face, neck, chest, abdomen and legs. Her skin was still warm to the touch, indicating that she had been dead only a short time.

Dr. Reay examined her for any signs of strangulation but found no trauma or petechiae consistent with death by throttling or ligature. The body was removed by coroner's deputies to await a post mortem examination.

While at the crime scene, Detective Marberg was approached by a 15-year-old white girl who said she lived at 17th and E. Madison, nearby. She told him that she had been approached by a black male about 20 minutes before Kelly Emminger was stabbed. "He tried to talk me into getting into her car so we could go smoke some marijuana. I wouldn't do it—but I think he might be a good suspect because he was acting weird, you know..."

Then the girl pointed out a man who was lingering at the edge of the police cordon. Marberg approached the man, who thought he was being questioned because Officer Danielson had earlier warned him to stand back from the knife, which he was attempting to look at. He seemed at ease, and had no traces of blood on his person or clothing. While Marberg suspected he probably had tried to pick up the teenager, he was inclined to believe that the rest of her suspicions were prompted by her obvious disturbed mental state. He noted she had numerous slash marks inside both wrists from her hands to the midpoint of her forearms, and



Detectives stand on balcony where resident looked down, witnessed Kelly struggling with stranger in alley (r.)

realized that her address was a half-way house for those with emotional problems. The man was asked for his identification, address, and released.

Marberg and Baughman also talked with the woman, Jane Janis, who had guarded the knife weapon. She was the mother of the little girl, Lisa, who had run screaming that Kelly had been hit by a car. Ms. Janis had seen the man in the blue shirt carrying Kelly, too. He had put her down on the ground and then knelt beside her, pounding his fist on the ground in panic or frustration or, perhaps, grief.

At headquarters, Homicide Detective Al Gerdes talked with Michael Green while every available patrolman and detective pressed their canvass of the neighborhood surrounding the Hillcrest Apartments.

Green, still clad in his blood-soaked clothing, seemed ill at ease and nervous. He explained that he'd been in the area because he'd been headed to see a friend with whom he had formerly lived. He'd bought a "Slurpee" (banana) at the 7-11 and then walked east on Denny until he'd come to the alley. He said that as he turned into the alley, he'd seen a black male lying on top of a small white girl as if he was raping her.

Green said he figured the rapist had heard his footsteps on the gravel, because he looked up, and then jumped off the girl and started to run toward Howell Street and the front of the apartment house. Green said he'd chased him to the end of the alley, and the man had turned west and then north and vanished.

"I came back to check the little girl. I never got closer than fifteen feet from the guy."

Green was able to give a detailed description of the man he'd seen. He said that he was six feet to six feet, one inches tall, weighed between 170 and 175, and had a four inch "natural." He'd worn a purple pullover knit shirt, and purplish-black flared pants, with black wing-tipped shoes. The shoes had had two-inch heels. Green said that he had also noticed a scar on the man's cheek "three-quarters of an inch to an inch long."

The witness had amazing eyesight and keen observation. Most witnesses, in moments of extreme stress, have great difficulty with detail, but Michael Green evidently was blessed with "iedetic imagery," or total recall.

Gerdes asked Green if he could have his shirt and pants to analyse for blood type. "We'll give you coveralls."

As the 18-year-old youth took his trousers off, Gerdes noticed that he also had bloodstains on his shorts, and, after examining the trousers, the detective saw that there had not been enough blood on them to have conceivably soaked through to his shorts.

As he was pondering this, he received a phone call from Sergeant Yates at the scene. Yates said that several witnesses had observed a long-haired white male apparently struggling with Kelly Emminger as she screamed.

There was Markham, but there was also 10-year-old Billy Koch, who said he'd seen Kelly struggling with a big white man. He said she'd broken loose from his once and had run northbound into the alley near the dumpsters where the man caught her again. "He grabbed her and held her with his arms. After they crossed the alley, she "fainted" and the man picked her up and disappeared around the corner with her. When I walked out my door, I saw the baby standing by the knife."

Billy's sister, who was Kelly's best friend, had seen something, too—but she was too hysterical to be interviewed.

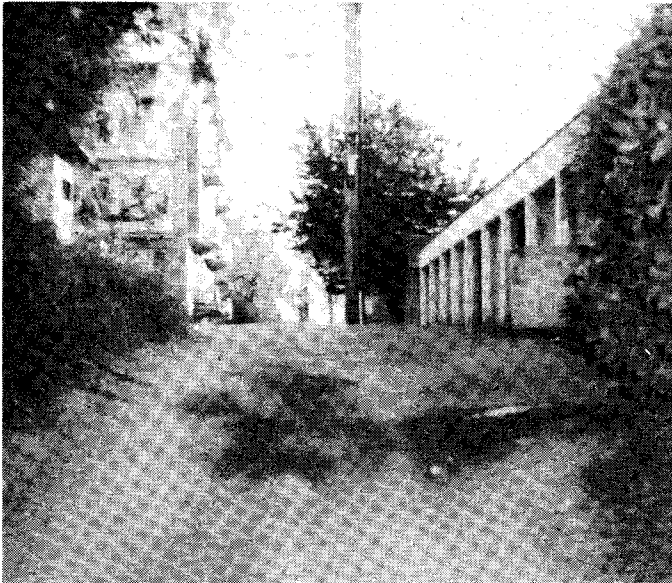
Gerdes pointed out to Green that his version of the tragedy did not seem to agree with that of the witnesses. He now informed the hulking youth with the long hair that he was a suspect in the killing and advised him of his rights under Miranda. Green refused to sign the Miranda form and said he wanted his attorney.

However, as Green began to give personal information, he thought better of maintaining complete silence and volunteered to Gerdes that he must have got blood on his shorts because his fly had been open. (Something witnesses had commented on when they first encountered him.)

Green said that he was from Ellensburg, Washington and had lived at his present address for about two weeks. He gave Gerdes the name of his attorney in Ellensburg.

Michael Charles Green was the son of a prominent Ellensburg family. His father was Dean of Education at Central Washington University in the small city east of the Cascade Mountains. Green himself had only attended school through the 11th grade. He had attended a Youth Corps facility from December of 1974 until March of 1975.

The six foot, two inch, 220-pound suspect was booked into jail by Officers Maser and Aesquival after his interview with Detective Gerdes. He displayed no emotion when told he was



One youth told detectives he saw a man attack the little girl, adding that he pursued him down this road until he disappeared

under arrest; indeed, he was quite amiable, and the officers who escorted him to jail were puzzled as he snickered and joked, either unaware of the seriousness of the situation or unconcerned.

Swabs were taken from Green's genitals for the purpose of acid phosphatase tests to determine the presence of semen. Lab analysis showed there had been none. And Dr. Reay's more thorough examination of little Kelly's body absolutely ruled out rape or sodomy. Whatever her killer's intent, it had not been accomplished.

Jane Janis told Marberg and Baughman that her daughter, hearing of the description of a black male in his 20s, had said she saw a man who looked like that in the area sometime during the day Kelly was killed. She said he'd had fluffy black hair and was wearing a purple shirt and brown pants. Officers Vaughn and Fernandez were also contacted by a woman who lived nearby who said she knew of two black men who habitually wore purple shirts and dark pants.

The consensus was that Lisa Janis was entirely too upset to think clearly; the address she gave for "her" purple-shirted man proved to have no residents answering her description. The men mentioned by the other woman were both cleared of any complicity in the stabbing.

By midnight, with the tragic killing having been featured on both the six and 11 o'clock TV news, the detectives were beginning to get calls from kooks who had no real information but seemed to feel a compulsion to claim inside knowledge.

It was after 3:30 a.m. when Marberg and Baughman finally cleared their office after placing all evidence gathered in the property room and requesting lab tests.

Detectives Duane Homan and Benny DePalmo took over the probe four hours later as they reported to the day shift. They called first on Kelly's bereaved mother, only to find her apartment overrun with members of the news media. They had to wade through reporters, who were looking for a new "personal" angle, to rescue the stricken woman and remove her to a quiet room. She was distraught because early editions had mistakenly stated that her daughter had been raped and stabbed repeatedly. A printed retraction the next day helped little.

Mrs. Emminger had never seen Michael Green before. She repeated how he told her he'd tried to catch the killer, and assured her that everything would be all right. She could only say that her child had been laughing and healthy at 4:45, had run out to play with the neighbors' babies, and, 15 minutes later, was lying dead in her own backyard.

The detective team went to the post mortem examination. Kelly had died of a single stab wound near her left nipple. It had perforated the anterior pericardial sack, the left ventricle, nicked the right ventricle and the aorta and ended at the seventh thoracic vertebrae. The total depth was three and a half inches, one and half inches wide—consistent with the butcher knife found at the scene. An almost instantly fatal wound.

Kelly's father, who had seen the suspect, Green, too, recalled him as very large, covered with blood, and "spaced out" as he stood over his daughter's body.

Homan and DePalmo talked again with Lance Markham and Billy Koch. Both were good, positive witnesses. Markham was convinced that Kelly was alive and kicking to get free when he first saw the long-haired man in the blue clothes holding her. He recalled that he had mentioned they should try mouth-to-mouth resuscitation on the child while they waited for the aid car. Green had replied that he was a welder, had learned the technique, but that he knew it would do no good.

The only local information on Michael Green was a small beef concerning obstructing an officer at a Seattle sports event when Green had attempted to crowd into line and others had objected and called police.

But Green's actual history was considerably more chilling. Contact with Lieutenant Tom Pratt of the Ellensburg Police Department elicited information about an incident in that city on April 22, 1976.

A young mother was driving that evening with her four-year-old daughter standing up in the back seat. She became aware of a battered bluish-green Volkswagen that was following her, although she was not particularly alarmed. As she pulled over to park, the "bug" drew abreast of her about 10 feet away. She assumed the driver needed instructions on how to find an address.

But, as she turned to help, she found herself looking into a gun barrel. In an instant the gun fired, striking her car in the driver's door and penetrating both the outer and inner shell and bouncing off a seat cushion—narrowly missing both the young matron and her daughter.

And then the car with the gunman inside roared off. Sergeant Don Morrison arrived to take the shaken woman's report. A bystander volunteered that he had seen the whole thing. The driver of the Volkswagen had been a white male, about 20—with long hair and sideburns. The witness had seen the car drive away, but he had also seen it circle back before the police arrived.

A description of the car had been broadcast on the police radio and Officer Lee Noyes spotted a similar car a few minutes later, speeding. He pulled it over and told the driver it was for a speeding violation. But he saw a holster protruding from beneath the seat.

Noyes asked the husky young driver if he could have permission to search his car. "No," the youth said. "Get a search warrant."

At that time, Michael Green's (for the driver was the same Michael Green) mother drove by and stopped. They conferred, but young Green was adamant that he did not want his car searched, claiming that he had personal items inside.

"Do you have a gun in the car?" Noyes asked.

Green said that he had, that it was on the passenger seat under his jacket. He said he'd get it.

Noyes hastily said he would prefer to get it himself.

The .22 caliber gun was loaded. Green said he had no permit for it and carried it only to protect himself from hitchhikers. He was arrested for carrying a concealed weapon and for being a minor in possession of a firearm. Noyes read him his Miranda Warning and Green volunteered that he'd been in nearby Yakima all day, and had not fired the gun for two weeks—and certainly not that day.

Michael Green was not charged in Ellensburg. Arrangements were made for him to go to the mental health center. Before he did so, however, he freely answered Lieutenant Pratt's questions about the shooting incident. On May 4th, he admitted to Pratt that he had followed the young mother, but that he didn't know

why. He recalled being angry because she wasn't frightened at his following her. When he pulled up alongside, he'd intended to kill her. He didn't know her; he had no reason to pick that particular woman.

Asked if he knew the difference between aiming a gun and getting a bead on his target with the sun sights, he said that he did—but that he had merely aimed at the woman. At the last minute—as he was pointing it at her head—he changed his mind and felt he couldn't kill her. But the gun had gone off, he said, as he jerked his hand away.

The tragic skein unraveled. Michael Green was released almost immediately from the mental health center. His parents, people who had spent their lives dealing with young people, sent him to Seattle, where it was intended that he live in a kind of half-way house.

Supervision was lax, but he seemed to be doing all right—save for the incident at the sports arena. He had called home the day before Kelly Emminger died and seemed in good spirits and rational...

On October 1st, little Kelly Emminger was buried following a Mass of the Angels at St. Catherine's Church. On that same day, her friend, Lisa Janis, remembered the horror that she had blocked out on the day Kelly died. She told her mother and Detective Duane Homan that she had been playing in a yellow garage off the alley next to the Hillcrest Apartments. She saw the man with the long hair and the blue shirt and pants. She saw him grab Kelly and drag her to an opening between two garages at the south end of the alley. She heard Kelly scream, and she wanted to help her but she was terrified. She crouched in the garage and watched her friend kicking and struggling to get away. Lisa ran to the grassy area in the back yard until, moments later, she saw the man carrying Kelly, bloody and silent now, toward her.

It was at this time that he told her Kelly "had been hurt" and asked her to run and get the injured child's mother. For some reason, Lisa, warned so often about avoiding cars, had cried out, "Kelly's been hit by a car" as she ran for help.

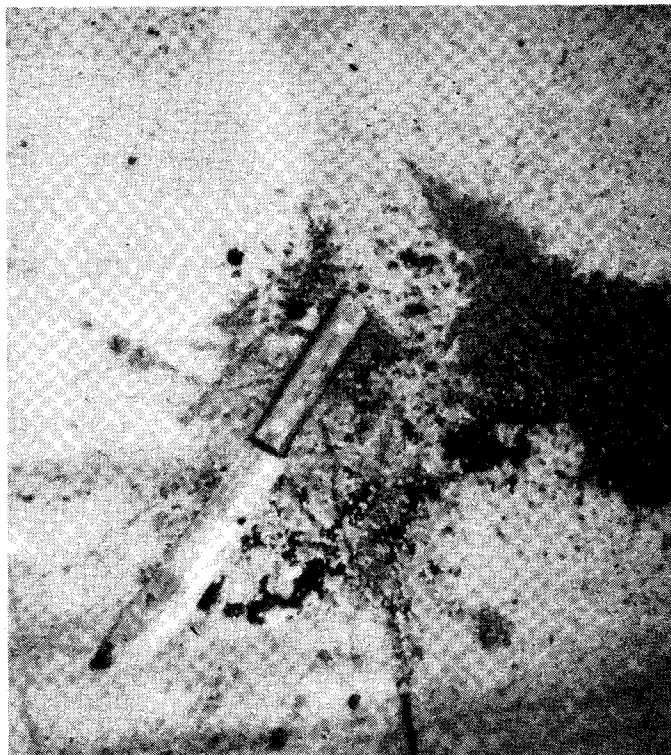
It was the final brick in the wall of evidence and circumstance that had grown daily against Green. Officers Marberg, Baughman, Homan and DePalmo agreed that there was no way Michael Green's version of the black man in the purple clothes could be true. The center of the alley between Denny and Howell rises to a small hill. If Green had chased the "rapist," he could not have seen him as he said he had. The slope would have obscured his view. When one of the detectives stood at the north end of the alley and his partner walked south, the walker soon disappeared completely from view.

Yet Green claimed he'd seen the suspect with almost x-ray clarity. How many humans could spot a one-inch scar on the face of a running man never closer than 15 feet away? How many, in the stress of the moment, would remember that shoes were wing-tipped and had two-inch heels? No, Green had quite obviously made up his story out of whole cloth. There was no black man. There was only Green.

Although Green never admitted his crime to detectives, and, in fact, seemed to treat the whole thing as a joke when Homan and Sergeant Don Cameron visited him in the county jail where they observed bruises and scrapes on his right knee, he was more loquacious with two fellow prisoners.

They had wondered if Green were the man who'd been arrested in the stabbing of the little girl on the first night he was brought in. He denied it and said he was in for burglary. When they persisted, he first told them the same story he'd told detectives—about the black man in the purple clothes. He said he had tried to save the child by applying pressure on her artery and that he had gotten blood on his clothing.

Later, he told them that he had chosen Kelly as his victim. He'd watched her for four or five days because he was attracted by her blonde hair. When he saw her in the alley, he had ordered her to lower her panties. She had begun to cry, and he'd stabbed her—then picked her up to carry her away when he saw another little girl watching (Lisa) and he had sent Lisa to get Kelly's mother.



Murder weapon was left in a pool of blood at the scene



Michael Green told investigators of seeing child attacked

Green bragged, according to the informants, that even if "they nail me," he didn't have to worry. He had a family doctor who would testify that he was "schizo" and that he'd be out of jail "by Wednesday."

The only "crazy" thing about Green was his attitude toward one of the most senseless and horrendous crimes in Seattle history. He snickered and giggled, and smirked whenever detectives talked to him—and looked as though he was fighting outright laughter.

But it would not be funny. On October 1st, even as Kelly Emminger was being bade farewell in the Mass of the Angels, Michael Charles Green was charged with aggravated murder in the first degree. No bail.

This charge is a landmark in Washington justice. No one had died for murder in Washington since Chester Sell was hanged for killing a Seattle cab driver in 1963. But the citizens of Washington voted in the death penalty in the elections in November, 1975. Anyone convicted of aggravated first degree murder occurring after July, 1976 could expect to receive the death penalty.

Michael Green went on trial in (Continued on page 64)

by RICHARD DEVON

HORROR

CHARLOTTE, called by its Chamber of Commerce the "Queen City of the South," is easily the largest city in the Tar Heel State. On the western edge of North Carolina's prosperous Piedmont section, it is a mecca for youthful Southerners seeking good wages and a high standard of living.

As a result of its attractions for young, working-class people, Charlotte has burgeoned from a medium-sized, well-planned city to a sprawling, complicated metropolis in little more than a quarter-century. Such growth can overwhelm the best kind of city planning, resulting in every kind of problem from crowded housing to traffic tangles.

There are other urban problems concerned with rapid, disruptive growth, too. One of them is that large institutional buildings and office complexes tend to be grouped in one or more areas, at some distance from occupied residences or the mainstream of busy city life.

Persons who have to frequent such areas early in the morning or late at night find themselves walking alone and vulnerable in a jungle of stone and asphalt. Their destinations lie some little distance ahead, and it is just as far back to the safety of a locked car. Between there is nothing . . . no open doors, no welcoming lights, no protecting arms.

Charlotte is not a crime center, but it has the same mugging, purse-snatching and sex pervert problems with plague any other large city today. Consequently, it has a large and very capable police department. Its Crimes Against Persons section, headed by Lieutenant Wade Stroud, is a crack unit. On the morning of April 21, 1976, a Wednesday, when an abduction from the 7th Street parking lot was reported, Lieutenant Stroud's department swung immediately into action.

Officer R. W. Hoagland was dispatched to the parking lot, which lay in the dark shadow of mammoth Memorial Stadium. It was just after 8:00 on a brisk spring morning. Hoagland knew the parking lot was mainly used by workers and students at nearby Central Piedmont Community College, the complex of which nearly adjoins the lot. He and other Charlotte police officers were dismally familiar with the area, since they had found it a nearly daily necessity to transport persons arrested for public drunkenness to the government detoxification center which lay just across the street, for "drying out" purposes.

Near the exit gate of the parking lot, Hoagland spotted a uniformed guard

Vickie was kidnaped from the college parking lot in full view of witnesses.

When homicide probbers found the girl, she was nude, spread-eagled, shot and stabbed in the breast. And as a final indignity, the killer had gouged her eyes out . . .

from the college's security forces, waiting with three other persons. He quickly found that the two young women and one man were the persons who had reported the crime, first to the campus security force and then to city police. They quickly filled in the officer on what had happened.

One of the witnesses, an attractive, 20-year-old college student, Nell Trenton, told Hoagland she had arrived in her car at the parking lot just before 8:00 that morning. There were several other cars already there, a couple of which were occupied. As she was preparing to get out of her car, the trembling blonde said, she had noticed a tall black man leaning into the window of a white Pontiac parked near the rear of the lot. Something in the man's stance and expression suggested to the witness that he was threatening the lone individual seated in the driver's seat of the Pontiac, the witness said. In a moment, the man had noticed her watching him with suspicion, whereupon he had abruptly reached inside the car, slipped the lock on the left rear door, opened the door and climbed into the Pontiac.

The car had started up almost instantly, the witness continued, and proceeded toward the exit gate. As it passed her, she had stared into the vehicle, meeting the

wide, terrified eyes of a beautiful, dark-haired girl at the wheel. Though the witness had heard no sound, she saw the girl's trembling lips form the words, "Help me."

As Hoagland already knew, the 7th Street parking lot was one of those facilities operated by timed entrance and exit gates. When a motorist drives in, he gets a ticket which he will present to a hacinne at the exit gate. There the time he has been parked in the facility is figured and charges made. When the proper amount of money has been deposited in a slot, the exit gate will open and the vehicle can move out again.

Miss Trenton told Hoagland she had gotten back into her own car and locked the doors, but continued to observe the white Pontiac. The car had approached the exit gate toll slot, where its lovely driver presented coins to the slot. According to the witness, the abduction victim's hand was shaking so badly she had difficulty getting the money into the proper opening.

Miss Trenton said she had noted the man in the back seat of the Pontiac gesturing toward the east, and, when the Pontiac reached 7th Street, it had moved off rapidly, if erratically, in that direction, passing quickly from her view.

SEX-KILLING

OF THE BEAUTIFUL COED

Within seconds, the pretty blonde said, another car had pulled into the lot where she still sat trembling in her locked car. The late arriving vehicle contained a stalwart-looking young man. She had blown her horn, the shaken girl said, and waved frantically for the man to come to her car, which he had promptly done. When she sobbed to him the story of what had happened, he reassured her, telling her that he would immediately inform campus security police.

Another witness to the frightening incident was found in a parked car at the lot, and the three had gone to make their report, which had resulted in Hoagland's appearance at the scene.

As soon as he was convinced of the truth and seriousness of the report, Hoagland quickly reported to his department, requested assistance, which was speedily dispatched to him. Together, investigators determined that the first thing to do was to identify the abduction victim and discover the license number of the car in which she was reported to be traveling.

Since witnesses reported that the white Pontiac, which they believed to be a 1968 model, had borne a campus sticker, indicating that its driver was a student at the school, lawmen, with the assistance of campus security men, went immediately to the school's traffic records to find out who owned a car matching that description. There were several such persons, as it turned out, and those who were males could not immediately be eliminated. After all, the pretty abduction victim might have been driving her boyfriend's vehicle. It wasn't long before they matched up the description of the car and victim with a pretty, 19-year-old coed who should at that moment have been in her English class, but was not.

Vickie McKinney, a tall, curvaceous brunette with long hair and flashing, vivacious smile, was the owner of a white 1968 Pontiac Tempest. The girl was not in class, and her car was not in its usual parking place. A class mate reported to officers that she had waited in the lot that morning for Vickie, whom she said was afraid to walk through the area alone. As it grew close to 8:00 a.m., however, when she was afraid she was going to be late for



Witness told police that on day of Vickie's disappearance, she had seen girl resembling her driving car out of college parking lot, "looking frightened." Witness added that a man was seated in rear of the vehicle. Vickie was later found nude, dead—and mutilated

their English class, the girl said she had concluded Vickie was sick or something and not coming, so she had walked on to school alone.

An all-points bulletin was quickly put out for the wanted car, while investigators continued to probe for any information regarding the suspected victim and her abductor.

A quick check determined that Vickie McKinney had last been seen at her home in one of Charlotte's most pleasant residential suburbs at 7:15 that morning. At that time, the missing girl's mother had left for her job as secretary with local educational authorities. When she had last seen Vickie, the 19-year-old coed's mother reported, the girl had been getting ready to go to the college in time for her 8:00 a.m. English class. Vickie had been her usual exuberant self, looking forward to the day, not complaining of feeling unwell or expressing any uncertainty about attending her regular classes that Wednesday. Her parents felt certain she had driven her 1968 Pontiac to its usual parking place in time for her early morning class. The suspected identity of the abduction victim was becoming more and more firm as the hours passed.

According to those witnesses on the scene of the abduction, the black man who had forced his victim off in the white Pontiac had been somewhere around 6'1" or 6'2", weighing about 185 pounds, and had been dressed in work clothes. In one hand he had been carrying a windbreaker type jacket of common appearance. One of the female witnesses said the man had worn a blue work shirt with what had appeared to be a name plate attached. She had been too far from the man to decipher what, if anything, had been on the apparent name tag. This same witness observed that the menacing man's clothing had looked dirty.

That last was an interesting observation, investigators thought. If the man had worn common work clothing, possibly with a name tag attached to the shirt, and those clothes were dirty, it was altogether possible that, when he had accosted his victim in the 7th Street parking lot, the man had been not long off work. It had been just before 8:00 a.m., and 11-to-7 shifts are as common in Charlotte as they are any place else.

One particular thing frustrated that possibility, however. In their search of the parking lot, investigators had paid particular attention to that area where the white Pontiac had been parked. On the fender of a nearby car, they had found a brown paper bag which contained several sandwiches, obviously somebody's lunch. The sandwiches seemed quite fresh, as though just made

that morning. The car on which the bag was found was just next to the slot where witnesses said the white Pontiac had been parked, and had been there, empty, at the time of the abduction.

In late canvassing for anybody who had seen a suspicious black man around the area, more than one witness was found who said they had seen a tall, sullen-looking black near the parking lot, carrying a jacket and lunch bag in his hand.

Unfortunately, there was nothing in or on the bag which would assist lawmen in identifying its owner or source. It was just a common sack such as are used at thousands of stores to contain small purchases. Its presence there, however, with fresh contents intact, would seem to indicate that its owner had been on the way to work, rather than returning from it.

A check of the near-certain victim's background turned up nobody whatever in the way of a suspect. Vickie McKinney, according to her friends and classmates, had been a sparkling, outgoing girl, possessed of more friends and well-wishers than you could shake a stick at. She didn't just have one boyfriend, who might have been on the outs with her, but had numerous escorts, all of whom seemed to have enjoyed the best and friendliest relations with her. Vickie's beautiful face and figure, while bringing her a wealth of masculine attention, had not made her in the least vain or self-centered. She had wanted to be an airline stewardess, to travel and see the world, and was trying to properly educate herself toward that end.

The missing girl had, as part of a business course in "Cooperative Office Occupations," worked part-time for a local dentist, who was, in his own words, "terribly distressed" to learn that something had happened to her. "She was one of the finest young ladies who ever worked in my office," he would later say, "a super girl and super worker. She was quick to learn and easy to teach," replied the dentist.

Other co-workers, at a local department store where Miss McKinney had worked part-time, responded much as had all the girl's other friends and associates. They couldn't think of a person in the world who would wish Vickie any harm.

Though it is not unheard of in the South today that a white girl might have a black boyfriend, police were assured that there were none such among the missing girl's acquaintances.

While some investigators probed Vickie McKinney's background and social surroundings for a clue to her disappearance, others were busy checking the registration of every car in the 7th Street parking lot. There was a possibility, they

Combining their expertise in murder probe were Detective Starnes (l.), polygraph operator Holmberg and Detective Goff



knew, that the abductor had driven into that lot in his own vehicle, leaving it there to climb into that of his victim. They survey was time-consuming, and drew an absolute blank. Lawmen were fortunately able to locate every person whose car had been on the lot at the time of the abduction, and eliminate every one of them from suspicion of any connection with the case.

Later that morning, a city policeman on his way to work happened to hear the all-points bulletin on Vickie McKinney's car over a walkie-talkie unit which he had on the front seat of his personal vehicle. Looking ahead of him in the moving traffic, he happened to spot a car matching the description. It was a white Pontiac Tempest, a 1968 model bearing license number EYB-71. The auto was proceeding into Charlotte from the east and was in the curb lane. A lone black man was in the car. As the officer watched him, the driver pulled his Pontiac out of traffic onto the entrance to a service station.

Going to a position where he could maintain observation on the wanted vehicle and its driver, the officer, who was in civilian clothing, radioed for the nearest patrol car to come on and pick the subject up. Uniformed Officers R. M. Hayes and J. D. Gunter, who had been cruising nearby, responded handily.

Approaching the suspect vehicle in its position at the service station at Independence Boulevard and Idlewild, Officer Hayes drew his gun and ordered the driver out onto the pavement. The sullen-looking, mustached driver complied slowly. A quick body search revealed a .32 caliber pistol in his right pants pocket, which was removed as evidence. On the front seat of the Pontiac, under a jacket, lay another weapon, this one a .38 magnum. The arrested man's pockets also yielded a knife.

A quick and careful search of the abduction victim's car turned up no evidence of the girl, no blood, nor any other indication that violence had occurred in the vehicle.

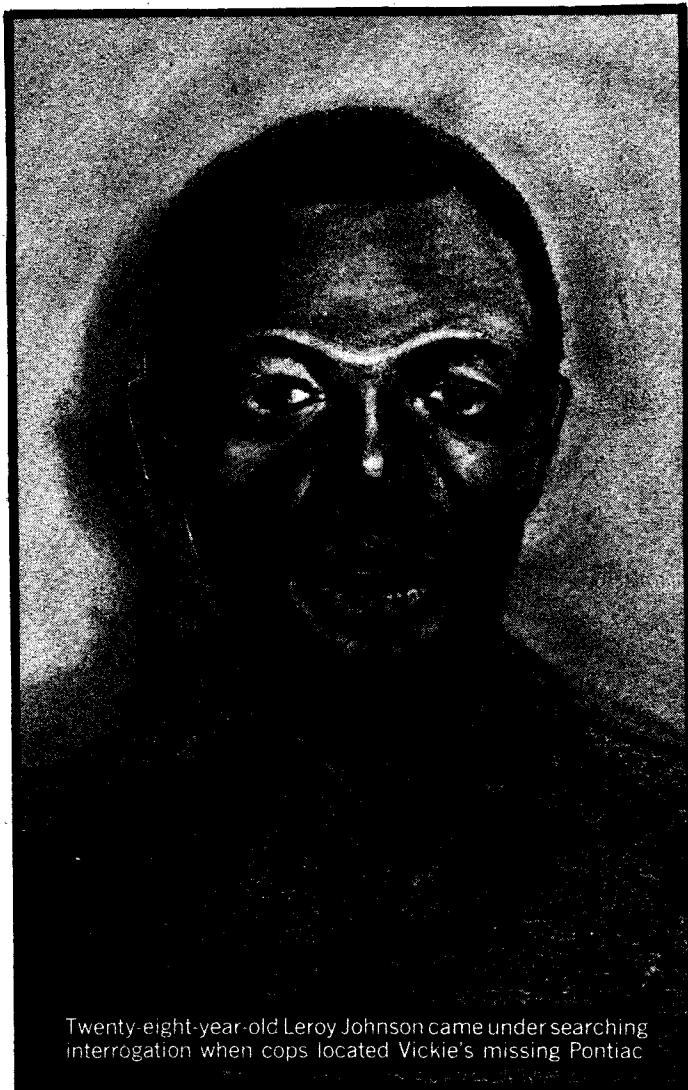
Hayes and Gunter quickly handcuffed their man and carried him off to headquarters, after radioing to assure impoundment of the Pontiac for examination by forensic specialists.

At police headquarters, the arrested man, 32-year-old Leroy Johnson, was quickly processed and interrogated, after having been advised of his rights. He denied any knowledge of a girl, or any crime involving a girl. Under continued questioning, the arrested man admitted having stolen the car, which he said had contained its ignition keys, from the 7th Street parking lot, but maintained complete ignorance of the fate of the car's pretty owner.

With Johnson in custody, it was discovered that an officer in the department was well acquainted with the suspect, and thought he might be able to get the truth out of him. Sergeant J. K. Moore, who had established good rapport with Johnson during his previous scrapes with the law, had a long talk with Johnson, but the man still maintained he did not know anything about Vickie McKinney. At about 2:30 p.m., Johnson was turned over to W. D. Starnes, who headed the McKinney investigation, and Mike Holmberg, a veteran detective and polygraph man, for intensive interrogation. The suspected man seemed to have no hesitation whatever in talking with them, but steadfastly denied having abducted any girl.

Soon after the McKinney vehicle had been apprehended, a stringent effort had been launched to find the beautiful coed, who might at that moment be lying injured and helpless somewhere in the countryside surrounding Charlotte. Sanitation workers had been organized to search all the ditches and drains thereabouts, areas which would be difficult to examine from the air, while the police helicopter, nicknamed "Snoopy," would fly over the region in search of her. The aircraft, normally used mainly for traffic, was manned by Officers V. B. Cook and R. E. Arey. The two had been patrolling for some little time when they spotted a suspicious object near the Mecklenburg-Union County line.

Off U.S. 74 East there runs a little, dead-end road with a turnaround near Charlotte's Marglyn Drive. Once open to traffic, the lane had been closed several years before, and its pavement ripped up to discourage idle motorists from driving down there to dump refuse, make love or engage in pot parties. The dis-



Twenty-eight-year-old Leroy Johnson came under searching interrogation when cops located Vickie's missing Pontiac

couragement had not worked, however, since autos still drove down the dirt lane for those purposes, as would witness the ground and underbrush thereabouts.

At the end of the narrow little lane was the site of along burned-out old home known as "The Burr Place," and the location was still referred to thusly by local residents.

It was near this old homesite of local fame that the suspicious white object was seen from the police helicopter. Moving their agile craft closer to the ground, Cook and Arey took a good look. If the object on the ground was not a corpse, it was a mannequin, they decided, and people don't usually throw away such lifelike plastic models. They communicated immediately with Mecklenburg County authorities, since the suspected corpse lay within that law enforcement body's precincts. It would be some 20 minutes before M. Crowell, of the county police force, arrived at that part of U.S. 74 East, which is an extension of Charlotte's Independence Boulevard, for a look at the scene discovered by the copter's operators. He would soon be joined by county colleagues Sergeant J. T. Helms and J. K. Williams.

In a location some 75 feet from the turnaround at the old Burr place, in a thickly grown patch of honeysuckle and blackberry vines, the saddened lawmen saw the lifeless body of what had been a perfectly beautiful girl. She was completely nude, spread-eagled on her back, and had probably been dead for several hours. Stepping carefully, Crowell and the others went to their radios. They had little doubt that the missing Vickie McKinney had been found.

As soon as Charlotte City (Continued on page 61)



EDWARD Tanquary, a manager of Rothchild's on the Country Club Plaza in Kansas City, Missouri, was in the store's credit office at 12:45 p.m. July 8, 1976, when he was told that he had a telephone call. Tanquary assumed it concerned store business when he picked up the receiver. But, he discovered abruptly that the call had nothing to do with the store.

A man's voice asked, "Is this Edward Tanquary?" Tanquary replied affirmatively. The caller then told him to "listen carefully."

"I have your mother, Mrs. Ethel Tanquary. She drives a 1972 blue Lincoln Continental, is this correct?"

"Why, yes, that's right," the startled young man replied.

"I have her driver's license and safe deposit box key under the floor mat of the car which is in the Ward Parkway Shopping Center," he said.

Apparently to further convince Tanquary that he knew what he was talking about, the caller proceeded to tell Tanquary his wife's name, the number of children he had, and

KANSAS CASE OF THE KIDNAPER UNDER THE GUN

by STEVE HAMILTON

The abductor of the wealthy matron may have thought he was being very careful and professional, but from the moment he went after the ransom payoff, lawmen had him tabbed and knew every move he was making

where he lived. Then he got down to serious business.

"Now listen carefully. I want \$22,000 in tens, twenties, and fifties. I will call you tomorrow between five and five-thirty p.m. Do not notify the authorities or you will never see her again."

The caller mentioned the elder Mrs. Tanquary's telephone number and her address at The Tuileries, one of the areas most exclusive apartment complexes located on 108th Street in Overland Park, a Kansas City suburb. He repeated that he would call him the following day with final instructions. He ended the conversation by asking, "Do you understand everything?" Tanquary said yes.

When the man hung up, Tanquary stood by the phone nearly a full minute trying to comprehend the strange call. Was the man serious, or was it some kind of sick joke?

He dialed his mother's telephone number. He waited in vain for a seemingly endless number of rings. He then called a close friend of his mother, but again there was no answer.

Tanquary made two more calls. He called his wife and told her about the call he'd received. He asked his wife if she'd talked with his mother. She had not. Next he called William Gray, the family's attorney. When he told the attorney about the call, Gray said he would call Myron Scafe, Overland Park Police Chief, to advise him of the apparent kidnaping. Gray told Tanquary to meet him in his (Gray's) office in Overland Park.

Tanquary left Rothchild's and drove to the Ward Parkway Shopping Center. At the south end of the upper level of the parking lot he saw his mother's blue Lincoln. The keys to the car, her

driver's license and safe deposit box key were under the floor mat just as the caller said they were.

The son had a sinking sensation in his stomach as he realized his hope that the call was a joke had evaporated. It was obvious the caller knew what he was talking about when he called the son.

When Tanquary arrived at Attorney Gray's office, Chief Scafe and a detective were already there. They were joined by agents from the Federal Bureau of Investigation.

Tanquary went over the details of the telephone call with the officers. He said that he drove by the Shopping Center and found her car parked there. He said the items that the kidnaper said were under the floor mat were there.

"I'm sure it's no hoax," the son said.

He gave the officers the keys and the driver's license that he taken from under the mat. He added that he locked the vehicle and left it where it was parked.

The important thing was to secure Mrs. Tanquary's release. The authorities were mindful of the danger she was in and the frequency with which kidnap victims are not released unharmed. Her safety was vital in the minds of the men sitting in Gray's office. They believed the kidnaper's instructions would be followed and that they should make no rash moves which might further jeopardize her life.

Gray suggested that they arrange with the Johnson County National Bank & Trust Company in nearby Prairie Village, Kansas, another suburb, to obtain the \$22,000 ransom.

The authorities frankly were puzzled by the \$22,000 demand.

Kidnaper held the wealthy matron captive in this apartment while he negotiated with her family for her release. Meanwhile, local police and FBI men were on his trail. FBI agent McKenzie helped probe along when he spotted suspect's automobile



Mrs. Tanquary was a wealthy widow who lived in an exclusive apartment. She easily could have paid a ransom many times that being sought by the kidnaper. Why did he specify \$22,000?

It might be that he simply was a distraught individual who owed debts totaling \$22,000 and, in desperation, turned to kidnaping in an effort to raise a specific amount of money. If that was the case he might be a man who would panic if he thought his demands would not be met.

On the other hand, the caller had been calm and professional in his conversation with young Tanquary. The son said he did not seem to be agitated or nervous. He appeared to know exactly what he was after. If this was an accurate analysis, the authorities might be dealing with a pro who wouldn't panic, and who would be more likely to release his victim unharmed if the ransom was paid as demanded.

It was, of course, a gamble either way.

Tanquary and the agents drove to the Johnson County Bank & Trust Company where they discussed the situation with a bank officer. A \$22,000 ransom package consisting of 10s, 20s and 50s was put together. The serial numbers of the bills were recorded before they were placed in two blue bags bearing the name of the bank.

After obtaining the money, Mr. Tanquary and two agents drove to Mrs. Tanquary's apartment in Overland Park, where they settled down to await another contact from the kidnaper.

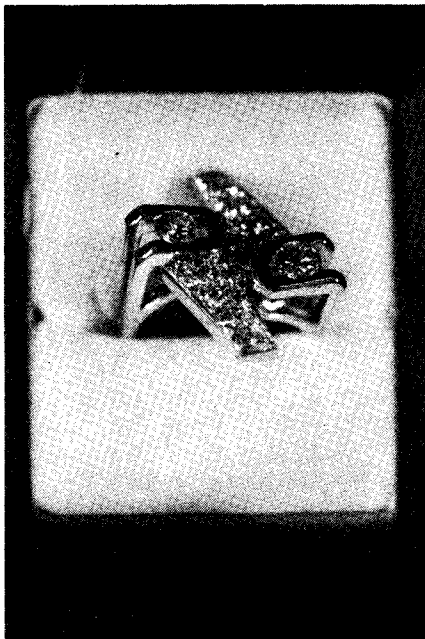
Meanwhile, it had been determined that Mrs. Tanquary had gone to the Ward Parkway center to meet a longtime friend for lunch. The women were to meet at 11:30 a.m. at the entrance of the Stix, Baer & Fuller store. Mrs. Tanquary's friend arrived a little before 11:30.

Twenty minutes later Mrs. Tanquary had not arrived. Because Mrs. Tanquary was always prompt for appointments, her friend was concerned. She called her apartment; got no answer. Knowing it took Mrs. Tanquary about 20 minutes to drive from her apartment to the shopping center, the friend assumed she got a late start and now was on her way.

When Mrs. Tanquary had not arrived 15 minutes later, the friend became apprehensive. She called the woman's daughter-in-law but the line was busy. She called the home and asked her husband if Mrs. Tanquary called there. She had not.

The friend waited till 1:30 p.m., then returned to her own residence. She was asked by agents if she saw Mrs. Tanquary's Lincoln. She replied that it hadn't occurred to her to look around the huge parking lot.

Later that afternoon she had talked to Mrs. Tanquary's daughter-in-law and learned about the kidnaping. The woman said Mrs. Tanquary was a wealthy woman and would have no problem pay-



Kidnaper took this valuable diamond ring from his victim during the abduction ordeal

ing the ransom sum of \$22,000.

She added that Mrs. Tanquary was a calm, rational woman who would have confidence in her son to handle the situation. The friend had known Edward Tanquary for several years and considered him a level-headed young man who was very dependable.

She believed that if the kidnaper asked Mrs. Tanquary whom to contact about the ransom she would have him call her son. In response to other questions the friend said that although Mrs. Tanquary was a wealthy woman she was "not flashy" with her money. She dressed conservatively and wore a modest amount of jewelry.

There were two theories to be considered. One was that Mrs. Tanquary was abducted by a man on the spur of the moment who observed her park the Lincoln and assumed she had money. The other possibility was that the kidnaping was well-planned; that the kidnaper had been waiting for an opportunity to abduct Mrs. Tanquary and followed her to the parking lot.

The latter possibility seemed remote. First, few persons knew about the luncheon engagement. To be certain of catching Mrs. Tanquary in the parking lot the kidnaper would have had to watch her apartment for a certain length of time.

Meanwhile, at The Tuileries, Edward Tanquary and the agents waited through the night and the next day without hearing from the kidnaper. A device was attached to the telephone to record incoming calls.

The scene was virtually the same at the son's home in Prairie Village. The authorities could not be positive that the

kidnaper wouldn't call Edward's home rather than the Tanquary apartment. Thus agents and police officers waited there, too.

At 5:07 p.m., July 9th the silence in the Tanquary apartment was broken by a telephone ring. Edward answered "Hello."

"Mr. Edward Tanquary?"

"Yes," Tanquary answered.

"Hold on just a minute," the caller said in a calm, relaxed voice.

The next voice on the line was Ethel Tanquary!

"Edward?"

"Yes," the son replied.

"Do exactly as the man tells you," the mother said.

"All right. Then you're all right!" the son exclaimed with a note of relief in his voice.

"I'm all right," Mrs. Tanquary repeated.

Then the kidnaper took over the phone.

"Are you by yourself?"

"Yes," the son said.

"Have you brought anybody in on this?" he inquired.

"Just a personal friend to help me," Tanquary answered.

"Okay, I'll call you back in five minutes. Keep the line free."

"All right."

At 5:10 p.m. the phone rang again. It was the kidnaper.

"Okay, have you got a pencil and a piece of paper? This will have to be quick," he said.

"Okay," Tanquary responded.

"You know where McGilley's Funeral Home is at Linwood and Main (Kansas City, Missouri)?"

"McGilley's Funeral Home at Linwood and Main?"

"Right," the kidnaper said. "They have a parking lot there. It's at the west side."

"Okay, all right," Tanquary acknowledged.

"Okay. At the far northwest corner there's a patch of ground with a little shrubbery. Have what I asked for in a brown paper sack. Put it there between 7 and 7:10 this evening."

"Between 7 and 7:10 this evening," Tanquary repeated.

"Only them 10 minutes," the kidnaper rejoined.

"Okay, now, this patch of ground."

"You'll see it at the far northwest corner of the parking lot."

"Far northwest corner of the parking lot," Tanquary repeated.

"Not before 7 and not after 7:10. Do you follow me?"

When Tanquary said he understood, the kidnaper added a warning: "Okay, if you haven't brought anybody in your mother will be safe."

"When will I see her?" the son asked.

"Exactly two and one-half hours

afterwards," the kidnaper replied.

When Tanquary asked where, the caller said he would be notified.

"She'll call you herself," he added.

The caller asked Tanquary once more if he understood, then he hung up the phone.

The agents notified Bill D. Williams, Special Agent in Charge, who was waiting in the FBI office at the Federal Building with Majors Sidney Harlow and James Campbell of the Kansas City Police Department. Williams jotted down some notes as he talked with the agent.

The investigation had reached a crucial stage, and a wrong move could mean tragedy. The single most important thing now was to make sure Mrs. Tanquary was released unharmed.

Williams discussed the next move with Harlow and Campbell. They decided not to stakeout the drop site for fear of alarming the kidnaper when he came after the ransom. He had made it clear Mrs. Tanquary would not be with him and would not be released until after the ransom was paid.

And there was another consideration that had to be taken into account. There was always the possibility that another person was involved in the kidnaping and would be guarding Mrs. Tanquary while the ransom was being picked up. If the pickup went awry it could be fatal to the victim.

"The first thing is to get her back safely, then we'll go after the kidnaper," Williams said.

It was decided that James D. McKenzie, Assistant Special Agent in Charge, would be stationed in a building about 100 yards from the McGilley parking lot. He would not be close enough to be seen by the kidnaper, but by using binoculars he could observe cars entering and leaving the funeral home parking lot. Robert L. Sypult, an FBI agent, would conceal himself on the floor of Tanquary's station wagon and go with him on the drop.

At 6:25 p.m. McKenzie took his position in the building to watch the lot. At the same time, Tanquary, accompanied by Agent Sypult, left The Tuileries for the trip downtown. Other FBI agents in cars were spotted around the metropolitan area so that they could be near any location within a few minutes.

At 7:02 pm. McKenzie observed Tanquary's station wagon enter the parking lot. The two bank bags containing the ransom were in a brown paper sack. Tanquary drove through the parking lot to the area designated by the kidnaper. He placed the sack near a shrub.

He got back into the station wagon and left. He turned onto Linwood and returned to The Tuileries.

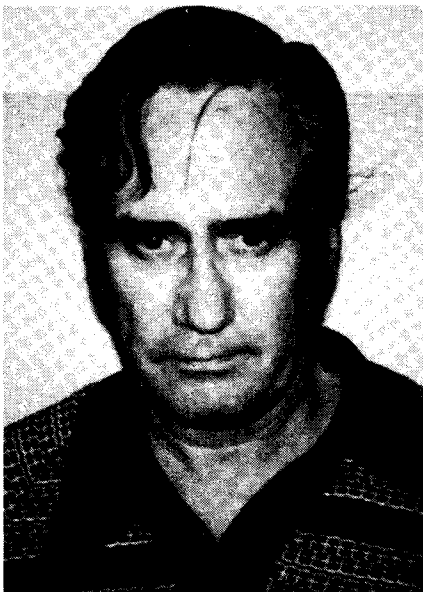
At 7:09 p.m. McKenzie saw a white over blue 1970 Dodge 4-door turn into the lot. The car drove slowly across the lot toward the drop site. Seconds later the

vehicle turned west on Linwood at a high rate of speed. Although McKenzie could not see the actual pickup, it had been made.

Because of the distance, McKenzie was not able to make out the numbers on the license plate, but he could see that it was a Missouri tag. He reported back to Williams that the pickup was made without a problem. Once again the waiting began.

At 8:20 p.m. the nerve-wracking vigil ended. Mrs. Tanquary called her son's home and told her daughter-in-law that she was safe!

Mrs. Tanquary was released in a small shopping center at 103rd Street and State Line Road. She called from a dress shop at 10117 State Line. Within a couple of



Donald Durns became a prime suspect in the case which was finally resolved when most of the ransom money, shown below with FBI agent John Cannon, was recovered by police



minutes, while Mrs. Tanquary was still talking on the phone, an FBI agent assigned to the area arrived at the shop. He identified himself and told her he would take her home.

After Mrs. Tanquary arrived back at her apartment and had a few moments to rest she told the agents she was feeling well and could tell them about her ordeal. She assured them that she had not been harmed by the kidnaper and felt surprisingly well.

It started at 11:15 o'clock the previous day when she parked her Continental at the shopping center. As she started to get out, a man suddenly appeared at the door displaying a knife and told her, "This is a holdup, move over to the other side."

He told her, "Look at the floor all the time, don't look at me, and don't talk. I have a knife and a gun. The gun has a silencer on it and I will use them both if necessary." The woman described his voice as "very authoritative."

"Did you catch a glimpse of him before he told you to look away?" an agent inquired.

Mrs. Tanquary replied that at first glance he appeared to be about five feet 10 inches tall, weight 185 to 200 pounds, clean shaven with dark hair graying at the temples. He was wearing horn-rimmed glasses.

She felt it would go better for her if she followed his instructions. She kept her eyes on the floorboards as he drove out of the parking lot and south on State Line Road.

"Could you identify him if you saw him again?" an agent asked.

Mrs. Tanquary said that frankly she didn't know. She explained again that she kept her eyes averted as he told her and later was blindfolded.

The man stopped the car on a gravel road and went through Mrs. Tanquary's purse. He took the cash she had and removed an expensive diamond ring from her finger. He found a blank check on the Overland Park State Bank in her purse and asked her how much she could write it for. She replied \$100.

"That won't do it. Now how much can you write it for?" the man snapped. Mrs. Tanquary said she answered, "How about \$12,000?" The man had her sign the check and told her he would fill in the rest of it.

He taped her eyes with adhesive tape and replaced her sunglasses, she continued. He later removed the bottom strip of tape because it showed beneath her glasses. He told her they were going to the Overland Park State Bank to cash the check at the drive-in facility.

"Now understand. You are not supposed to move your head. Keep it straight and do not talk. I want you to remember I have this gun," the man said as he pushed the weapon against her side.

Mrs. Tanquary said she could see a lit-

(Continued on page 70)

How The Nurse's Aide Helped Catch Her Rapist



Tank shirt found on clothesline matched one worn by rapist

by **MALCOLM BURDSALL**

IT WAS a hard-fought trial from start to finish. One of the thorniest problems on the front end was selecting an impartial jury. Many of the veniremen had formed opinions, relationships or prejudices that disqualified them from sitting in judgment on the defendant.

His name was Tommy Noell. He was being arraigned for trial on an indictment of raping a young woman we'll call Katherine Lorenzo. The trial was going down before Judge Clarence W. Hall in the Superior Court of Orange County, North Carolina.

Before the proceeding was over, Judge Hall would have to make some almost-Solomonic decisions. Some would be required by the utterances of prospective jurors, others by strong closing arguments from the solicitor. The rest pertained to

the qualifications of the selected veniremen.

As courtroom buffs know, during the voir dire process used for juror selection, veniremen can be dismissed for two reasons. If the individual says something to indicate he cannot render an unbiased verdict, he can be dismissed for cause. He can also be dismissed peremptorily.

This can be for any reason that pleases the fancy of either lawyer. It can be because the attorney suspects some unadmitted prejudice on the juror's part. Or it can be just because he doesn't like the way that person holds his mouth.

Lawyers trying a case are usually contentious. They'll argue about anything and raise objections at the slightest excuse. So it was to be in this proceeding, where Tommy Noell's life was the brass ring beside the merry-go-round of legalisms.

The quibbling started with Defense Attorney Robert Epting of Chapel Hill, North Carolina taking exception to the dismissal of some veniremen. Before it was over, it became so repetitious as to be downright absurd, but it illustrates what officers of the court endure every day.

It also illustrates the fact that lawyers picking jurors don't usually have a roomful of geniuses to work with. Here is some of the voir dire that took place.

Solicitor Pierce: "What is the extent of your acquaintance with the defendant?"

Venireman Allison: "Acquainted with the whole family."

Solicitor Pierce: "Well, let me ask you this, sir. As a result of your acquaintance with the whole family, would it be impossible for you to bring in a verdict of guilty against the defendant?"

Venireman Allison: "I would think so."

Solicitor Pierce: "Could you or could you not find the defendant guilty if the state satisfied you beyond a reasonable doubt of his guilt?"

Venireman Allison: "Very well acquainted with his whole family."

Judge Hall: "That's not the point he's making. If the state satisfied you beyond a reasonable doubt, would you be able to find him guilty?"

Venireman Allison: "Oh, with the connection to the family, no, sir. I'm very well acquainted."

The solicitor asked that the venireman be dismissed for cause. The defense attorney objected. Judge Hall granted the motion and told Allison to stand aside. Two female veniremen later took the stand to the examined.

Solicitor Pierce asked each if she knew the defendant. Both said they did. He then posed the same question twice: "If the state satisfied you of Tommy Noell's guilt beyond any reasonable doubt, would it be impossible for you to bring in a verdict of guilty?"

Both replied: "Yes, it would." Both were excused for cause. The defense attorney took exception so, if necessary, he could

Despite a grueling ordeal during which she lost consciousness, the plucky beauty displayed an astonishing memory for tiny details that proved invaluable when lawmen went after her assailant

cite their dismissal as trial court error on appeal. And the voir dire proceeded.

Since the defendant was black and the victim was white, it was almost inevitable that racial questions would be asked. Defense Counsel Epting raised the matter while questioning a white female venireman.

Counsel Epting: "Now, Mrs. Carter, would the fact this man is from an interracial marriage affect your consideration of testimony in this case?"

Mrs. Carter: "No, sir."

Counsel Epting: "Do you have any personal feelings about interracial marriage?"

Mrs. Carter: "Not especially."

Counsel Epting: "Well, I take it from your answer that you mean they are not especially strong feelings."

Mrs. Carter: "Yes, sir."

Counsel Epting: "Do you have any feelings against interracial marriages, or are you telling me your feelings are neutral?"

Mrs. Carter: "Well, mine would be against."

Counsel Epting: "Do you think your feelings against interracial marriages could affect your consideration of the testimony in this case?"

Mrs. Carter: "Maybe. It probably could."

Wham! There it was! Counsel for the defense had kept going until he picked an oblique hint of racial bias from the prospective juror. He asked that she be excused for cause. Judge Hall refused to do so, telling Epting he could examine her further if he wished. The lawyer simply excused her peremptorily. And the tedious voir dire moved on and on and on.

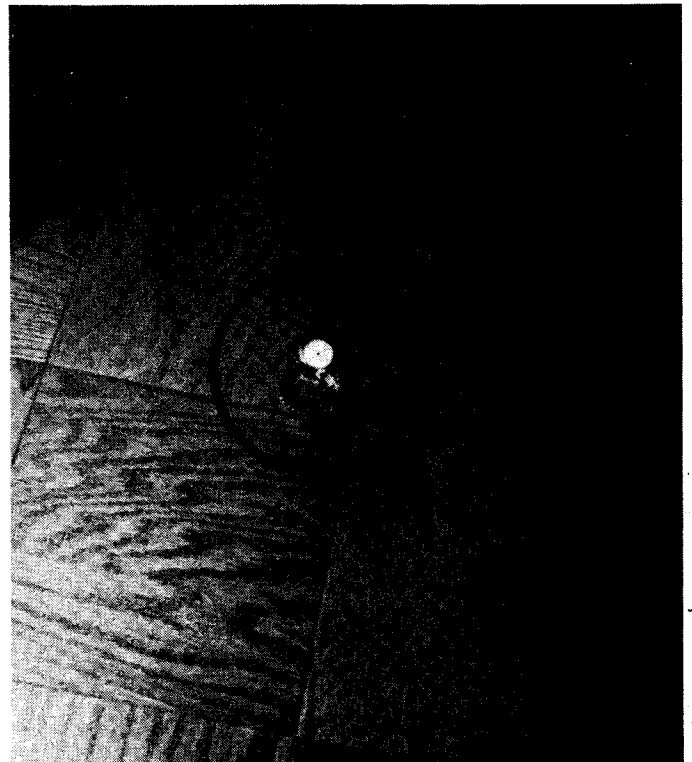
Much of it pertained to the personal feelings of prospective jurors about capital punishment, but we can review that later along with the rest of the trial. Meanwhile, let us flash back to the sex assault on Katherine Lorenzo and the investigation that followed.

On Wednesday, May 23, 1973, Miss Lorenzo was employed as a nurse's aide at the North Carolina Memorial Hospital in Chapel Hill. She lived in an apartment complex in the hamlet of Carrboro, population 1,997, an incorporated suburb to the northwest of Chapel Hill.

She left the hospital shortly before 9 a.m., made the 5-mile drive along Highway 54 to her apartment and arrived there at 9:05 a.m. Driving down the highway she noticed a black man in a green 1971 Maverick Automobile. He seemed to be watching her, she said later.

The driver of the green automobile turned off into the apartment complex ahead of her, then pulled to the curb, allowing her to pass him. As she parked her car she noticed him drive past her again.

Miss Lorenzo went into her apartment, closed the front door and started toward the bedroom. She was expecting a friend to



Rapist left his wrist watch on floor of victim's apartment

come by and accompany her on a shopping trip, so she thought that was who had arrived when there was a knock on the door.

"Come on in," she called

In walked a young, black man dressed in green slacks and a burgundy or maroon pullover knit shirt. It was the same man she had noticed driving the green car.

"I sell vacuum cleaners," she quoted him. "Would you be interested in buying a vacuum cleaner?"

"I don't need one, but my roommate might. You can come back this evening and talk to her."

The uninvited visitor turned around and walked toward the door as if to leave. But instead of pulling it open, he locked it. Then he turned around and told her in explicit, obscene gutter language that he wanted to have sexual intercourse with her.

(Continued on page 78)

by DAVIE RAEFORD

If the case proved only one thing to Southern
detectives and horrified residents of the community,
it was the indisputable fact that

FATAL CHILD ABUSE IS NEVER AN ACCIDENT!

THERE ARE various echelons of the criminal world, just as there are various strata in legitimate society. Perhaps the most sharply defined of these various levels of criminal society is behind prison walls. It is there that the criminal is placed within a close-knit framework of so-called "people of his kind."

There may be in the criminal world some dispute over who is the top dog, but there is little or none about who fits at the bottom of the totem pole. The child abuser and/or the child murderer traditionally has held that position, even below the snitch, the rat, or squealer who turns state's evidence to save his own hide.

To the policeman, the investigation of the abused child case is the toughest of all to handle emotionally. Ravished and slaughtered women and brutalized and dead old people are hard to take. The brave man who dies defending his family likewise will arouse the investigator's emotion out of the realm of the day-to-day experience. But it is the case of the brutalized, tortured child which scars the soul and taxes the lawmen's self control to the utmost.

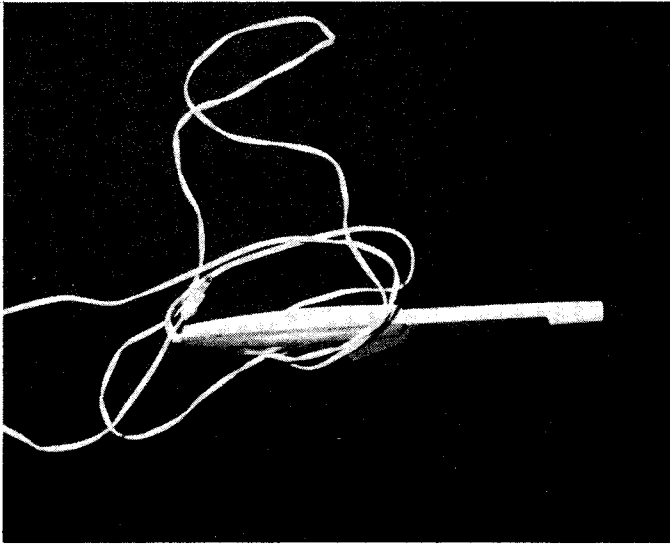
And traditionally, making it even more difficult to handle, has been the system of criminal justice which often does no more than give the offender a slap on the wrist and place the victim right back into that hell whence he had been briefly removed.

The history of jurisprudence is liberally filled with the case of the most vicious and murderous sort who can vividly recount his experiences at the hands of a brutal parent or parents.

Traditionally, the investigator of criminal child abuse has been plagued by two problems. First, the parent or parents involved have legal protection against



Even jail inmates were outraged over the diabolical cruelties suffered by little John Robert Dobbs. They beat up suspect in the case while he was awaiting trial



Among other fiendish tortures inflicted on body of two-year-old boy were severe burnings to his genital area by curling-iron (l.). He had also been brutally beaten about the head with a stick (r.) and knocked down a flight of stairs

testimony by each other. Secondly, medical personnel, particularly doctors, have been reluctant to report suspected or known cases of child abuse. Their reasoning has been that because of general court leniency in such matters, a doctor is wide open to a law suit by one or more members of a child's family.

But there are those in the field who cast aside that fear and act quickly. One such man is Dr. Ellis Keener of Decatur, Georgia and it is with him that we begin the story of the murder of John Robert Dobbs, aged 2.

Sunday night, February 8, 1976, was a cold clear night in Decatur, Georgia. Investigator Dewey Brown was working the night watch in the crimes against persons section for Dekalb County police. The father of four young sons, Brown frequently fretted over the fact he didn't have more time to spend with the boys. Even then, he was contemplating a request to be returned to the uniform division because the prospect of that assignment might provide him more opportunity to enjoy the company of his family.

Brown was highly valued by Lieutenant Charles Staples, head of the Crimes Against Persons section. Since Staples had returned from a tour with the uniform division, he had had a chance to observe in Brown a number of exceptional qualities so important to an investigator. Particularly impressive was the dogged thoroughness that Dewey Brown had evidenced on several murder investigations.

Sunday night, February 8th, had been a relatively quiet one for Brown and in the early morning hours of February 9th, he was embroiled in paperwork, completing reports in preparation for a session in Superior Court.

This rather prosaic task was interrupted at 3:15 a.m. by a telephone call

from Investigator Ken Holland, who had responded to a call to Dekalb General Hospital.

"We got a child abuse case and I need help," Holland said. "The doctor doesn't think the little boy is going to live."

There was nothing to do except, as the saying goes, "suck it up and go."

At the hospital, Detective Dewey Brown was met by Investigator Holland. Briefly, Holland reviewed the situation. Dr. Ellis Keener had requested an officer for the emergency room and Patrolman J.M. Middleton had responded. Keener had under his care a two-year-old boy who was suffering from numerous bruises on the back of the head and burns to the genital and rectal area.

It was 30 minutes after his arrival at the hospital that Detective Brown was able to talk to the physician and learn the horrible details of what medical personnel had discovered.

The grim-faced doctor detailed that John Robert Dobbs had three or four burns in the rectal area, six or eight more on the scrotum and penis. Additionally, there were some 25 bruises of various sizes and severity on the child's back, arms and legs and 18 or 19 more bruises on the head.

The bruises and burns to the body were more painful than serious, but the child's critical condition came as a result of one or more blows to the head. The result of this was a subdural hematoma necessitating surgery to relieve the pressure on the brain. It was this condition which left Dr. Keener and other medical experts with the opinion that the youngster would not survive.

There were members of the child's family at the hospital. Brown was told, including the victim's mother and his stepfather. It was the stepfather who had brought the critically injured youngster to

the emergency room. When questioned about the wounds to John Robert Dobbs, the stepfather said the child had fallen down.

Detective Brown chose to speak first with the 19-year-old mother of the gravely injured child. She had been told while at work that her baby was at the hospital in a serious condition and had come immediately. When she had left for her place of employment at about 9:30 p.m. on Sunday night, Robert, as he was called, had been perfectly healthy, as far as she knew, and she knew nothing about any injuries he had sustained.

Dewey Brown studied his note pad, which graphically recorded the burns as they had been described by Dr. Keener. The third degree injuries appeared to be symmetrical. They were small and might have been the result of cigarette burns. However, if the burns had been done with a cigarette, it was possible they had been cleaned before the child was brought to the hospital. There was no evidence of ash, such as would be expected from cigarette burns, on any of these particular wounds.

She knew nothing of the burns, the 19-year-old mother told the hard-eyed, questioning Brown. She had left her son with her husband of six weeks, Charles Glenn Waites, and his sister.

The sister of Charles Waites was then interviewed. The only thing she knew about any injuries to little Robert, she said, involved an incident on the previous Friday evening. She, Robert and Charles had been in the apartment alone. Charles and Robert were playing with a toy and she had called Robert to come to her. The child had started toddling across the living room, caught his foot in a telephone cord and fell. In falling, he had struck his mouth on the corner of a coffee table.

Brown checked his notes. There was

no specific mention of an injury to the victim's mouth. He began questioning Charles Waites' sister more pointedly. The result, when infrequent answers were given, was vague, inconsequential replies. She, too, had left the apartment about 9:25 p.m. in order to be at her place of employment at 10 p.m.

Charles Waites said he had been alone with little Robert Dobbs, babysitting while his wife and sister were at work. Robert had fallen down the stairs earlier in the evening, Waites said, and another man who lived in the apartment had seen this.

At the time, Waites said, the youngster did not appear to be injured and he had taken him back upstairs. Waites said he went into the bathroom to brush his teeth. He had had some wisdom teeth pulled, the child's stepfather explained, and this necessitated brushing his teeth frequently.

Before going to brush his teeth, Waites continued, he had placed Robert on a bed. As he was leaving the bathroom, he continued, he heard a bump. Then, Waites said, he saw Robert lying face down on the floor.

"I went to pick him up and he was limp and vomiting," Waites said.

The child's condition was disturbing, he said. He took Robert into the living room, placed him on a couch and then went across the hall and asked his neighbor to come look at the little boy. Waites said he did not have a whole lot of experience around children and wanted to get his neighbor's opinion about the situation.

When they returned to look at the child, Waites said, his neighbor had tried to give Robert mouth-to-mouth resuscitation, but that the child's jaw was clenched shut. The two of them had then rushed Robert to the hospital.

When questioned about the burns which Dr. Keener had described, Waites said he knew nothing of the burns and could not give any explanation about where they had come from, or who might have administered them.

Without further conversation with Waites, Detective Dewey Brown advised him of his rights and placed him under arrest, charged with cruelty to a child. Waites was then taken to Dekalb County Police Headquarters where he was handed a waiver of rights form.

With Detective Ken Holland witnessing the procedure, the rights form was executed. Waites then gave a detailed statement which officer Brown reduced to writing.

Waites started out by saying he had been babysitting with Robert on Friday night. He had been playing with the child when he fell and hit his mouth on the coffee table.

Questioned specifically about the matter, Waites said he definitely was alone with Robert when he fell against the

coffee table. This was in direct contradiction to what Waites' sister had said.

At 5:15 a.m., February 9th, after talking with Waites for 45 minutes, the interview was concluded.

After discussing the case, Detectives Brown and Holland agreed that they weren't anywhere near the truth of the situation. Since both of them had been on duty all night, it was agreed to let a fresh man interrogate Waites when the shifts changed.

Steve Davis was given a copy of Waites' statement when he came on duty and was asked to have a talk with the suspect. Meanwhile, Detective Dewey Brown had prepared an affidavit preparatory to seeking a search warrant for the apartment where Waites, his wife, sister and the injured child had been living.

While the affidavit was being prepared, Detective Davis left the interview room where he was talking with Waites to tell Brown: "He just admitted that he hit the boy. Said he hit him in the head with a white plastic comb with prongs on it—a rattail comb. He said right after he hit the child that the child went limp and fell to the floor."

Davis related that Waites had further stated that John Robert Dobbs had been burned with a hair dryer.

The comb and hair dryer were added to the list of items in the affidavit for search warrant and taken to Judge John Moble, who signed the document.

While Davis and Sergeant John Fenley got Waites to give another written statement, including the new pieces of in-

formation, Detective Brown, and John Carsten and D.E. Palmer went to the crime scene. They were joined by Greg Long of the identification bureau, who would take photographs.

formation, Detective Brown, and John Carsten and D.E. Palmer went to the crime scene. They were joined by Greg Long of the identification bureau, who would take photographs.

A number of items, including the rattail comb, a small piece of what might have been a broken broom handle, a hair dryer and other related cosmetic items were taken from the residence. They were bagged and tagged and taken to the State Crime lab for study.

Shortly after 1 p.m. on February 9th, Sergeant Arnold Fulgham, technician from the identification department of the Dekalb County Police, went to General Hospital to make photographs of the victim.

Meanwhile, doctors fighting desperately to save the gravely injured child, reported that it appeared that the little boy had been subjected to some sort of anal penetration.

Charles Waites had been lodged in jail by Detective Steve Davis after the morning interview was completed. When Detective Dewey Brown learned that physicians suspected the young victim had suffered anal injury, he discussed the matter with Davis. Davis agreed he seemed to be having good success with getting information from Waites and returned to the jail for another interview.

At 2:15 p.m., Waites was removed from his cell and in a short time, Detective Davis had learned another sickening detail of the torture of the two-year-old boy. At first, Waites denied that he had inserted anything in the child's anus, but finally admitted that he possibly had inserted a (writing) pen or a mallet.

Why would he want to do such a thing? Davis asked.

After some reluctance at answering that question, Waites finally responded: "I wanted to watch Robert's tail open and shut."

This interview conducted by Davis was witnessed by Sergeant Thomas Yates and when Waites' statement was reduced to writing, Yates and Davis signed it as well and made it a part of the growing file.

Meanwhile medical personnel were carrying on a valiant fight to save the life of little John Robert Dobbs. However, doctors held out little hope that the child would survive. He had been in a coma since being admitted to the hospital and it would be nothing sort of a miracle, they admitted, if he survived. Further, they were now of the opinion that some of the injuries the child had suffered could be as much as two or three weeks old.

Investigators, meanwhile, were pursuing every angle of the investigation into the family background of the gravely injured youngster. He had been born out of wedlock, they learned, but there appeared to be no incidence of his being mistreated at any time until Charles

(Continued on page 52)



by J. E. McILHONE

MYSTERY MURDER OF THE BEAUTY IN THE ORANGE GROVE



Bought for "protection," this .38 caliber pistol proved to be weapon which snuffed out the life of widow Cora Moore (below)



IT LOOKED as though someone had been doing a striptease along the lonely rural road between the orange groves. First there was the big patent leather handbag, lying conspicuously on the pavement a few feet out from the curb. Then there was a black suede shoe lying upturned in the gutter. Then came the crumpled blue cotton glove.

It was the black handbag that first caught the eyes of the motorist as he emerged from the private road in a station wagon and turned onto the pavement of Mountain Avenue, at the outskirts of Claremont, out in the San Gabriel Valley at the eastern end of Los Angeles County, a little after 10 o'clock on the crisp

The slain woman, garbed in an expensive fur coat, was obviously wealthy, and one of the early riddles in the strange case was why—when she failed to returned home—no one bothered to report her missing

Another Classic In TD's Golden Anniversary Series

autumn Monday morning of November 20th.

"There's someone's purse!" his passenger suddenly told the driver as the wagon was picking up speed on the narrow country road. "We'd better stop and pick it up. It may have fallen out of a car."

The man dutifully pulled up at the curb, got out and picked up the purse to examine it. Then he saw the shoe, and then the glove a prickling of foreboding gripped him, and it was with a conscious effort that he raised his eyes along the line indicated by the strewn articles.

Just over the curb, in the soggy loam of the grove, was the other shoe. A little beyond it were a vivid blue hair-ribbon and an amber comb.

"You'd better stay in the car," he said sharply. "There's something wrong here!" Slowly, holding the handbag gingerly, he stepped over the curb and walked in among the heavy-foliaged citrus trees that lined the road.

The figure that lay huddled under one of the trees, a few yards from the curb, at first glance looked like some sort of furry animal asleep under the lush dark green leaves. Only it wasn't an animal and it wasn't asleep. The strip-tease trail had come to a macabre end.

It was the body of a beautiful auburn-haired young woman, clad in a knee-length muskrat coat and blue crepe cocktail dress. Nothing could have been more incongruous than her lying out there in the silent orange grove in the San Gabriel Valley on that hazy November morning. For her looks and costume, and the faint clinging aura of exotic perfume that he breathed as he knelt beside her, were more in keeping with moonlight and roses and romance, soft lights and soft seductive music.

At her soft white throat, and half-crushed as she lay crumpled on her left side, was a pale blue cloth artificial flower—a delphinium, the man noted irrelevantly. On her right hand, folded over her bosom in an attitude of repose, was the other blue glove, half stripped from the fingers. Her skirt was hiked up to reveal a filmy pink slip.

There were no visible marks of violence, but the clammy touch of the milk-white skin and the rigidity of the face under the tumbled auburn hair spoke unmistakably of death. He also observed that the fur coat was drenched with dew. She had obviously been lying there since the night before.

Keeping his head, the man, backtracking in his own footprints in the soft, damp clods, took the purse and laid it carefully back in the roadway, as near as he could estimate to where he had picked it up.

"You'd better go back to the house and call the police," he told the woman. "I'll stay here and see that no one disturbs it."

"What do you think happened to



Deputies Hannon (l.) and Achenbach devoted their efforts to tracking down the murder gun



Inspector Penprase was quick to reach scene of orange grove murder, headed investigation



Captain Bowers sent detectives out to locate two former suitors of the murdered widow

her?" the woman asked him. "Do you think she was hurt in an accident—or tossed out of a car?"

"Hard telling. Doesn't seem like she could have been hurt on the road, lying that far back there in the trees. More likely dragged over there."

When Police Chief T. J. Lowry of the small college town of Claremont sired up to the grim scene on Mountain Avenue a half-mile south of Foothill Boulevard in response to the woman's breathless call, he saw at once that it was a case for outside help. He knew a good proportion of Claremont's 6,000 residents, at least by sight, and he didn't recognize the dead woman. It was very likely that she came from elsewhere and her body just happened to be deposited on the edge of his jurisdiction. So he put in a call for the Los Angeles County Sheriff's Department through the police radio of nearby Pomona.

By the time Deputy Sheriff Walter F. Slead of the San Dimas Sub-Station arrived in his radio car, Chief Lowry had determined that the glamor girl in the orange grove was no accident victim.

"Look here," he showed the deputy, carefully lifting the head and pulling back the thick red-brown hair from the left temple. There was an ugly red and blue powder-rimmed gunshot wound in the side of her head, and blood was caked on the left cheek.

Since there was no gun to be seen around the spot, it was quite evident that murder had come to quiet, sedate Claremont.

When Deputies Walker "Tex" Hannon and Raymond T. Hopkinson of the Sheriff's Bureau of Investigation reached the scene shortly before noon, Deputy Slead greeted them with a concise abstract of information.

"No gun any place," he told them. "It's murder, for sure. There are blood spots on the road here, near the curb, around where the purse was lying—I've marked the spot. The purse has blood on it, too. I haven't opened it. Didn't want to disturb anything. I've kept the people back from walking around here, too, though I don't see any footprints in this rough ground. But there are some tire marks over there in that patch of sand. Looks like a car turned around there."

Soberly the sheriff's investigators examined the body in its pitiful evening finery, grotesquely out of place as it lay among the clods and weeds, close under a dense-leaved tree heavy with golden fruit, that had concealed it from the road.

Mud and twigs on the sheer nylon hose, and a faint trail in the damp earth, indicated where the dead woman had been dragged from the curbing into the orange grove. Her shoes had evidently come off in the process.

"Not much point in dragging the body in here to hide it among the trees and then leaving the purse, shoe and glove out

there in the road for anyone to find," Tex Hannon commented.

"Probably pretty dark when it happened, though," Ray Hopkinson pointed out. "No streetlights out here. Could be the killer didn't know those things had fallen there. Probably terrified, and in a hurry to get away."

"Well, let's take a look in the purse." Hannon turned to the patent leather handbag which Sleed had placed carefully on the concrete curb.

"I tried to keep from getting my fingerprints on it," the uniformed deputy supplied, "but this man, here, had already handled it, you know. He says he was careful with it, though, so there may still be some prints on it."

"Good work," Hannon nodded as he lifted the purse with his fingertips and scrutinized it critically. "We'll see that it isn't handled any more than it has to be."

Aside from the splattered bloodstains on one side, and a film of dust, the black handbag appeared to be intact. Hannon, still using his fingertips, pulled back the zipper and the others craned to look inside. It contained the usual assortment of a woman's personal articles and cosmetics. The investigator dumped its contents out on the curbing.

"Lipstick, compact, comb, cigarettes, change purse—about a dollar in change—a \$5 bill, and here's her wallet with her ID—Cora Ethel Moore, 434 West Marigold Street, Altadena," Hopkinson read from the driver's license. "That's a good address! It's a wonder she hasn't been reported missing. There weren't any reports this morning."

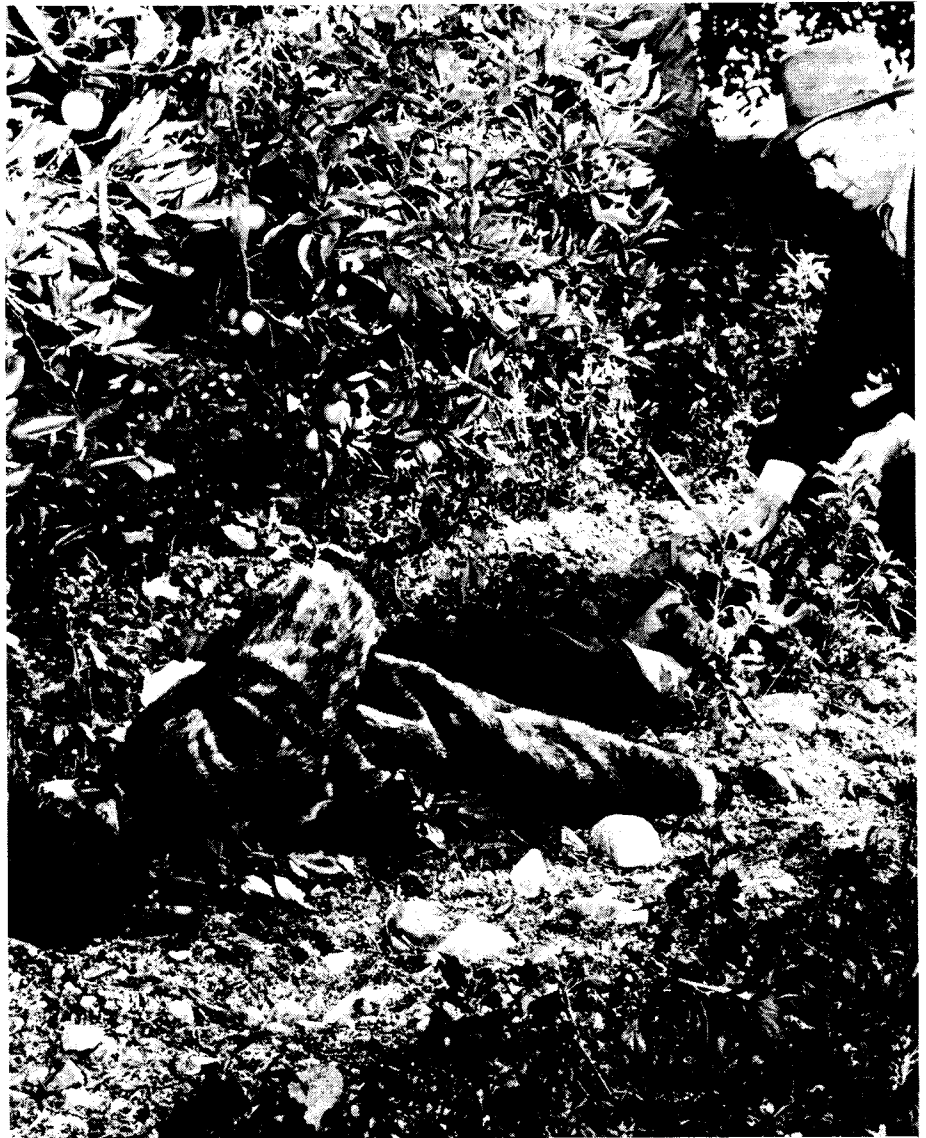
The Altadena address was in the plush northern suburb of Pasadena, an exclusive district of expensive residences on tree-shaded streets that wind up into the foothills of the San Gabriel Mountains, at the base of towering Mount Wilson. It was about 25 miles from the orange-grove scene of violent death.

While Tex Hannon hurried to a telephone to call the identification in to Inspector William J. Penprase at Headquarters, the deputy coroner and official photographer arrived, accompanied by a corps of newspapermen who immediately took off for Altadena on learning the slain woman's identity.

After the body had been photographed as it lay, the coroner's man turned it over. A plain gold wedding band was disclosed on the well-manicured left hand, as well as a thin, expensive gold wrist watch.

"Watch stopped at 9:02," Ray Hopkinson noted. "Must've run down, since it isn't damaged. Yes, it's run down," he confirmed as he turned the unresisting stem.

On the ring finger of the woman's right hand, which had been partially gloved, was a gold ring with a small diamond. "Certainly wasn't robbery," Tex Hannon pondered, "not with all this



Sheriff Hopkinson and other officers examine fur-coated body of slain woman

jewelry left on her! Not unless something special was stolen that we don't know about."

The deputy coroner found no sign of violence other than the fatal bullet hole between the left temple and ear. There was no indication of a struggle, or of attempted rape. The victim's finely tapered and polished fingernails were intact.

The disarray of her clothes and some minor scratches on her legs, in the deputy's opinion, were accounted for by the dragging over some four or five yards of rough earth from the curb. He estimated from the state of rigidity and dampness of the body that it had been lying there since at least 4 a.m., well before dawn. And the blood spattered at the side of the road indicated, of course, that the murder had taken place at that spot—since a corpse doesn't bleed very long.

"No robbery, and no rape," Hopkinson reflected. "No struggle. That would seem to mean that the killer was

someone she knew and trusted, maybe even her husband. Looks like a quarrel, a crime of passion. But if that's the case, why leave her purse here—with all the ID in it—if identification of the body would point right to the killer?"

There was no immediate answer.

The sheriff's homicide men probed further into the contents of the handbag. There were a ring of keys and a checkbook on a Pasadena Bank, with a balance of some \$500 indicated on the stubs. In the little feminine wallet was a snapshot of a fair-haired little boy.

"Driver's license says she's 42 years old," Hannon noted, glancing down at the face under the tumbled auburn hair. "Must've kept herself pretty well. I'd have taken her for 32."

Tucked behind the driver's license in the wallet they found another \$15—evidently "mad money" kept secreted by a prudent woman. But, ironically, Cora Ethel's prudence hadn't availed her

(Continued on page 73)

by RANDALL SHANLEY

As one hard-won clue led to another in the baffling slaying, Australian homicide detectives narrowed the issue to one incisive question:

Was The Victim Killed By A Yankee Lover?

ONE OF THE more curious phenomena encountered by veteran police officers from time to time is that rather special type of lawbreaker who has come to be known in law enforcement textbooks as "the criminal stranger." This is the individual who, finding himself or herself in a strange city or town, far from home territory, is tempted to commit a crime on the theory that the visitor's status will act as a shield against suspicion. In many instances, the crime committed under such circumstances is a first offense, by persons who, up until then, have led upright, exemplary lives within the law.

The phenomenon has been cited by many pragmatic investigators as proof that "we'd have a lot more criminals if more people thought they could get away with committing a crime."

The person who falls into the criminal-stranger trap, however, more often than not is apt to find he has miscalculated badly. Some of the finest detective work on record has been performed in the apprehension of the "criminal stranger." Investigators in

Sydney, Australia, take justifiable pride in a murder case they brought to a successful conclusion against staggering odds.

To people who live in the Northern Hemisphere of the world, the seasons of the year in Sydney are turned around. Easter, which we regard as a spring holiday, falls during the autumn in the Southern Hemisphere. But as it happens so often elsewhere, Australia has its occasional days of unusual weather, and Easter Sunday in 1967 was unseasonably warm, a circumstance which brought the city's residents out in droves. During the bright, sunlit morning hours, thousands of people attended church services, clad in their new Easter finery. Later there was much traveling as many took advantage of the splendid weather to visit friends in various parts of the district.

And in the true religious spirit of that Easter Sunday of March 26th, Sydney police records established the day as one with a record low in crime, and even in minor offenses. But shortly before midnight, this peaceful period in Australia's largest city was shattered by a brutal,

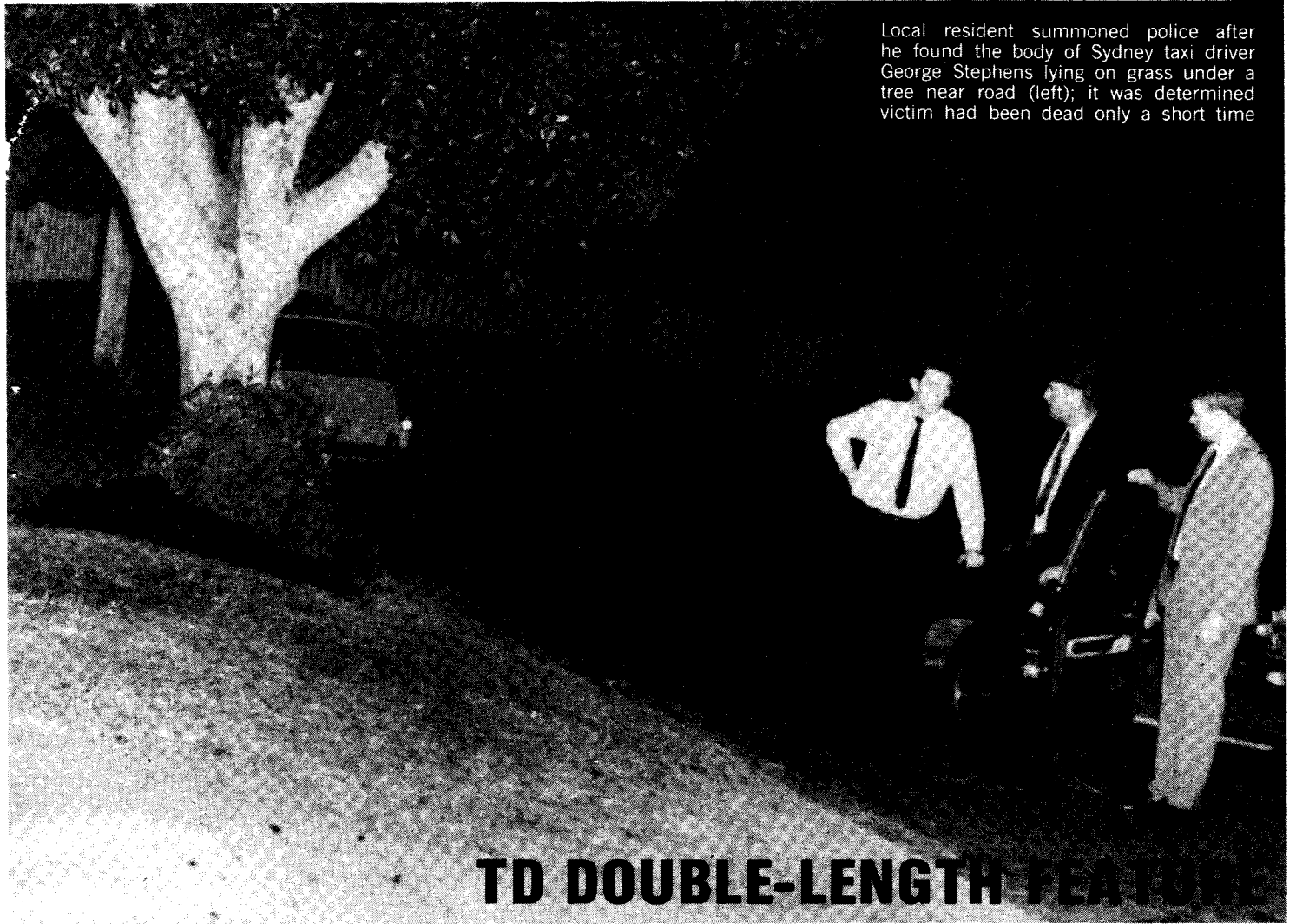
bewildering deed: an act of murder.

William Wilson, a certified public accountant by trade, was driving along Arthur Street, a quiet thoroughfare in the district called Bellevue Hill, when the headlights of his Jaguar suddenly illuminated the figure of a man lying at the base of a large tree near the roadway.

Mr. Wilson, a responsible citizen with a conscientious regard for his fellow man, braked to a stop. Bellevue Hill is a fashionable suburb of Sydney; its people are not normally found lying under trees at night. The accountant at first thought that the man on the ground must be a local resident who had celebrated the Easter holiday by having a few drinks too many with convivial friends. Another thought struck him, too: the man might have suffered a heart attack and fallen unconscious.

As the motorist alighted from his car and approached the man on the ground, however, he noticed that the still figure—an elderly man, by the look of him—lay in a decidedly odd position. He was face down, his arms extended above his head, hands together. And another thing—his

Local resident summoned police after he found the body of Sydney taxi driver George Stephens lying on grass under a tree near road (left); it was determined victim had been dead only a short time



TD DOUBLE-LENGTH FLATIRON

right shoe was missing; otherwise he was fully dressed. It looked to Mr. Wilson as though he had been dragged along the ground by his arms.

But then, in the glow of the jaguar's headlights, the accountant saw the blood between the shoulders of the man's jacket. And as he came still closer, he recognized the blank stare of death in the wide-open eyes.

With an involuntary gasp of horror, Mr. Wilson ran back to his car and drove as fast as he dared to the nearest telephone box, from which he called the police. The communications desk referred him to Detective Sergeant Frederick Smith, who jotted down the details reported by the caller, then dispatched a 2-man radio patrol to the scene on Arthur Street before he ran to his own car and drove there himself.

The sergeant's first impression was that the dead man had been the victim of a particularly callous hit-and-run driver; instead of calling an ambulance or notifying the police, it seemed that the motorist-offender had tried to hide the unfortunate man behind a tree, hoping the victim

would remain undiscovered long enough to give him time to get far away from the accident scene.

But this first impression was quickly revised as Sergeant Smith's flashlight suddenly revealed a neat round hole in the middle of the dead man's back.

"This man was shot to death," he told the radio patrolmen. "The bullet entered his back, apparently penetrated his heart, then emerged. His body must have been dumped from a car and then dragged here."

While the uniformed officers radioed for the medical examiner and more police officers, Sergeant Smith went through the victim's pockets; he found no identification. Smith noted, though, that the man did not have the look of a resident of this wealthy suburb. He was wearing dark work pants and a black jacket that was wellworn.

The sergeant could find no wallet on the corpse, but in a side pocket of the trousers he did find a wad of \$30, mostly in dollar bills. And in the inner pocket of his jacket was a small directory of the city of Sydney.

"I think the victim was a taxi driver," Sergeant Smith observed, "and he was shot from the back seat by his passenger, who tried to hide his body and then fled in his cab."

Sergeant Smith was a veteran detective whose investigative skills had been sharpened by years of handling the many and varied cases that had come his way. He decided that the \$30 was the driver's spare money for making change, and that the taxi bandit had overlooked it when stealing the victim's wallet, which probably contained the larger bills he had taken in during his night's work. Almost surely, the passenger had asked to be driven to this quiet residential district because few people would be on the streets, and a shot inside the taxi would probably go unheard.

Smith radioed headquarters and asked that police throughout Sydney be alerted to look for an abandoned taxi. He also asked for an immediate check of the city's taxi companies to determine whether any driver had failed to report back after completing his work shift.

Within the hour a police pathologist

arrived at the death scene and examined the body of the victim. He soon reported that the man was in his sixties and apparently had been in good health at the time of his death. The doctor said that, in his opinion, death had been virtually instantaneous and had occurred about 11:00 p.m., only two hours earlier. He confirmed that the man had been shot with a gun pressed against his back, as evidenced by the powder marks on the jacket surrounding the entry point of the bullet.

"If he was a taxi driver," the pathologist added, "he was undoubtedly shot by his passenger. The weapon was of medium



Handcuffed Ryon Hood, a young American from Yakima, Wash., was picked up for questioning when it was learned that he had run out of cash, wanted more quickly

caliber. I would guess that it was probably a thirty-two."

The police of Australia are schooled in time-tested British police methods, and so when other officers arrived shortly in several cars, Sergeant Smith ordered them to walk along Arthur Street at arm's length from one another, searching the pavement. About 50 feet from the tree beneath which the victim lay, they found a man's gray felt hat lying at the edge of the road. Near it was a small spot of blood.

The name of the hat manufacturer, stamped on its lining, was unfamiliar to Sergeant Smith, so he telephoned the police crime laboratory. An expert there informed him that the hat was of a brand manufactured in America and sold chiefly in the Pacific

Northwest states. But just whose hat was it?

Not many Australian taxi drivers get around to visiting the United States, Sergeant Smith reasoned, so the hat was probably the slayer's. It must have fallen off as he was dragging the driver's body from his taxi, and he had neglected to pick it up, or was afraid to stop and look for it after he had disposed of the body.

The sergeant thought the cabbie's missing right shoe ought to be somewhere between the hat and the tree, but it could not be found. Smith noted that the driver's other shoe was black, size 9, and bore the brand insignia "McMurtries," that of a local manufacturer.

The police activity in that quiet district soon brought nearby residents to the scene, even at that late hour, and all were carefully questioned. No one could be found, however, who had heard a shot, seen a taxi, or seen a man being dragged along the road.

At length, Sergeant Smith left the crime scene crew to continue their search under floodlights, while he returned to headquarters. On his arrival there he was informed that a check of the taxi companies had disclosed that, thus far, no driver had failed to report back to his company garage on schedule.

Soon afterward, however, a radio patrolman called in to report that a taxicab with its side damaged was standing, apparently abandoned, in front of the George Street North Post Office. The vehicle, he said, was a late model Holden Legion, with license number T 5197.

A quick check with the licensing bureau established that the vehicle was a privately owned taxi registered in the name of Alfred George Stephens, 62 years old, of Darlinghurst Road, King's Cross.

Hurrying to that address, detectives learned that George Stephens lived alone in a rented room there. Stephens did not answer their knock on his door. Other tenants of the building were interrogated and they said he usually returned home around 11:00 p.m.

It was now 3 o'clock in the morning. The description given of Stephens matched that of the man found dead under the tree in Bellevue Hill, and two of the tenants of that house were driven by police to the mortuary where the man's body had been taken. They identified the gray-haired slaying victim as Alfred Stephens.

The victim was described as a mild-mannered, rather lonely person who drove a taxi all his adult life; it was later learned that he was one of the six oldest licensed taxi drivers in Sydney. He was not the sort of man who made enemies, acquaintances said, and it seemed obvious that he had been killed and robbed by some fare he had picked up by chance.

Alfred Stephens' taxicab was towed to the police garage for closer examination by technicians from the crime laboratory. They found that the paint on the damaged side of the vehicle had been freshly scraped off, as though the slayer had sideswiped another car or some metal object along the street during his hasty flight.

Then the technicians examining the taxi found blood in the front seat, and a slug which had penetrated the lining of the door on the driver's side. The bullet proved to be .32 caliber, and its position suggested it had been fired through the victim's body at an angle from the back seat of the taxi.

This was confirmed by the discovery of an empty .32-caliber shell on the floor mat in the rear seat of the taxi. It could be safely assumed, therefore, that the death weapon had been an automatic pistol, which ejected the spent shell.

Since weapons and ammunition of this type are under strict regulation in Australia, although readily obtainable in many parts of the United States, this was one more indication that the slayer of Alfred Stephens was quite likely an American.

Later that morning, detectives were out along George Street questioning residents, business people and passersby in hopes that someone had seen the man who left the Holden Legion taxicab in front of the post office. The detectives questioned everyone they encountered, but they were unable to find even one person who had any pertinent information to offer.

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For several hours the investigation seemed to have reached a stalemate, but that situation changed abruptly when Monday's afternoon newspapers hit the streets with a front-page story about the murder which contained a description of the missing shoe. Less than an hour later the police received a call from the Tamarama Beach district of Sydney.

"I just found a man's left shoe along a street," a man reported. "It's a McMurtries, and it's black and a size nine. I thought it might belong to that taxi driver who was murdered over in Bellevue Hill."

Officers in a radio-car picked up the man and brought him to the police station with the shoe. It was clearly the mate of the one found on the slaying victim.

Sergeant Smith, placed in charge of the case, sent detectives out to question everyone living along the street where the shoe had been found.

"The man we're looking for has undoubtedly come from the United States fairly recently," he said. "See if there's an American living in the vicinity."

In less than an hour, detectives leaned about an American who had been a regular patron of the bar in a small hotel in the area. He was described as a man of about 32, stockily built, with sandy hair, about 5 feet 10 inches tall and weighing around 175 pounds. Unfortunately, no one questioned knew his last name; he was known simply as "Jack." No one knew where he lived, or what he did for a living, either, but the bartender at the hotel had a significant piece of information about him.

"He's a nice enough bloke when he's sober," the barman said, "but he tends to get argumentative and belligerent when he's had too many whiskies. I've had to step in to prevent him getting in a brawl more than once."

Sergeant Smith ordered his detectives to concentrate on locating this bellicose American and to develop any scrap of information they could pick up about him.

Later that afternoon Smith was informed about another American after a detective had questioned the manager of a modern residential hotel in the area. "We had an American among our guests," the manager had told the investigator, "but he hasn't been here since yesterday."

What time had he checked out the day before? the detective wanted to know.

"Well, he didn't actually check out," the manager replied. "When he came here on Thursday, March sixteenth, he paid us for a week in advance. But he couldn't pay his second week's rent; he promised faithfully to get it by the weekend, but he didn't. He was avoiding us, leaving his room unlocked so he wouldn't have to stop at the desk for his key.

"He was out Sunday evening, but we gave him until midnight to pay his rent. Then the night clerk went to his room and locked him out, to make him come to the desk. But he still hasn't shown up."

"Then you don't know where he is now?" the detective asked.

"No, I'm afraid not."

"What is his name?" asked the prober.

The manager drew out a registration card and read from it: "Ryon Spurlock Hood. He's from Yakima, Washington, in the United States. He's quite a young man, but I know very little about him."

Sergeant Smith came hurrying over when the detective notified him about this development. He put a series of other questions to the hotel manager, during the course of which he learned that when the young Yank checked in he had been accompanied by an attractive blonde girl who spoke with an American accent. She had looked at the room with him and then left.

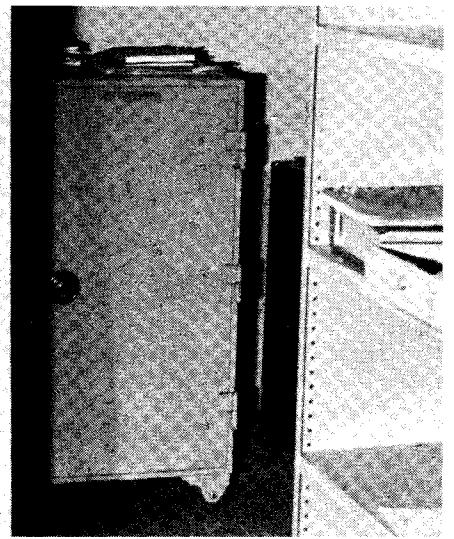
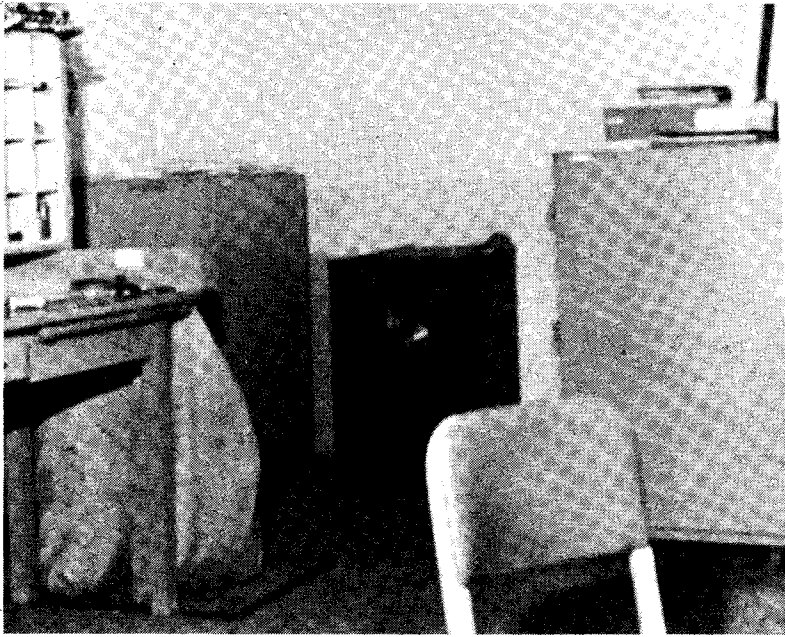
"I heard them talking," the manager continued. "I gathered that she was living in Sydney, and that he had just arrived by plane to visit her. They talked like old friends. She came around in her car several times later to call for him, and they went out together."

The desk clerk added that another young man, apparently Australian, had been with the

(Continued on page 58)



Sydney investigators turned up lead involving pretty blonde who had accompanied suspect to his room; they were old sweethearts and he was supposed to marry her



These interior photos of post office where slaying took place show two safes, target of stickup. Safe shown in picture above was opened, but contained nothing of value. Black safe (l.) contained cash, but thieves skipped it . . .

I'M ON MY way," Deputy Erwin W. Smathers of the sheriff's department in Orange County, Florida said. "But I sure hope it's not true. Mrs. Smith is a mighty nice lady."

He had been cruising in the general area on that Monday afternoon, July 21, 1975, when he received a report from the Orange County Sheriff's dispatcher in Orlando that the postmistress of Gotha had been shot. Gotha is a community of about 400 population, on Gotha Road, just off the Florida Turnpike in west Orange County.

Deputy Smathers was in front of the small brick building that houses the Gotha post office seven minutes after he had received the alarm. A tearful woman of early middle age was standing in the doorway and motioned to him as his car skidded to a stop. She led him through the small lobby and through an open door into the workroom of the small post office. A small black safe there stood partially open, and in front of it was the body of a middle-aged woman lying in a pool of her own blood.

Deputy Smathers made sure that she was dead by making certain tests, then ran to his cruiser, where he grabbed the microphone of his radio.

"It's true, all right," he told the dispatcher. "Better send some help and notify the Postal Inspectors."

Detective Lieutenant Gene Blankenship, the commander of the sheriff's homicide division, contacted a new facility a short distance west of Orlando and assigned Homicide Detectives Al Hansen and Don Nazarchuck to the investigation.

Then Blankenship notified District Postmaster L. A. Bryant, who is in charge of all post offices in the Orlando area. In turn, Postmaster Bryant called United

States Postal Inspector Wayne S. Hudson and the office of the Chief Medical Examiner of Orange and Seminole Counties. Dr. Thomas S. Hegert, Chief Medical Examiner, was out on another case and Deputy Medical Examiner Ruiz was assigned to go to Gotha.

Detectives Hansen and Nazarchuck arrived shortly after they were assigned and were followed soon afterward by the postal officials and Dr. Ruiz, as well as by Technicians Harry Park and Arthur McGraw.

Inside the small post office, in addition to the lock boxes and the pigeon holes for distributing mail, there were three safes and assorted furniture. The small black safe, which had contained a few hundred dollars, was open. On each side of the small black safe were two larger ones. One of these had been opened, but it contained only such items as sheets and coils of stamps, stamped envelopes, postal cards and dispensers for the coils. Finding the larger safe containing articles that didn't interest them, the robbers hadn't bothered with the other big safe, but apparently were so frustrated that they shot the postmistress.

Lying in a crumpled heap in a pool of blood was the body of a bespectacled middle-aged woman whose glasses were askew. Although her dress was rumped, it had not been pulled up in such a way as to suggest a sex attack. Obviously the motive had been robbery.

While technicians made pictures, took blood samples and did other things required to process a murder scene, Homicide Detectives Hansen and Nazarchuck made a quick canvass of the crowd that had gathered outside, but they could find no witnesses.

They did find a 12-year-old girl who said that she had been in the post office to

do some business about 15 minutes before the shooting. She said Mrs. Loraine Smith, the postmistress, had served her and she had noticed nothing wrong. The interior of the post office was visible from the bank-type counter where postal business was conducted.

Then Mrs. Linda Hacket, a woman of early middle age, was interviewed by Postal Inspector Hudson, Postmaster Bryant, Detectives Hansen and Nazarchuck. She said that Mrs. Smith, whose home was still in Taft, had come to work as a clerk in the Gotha post office about a year before.

They had become close friends because Mrs. Hacket lived at home alone and Mrs. Smith often was alone in the post office. The village is in an isolated section and both women were apprehensive. She said that she and Mrs. Smith had an agreement that each would phone the other at least once a day to make sure everything was all right.

Mrs. Hacket said that shortly after three o'clock that afternoon she had heard a loud clap that sounded like thunder, but the sun was shining and the sky was cloudless. She immediately thought of the postmistress, because the sound had come from the direction of the post office.

She said she looked out her window and saw two black men running from the front door of the post office. She said they got into an off-white four-door Cadillac; they drove slowly past the post office, pausing briefly in front of the open door, then moved on at a leisurely pace on Gotha Road in the direction of the Old Winder Garden Road.

"Can you describe these men?" asked Detective Hansen.

Yes, she said. She pointed to her house from behind the mail box in front of the

State and federal investigators began the murder probe with the simplest of instructions:

“Get The Killers Of The Florida Postmistress!”

post office. It was less than a block away. She said she got a good look at the two men, and she described them as of medium height and stocky build. She thought they both were young, possibly in their early twenties.

Inspector Hudson contacted the Chief Inspector of the Southern Region and soon eight other inspectors were on their way by plane to Gotha. One came from Atlanta, others from various other cities in Florida.

As the interview with Mrs. Hacket continued, she said that Mrs. Smith had been transferred from Taft, a town of about 1,500 population, 30 miles away in south Orange County near the McCoy Jetport. She had continued to live in Taft and had worked as a clerk until April when the postmaster was transferred to Sorrento, on State Road 48 in Lake County, which adjoins Orange County. At the time of the transfer Mrs. Smith was named acting postmaster.

Another woman had been appointed a clerk to assist Mrs. Smith, but she was not on duty that Monday. On the mail box in front of the post office, an insulting remark about whites was printed in chalk. However, detectives were unable to determine if it had any connection with the robbery-murder.

After the men in the Cadillac left, Mrs. Hacket said, she ran to the post office to see if anything had happened to Mrs. Smith.

“I stopped at the door and called to her two or three times and got no answer,” Mrs. Hacket said. “I went in a little farther and saw the safe door partially open, and then I saw her lying on the floor.”

She told the officers she ran back home and called the sheriff's department.

Sheriff Mel Colman, while a veteran



Sheriff Mel Colman directed investigation into coldblooded killing of the postmistress

detective lieutenant with the St. Petersburg police department, had been appointed to the Orange County post a few years before when the incumbent sheriff retired after about 40 years of service. Detective Lieutenant Gene Blankenship, homicide commander, now told Colman he had contacted deputies throughout the area and numerous checkpoints had already been established to try to intercept the white Cadillac.

Sheriff Colman, meanwhile, had called out helicopters and they immediately began flying in sweeps over the area surrounding Gotha.

“It was a senseless and cold-blooded murder,” Sheriff Colman said at the scene.

The detectives could only speculate on why Mrs. Smith had been shot. It was possible that she had tried to fight the bandits, but this seemed unlikely because they apparently had used a gun to compel her to open the safe. It also was possible that she knew the two men, or that she had studied their features as they robbed the safe, so they were afraid she would be able to identify them.

Or, as Sheriff Colman had said, it could have been a “senseless and cold-blooded murder committed by a man without a conscience.”

Even before Lieutenant Blankenship arrived, two other men from the homicide division, Detectives Don Frye and Jim Jenkins, had joined Detectives Hansen and Nazarchuck in canvassing the area in four directions from the post office. The town is mostly residential, save for the post office and a general store.

They talked again to the 12-year-old girl who apparently was the last person to see Mrs. Smith alive, except for the killers. She said she had been in the post

by W. T. BRANNON



Detective Nazarchuck was part of team probing the murder of Postmistress Loraine Smith

office with a friend before the murder.

"We talked about what time the afternoon mail was going out," the girl said. She said also that her friend, who had adopted the new fad of girls wearing tee shirts, wore one with her name and the number 1 stitched on the front. She said the postmistress had kidded her about the tee shirt. The 12-year-old said she saw nobody else around and there appeared to be nothing wrong at the time.

A girl clerk at the general store was tearful when she answered questions. "There is nobody here that didn't like her," she said. "I saw her practically every day. She was a quiet woman, very friendly." However, the clerk was unable to furnish any information that might provide a lead. She had not seen the two men or the Cadillac in which they escaped.

The detectives found several residents who had talked to Mrs. Smith earlier that day. "She was a good person, real friendly," said a 17-year-old boy. "She was the nicest person you would ever want to meet."

A divorcee, according to the neighbors, Mrs. Smith had no plans to move from her home on Boggy Creek Road near Taft. They said she had a son living in Gainesville and a married daughter in nearby Altamonte Springs. She was said to be very active in a church where she taught Sunday School in Taft, and this apparently was one of her reasons for not moving closer to her new job.

Until postal inspectors had completed an audit, it would not be known how much money had been taken. However, District Postmaster Bryant told Sheriff Colman that there never was a large

amount of cash in the safe at any given time.

Postmaster Bryant said that if there were as many as 100 patrons it would be considered a busy day. They usually bought a small number of stamps or stamped envelopes and the total receipts would not be very much. The main exception would be if several people bought money orders, for which the post office required cash, in one day.

As they questioned people in the crowd or plodded from house to house with a singular lack of success, the detectives recalled another post office robbery in the area on August 7, 1970. This had been at Christmas, Florida, a small town which did a thriving business because many people sent letters to the postmistress for mailing in order to get a Christmas postmark on their holiday mail.

However, like all other small post offices, the day's receipts were sent to the nearest district office every day so that there never was a large amount of cash on hand. All but a small amount of money for change to open for business the next day had been sent to the district post office on that August night in 1970.

On that occasion, robbers had come to the home of the postmistress and forced her and her husband to go to the Christmas post office where, at gunpoint, she had been compelled to open the safe. But there had been very little money in the safe and the robbers apparently were not interested in stamps or stamped envelopes.

Frustrated, the angry bandits had forced the postmistress and her husband into the trunk of their own car, where they had remained all night. They had been rescued the following morning by a truck driver who came to the post office to pick up the mail and heard their cries for help.

Although the bandits in that case never had been found, Inspector Hudson doubted that there was any connection between the two stickups. The Christmas bandits would have learned that very little money was kept in the post office safe in such a small town, and it seemed unlikely that they would repeat their mistake.

Also, the Christmas bandits had not been so vicious. Although it had not been comfortable for the couple in the truck overnight, they had suffered no real injuries and neither had been shot. However, if the Gotha killer bandits were caught, they would be investigated in connection with the Christmas robbery.

That afternoon and evening after Mrs. Smith's murder, many four-door Cadillacs, several of them off-white or



Lt. Blankenship checked possible link between post office slaying, gas station heist

cream colored, passed through the roadblocks set up by the sheriff's deputies, but only a few came close to matching the descriptions given by Mrs. Hacket and each had an alibi that couldn't be shaken. The helicopters hovered low over the ground and just above tree tops in wooded areas. Deputies with binoculars and walkie-talkies so they could keep in touch with officers at the scene searched mostly for the white Cadillac, continuing until after eight p.m., when almost complete darkness forced them back to their bases. They spotted a few light colored Cadillacs and notified cruising officers. Each was checked out but none was the car involved in the robbery-murder.

Meanwhile, inside the little brick post office, picture taking and measurements had been completed by the technicians and Dr. Ruiz knelt by the prone figure for a preliminary examination. He said she died of a single bullet wound that plowed through the top of her head and tore off part of the skull.

Dr. Ruiz said there was no visible indication of a sex attack. He arranged for the body to be moved to a mortuary in Orlando, where he would perform an autopsy. He said he didn't expect it to show any more than the preliminary examination.

Postal inspectors began arriving by plane and as soon as the body had been removed, they started an audit to determine the losses. The technicians continued their work, dusting likely surfaces for fingerprints, including the counter separating the lobby from the workroom. It was at this counter on the workroom side that Mrs. Smith had served the

public, taking in parcel post, selling stamps, stamped envelopes and postal money orders.

On the counter the technicians found several fingerprints identified as Mrs. Smith's, and many others that were unidentified. These included fresh prints from the fingers of two large hands, believed to have been made by the killers. It was evident that the prints had come from the fingers of two different men. There was not a complete set of either so that an identification might be made, but the prints were preserved because they might be valuable if the suspects later were caught.

After news of the senseless murder had been broadcast by radio and television from Orlando, Daytona Beach and Melbourne, numerous tips were phoned to the Orange County Sheriff's Offices. Sheriff Colman and Lieutenant Blankenship sent deputies and detectives out to check each of these and, one by one, reports came back that they had proved worthless.

Back at the post office in Gotha, in the meantime, the postal inspectors determined that the two big safes containing stamps, envelopes, etc., had not been disturbed. They completed the audit of money order and postage funds but declined to disclose the actual loss. However, they did reveal that the robbers had taken slightly less than \$300. Why Mrs. Smith was shot was not immediately determined. The inspectors and detectives could find no evidence that the slight built postmistress had offered any physical resistance.

Making a thorough search of the post office workroom, the sheriff's technicians finally found a spent .38 caliber bullet, apparently the deadly slug that had made a fatal furrow across the top of the woman's head. A further search failed to turn up the weapon, which apparently was a revolver; the technicians could find no shell casing which would have been expelled if the bullet had been fired from an automatic.

The slug was preserved for possible future evidence if the death weapon was found: With the fingerprints, descriptions of the two men and their Cadillac and the bullet, the officers had high hopes of finding the two killers. Having exhausted all avenues of investigation in the little post office, the technicians returned to the sheriff's crime lab, taking the evidence they had.

The postal inspectors remained for a while longer. All are trained in criminal investigation, and they went over much of the ground already covered by the sheriff's men in the hope of coming up with some additional evidence. While



Detective Al Hansen questioned post office employes about circumstances of the killing

they seldom have a murder case—even killers are afraid of G-heat—they have many robbery cases. However, if they found any additional evidence, they didn't reveal it for publication.

Before they left, everything in the little post office was sealed tightly except the lobby entrance to the 208 lock boxes. The mail continued to leave and arrive in Gotha on regular schedules, and lock box patrons continued to call for their mail. The clerk who had not been on duty when Mrs. Smith was killed came back to work and Postmaster Bryant sent another clerk to help her.

Mrs. Hacket, the woman who had notified the sheriff's office of the crime, was interviewed again by the postal inspectors on the chance that she might be able to recall more details about the bandits and their car.

She said she had looked through her window after she had heard what she at first thought was a thunder clap but decided was a shot when she noted there was no sign of rain. She said she saw two black men come from the post office and get in a four-door Cadillac.

"Did you see what year model it was?" asked Inspector Hudson.

Mrs. Hacket said she thought it was a 1967 or 1968.

"What color was it?"

She wasn't sure. It could have been off-white or cream-colored, or even yellow, she said.

"Where was it parked?"

She said it was in the rear of the post office.

"They started the car up, but they didn't drive away fast," she replied. "They came almost to a stop right in front

of the post office before they drove off again."

"Which way did they go?"

Mrs. Hacket said they drove north on Hemple Avenue toward West State Road 50. After the men had left, she ran to the post office to see if Mrs. Smith was all right.

"I stopped at the door and called to her two or three times and got no answer," Mrs. Hacket said. "I went in a little farther and saw the door partially open and then I saw her lying on the floor."

Suppressing tears, she said she ran back home and telephoned the sheriff's department.

"Can you describe these two men?" Postal Inspector Larry Weaver asked.

Mrs. Hacket said both were stocky, although she was unable to estimate their weight. She guessed they both were about five feet ten inches tall.

Asked by newsmen if a reward would be offered, Inspector Hudson said a reward always was offered for the robbery of a post office, but that he didn't know what reward would be posted for a killer. He said this was a discretionary power of the Postmaster General.

Word came from Washington the following morning that a reward of \$3,000 would be offered. The only response to this news was a brief flurry of telephoned tips, bringing the number to about 25. Checking these out was time-consuming, but they were the main clues the officials had and each was given close attention.

There was brief excitement the following afternoon when two black men held up a filling station in Clermont, a community of about 4,000 population about 50 miles east of Orlando. They got about \$200 and by coincidence, the owner's name was Smith, but he was not related to the slain postmistress.

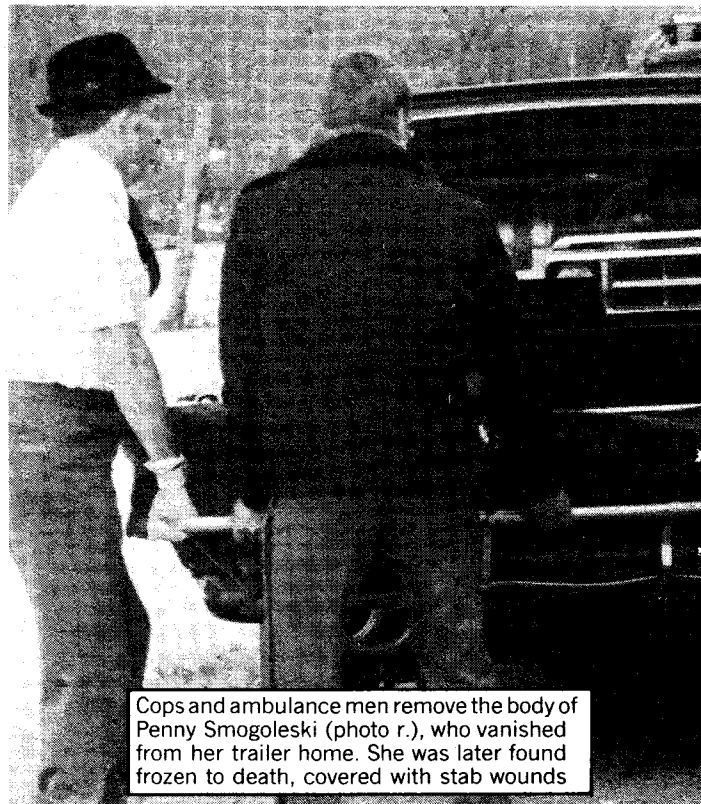
Detective Lieutenant Blankenship and Detective Sergeant Richard King made a thorough investigation, but later announced there was no connection between the two crimes.

Meanwhile, Detectives Hansen and Nazarchuk, who often worked the black community around Orlando, shook up the score or more confidential informers they had developed in the area. Each of them told the same story, including informants who had been the most reliable in the past: There had not been even a whisper in the black community about the identity of the robbers.

Although there had been some variance in stories told by informers in past cases, never before had Detective Hansen and Nazarchuk encountered a

(Continued on page 50)

CURIOUS CASE OF THE MISSING CAR KEY



Cops and ambulance men remove the body of Penny Smogoleski (photo r.), who vanished from her trailer home. She was later found frozen to death, covered with stab wounds

ALTHOUGH the holiday season was over, a larger than usual crowd jammed the Lumberjack Lounge in the Holiday Inn at Ludington, Michigan, Tuesday night, January 6, 1976, forcing the bartender and the cocktail waitresses to extend themselves in serving their patrons. One of these waitresses was 19-year-old Penny Smogoleski, a well built, attractive brunette possessed with a warm engaging smile and a quick wit, coupled with a rare sense of humor. She was well liked and very popular with the customers who frequented the motor lodge.

Tonight she was working the late shift. By 2:15 a.m., she was ready to leave. Buttoning up her jacket after slipping on her snow boots, she talked briefly with another waitress standing in the vestibule, remarking how she hated to drive home on the slippery road leading to her mobile home on Rasmussen Road.

The waitress watched Penny as she stepped outside, buffeted by the cold, wintry wind, until she reached her car and drove away. That was the last time she was to see Penny alive.

Penny's roommate, Wanda Howard, also a cocktail waitress, worked at the Lakeside Club. She left work at 4:00 a.m., Wednesday morning, accompanied by Vivian Andrews, a close friend, who was staying with the two girls. They arrived at the mobile home about 4:30 a.m. The lights were on. When Wanda took her key out to open the door, she found it unlocked. "That's funny," she said, "we

by PEDAR DAAS

never keep the doors unlocked. Penny must have forgotten to lock it when she came in."

Stepping inside, Wanda peeked into her roommate's bedroom to see if she was asleep, but there was no sign of Penny. Wanda switched on the light. The bed hadn't been slept in. The clothes Penny wore when she left for work lay neatly arranged on the bedspread; her shoes and boots stood in a corner near the dresser.

Alarmed, the two girls searched the other rooms. They found no trace of their missing friend. "Maybe," Vivian suggested, "she came home and went out with somebody."

"But if she intended to do that, she would have called me at the club or left a note. Leaving this way, without an explanation isn't like Penny," Wanda replied.

Penny's purse was standing on her dresser. None of her personal effects were missing. Looking into her roommate's clothes closet, Wanda noted that all Penny's clothing appeared to be there with the exception of a housecoat. She returned to the living room, and noted that Penny's house slippers were standing near the sofa.

"There's something terribly wrong here, Viv," Wanda said, a scared look in her eyes. "Wherever Penny went, she left only in her housecoat, and without

anything to wear on her feet."

"But she must have had some clothes on," argued Wanda's friend. Penny wouldn't go out without warm clothes in this kind of weather. Her car is parked in front. Do you suppose she went out there and something happened to her while she was in the car?"

"I can't imagine her going out in a housecoat and bare feet," replied Wanda. "I'll go out and take a look."

The car was empty and the keys were missing from the ignition. That, too, was peculiar. Despite Wanda's urgings—always to take the keys along with her when leaving the car—Penny never bothered to do so, her argument being that she might lose the keys if she carried them with her. If they remained in the ignition, she knew where they were. Now, for some reason, the keys were not there. The girls were mystified, but they couldn't figure it out, so they finally gave up trying and went to bed.

The girls slept fitfully, awake most of the time, waiting for the knock at the door signaling Penny's return. But, there was no knock, no phone call. Neither of the two girls had much of an appetite for breakfast. Wanda began calling some of Penny's friends, hoping one of them might know something about her whereabouts.

But the phone calls were as frustrating as the long vigil they had kept, waiting for her appearance. No one had any idea as to what had become of Penny. The bartender and the cocktail waitresses at



the Lumberjack Lounge could only recall that she had left there at about 2:15 in the morning. She was seen leaving after work and going to her car, and at the time, she was alone.

By the time Wanda was through calling, it developed no one could give her any information as to where Penny could possibly be.

"I wonder if we should call the police and let them know what has happened," suggested Vivian nervously.

"I've been thinking about that," replied Wanda. "If we don't hear from her this afternoon, I'll call the sheriff's office. I still think she'll either come back home or give us a ring before long."

Toward supper time, with still no word from Penny, the two girls drove to Hackett's Standard Service Station. While there, two of Wanda's and Penny's closest friends, Joseph Mathews and Chester Rice, drove up behind. Wanda told the boys about Penny's disappearance, concluding, "As far as we can figure out, she left dressed only in her underwear and a house coat."

"That's funny," remarked Mathews. "Why would she leave dressed that way? Did you talk to the police?"

"Not yet," replied, "but I'm going to call when we get back if she hasn't shown up by then."

Back home, Wanda placed a call to the Mason County sheriff's office, and informed the sergeant at the desk of her roommate's disappearance. Asked to describe the missing girl, she said: "Pen-



It took a lot of doing, but Michigan homicide probers had the baffling case licked when they solved the riddle of how a little old key could be missing one moment, then lying on the ground in plain sight the next . . .



Sheriff's officers scour the area where slain girl's body was found in ditch

ny's nineteen years old. She's five feet eight inches tall, has brown eyes and shoulder length dark brown hair. She weighs 135 pounds. When she disappeared. I believe all she had on was her undergarments and a housecoat. She was barefoot."

"Do you mean to tell me she went out dressed only in her housecoat and barefoot in this kind of weather?" asked the officer incredulously. "I guess so. All her other clothes are in the her closet."

"The housecoat you mentioned...can you describe it for me?"

"It's light blue, with small, pinkish flowers embroidered on it."

When Mason County Undersheriff Walter Sprenger and a number of detectives drew up alongside the mobile home during the afternoon of January 8th, they found the two young women waiting for them. The officers searched the interior of the house thoroughly. None of Miss Smogoleski's personal effects appeared to be missing. Questioned about her wardrobe, her roommate stated that she was familiar with the clothes Penny wore, and insisted everything Penny had was still in her clothes closet with the exception of her housecoat. None of her shoes, snow boots or bedroom slippers were missing.

"Then all she had on when she disappeared were her undergarments, a housecoat and nothing on her feet?" asked Sprenger.

"I'm sure that's all."

"I see. Besides her disappearance have you noticed anything else out of the ordinary that can be associated with your roommate's disappearance?"

Wanda thought for a moment. "When Viv and I arrived home, we found the front door unlocked. That's unusual, as only Penny and I have keys to the house.

We've always made it a point to lock the doors securely after us whenever we leave or arrive home. And one thing more. The keys in Penny's car are missing. I looked for them soon after we found out she wasn't there. She always keeps the keys in the ignition and leaves them in it wherever she goes."

"I'll check out the car," Sprenger said. "In the meantime, will you write down the names, and if possible, the addresses of every close friend Penny has that you know of. Should she have any enemies, I want their names too." Wanda said she'd do her best.

While the other detectives were checking to see if a forced entry had been made into the mobile home and interviewing the neighbors within the area, Sprenger was busy examining the interior of Penny's car. When he returned, he had a small plastic bag in his hand. He showed it to Wanda. Inside the bag she noticed a set of car keys. She looked surprised. "Where did you find them?" she inquired anxiously.

"In the ignition."

"But that's impossible. I swear they weren't there before. I searched the car three times and they weren't there."

"You're sure of that?"

"I'll swear to it on a stack of Bibles!"

"Another thing," continued Wanda, "that bothers me is that when I came home this morning from work, the back door was unlocked. Before Viv and I left we took pains to see that it was securely locked. Both Jo Mathews and Viv can vouch for that. They were with me at the time I noticed it."

"Who's Joe Mathews?" inquire Sprenger.

"He's a close friend. Both Penny and I have known him for a long time. I talked

to him and Chester Rice, another friend of ours shortly after Penny's disappearance when we stopped for gas at Hacket's Standard Station. I told them about Penny. Later, I called Joe and asked him if he would stay with us after I was through working at the club. He said he would. I've been scared half to death ever since Penny disappeared. He came to the club and came home with us after I finished my shift."

The undersheriff examined the back door and lock carefully. As far as he could see, there was no indication that either the door or lock had been tampered with.

"Anyone else besides you and Penny have a key to the door?" asked the undersheriff.

Wanda shook her head. "No, that's what scares me."

Back at headquarters, Sprenger conferred with Sheriff Stanley Jensen, and brought him up to date with developments.

"Do you think foul play is involved?" Jensen asked.

"Right now, I'm not sure. I've been mulling over the possibility that she could have left of her own accord, but that doesn't seem logical. No one would venture out in below zero weather in a blizzard dressed only in her undergarments, a housecoat and barefoot. There must be some other solution. I'm leaning toward the theory that she was forcibly abducted."

"Any footprints or tire tracks?"

"Unfortunately, no. The snow has erased any footprints. The only tire tracks we've been able to locate belong to the cars driven by the girls."

Sprenger was interested in checking out the movements of Joseph Mathews and Chester Rice, described by Wanda as close friends of both her and Penny. Interrogated by a team of detectives checking out the activities of the two men at the time of Penny's disappearance they learned that both youths had been together the night of January 6th and the morning hours of January 7th. They had frequented a number of downtown taverns. At about 1:30, Rice drove Mathews to his home. At the time, Rice mentioned to Mathews that Penny had called him and wanted him to drop in at her place after she quit work. Mathews had told Rice, he ought to go, but Rice couldn't make up his mind. He sat in his car, outside his friend's place, thinking the matter over. He watched the light go on in Joe's room and later go out. He still couldn't make up his mind. Finally, he decided to go home instead, figuring it would be too late before he would get back, if he stopped to see Penny. Besides, he had to get up early in the morning. He said he then drove home and went to bed.

According to the detectives, the pair's movements checked out in every detail, and they had no reason to believe the two young men were involved in Miss

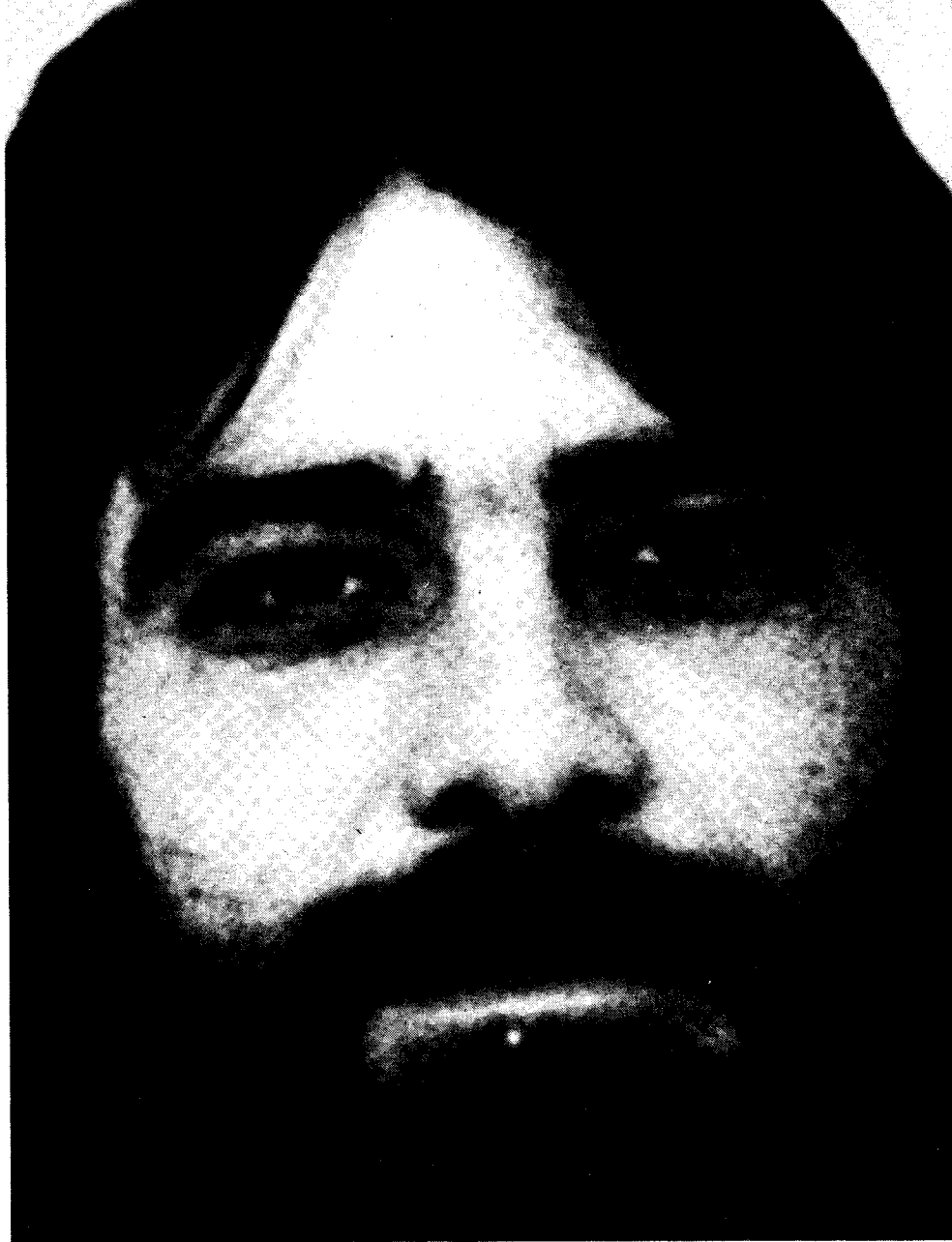
Smogoleski's mysterious disappearance.

Satisfied that foul play could be involved in the young cocktail waitress's abrupt departure from her mobile home, Sheriff Jensen contacted the news media, radio and TV stations appealing to the public for aid in the search for the attractive young brunette. He described her, noting that she had last been seen leaving the Lumberjack Lounge at the Holiday Inn, at 2:15 a.m. January 7th; had driven home changed into a housecoat, and presumably against her will, had been forced to leave her mobile residence. Jensen urged that anyone having any knowledge concerning her whereabouts or any information regarding her disappearance either contact his office or that of the "Silent Observer." This a public spirited organization that supplies the law enforcement agencies with leads concerning major crimes, made available by offering rewards to individuals who have any information that could be of help to the authorities. The names of the informers are kept confidential and not revealed to anyone.

A missing person's report report flashed over the police radio throughout the area had brought no response. A recent photograph of Penny Smogoleski, with her description, was hurriedly incorporated into an all points bulletin and released to the law enforcement agencies throughout Michigan and neighboring states. By this time, Sheriff Jensen and his investigating officers were pretty well agreed among themselves that the 19-year-old waitress had been abducted from her home, and what happened to her after that they could only conjecture. Rape and murder, they theorized, was a distinct possibility.

On Friday, January 9th, a team of detectives who had been assigned to interview the male patrons present at the Lumberjack Lounge during the night and early mornings of January 7th had succeeded in locating several of the Lounge customers who had been unable to give a satisfactory account of their movements after leaving the bar. All of them were thoroughly questioned, some of them for several hours before the detectives were satisfied with their stories and their alibis had been checked out.

Talking to one of the cocktail waitresses who had seen Penny leave in her car, headed as she believed, in the direction of her home, the lawmen learned that Penny usually drove along highway US-10 to Jebavy where she turned on Rasmussen Road and continued on until she reached her home. Checking over the route, the detectives found a woman who lived at the intersection of US-10 and Jebavy Drive. She said she had been up at the time Penny would be driving by and turning down Rasmussen, but she had failed to see anyone at that hour heading in the direction of Penny's mobile home. Penny's other alternative



Penny's boyfriend, Joe Mathews, was questioned about her recent activities

road would have been by way of Meyers Road.

As the days went by without any appreciable results, the investigators ground on doggedly in the hope of uncovering some information or solid clues to the young girl's disappearance. By this time, Sheriff Jensen and his understeriff were beginning to give some serious consideration to the possibility of Penny's strange disappearance being linked to another murder that had taken place in Bedford Township, a suburb of Detroit, on New Year's Eve.

The murder victim, 16-year-old Iudv Lynn Ferro, a straight "A" student at Our Lady of Mercy High School at Farmington Hills, had been babysitting at a neighbor's home. Her folks said she had called them at midnight to wish them a happy New Year.

At 3:30 a.m. when the children's

parents arrived home, they found Miss Ferro missing. The telephone wires were cut and a bullet had been fired through the ceiling. Miss Ferro's coat lay on a chair and a book she had been reading lay open on the sofa.

Law enforcement officers converged on the scene and began an intensive search of the area. At 7:30 a.m. on New Year's Day, Officer Street of the Redford Township Police Department discovered the fully clothed body of the girl. She had been beaten and shot and left to die in nearby Lola Valley Park. There were signs in the snow that a struggle had taken place. No evidence of an incriminating nature was found at the scene of the crime.

Upon interviewing neighbors of the slain girl, lawmen learned that a certain young man, who lived near the home of

(Continued on page 64)

"Get the Killers of Florida Postmistress"

(Continued from page 45)

case where every informer told the same story, where each swore that all he knew about the case was what he had read in the papers or heard on radio and TV.

The detectives were convinced that there would not be such a solid front if it were not true. Some of the informers had been evasive in the past, but there were several who always had been reliable. The detectives were convinced they were telling the truth now.

This led the detectives to believe the two stocky killer bandits were not from the Orlando area but from another county. However, nobody had obtained a license tag number of the bandit car at the time of the robbery, and those called in had been driven by people who were cleared.

About a week after the robbery-murder, Detectives Hansen and

Nazarchuck made another round of their confidential informants who live in the largely black section of Orlando. As before, all the informers said they knew nothing more than had been made public about the killing of the postmistress.

But the detectives noticed that one man was nervous, and that he fidgeted when he denied any knowledge of the crime. Pressed by Detectives Hansen and Nazarchuck, who had evidence against the man in a minor case—one that would send him to jail for a month but on which the charges had been withheld as long as the man fed them information about more serious crimes—he finally told them what was bothering him.

He said he had been in Ocoee, a community of about 4,500 population, eight miles west of Orlando, when he saw two stocky black men in a 1965 yellow four-door Cadillac stop at a filling station for gasoline. He said he hadn't paid much attention to the two men, but he was interested in big cars and that led him to take a good look at the Cadillac.

"Did you get the license number?"

Detective Nazarchuck asked eagerly.

The informer said he hadn't because he hadn't heard of a yellow Cadillac being involved in any kind of crime and he didn't think of jotting down the number.

"Do you remember the address of the filling station?" asked Detective Hansen.

The informer said he did and provided it to the detectives.

They sped to the gas station and asked the owner if he remembered selling gas to two men in a yellow Cadillac around July 21st. He said he didn't remember it, but he questioned an attendant, and the latter said he had sold gas to two men in a yellow Cadillac. He added that there was a teenage girl sitting between the two men in the front seat.

"Did you get the license number?" Detective Nazarchuck asked.

The attendant said he had written down the license number on the sales slip.

"Suppose you check the slips," the detective said to the station employe.

The gas station owner readily agreed and dug out a pile of sales slips for July 21st. The license number, which had been

BACK TALK

OUR READERS' VIEWPOINT

OPPOSED

I will concede that TRUE DETECTIVE prints the best stories and has the best writers of all the detective magazines. I've read and enjoyed your magazine for many years. However, I feel I must protest the un-American things you have been writing in your editorials. I've wanted to write and say that for a long time. I think you do a terrible disservice to our court system when you keep criticizing them.

Loyal American
Belgrade Lakes, Maine

Americans began fighting for the right to criticize their government at Concord and Lexington in 1775, and there is nothing disloyal about criticizing things which need to be criticized. As for the alleged disservice to our court system, we will continue to direct that charge where it properly belongs, against the judges and prosecutors whose plea-bargaining policies make a mockery of justice.

Who the hell do you think you are, running down judges the way you do? Are you smarter than the Supreme Court? Are they all wrong, and are you the only one who's right? You may think you're a big shot know-it-all, but if I didn't have better sense than you I'd cut my throat.

Jack W. McD.
Washington, D.C.

How are you fixed for blades?

IN FAVOR

You're the only editorial writer in the United States with the guts to call a spade a spade. The way they're handling criminals in this country is a disgrace. Our founding forefathers must be whirling in their graves. When are those idiots in the courts going to stop wasting their sympathy on the murderers, robbers and rapists, and start worrying about the honest, hard-working, innocent victims of crime?

George Brown,
Cleveland, Ohio

I'm long overdue in congratulating you on your hard-hitting editorials. Keep up the good work. Light a fire under the voters so they'll throw those lily-livered judges off the bench. The way things are, everything is turned around topsy-turvy. The country has become a madhouse, and the lunatics are running the asylum.

Irate Taxpayer
Grosse Pointe, Mich.

Your April editorial was one of the best yet. You're damn right the judges should be "held accountable for those incredible decisions that favor criminals at the expense of society." Keep giving them hell, and don't let them scare you!

W. Young
San Francisco, Calif.

I couldn't agree with you more. Your editorials put the blame for the terrible rate of crime in this country right where it belongs—on the courts, the judges and the D.A.s, who spend more time worrying about protecting the rights of no-good criminals than they do about protecting the people who obey the law and try to live decent lives.

Mary C.
Lincoln, Neb

COMMENT

Re "Tennessee Charges the Priest Headed a Porno Operation," TD April 77: Several years ago a friend of my son at age 13 asked my help; he was involved with a male school teacher, 38, and several of his friends, who got families' permission to take schoolboys on camping trips. During these trips homosexual acts would take place. The boy who came to me was fearful his parents would find out; my son was not involved, as he attended a private school. Trying to help, I talked to 13 other boys, ages 12 to 18, who admitted they too were involved with these men. In this messy situation, I had to be careful to avoid any slander suits. I found it hard to believe the boys' parents never suspected anything when these men were always taking their sons on overnight trips. I finally let the teacher know I knew what was going on and told him he'd better stop what he was doing forthwith. He was finally caught, given a 5-year probation, and suspended from teaching.

What I found out in this case was that in all cases, the fathers hardly ever took time to be with their sons. When these adults came along and offered to take their sons fishing, hunting and camping, the mothers and fathers were only too happy to have their sons taken off their hands so they could do whatever they wanted to do.

The local Washington, D.C. paper ran an article about a 52-year-old millionaire who was sentenced for having "relations" with two brothers, 6 and 11. The press and their mother were shocked, but the article stated that the

issued in another county for the Cadillac, was given to the detectives. The license was registered to Glen Herman, alias Glen Anderson at an address in Plant City, a community of about 20,000 population just east of the Orange County line in Hillsborough County. The detectives contacted the office of Sheriff Malcolm Beard and were referred to Major Walter Heinrich, commander of the Sheriff's Criminal Investigation Division.

Major Heinrich assigned officers from the Plant City Sheriff's Station to help the Orange County detectives. Discreet inquiry revealed that Glen Herman was not at home; in fact, he had not been seen for about 10 days. The Hillsborough County officers talked to their informers and came up with the information that Herman had a 17-year-old girl friend who was the mother of two small children and lived in Winter Garden, a suburban city adjoining Orlando on the northwest.

The detectives made further inquiries and learned that Herman was very friendly with a stocky black male about his own size. Pressed by the detectives,

the informers said the other man was Thomas J. Brunson, 23, also at an address in Winter Garden.

This information was relayed to Sheriff Colman, Lieutenant Blankenship and the postal inspectors. Informers living in Winter Garden were queried and they said that Herman had left the state after the murder of Mrs. Smith and that he probably was in Columbus, Georgia; he had lived there before he moved to Plant City about 10 years before and it was believed that he still had friends and relatives in the Georgia city.

Chief Inspector White, who has jurisdiction over criminal investigations in Georgia, asked federal and city officers to find out if he was in Columbus. They soon reported that he was. Moreover, he was driving the yellow Cadillac. He was kept under surveillance until the inspectors were ready to act.

In a conference between the Postal Inspectors and Sheriff Colman, it was decided to file only federal charges against Herman at first, because it then would be easier to extradite him from

Georgia to Florida. A warrant charging him with the murder of a federal employe while on duty was issued on July 30th and forwarded at once to postal inspectors in Columbus.

Federal warrants charging the same offense were issued against Thomas J. Brunson and the 17-year-old female, whose name was withheld since she was a juvenile under Florida law. State warrants charging Brunson with robbery and first degree murder also were issued and the girl was charged with robbery and murder under state laws.

About 2 a.m. on Thursday, July 31st, Brunson was arrested at his home in Winter Garden. About 7 o'clock that same morning, the 17-year-old female was arrested at her home, also in Winter Garden.

Detectives Hansen and Nazarchuck learned that Brunson was a native of Sumter County, South Carolina, but had lived in Winter Garden for the past 10 years. They could find no evidence that he had been employed at any time recently. He was taken to the Orange

brothers were introduced to this man by their 17-year-old male cousin who was having "relations" with this man for months. This cousin no doubt furnished his cousins with the knowledge of what was expected, and I gathered that they were having "relations" with him prior to the day when the mother finally found out. Not one bad word was said about the 17-year-old who was responsible in the first place.

I am convinced, after talking to about 30 teenage boys, that if their fathers had spent a little more time with them on weekends when they were young (10 to 14), this type of situation would never have occurred. If you publish this in Back Talk, it just might wake up a few parents to the real facts of life.

One Who Knows,
Silver Spring, Md.

I enjoy the stories in TD, but I wish you would show pictures of the murder victims' bodies.

Brian K. Schenck
USMM Liberia

I'm sick and tired of these religious nuts who are against the death penalty.

My five-year-old was beaten to death by my ex-husband, while I was at work. Tell me my child didn't have the right to live! My husband got three years for this crime. They might as well have given him a lollipop and a pat on the head.

I myself will suffer the rest of my life for the loss of my son.

Thousands of people in the United States go through the same thing every year...the loss of a loved one, their lives taken away by some crazy nut out there.

The death penalty has been brought back in Texas, *Praise the Lord*, and I hope soon in every state in the Union. Then, and only then, will we, the families of the victims, have peace of mind that something is being done.

Mother in Texas
Dallas, Tex.

Here's hoping many judges get attacked, shot and mutilated by the very criminals they let go free on the streets...

Anonymous
Tampa, Fla.

I have an idea, but it's possible someone has thought of it before. I would like to see a law passed holding judges accountable for their sentencing of criminals. If a judge turns a convict loose and the convict kills someone, the judge should be tried for his crime. And we should have similar laws applying to those parole experts. While we're at it, let's not forget the prison psychiatrists who decide some maniac is all cured of his anti-social tendencies and should be turned loose, and the maniac promptly goes out and kills somebody. Don't you think they should be held responsible, too?

Believer in Justice
Sedalia, Mo.

I've long read TD and enjoyed its nonsense way of reporting, but I've been wondering for just as long about the little star on the "T" in TRUE on your masthead. Does it signify something? I've noticed stars on other magazines' mastheads, too.

David A. Foe
Grand Rapids, Mich.

The story we've heard is that Bernaar Macfadden, a very patriotic man, borrowed the star from Old Glory and put it on the masthead of the very first issue of TRUE DETECTIVE in April 1924 (this also was the very first fact detective magazine ever published) and it's been there ever since. Quite probably, other publishers liked its looks and borrowed it from us.

Q. & A. DEPARTMENT

Some time ago in Ogden, Utah, a murder occurred involving two airmen stationed at Hill Air Force Base. The duo robbed a stereo shop of \$24,000. During the trial it was brought out that the people in the shop were forced to

drink drain cleaner, a girl was raped, and they were shot in the head. Another one had a ballpoint pen stuck five inches in his ear. I've never seen anything about Utah in your magazine and was wondering if you had any prejudices against Utah.

Thomas Daniel,
San Antonio, Texas

None whatsoever. The case mentioned was published in TD, Aug. '74. Title, "Incredible Slaughter in the Utah Record Shop."

I keep running across the expression "dead man's hand" in books and articles. Sometimes it says "he was holding a dead man's hand." I'm hoping you can tell me what it means.

Terry Klawczik
New Orleans, La.

On August 2, 1876, while playing poker in a saloon in Deadwood, South Dakota, Wild Bill Hickok was shot dead, from behind, by Jack McCall, a dude trying to make a reputation for himself. McCall was tried by a vigilante committee and acquitted, but he was tried again later in federal court, convicted and hanged for the unprovoked murder of the famous Indian fighter and gunslinger. At the time McCall shot him, Hickok's poker hand contained two pairs, Aces and eights, which has been called a "dead man's hand" ever since.

◆◆◆

Got a comment
or a question?

Write to:

BACK TALK
TRUE DETECTIVE
235 Park Avenue South
New York, N.Y. 10003

County jail pending a hearing.

After arrangements had been made for her mother to care for her two small children, the girl was taken to Youth Hall, where she was booked on state charges as a juvenile.

That same day, July 31st, the federal warrant was received in Columbus and postal inspectors and Columbus detectives, who had been keeping him under surveillance, stopped the 1965 yellow Cadillac Glen Herman was driving about 5:30 p.m. and arrested him. He was held in the Muscogee County jail without bail pending a hearing before a United States magistrate.

In Orlando, at 9:30 a.m., Brunson was taken before Circuit Court Judge Lon S. Cornelius. The various charges against him had been typed on a sheet of paper which Judge Cornelius handed to Brunson. The suspect looked at the paper, frowned, then handed it back to the judge.

"I can't read too well," he said.

Judge Cornelius then read the charges to Brunson and followed by explaining his constitutional rights. Asked if he understood, Brunson indicated that he did.

Then Judge Cornelius ordered Brunson returned to the Orange County jail to be held without bond for further legal action. "This court feels there is reasonable or probable cause to have you detained for trial," Judge Cornelius said.

Later that same day, Brunson appeared in court before United States Magistrate Donald P. Dietrich on a specific federal charge: Murder of a postal employe in commission of duties.

Magistrate Dietrich also explained Brunson's rights to the suspect and asked him if he could afford the services of counsel. He said he couldn't; Magistrate Dietrich appointed an Orlando lawyer, former Assistant State Attorney James Taylor, to represent him, on the federal charges. Taylor told newsmen he didn't know whether he would be appointed as Brunson's counsel in the state case.

On Friday, August 1st, Glen Herman appeared before United States Magistrate William L. Slaughter in Columbus. After his rights and the charges had been explained to him, Herman asked for additional time to hire his own lawyer. Magistrate Dietrich granted this request and continued the hearing to August 11th. meanwhile, he ordered Herman held without bail in the federal tier of the Muscogee County jail in Columbus.

Evidence in the case was taken before the federal grand jury in Jacksonville, which returned a sealed indictment and sent it to Orlando federal authorities. It was opened on August 6th and contained indictments charging robbery of a post office and murder of a postal employe in commission of duties against both Brunson and Herman. Both were ordered held without bail. Brunson later pleaded guilty

and was sentenced to life in prison.

No indictment was returned against the 17-year-old female, but she was held without bond in Youth Hall in Orlando. It was expected that State Attorney Robert Eagan would charge her as an accessory. But no indictment was necessary for this; it could be done by the filing of a direct information.

Detectives Hansen and Nazarchuck said they suspected the girl might have been lying on the floor in the back of the Cadillac while the two men were robbing the post office, but they couldn't prove this. They said they had evidence she was with the two suspects in the Cadillac in the morning of July 21st and they expected to be able to prove that she was with them briefly, after the robbery-murder.

On Thursday, August 11th, Glen Herman appeared before United States Commissioner Slaughter in Columbus for

the continuation of the initial hearing. Herman had been unable to find an attorney and accepted counsel appointed by Magistrate Slaughter.

Herman, through his attorney, filed an appeal, which went before the U.S. Court of Appeals. On January 20, 1977, the U.S. Attorney filed a brief, but at this writing, the court had not ruled on the appeal and no date had been set for a trial.

The 17-year-old female, who originally was charged with murder, still was in Youth Hall and the murder charge had been reduced by federal authorities to conspiracy to commit robbery. ♦♦♦

EDITOR'S NOTE:

Linda Hackett is not the real name of the person so named in the foregoing story. A fictitious name has been used because there is no reason for public interest in the identity of this person.

Child Abuse Is Never an Accident!

(Continued from page 34)

Waites came into the picture. People acquainted with the family of the child's mother all reported that as far as they knew he had been well-cared for and given an abundance of loving attention.

Numerous interviews turned up not a single person who had ever seen the child suffering from bruises or injuries prior to the time that Robert's mother started associating with Charlie Glenn Waites.

Waites, detectives learned, came from Alabama, and until a short time before he took the child to Dekalb General Hospital, he had been employed as a humidifier salesman. In recent weeks, however, he had been unemployed.

On Friday, February 13th, lawmen came into possession of a written document purported to be a confession concerning the tortures of little Robert Dobbs. It was supposed to be in the handwriting of Charles Glenn Waites.

The following day, Waites was removed from his jail cell and once again taken to an interrogation room at the Criminal Investigation Division of Dekalb County police. Detective Dewey Brown wanted to obtain a handwriting sample from Waites to make comparisons with the suspected confession as to the brutalization of Robert Dobbs.

Once again, Waites was advised of his rights and he agreed to fill out a handwriting sample form. With this done, and as he was about to be transported back to his cell, he said: "I know that I don't have to say anything to you and my lawyer told me not to talk to you. I understand my rights and I want to talk to you anyway."

Detective Brown said: "I believe you

do understand your rights and if you have something to say to me, go ahead."

"I know that I did wrong," Waites said. "I hurt my son by hitting him, but I want to know why everyone is mad at me, especially my wife."

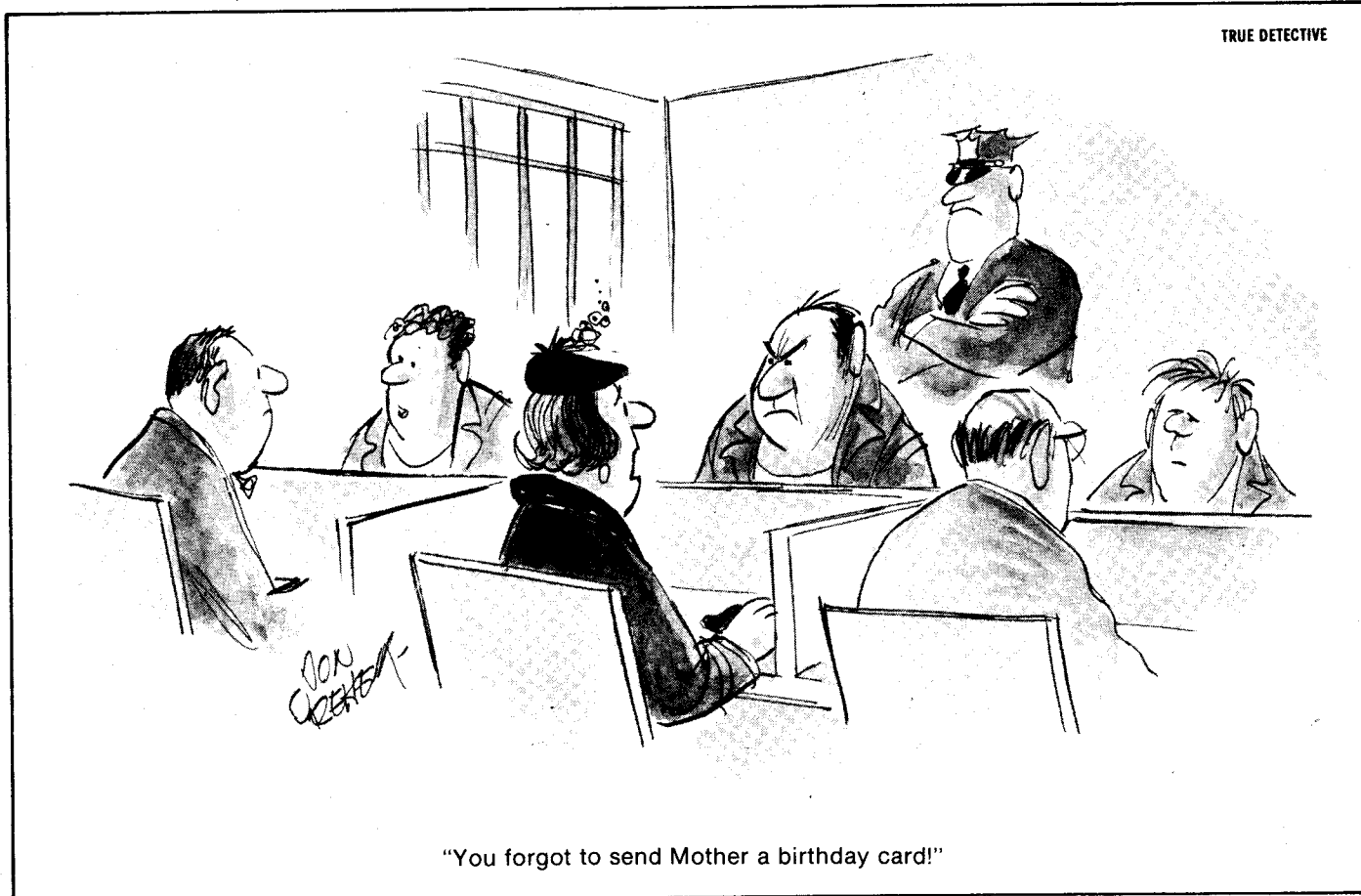
"You're right," Brown said. "What you did was not right and Robert is probably going to die because of what you did."

"Well," Waites replied, "Friday night when I stuck the hair dryer between his legs, I did it to make him stand still because he peed, and when I hit him on the head with the comb, I just lost control of myself."

The manager of the apartment where Waites and his wife had lived was among several people who were interviewed during a canvass of the area and requested to go to police headquarters to make a written statement. This statement was taken February 14th at 2:55 p.m. at which time the apartment manager specifically contradicted parts of what Waites had said during the time he had given officers two written statements. In regard to what medical personnel took to be old bruises on the child, Waites said Robert had fallen downstairs. He related that one incident was observed by the apartment manager. Waites said he was carrying out garbage and the apartment manager had observed Robert fall down the steps.

The apartment manager, however, said that he had not seen the child fall. He had heard a commotion in the hall and had gone outside to see what was happening. Opening the door, he stated, he had seen a small, blond-headed boy at the bottom of the steps and a man with a beard was picking up the boy. He saw no garbage or heard no mention of garbage.

The apartment manager said he asked if everything was OK at that time and the bearded man had replied it was. Also, the apartment manager said, he had been told that the child fell down frequently,



"You forgot to send Mother a birthday card!"

but never really got badly hurt.

At that, the child had raised his hand and said "Hi." He gave a small smile and did not appear to be hurt.

Another apartment dweller and his wife who were interviewed recalled that on Sunday night, February 8th, they had heard a baby screaming and crying at about 9:30 p.m. They had heard a man shouting and several loud bumps.

From this statement, lawmen came to the conclusion that Waites had started the final sadistic assault on little John as soon as they were alone.

On February 15th, police received another purported written confession from Waites. It, too, was taken to the crime lab of the Georgia Bureau of Investigation, where expert Jim Kelly made comparisons with Waites' handwriting samples. It was his opinion, Kelly said, that both purported confessions were in the handwriting of Charlie Glenn Waites.

It was shortly before 10 p.m. on February 16th that Detective Dewey Brown received the call he had been expecting, but dreaded receiving. Little John Robert Dobbs had died at 9:30 p.m. The body was being removed to Ward's Funeral Home, where Dr. Joseph Burton would perform the autopsy.

The call interrupted a rough-housing session with Brown and his youngsters. As soon as the detective learned of Robert Dobbs' death, he went to Dekalb County Police Headquarters and swore out a warrant charging Charlies Glenn Waites

with murder. The warrant was served in the jail and Waites was then taken for reprocessing through the identification section.

The next morning, Detective Dewey Brown for the first time saw the full extent of the gut-wrenching injuries the pitiful little victim had endured before unconsciousness blanked out the pain. Dr. Burton required that all items of suspected evidence in the case be brought to the autopsy room and they were obtained from Linda Barton at the Crime Lab. Included were a wooden stick, a hand-held steam hair-curling iron and a wooden mallet.

Viewing the various items, Dr. Burton immediately eliminated the rattail comb as the thing which had produced the numerous injuries to the head.

The pathologist then opened the victim's skull to reveal the subdural hematoma, or blood clot, at the back of the skull, which had caused death. There were two other significant bruises to the head, one particularly to the right side of the brain. On this side of the head at the hairline, visible to the naked eye was a bruise with small symmetrical patterned abrasions.

Using the wooden stick which had been confiscated at the apartment, Dr. Burton was able to locate a similar pattern on the grain of the wood. Detective Brown held the stick over the wound while it was photographed.

While the blows to the head were

clearly the cause of death, it was the burns which had caused little Robert Dobbs the most excruciating pain. These burns were in a neat pattern on the penis, scrotum and around the rectum. The distance between the various burns in the individual patterns was 10 millimeters. When placed alongside these burn patterns, the openings in the hand-held steam curling iron matched exactly.

The diabolical cruelties which had been practised on the two-year-old boy on the autopsy table were almost too much for the mind to comprehend. At the conclusion of the pathologist's work, the items of evidence were returned to the state crime lab where other tests on the hair curling iron were requested.

It was determined that to utilize the curling iron, one end of the heating piece had to be unscrewed and filled with water. Then it had to be screwed back on and plugged into an electrical outlet and turned on to build up steam. Once the item produced enough heat to turn the enclosed water into steam, a button had to be pressed in order to release the steam.

When it was considered how many times that curling iron had been held in and around the groin area of little John Robert Dobbs, it was little wonder that neighbors had heard the child screaming on the night he was taken to the hospital.

On February 27th, Detective Brown obtained a court order from Superior Court Judge Tom Allen to retrieve the

medical records of John Robert Dobbs from Dekalb General Hospital. A copy of these records were added to the evidence already gathered in the case.

After he was indicted by a Dekalb County Grand Jury, Charlie Glenn Waites went on trial for the torture-murder of John Robert Dobbs on August 19, 1976. In the interim, Waites had suffered a severe beating at the hands of prisoners in the Dekalb County jail and had to be held in a single cell until his trial date.

With Judge Clarence Peeler on the bench, the jury was qualified to consider the death penalty in the case. As the case was presented by Assistant District Attorney Calvin Leipold, Judge Peeler allowed five statements made by Waites to be entered into the record, with the exception of one section of one of the documents. The jury was not allowed to hear that at one point after he was arrested, Waites told Detective Dewey Brown he wanted to plead guilty.

"It might be noted that Waites had made this statement to Brown before John Robert Dobbs died, and at that time he was not charged with murder.

Medical testimony in the case was given by a neurosurgeon who performed the operation on the victim shortly after he was admitted to the hospital and from Dr. Burton, who described the injuries and the case of death.

Testimony from state laboratory technicians also included the fact that it took three minutes and 45 seconds for the hair curling iron to produce steam. Also, testing revealed that the iron attained a maximum outside metal temperature of 204.8 degrees fahrenheit.

Waites himself took the stand in his own defense, saying he loved the dead child. He also said that Detective Dewey Brown had obtained admissions of his treatment of the child by threats. At one point, Waites testified, Brown had banged his hand on the table in the interrogation room. Brown had told him, Waites said, that he wasn't going to be allowed to leave the room until he admitted what he had done.

If one is to accept such a dubious allegation to begin with, it is little wonder that a man whose mind had been so tortured by the awful details of the case, might have banged his hand on an unyielding inanimate object like a table.

The defense, in its closing argument to the jury, made much of the fact that the child's mother was not called as a witness for the state. It was also contended that the mother herself had mistreated the child by "blowing marijuana" smoke in his face, according to testimony by a defense witness.

Defense contended that all the injuries suffered by Robert Dobbs had been the result of falls and the burns had been suffered accidentally.

Prosecutor Leipold, however, pointed out that all the supposed falls that the dead child had taken had occurred when he was alone with Charles Glenn Waites.

The jury deliberated the case for less than three hours before returning a verdict of guilty of murder. At that time, Judge Peeler announced that he would not allow the jury to consider punishment in the case. Qualified to set the death sentence, the jury was dismissed after bringing in the verdict of guilty and the judge sentenced Waites to life in prison.

In a surprise move, the defense had asked that the jury be instructed only on a possible verdict of murder, not lesser charges of manslaughter. It had been defense counsel's hope that the jury

Rape, or Did She Seduce Boys' Choir?

(Continued from page 10)

"You can't make me! I'm under legal age!"

"Very well. If you're ashamed, I don't blame you. Tell the next boy to come in when you go out."

"Who in hell's ashamed? We — [vulgar German word for sexual intercourse] her, all five of us!"

"Surely not all at the same time?"

"One after another and then all at once."

"It's not possible."

"Sure it is! Hell, you need sex education! She's got one—[vulgar word for vagina], one — [vulgar word for anus], one mouth and two hands, ain't she? Makes five. See?"

"Mrs. Ismair taught you all these sexual practices?"

"Hell no! *We* taught her. *She* didn't know nothing!"

"You say there were five of you. Who were the others?"

"You think you'll get me to rat on my pals, you dumb flatfoot! I'll see you in hell first, you old . . ."

The tape abruptly went silence at this point.

"During this interval," interposed the inspector a little smugly, "I had the pleasure of putting Mr. Wagner over my knee and blistering the seat of his pants mercilessly."

"His people will sue you," said the sergeant.

"I had their permission in writing in advance," said the inspector even more smugly. "And from all the others as well. None of the parents are too pleased over their sons' conduct and—"

He was interrupted by the tape recorder from which issued a most tearful voice.

"Klaus Luebbich, Hans-Dieter Offenhausen, Hans-Peter Froehlich, Karl-Heinz Schuhmacher and myself."

would not find Waites guilty of murder.

Charles Glenn Waites is now serving that sentence imposed on him in the Georgia penal system.

For those who feel the full, gut-wrenching horror and grief of these atrocities committed against children, and are always disappointed with the seemingly light sentences such criminals receive, the promise of God toward all such may be of comfort:

"Woe unto that man who would offend one of my little ones.

"For it must be that offenses will come, but woe unto, that man by whose hand the offense cometh.

"It were better for him that a millstone be tied around his neck and that he be cast into the middle of the seas." ♦♦♦

"The police thank you for your public-spirited cooperation," said the inspector's voice and the recording came to an end.

"Which ones are Hans-Dieter Offenhausen and Hans-Peter Froehlich? I can't keep them straight," said the sergeant.

"Offenhausen's the one with the cowlick and the freckles," said the inspector. "Looks like a sentimental poet's idea of a boy. The other one's the short, stocky boy who looks like a farmer. Doesn't really matter. They all made practically the same statements and, as far as their activities over the body of the unfortunate Mrs. Ismair were concerned, they were pretty much interchangeable. Everybody tried out, more or less, what the lady had to offer."

"And then went around to tell their friends," remarked the sergeant. "It's a wonder that she wasn't smothered under the sheer weight of numbers."

"Probably would have been," agreed the inspector, "but, by this time, the talk had gone beyond the boys and was getting to the adults in the village. Mrs. Ismair began to collect some very remarkable looks when she went down to the square to do her shopping."

"I can imagine," said Sergeant Borsen. "And, in the meantime, the club was growing."

"Not only growing, but becoming more sophisticated," said Inspector Krembayer. "We know that Willi Biederauer, aged sixteen, and Peter Surre, aged fifteen, were both involved and there may have been others. It was becoming such a crowd that neither the boys nor Mrs. Ismair are certain any more just who took part and who didn't. There seem to have been a certain number of spectators who were too shy or too afraid to actually join in."

"Just what do you mean 'more sophisticated'?" asked the sergeant. "I should think that group sex would be sophisticated enough for a bunch of choirboys."

(Continued on page 56)

EDITORIAL

By A. P. Govoni

THE CONSTITUTION of the United States guarantees every citizen the right to protest publicly anything he feels like protesting. It is a right cherished by any thinking person, even in the face of abuse and overuse to which it has been subjected in recent years, during which it sometimes may have seemed to some of us that everyone in the world with a felt-tipped pen was scratching indignant comments on placards and dedicating themselves to the life of a professional picket.

In New York City it gets so bad occasionally that police have to set up lanes in front of City Hall to keep picketing groups separated; there have been times when as many as a dozen different causes were being protested or advocated simultaneously by as many groups, and this sort of demonstration is not restricted to New York.

How effective all this is remains moot, but one thing is certain: It has been a boon for the television news industry, because it makes good pictures, which is the name of their game. On any given day of the year, most TV news programs would be half as long if they suddenly eliminated pictorial reports about who was picketing whom that day, and for what.

For what, indeed. The viewing public has been subjected to video news reports on groups demonstrating for or against everything from abortion to mini-skirts to insecticides which are making mosquitoes an endangered species.

The great wonder is that in a country patently gone protest-happy, no one—to our knowledge—has so much as thought about picketing the criminal courts of judges whose sentencing policy for savage felons makes a mockery of justice and contributes heavily to the crime wave running rampant in America. Their concern for “humane” treatment of violent hoodlums, their futile, piously voiced hopes for “rehabilitation” rather than severe punishment of the lawless is exercised at the expense—often the blood—of decent citizens who are guaranteed the rights of life, liberty and the pursuit of happiness by the Constitution, rights which are manifestly imperiled by the policies of our courts.

Why are there no public demonstrations against judges who permit outrageous plea bargaining that allows hardened lawbreakers to cop out to lesser offenses instead of being sternly punished for the atrocious crimes they committed, a practice which quickly returns them to the streets to rob, rape and kill?

The most common answer we have received

Ever since this editorial appeared in our May 1976 issue, we have been flooded with requests for reprints from readers who gave away their own copies, from some who missed it, from countless others who heard about it and wanted to read it for themselves. In response to this popular demand, we are pleased to reprint the Senior Citizens Court-Watcher editorial.

—A.P.G.

to this question is that most law-abiding citizens are too busy; they can't take the time off from their jobs that would be required for such public protests. It's a valid excuse, but there is one group among the electorate which could do it, and, because of their maturity and wisdom, probably do a tremendous job of it.

Senior citizens. Pensioners. Retirees. We read frequently about the frustrations of America's oldsters, who fret at inactivity, who become embittered because they feel they are no longer needed.

This is to let them know **THEY ARE NEEDED!** Desperately needed.

We propose that they become court-watchers when they tire of watching daytime television or weary of sitting around parks. Attend criminal trials, and make notes. This is the right of every citizen; courtrooms provide seats in a spectator section so that the public can be present to insure the fair trial process. It can be exciting, too, watching real-life courtroom dramas, instead of Perry Mason or Petrocelli, without commercials, but with surprise endings that very often will make court-watchers angry.

And when that happens, when you see with your own eyes how judge and prosecutor settle for half a loaf and send no-goods on their way with a tut-tut and a slap on the wrist—when that happens, get out the felt-tip pens, write the message of outraged protest on your placards, and start marching up and down in front of the courthouse.

Tell the police you're going to do it, and they'll be there to protect you. Call your local TV station news departments, and they'll film your demonstrations for the evening news. Call your newspapers and they'll put you in print. And sooner or later, these representatives of the press, reminded of their responsibility by your actions, will corner the judge and the prosecutor and force them to account to the citizens for *their* actions.

That's how it's done, and it's long overdue. That's how our elder citizens can contribute meaningfully to a society they thought was through with them and had put them out to pasture. That's how they can do themselves a favor and fight back against criminals who prey on the elderly, and at the same time they can strike a blow for a better, safer life for their children and their grandchildren.

Mr. and Mrs. Senior Citizen, stop thinking nobody needs you any more. We all need you. Now. We need you badly.

◆◆◆

(Continued from page 54)

"Ah, you underestimate the choirboy of today," said the inspector, holding up a stubby finger. He reached under the desk and brought out a cardboard carton from which he began to extract books, magazines and reels of movie film to pile on the desk. "Exhibits A, B, C, D, etcetera, etcetera. Some of the books are school sex manuals. The others are pornographic. All the magazines are pornographic and so are the movies."

"For what?" said the sergeant. "They didn't need to read or see movies about it. They were doing it."

"With an inexperienced partner," pointed out the inspector, "or rather, with a partner whose experience was limited to the more or less usual form of sexual intercourse. After all, Mrs. Ismail was scarcely a virgin. She was the mother of a child."

"The boys, however, were not interested in sex for the purpose of having children and, since Mrs. Ismail knew nothing about cunnilingus, fellatio or anal intercourse, to say nothing of the more refined forms of masturbation, they taught her."

"Using these materials," said the sergeant admiringly. "The true, German scientific approach."

"Right," said the inspector. "What we Germans do, we do thoroughly. The boys left nothing out. One of them would take the illustration from a pornographic book or magazine and coach the performers into the correct positions. Or they would run off a pornographic movie and then try to copy the actors while the film was still running. They were very serious about it."

Which leaves Mrs. Ismail one of the best educated women on sex matters in the whole south of Germany, I don't doubt," said the sergeant, "and simultaneously charged with the contributing to the delinquency of the seven minors who taught her everything she knows."

"Yes, it's quite a contradiction," said the inspector, "and I'm afraid the court is going to find it so as well. For that reason, we're going to be very careful about what we present as evidence. With the exception of Mrs. Ismail, all the people involved are minors—they can't be charged, but their parents can sure as hell bring charges against us if we present anything to the court that we can't back up. I've got taped statements from every one of the boys who are named in the indictment. Let's listen to one more now and then we'll go on to adults. This is Willi Biederauer, sixteen, who is now very sorry about the whole thing and feels that he has very probably gravely jeopardized his hopes of Heaven."

He flipped the switch of the tape recorder and a sorrowful, high-pitched boy's voice began: "I didn't want to do all

that to poor, old Mrs. Ismail," the voice whined. "The other boys said I was chicken. They were all doing it. Then, they said, 'Come on and do it with your mouth,' and they forced me. I thought I was going to be sick."

The inspector pressed the hold button.

"But he wasn't sick," he commented, "and, according to some of the other statements, he was one of the worst. Couldn't get enough of the poor old woman, as he calls her."

He released the button and the boy's voice continued.

"I wouldn't have done anything—except maybe watch—if they hadn't made me, and Mrs. Ismail helped them too. When we did it, she was the one on top and she did all the moving. I couldn't get away from her. I'm just a little boy."

"The little boy, as you may remember," said the inspector, switching off the recorder and removing the tape, "stands five-foot-eight and weighs right around a hundred and sixty pounds. If Mrs. Ismail was on top, it was probably because she didn't want those hundred and sixty pounds bouncing around on top of her. She was gradually becoming somewhat bruised and battered."

"You sound as if your sympathies are more with her than with the poor, innocent children she led astray," teased the sergeant in a mock-serious tone.

"Not at all," said the inspector. "My sympathies are equally divided among all parties concerned. How they must have suffered! And, in addition to that . . ."

"Are we going to listen to the Ismail tape now?" interrupted Sergeant Borsen hurriedly.

"No," said Inspector Krembayer. "We're going to listen to Mr. Sepl Gutschwaetzer, the man who blew the whistle on this whole business and the person responsible for our having had to work most of the weekend."

The tape recorder whirred and a strong, steady adult male voice filled the office.

"My name is Sepl Gutschwaetzer, I am forty-three years of age, a stone mason by trade, married since June of nineteen-sixty, the father of one son and two daughters and I reside at Number Seventeen Buchholz Street in Bodenmais."

This was the standard identification given by an adult German when making an official statement and it was delivered in an expressionless sort of sing-song, as if Gutschwaetzer had had occasion to repeat it a good many times during his life.

"On the afternoon of August twenty-seventh, nineteen-hundred-and-seventy-six, at approximately two-fifteen in the afternoon I was standing in front of the Golden Lamb Tavern in Bodenmais when four boys came out of the tavern. These boys are known to me as Julius Wagner, Willi Biederauer, Hans-Dieter

Offenhausen and Peter Surre.

"Willi Biederauer said, 'Let us go up to the Youth Center and have one more go at Christl before the weekend. We won't be able to get another — [sexual intercourse] before Monday.'

"I thought he was talking about one of the young girls in the village and I said, 'What do you mean, you young cur! How can you talk like that about respectable girls?'

"When I said that all four of the boys started to laugh and snigger and Julius Wagner said, 'You look like you need some yourself, grandpa. Go up to the Recreation Center and ask for Christl.'

"I was very angry and I was going to hit him one in the face when I realized what he had said didn't make any sense and, instead of hitting him, I said, 'Christl who?'

Then, Offenhausen and the others began to babble a lot of nonsense about having sex relations with the cleaning woman at the Boys Recreation Center.

"I, of course, know Siegfried and Christl Ismail and I knew that they had got the job as caretakers at the Center, but I did not believe that Christl could be doing such a thing. Besides, a lot of the stuff they were telling me was crazy and I never heard of people doing anything like that and, if they do, it is a very grave sin.

"I didn't know whether they were drunk or then I thought maybe they had got hold of some kind of drugs like you read about the young people taking in Munich and those big cities up north.

"I was sort of confused and 'shamed, too, because I'm not used to hearing people talk like that, not even boys, and I didn't say any more—but I went over to see Karl Huber at the filling station and told him what I'd just heard and he said he'd heard the same thing from some of the boys and he thought there must be something to it, they couldn't be making the whole thing up.

"I went around, then, and talked to a few other people and all of them had heard it and some of them thought it was funny and others thought it was none of their business, but I thought it was anybody's business if things like that were going on here at the Boys Recreation Center, and I went down and filed a complaint with Oscar Binsmeyer."

"The village constable," explained Inspector Krembayer, switching off the tape recorder. "He didn't investigate, but called us directly. The truth is, I expect, he'd heard the tales long since, but he didn't want to get involved in something that ticklish, so he was waiting for a formal complaint so he could shove it off on Deggendorf."

"Ah—understandable," said Sergeant Borsen. "It's a pity *we* don't have some place we can shove it off on. Do we finally hear now what Mrs. Ismail had to say to all this?"

Every detective story reader should be able to solve the

CRYPTOGRAM

It's easy when you know how: F ZEEP FOG RMQ BEOJS...
A FOOL AND HIS MONEY...

In the cryptogram you merely substitute one letter for another. In the example shown above, F is used for A in two places, E replaces O three times, etc. Single letters are your best clues; they must stand for either I or A. The number of letters in a word also provide clues, as does punctuation, such as an apostrophe for a possessive. If you find a 2-letter word ends in T, matching the vowels will show it must be either AT or IT, etc. Have a go at this month's coded message:

L B N V C C - K X F K N V H N Q F X L V X F L B S L
Z N B S J V C V L S L V X F X A K Z V T V F S C W
W B X I C Q J N W L Z N W W N Q X H N Z
G I F V W B T N F L B S W G Z X Q I K N Q L B N
P Z N S L N W L K Z V T N M S H N V F B V W L X Z R .

(Cryptogram answer on page 76)

"Why, of course," said the inspector. "You should have said something before." He dropped the final cassette of tape into the recorder, said in a solemn voice, "For the defense," and threw the switch.

A woman's voice, choked with sobs, filled the office. "I don't know how it happened!" gasped Christl Ismair. "It was all that Klaus Luebbich. He came to the door and asked for a beer and I gave it to him. The first thing I knew he had his hand under my skirt and he was tickling me in the very most sensitive place you can tickle a woman. He was very clever at it. I'm sure he'd done it before to some other woman.

"I tried to stop him, but he's not a small boy and really it was getting me all excited. I didn't know what I was doing and the first thing I knew, he had my underpants off and he was doing it to me. I won't lie about it. I didn't try to stop him any more, then. I hadn't had sex with my husband the night before and it was just that time before my period when a woman is so easily worked up that way.

"I thought that was the end of it, but then he came back the next day and brought Karl-Heinz with him. I couldn't do anything against them. They were so strong and before I hardly knew what was happening, they were doing it to me."

The inspector's voice intervened: "But why didn't you tell someone about this? Why didn't you complain or cry out when they were doing this to you?"

"I was ashamed," replied Christl Ismair. "How could I tell anybody, and who was I supposed to tell? My husband? Father Guentner? I couldn't do that. And if I screamed or made a noise while they were doing that, all the boys in the place would run in and see me lying there with my skirts up around my neck and those boys with their things out. Nobody would believe that I hadn't encouraged them. I didn't know what to do!"

She began to cry at the top of her lungs and the inspector hastily pressed the skip button.

"More crying than statement on this tape," he remarked, "but I think the girl is sincere. She's not sex-mad and she thinks having sex with the boys was a terrible thing to do. It's just that they caught her off-balance the first time, and she was never able to recover herself afterwards. Then, the more boys there were involved and the more depraved the orgies became, the less she could bring herself to confide in anyone."

"I can see that position," said the sergeant, nodding. "After a while it became so unbelievable that she couldn't have got anyone to accept the story, let alone the fact that she was an unwilling participant. Or was she?"

"Half-half," said the inspector. "Morally and intellectually, she was horrified. Physically, I'm afraid she enjoyed it, up to where things began to get rough."

"You mean the gang-bangs four and five at a time?" asked the sergeant.

"Worse," said the inspector. "We'll skip the middle of her statement. It's basically the same as the boys'. Now, listen to this . . ."

He made two or three jumps with the tape and finally found the spot he was seeking.

"They sent away to this mail-order house and they got these rubber undergarments," said Christl Ismair's sorrowful voice. "They made me put them on and then they were going to whip me with switches. I was so scared I started to scream and they stopped.

"Then, they had a thing like it was made out of dog chains and they tied me all up in it with my legs apart and my knees almost up to my ears. They had a little thing like a flashlight, only it buzzed and jiggled, and they ran that over my breasts and private parts until I thought I'd go crazy."

"The boys choir was getting into bondage, flagellation, rubber and I know not what else," said the inspector, turning off the recorder and beginning to stow the tapes back into the desk drawer. "Apparently, if you have a completely uncontrolled sexual situation with boys that young, there is a tendency to degenerate from normal sex into perversity. I fear to think what they might eventually have done to Mrs. Ismair if the whole thing hadn't come to an end when it did. As it is, the doctor was able to establish a number of bruises on the thighs, lower

abdomen and breasts, mainly from the bondage stuff, it seems. Nothing serious, of course."

"The result of sex without love, I should think," said the sergeant. "The boys weren't emotionally attached to Mrs. Ismail. She was simply a sex object and they treated her like one—with emphasis on the 'object'. So, what happens now? Is it rape or contributing to the delinquency of minors? I'm no wiser than when we started."

"Nor I," admitted the inspector. "Personally, I think both charges are valid. The boys are minors engaging in immoral acts with an adult and Mrs. Ismail was forced into sexual activities against her will. Even though named in the indictment, the boys are too young to prosecute. If I were the court, I'd throw the whole thing out."

And this is very probably what the court will do, although the case has not as yet come to trial.

Most of the boys involved have been punished with greater or lesser severity

by their parents. The Ismairs have lost their cozy job at the Recreation Center and the four-room apartment which went with it.

On the other hand, Siegfried Ismail has completely forgiven his wife for her part in the affair and the family has no intention of leaving Bodenmais.

"Where could we go?" says Siegfried Ismail. "This is our home." And adds, with perhaps one of the greatest understatements of all time, "We're very well known in Bodenmais." ♦♦♦

EDITOR'S NOTE:

Boris Krembayer, Max Borsen, Klaus Luebbich, Karl-Heinz Schuhmacher, Julius Wagner, Hans-Dieter Offenhausen, Willie Biederauer, Hans-Peter Froehlich, Peter Surre, Karl Huber and Sepp Gutschwaetzer are not the real names of the persons so named in the foregoing story. Fictitious names have been used in order to comply with German police regulations.

Was Victim Killed By Yankee Lover?

(Continued from page 41)

blonde girl on one of her visits to Hood.

Sergeant Smith was greatly interested in the fact that the American from Yakima had been strapped for money, and also that he had not been seen since the fatal shooting of the taxi driver.

"Are Hood's belongings still in his room?" he asked the hotel manager.

"Yes, we thought he might come in later today and pay up, so we haven't removed his things and re-rented the room yet."

The sergeant requested permission to search the American's room and the manager took him upstairs and admitted the officers with his passkey. They went through Ryon Hood's luggage, with interesting results.

In a traveling case, Sergeant Smith found a box that had contained 50 rounds of .32-caliber ammunition. At the moment there were 49 bullets in the box.

Then one of the detectives called the sergeant over to the closet. In a pocket of one of Hood's jackets was a .320 Beretta automatic pistol. It had been fired recently, and the barrel had not been cleaned since.

At that moment in the early evening of Monday, March 27th, Ryon Spurlock Hood, of Yakima, Washington, in the United States of America, became the Number One suspect in the slaying of taxi driver Alfred Stephens. Sergeant Smith was virtually certain Hood was the killer, but the case would prove to be a remarkable one indeed, for it was not until 17 months later, in August of the following year, after the police had spent

countless more man-hours on the case, that they could be certain whether they had the right man.

In the meantime, detectives had run down the earlier lead on the first American reported—the one who became belligerent when he drank too many whiskies at the hotel bar. What they learned about this man conclusively eliminated him from suspicion, but the circumstances were colored by a bizarre irony.

Detectives had managed to locate another bar patron who knew the Yank, and this witness had a remarkable story to tell. He said that on Easter Sunday morning, as he was returning from church with his wife, he happened to see the Yank, whom he knew from having seen him at the hotel bar, staggering along the sidewalk ahead of him, obviously very drunk. He had no idea where the American was coming from, or how he happened to be drunk at such an early hour on Sunday, but as he watched, the witness said, the American known as Jack suddenly stepped off the sidewalk and staggered between two parked cars out into the street.

He stepped right into the path of a small van and was catapulted through the air some 30 feet. When the ambulance came he was pronounced dead at the scene.

By a weird coincidence, he was lying on a slab in the same mortuary to which the murdered taxi driver, Alfred Stephens, was taken some 17 hours later!

After discovering the .32 automatic in Ryon Hood's hotel room, Sergeant Smith ordered the room sealed and summoned technicians to make a thorough examination of it. He forwarded the Beretta automatic and the ammunition to Detective Sergeant Colin Leatherbarrow, a

ballistics expert at the crime lab. Then he quizzed the hotel manager again.

"You told us that a man and a girl came to visit Hood," he said. "Do you know who they were?"

The manager did not, but he was sure he'd recognize the girl if he saw her again. "She was tall, slim, and very pretty, with shoulder-length blonde hair."

"You said she and Hood seemed to be good friends," the sergeant persisted. "Have you a record of the telephone calls he made from his room?"

The manager had such records and produced them for Sergeant Smith. Most of the calls, the latter noted in the records, had been made to the same number, and after consulting the central telephone exchange, Smith learned that the number was listed under the name of Marion Sommers, in the suburb of Rosebery. He drove at once to the address.

Miss Sommers proved to be an attractive, slenderly built blonde with a friendly smile. She told him she was 19 years old and an office worker. Without telling her why he was looking for Ryon Hood, Smith asked the girl whether she knew him.

"Why, yes," she answered promptly. "I was born in San Diego, California, you see, and I went to high school for a while in Yakima, Washington. That's where I met Ryon."

She added that she had come to Australia to live two years ago because her mother, who was Australian, had moved back there. She said that when Hood came to visit Sydney, he naturally looked her up.

Smith asked the girl where Hood was now.

"I don't know," she replied. "I flew to Brisbane over the weekend to see my mother, who's staying there. When I returned this morning I phoned Ryon's hotel and they said he'd apparently left. I've been expecting to hear from him."

"Ryon Hood had another visitor at his hotel—a man," the sergeant said. "Who was he?"

Marion Sommers hesitated briefly, then said, "His name is John Blake. He works for an export company here. Ryon met him through me."

The sergeant asked for Blake's address and the girl gave it to him. Hoping to learn Hood's present whereabouts, Smith drove to see Blake at once. Blake, a solidly built blond man with a quiet manner, had just arrived home.

"I went to see Hood on my way back from the office just now," he told Sergeant Smith. "He's no longer living at Tanarama Beach. He's taken a room at a hotel over in Bondi. He called up and told me, so I dropped by there to see him. I presume he's still in his room."

There were other questions Sergeant Smith wanted to ask John Blake, but at that moment he was more anxious to locate Ryon Hood. He drove on to the Bondi district, where he found the

American in his new hotel room and asked him to accompany him to the police station.

Hood, a dark-haired youth of 19, with an intelligent, handsome face, offered no objection. "I don't know what it's about," he said easily, "but I'll be glad to come with you."

They drove to the Paddington station house in silence. When they arrived, Sergeant Smith discovered Sergeant Leatherbarrow waiting for him. The ballistics expert had just completed a series of tests on the automatic pistol found in Hood's jacket in his hotel room.

"The shot that killed Alfred Stephens was fired from this gun," he told Sergeant Smith bluntly. "There's not the slightest doubt, and I made micro-photographs that will convince any jury."

In view of this seemingly strong evidence that the American had murdered the taxi driver, Sergeant Smith chose a straightforward approach and accused Hood directly of committing the crime.

"You smuggled a Beretta automatic into Australia when you arrived," he charged. "But you have very little money and yesterday you found yourself in desperate need of funds. You knew you'd be locked out of your hotel room, so you went out last evening, taking your gun with you. You hailed a taxi, picking one with an elderly driver. You directed Stephens to a quiet suburb. There you held the gun against his back and demanded his money."

"Either he tried to resist you, or you were afraid he could identify you. In either case, you shot him to death, robbed him, and dragged his body behind a tree. You drove back to town, abandoned the taxicab, and returned to your hotel room at Tamarama Beach by the unlocked door, where you left the jacket you'd been wearing and the gun. Then you went out again, perhaps for a drink to steady your nerves."

"When you returned, you found that the management had locked you out. You became frightened because the murder gun was in the hotel's possession. So with the money you'd stolen you rented another room in Bondi, some distance away, to wait until you learned whether you were suspected of murder."

The detective sergeant told Hood that the police had found the gun in his jacket and that the fatal bullet had been definitely identified as having been fired from it.

To Sergeant Smith's surprise, the handsome, well-dressed American sat calmly in his chair, displaying very little reaction. "The gun you found was mine," he said quietly. "Americans traveling in strange countries often bring weapons along. But I didn't ride in a taxicab last night, and I certainly didn't kill anybody. I left that hotel early last evening because of the money I owed. I knew they'd hold

my belongings and I could get them back when I paid up. I'd found a job, you see, and I was to start work tomorrow."

"I found a cheaper hotel in Bondi, and I was eating dinner in my room there at eleven o'clock when that taxi driver was murdered."

Ryon Hood now leaned forward and spoke earnestly. "Another man came to my room yesterday evening after I left. I'm positive of it," he said. "The door was unlocked and he took the gun from my suitcase, went out and shot the cab driver, then returned and put the gun in jacket pocket. He could have done that without having been seen from the desk. He did it deliberately because he wanted to frame me. We were both in love with the same girl, you see. He intended to get me out of the way, by having me sent to jail for murder!"

The sergeant listened in amazement to Ryon Hood's statement. Fantastic as his explanation sounded, he had given it in such a straightforward manner that it carried the ring of conviction.

For the next several hours, Smith and other detectives continued to interrogate the young American. They got nothing more from him whatever.

"I'm not going to name the man who framed me now because I have no proof against him," Hood said. "But if you investigate further you'll find that I'm telling you the truth. And now I insist on my right as a United States citizen to talk with the American Consul. I'm not going to answer any more questions until I have a lawyer."

Sergeant Smith contacted the American consul, explained the situation, and the consul came to the police station, where he was permitted to talk privately with Hood. The following morning he called Sergeant Smith to advise him he had engaged a lawyer for the American from Yakima. Smith said he would let Hood consult with him.

In the meantime, however, Smith had conferred with high police officials and the prosecutor's office, and it was decided to proceed with legal action against Ryon Hood. Accordingly, he was taken before a judge and charged with the murder of Alfred George Stephens.

The magistrate ordered him to jail on remand. When a man is charged with murder in Australia, as in England, newspapers are permitted by law to publish his name, but very little else, for fear of prejudicing a future trial jury against him. They must print nothing further about the police investigation until the magistrate's hearing, at which the prosecution must establish the validity of its charges. News media may report this testimony, but then they must remain silent again until the formal trial, when attorneys for the defense present their case for the first time.

Thus, it was not until Ryon Hood's trial, in mid-August, that the strength of the accused's claim that he had been

framed by a love rival became known to the public.

The trial began at Central Criminal Court in Sydney on August 14th, with the summary of the Crown's charges against the defendant given by William Knight, Chief Prosecutor for the State of New South Wales. Knight charged that Hood had robbed and murdered the taxi driver because of an immediate need for money to buy food, pay his hotel bill and continue his courtship of his friend, Marion Sommers.

During the first days of the trial the Government called 40 witnesses to support its contention that no one but Ryon Hood could have murdered the taxi driver. Among the early witnesses were the ballistics expert, Sergeant Leatherbarrow, and a microbiologist named Lawrence Horton. The latter testified that stains found on one of Hood's shirts, a handkerchief, and a pigskin glove, could be blood.

When Prosecutor Knight had established that Hood's gun had killed Stephens, he summoned the American-born Miss Sommers to the witness box. The girl managed to look radiantly attractive in a simple black street dress. She told the jury about her friendship with the defendant and John Blake.

She said she had known Ryon Hood, the son of a respectable Yakima family, during the two years she attended high school in that city. She had been strongly attracted to him, and he told her he was in love with her. They dated frequently, she said, until she went to Australia, where her mother was living.

Marion Sommers disclosed that she and Hood had kept up a correspondence and he kept repeating that he loved her. Then he wrote that he planned to come to Sydney to visit her and she said she would see him there.

Before Hood's arrival, however, she met John Blake, a young Australian businessman, and they began going steady. Still, when Hood flew in on March 16th, she took a week off from her job to entertain him. She found Hood a hotel room, and when he told her he had arrived with no money, she loaned him some to tide him over temporarily.

She told Hood she was going steady with another man, but she took him around the city, showing him the sights. She introduced him to John Blake, and on Sunday, March 19th, the three of them went on a picnic together. She said that the two men seemed to get along well.

Hood told her he was still in love with her, but she tried to discourage him. Nevertheless she continued to see him regularly the following week. As a result, Blake became angry and they had a heated argument.

They had planned to fly to Brisbane together over the weekend to visit her mother, Marion went on, but she was still

furious at Blake because of an accusation he had made and so she failed to meet him at the airport and took another flight. He flew to Brisbane anyway. She refused to see him there, however, and he returned to Sydney on Sunday.

When she got back on Monday, she left her apartment in Rosebery and took a room temporarily in Nosman, across the harbor, so Blake could not find her.

Marion Sommers said she knew nothing at all about the murder, which had happened while she was in Brisbane, but she found it difficult to believe Hood was capable of such a crime. Then she surprised the court by saying that she and John Blake had become engaged to be married on April 6th. That was just 11 days after the murder of the taxi driver.

When Miss Sommers had completed her testimony, Prosecutor Knight immediately called the young Australian to the witness box. Blake, perfectly groomed and apparently at ease, said that Marion had told him in advance that her former boyfriend from America was coming to Sydney and she intended to show him around. He said he didn't object, because he and Marion were already talking of marriage, and he trusted her completely. He never thought of Hood as a rival, and he became friendly with him when he arrived.

Blake admitted, however, that after the picnic he believed his girlfriend was paying too much attention to Hood and he told her so. The accusation seemed to make her quite angry, and she broke their weekend date.

Blake told the court that he still had no particular ill feeling toward Hood, however, and he came around to his hotel room in Tamarama Beach to see him early Sunday evening. Hood was out at the time, but he called Blake on the phone the next day to tell him he had moved, and Blake went to visit him at his new hotel.

"I wanted to help him out financially," the Australian said. "I knew he was having trouble and I had about sixty dollars on me at the time. But he said he wouldn't need any money because he had got a job and was going to begin working the next day."

That was as much as he knew, Blake testified, and he was thunderstruck when he learned that Hood had been charged with the murder of a cab driver. But the whole episode had had no permanent effect on his relationship with Marion Sommers, he said, and so they became engaged in April.

To the courtroom audience at the trial, the romance between Blake and Miss Sommers seemed to have little connection with the question of whether Ryon Hood had robbed and murdered a taxi driver, but Prosecutor Knight's strategy in getting this testimony before the jury became evident when the defense opened its case.

Hood's attorney, Marvyn Finlay, was an astute, forceful barrister with a deceptively suave manner, and he had a formidable record of courtroom victories. His defense of the young American was built around a thinly-veiled charge that another man, who was present in the courtroom, had murdered Alfred Stephens. That man, he indicated, was John Blake, and the defense lawyer's version of the triangle relationship among Blake, Miss Sommers, and Hood differed sharply from that presented by the prosecution witnesses.

The defense attorney said that Hood and Marion had had a high school love affair in America and that when he later wrote her he was coming to Australia, she had responded to the idea enthusiastically at that point.

"She had already been the steady girlfriend of Blake for some time," Finlay said, "but their relationship had reached a critical stage when Hood arrived here."

She'd taken the week off so she and Hood could renew their friendship, the lawyer continued. Blake had perhaps viewed the American's visit casually at first, but he had soon realized that Marion was still strongly attracted to Hood. Suspecting that she was seeing him alone in his hotel room, he had become violently jealous.

"Then, on the Sunday after Hood arrived, there was a triangle scene as the three of them went on a picnic together," Attorney Finlay went on.

He implied that Marion's behavior with Hood on the picnic had caused Blake to make accusations against her. When he did so, she flew into a rage, broke their date to go to Brisbane together, and told Blake she never wanted to see him again.

Blake, consumed with a jealous love, wanted to rid himself of his rival, the attorney suggested. He went to Hood's hotel at Tamarama Beach intending to have it out with him. But Hood was not there and Blake, finding his hotel room door unlocked, entered his room. He looked among Hood's belongings for notes from Marion, or other evidence that she was being unfaithful to him, Finlay alleged. Instead of what he hoped to find, he found a .320 automatic, and an idea was suddenly born in his mind.

The defense attorney suggested that Blake left the hotel with the gun, hailed a taxi, directed the driver to Bellevue Hill, and deliberately robbed and murdered him. Returning in the taxi, he left the dead man's shoe in the street near Hood's hotel and put the gun back in his jacket pocket to direct suspicion against him.

The next day, after Hood had innocently telephoned Blake to tell him he had moved, Blake boldly came to see him, the lawyer said. He offered to loan Hood money so Hood would not realize the depth of his hatred and later suspect that it was he who had actually committed the murder.

The defense attorney presented evidence that Ryon Hood came of an eminently respectable family in the United States, and that he was a serious-minded youth who had never been in any previous trouble with the law.

"There are many matters which cast grave doubt on the Crown's case," Finlay told the jury with quiet emphasis. "I suggest that when you consider all the evidence you will not be convinced that my client murdered the taxi driver."

Although there was actually no direct evidence at all to connect John Blake with the murder, he had been seen at the Tamarama Beach hotel on the night of the slaying, and he had admitted going to Hood's room there while the young Yank was away. Attorney Finlay was simply trying to establish in the minds of the jurors a reasonable doubt as to his client's guilt, which would oblige them to acquit Hood. His arguments had a certain telling effect, and on the third day of the trial many persons believed that the young American would go free.

Ryon Hood himself was a strong witness in his own defense. It was difficult for anyone to believe that this handsome, clean-cut young man of good background could have decided suddenly to murder a total stranger for a paltry few dollars.

"Gentlemen, I am not guilty of this crime," Hood told the jury in a quiet, earnest voice. "I came to Australia to be with Miss Sommers. I believed that I loved her and she loved me. I was not in the taxi that night. I did not kill the taxi driver."

Prosecutor Knight was far from defeated, however. In his closing address to the jury, he candidly admitted that the case against Hood was partly circumstantial, and that no one had seen him in Bellevue Hill. At the same time, though, the prosecutor emphasized the strength of the ballistics evidence, and he dwelt particularly on the small red stains found on Hood's shirt, handkerchief and gloves.

What could the spots be, except blood? he demanded. And where could they have come from if Hood had not killed Stephens with the gun found in his jacket?

"The defense says that Blake was a man in love who suddenly found himself with a rival," Prosecutor Knight told the jury. "It was then suggested that Blake took Hood's pistol to commit a murder and returned it to his room so that Hood would be blamed and he would be rid of his rival."

"That," the prosecutor pronounced dramatically, "is as fantastic a thing as I have ever heard of."

The trial lasted four days, but when all the evidence was in and the jury had listened carefully to the judge's instructions, it took the panel only four and a half hours of deliberation to reach their

verdict. They returned to the courtroom and announced that they had found Ryon Hood guilty of murder as charged.

Judge Athol R. Richardson then pronounced on the young man from Yakima, Washington, "the only sentence I am permitted to impose—penal servitude for life."

The young American paled slightly as he stood erectly before the bench. He looked straight ahead, however, and displayed no other emotion.

"It is very unfortunate that this young man should find himself in this position," the judge continued, "but it is still more unfortunate that an unarmed taxi driver going about his business should have been so swiftly taken from this life into eternity. I trust that this case will be a warning that this kind of thing must be put an end to." ♦♦♦

EDITOR'S NOTE:

Marion Sommers and John Blake are not the real names of the persons so named in the foregoing story. Fictitious names have been used because there is no reason for public interest in the identities of these persons.

Sex-Killing of the Beautiful Coed

(Continued from page 25)

Police had been notified of the find, W. D. Starnes, D. W. Kirkpatrick, M. D. Jones and other investigators from the Crimes Against Persons section sped to the scene, arriving almost simultaneously with the medical examiner, Dr. Charles Hughes.

While some officers observed the body and immediate area, others set about to secure the area for examination. Photographs were made and measurements taken.

The body lay with head to the east, the right leg stretched out straight while the left was slightly arched. The thighs were spread, exposing the victim's genitals. Between the thigh and knee on each leg detectives observed bruises.

The girl's throat had been deeply cut from ear to ear, but there appeared to be only a moderate amount of blood present, unless some large accumulation might be found soaked into the soil under the body.

On the full left breast were two wounds, one near the nipple, the other near the center of the chest. The latter wound held an accumulation of blood and shredded flesh and had what appeared to be light powder marks around it, probably near-contact bullet wound.

One of the girl's arms had been drawn over the body, the hand resting on her bare stomach. There was a bullet wound of the type called "through and through" by medical personnel, that is to say the

projectile had passed completely through the limb. On one side of the arm, the entrance wound was obvious from strong powder wounds around it.

The most appalling injury suffered by the victim, however, was one that caused veteran lawmen, who thought they had seen everything that human cruelty can devise, to turn their heads sickly away. Whoever had killed the girl had gouged out her eyes, collapsing the fragile eyeballs and dragging them out to lay over the cheekbones. Though the medical examiner could not be certain, it appeared from preliminary examination that some sharp object had been thrust into the sockets and used to actually cut the eyeballs loose from their fragile holdings of thin skin and flesh. This might not necessarily be so, though, the doctor said. The eyes might have been shot out, since sudden impact might have had the effect of throwing them out onto the cheeks. He would not know until a thorough autopsy could be performed.

Neither could Dr. Hughes be sure the victim had been raped, though there was every indication of it. The position of the body, the bruises on the victim's thighs, all would seem to indicate sex as the motive for the crime.

The motive could hardly have been robbery, anyway, detectives reasoned. The dead girl wore good gold earrings, a moderately expensive wristwatch, and a ring, plus a thin gold bracelet.

As soon as the body had been photographed by H. J. Adams, of the City Crime Scene Search Section, it was carefully prepared for removal to the autopsy chamber. Those lawmen handling the body did their job in such a way as to avoid handling the victim's flesh. Though it is not generally known, it is possible to lift good latent fingerprints from the naked flesh of a corpse. The body was supported by sheets and tied firmly down. As soon as it was lifted from its position, experts at the science of preserving and analyzing physical evidence went immediately to work.

Under the victim's body, these investigators found a pair of lightly bloodstained blue jeans, undoubtedly the victim's, a white pullover shirt and a white bra. Near where the girl's feet had been were a pair of sandals. Nowhere at the body site or in the surrounding area could they find the panties which such a neatly-groomed young woman had surely worn.

Though they were already convinced that the victim had been slain at the spot where her body was found, and probably in the position in which she was found, there was surprisingly little blood under the body. Technicians paid special attention to a blood spot near where the upper body had been, which they probed in search of a bullet or bullets. One officer had already spotted a splinter of metal, thought to be part of a bullet, which had lodged between the dead girl's hair and

shoulder blade. This had been bagged and tagged as evidence. The ground under the body yielded nothing.

Usually, a metal detector would have been brought out and a search for the bullet begun. The area at the end of the dead-end road was so littered with pop-tops and other metal paraphernalia, however, that such a search would have been all but impossible.

No usable tire tracks could be found, either, though lawmen searched diligently for them. It would have been useful if they had been able to connect the dead girl's automobile with the scene, but there were so many tire tracks and they were all so faint as to be useless for comparison purposes.

Meanwhile, a relative of Vickie McKinney had come forward to mercifully spare her parents the ordeal of identifying her brutalized body. In a separate area, the murdered girl's distraught father verified that articles of clothing found underneath the body belonged to his daughter.

Later, when these items of clothing had been removed to the lab and spread out on paper for the preservation of evidence, it was discovered that the victim's panties were among them. The wispy undergarment had been forced down into one leg of the blue jeans.

In the Charlotte detective division, Leroy Johnson was again undergoing interrogation by Detective Mike Holmberg, who had thoroughly familiarized himself with Johnson's lengthy police record. The suspect had been out of the Huntersville state prison unit for less than a year at the time of the crime.

Johnson's running battle with the law had begun when he was only 15. Authorities knew little of his family background, except that his parents were apparently irresponsible people who never could be located for cooperation with counselors or reformatory officials. The hard-eyed black's record seemed mainly tuned to breaking and entering and larceny, although in 1965 he had been charged with the kidnaping and armed robbery of a Charlotte grocer and his wife.

The kidnap case was never prosecuted, apparently for the reason that the two victims had left the area and could not be found to testify, but it did result in thorough psychiatric profiles being prepared on the accused man at two different state mental institutions.

Although psychiatrists at Cherry Hospital and Dorothea Dix Asylum found Leroy Johnson to be sane and aware of the difference between right and wrong, their reports remarked him as "hostile and irritable . . . virtually illiterate . . . persistent drug user . . . has subnormal I.Q. . . ." and pointed out that Johnson was very possibly a sexual

pervert, though it was never specified what particular perversion doctors were talking about.

Although the kidnaping and armed robbery charges in the 1965 case were dropped others were brought forward and prosecuted, with the result that, in 1966, Johnson was committed to prison to serve more than one lengthy sentence. He remained institutionalized until November of 1975. At that time, according to prison officials, the convict had been on work release for two-and-a-half years and appeared to be doing well. He had formed a relationship with a young North Carolina woman, who wrote prison authorities asking for his release so that they could be married.

The marriage did indeed take place early in 1976, slightly more than two months before Johnson's arrest in the McKinney case. Detective Holmberg, in his interrogation of the suspect, touched upon his adjustment to marriage, and was told that while Johnson's sex life had seemed normal at the outset of his marriage, over the last few weeks he had been practically impotent.

Though the suspect talked freely of his personal affairs, and would discuss everything from the state of his finances to his religious beliefs freely, he stuck to his story that he had only stolen the white Pontiac, and knew nothing of the fate of its pretty owner.

Holmberg decided that, since Johnson would discuss religion, he would go at him from that angle. Talking in a conversational style, he drew the suspect out to declare that he believed in God and the life after death, and that he was convinced men would be judged for their sins in the hereafter. He agreed with Holmberg that men should follow the Ten Commandments, but admitted he had broken three of them. Which three, Holmberg wanted to know? Johnson said he had violated the commandments which forbid stealing and killing, and the one which warned against coveting a neighbor's wife.

Questioned first on his wife-coveting offenses, Johnson disclosed that he was deeply attracted to a lovely young woman who lived in the same apartment building as he did, but the lady in question would have nothing to do with him.

As to going around the religious admonition against theft, Johnson pointed out that Holmberg could take a look at his record and see his numerous offenses in that line.

"And how about 'Thou shalt not kill'?" Holmberg asked quietly.

Johnson replied that he had "hurt people" before, but firmly insisted that no such offenses had been committed on that particular day. Asked about these other incidences of having hurt people, the suspect would not reply.

Leroy Johnson was soon arrested and charged with the kidnaping and murder of Vickie McKinney, and lodged in the Charlotte jail without bond.

Meanwhile, the making of a case against the jailed man was still going on at the scene of the crime and in the laboratory. Autopsy surgeons held the opinion that Miss McKinney might have been raped, and the act not completed, and that the bullet wounds had been the cause of death. The throat-slitting and mutilations had probably been performed after the victim was already dead, which explained the relatively small amount of blood at the scene.

Technicians were convinced that the girl had been slain exactly where she was found, but were still frustrated at not being able to find the bullets, both of which had exited the body. On Saturday, April 24th, an event occurred which solved their problem for them.

On that balmy day, two young house painters decided to drive out to the dead-end road crime scene to look around. They had read newspaper accounts of the crime which specified the distance the body had lain from the turnaround area, and generally described the site. Stepping off the prescribed distance and looking around at the rank growth of honeysuckle and blackberries, the two workmen decided they were probably right at the spot where the girl's body had lain. One of them took a stick in his hand and began poking at the soil idly. Eventually, he turned around to his partner,

picking up a handful of soil and slowly sifting it through his fingers. It didn't all fall through. Looking down at his calloused palm, the young man saw a chunk of metal there. It electrified them both.

Quick as a shot, the two were in their car and headed for a local bait and tackle shop, where they knew a highway patrolman usually stopped at about that time to have a cold soft drink. Sure enough, the patrol car soon pulled up behind them near the shop, and the bullet was turned over to him and thence to Charlotte police.

Both the guns found in possession of Leroy Johnson when he was arrested were found to have been stolen. The .38 magnum pistol found under a jacket on the front seat of Vickie McKinney's stolen car was the piece that had done the work, and the bullet fortunately found by the two curious housepainters was proved by ballistics tests to have come from that weapon.

After lengthy hearings and mental evaluations and reevaluations, Leroy Johnson was at length found competent to stand trial and brought to answer for the alleged crime. Jury selection was completed late on December 8, 1976, resulting in a panel of six men and six women, with two alternates. The jury was ordered sequestered for the duration of the trial.

Leroy Johnson, who had sat quietly through jury selection, entered a plea of not guilty by reason of insanity.

The state's case was a tight one. Leroy Johnson had been identified by several eyewitnesses as the man they had seen force terrified Vickie McKinney from the 7th Street parking lot on April 21, 1976. These same witnesses had identified the defendant for Charlotte police on the day of his arrest. He had been discovered in possession of the slain girl's car, which could be proved by mileage and fuel deductions to have been driven approximately the 25 miles necessary to have conveyed the victim to her place of execution and returned to the spot where the vehicle and driver were apprehended. Ballistics tests proved that the weapon in his possession was the one which had fired the death-dealing bullet.

Defense efforts centered around the state of mind of the defendant, who never did make any statement regarding the murder. Voluminous psychiatric testimony made up the bulk of the defense.

On December 11, 1976, Leroy Johnson was found guilty of the murder of Vickie McKinney, and was sentenced to serve life in the prison system of North Carolina. ♦♦♦

EDITOR'S NOTE:

Nell Trenton is not the real name of the person so named in the foregoing story. A fictitious name has been used because there is no reason for public interest in the identity of this person.

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Slaughter of A Little Girl

(Continued from page 21)

January, 1977. Deputy King County Prosecuting Attorneys Mike Ruark and Robin Hunt presented witness after witness who described the "good samaritan" who carried Kelly's body to the grassy slope behind her home, and questioned detectives about the impossibility that the mysterious black man existed.

It took a jury in Judge Erle Horswill's court only four and a half hours to find Green guilty. It was an agonizing decision for the 12 jurors, for they knew a guilty verdict would mean that a 19-year-old youth would be sentenced to hang. But they could not forget the pictures of the little body of Kelly Ann, Kelly Ann who had no trial...

On January 19, 1977, Judge Horswill imposed the death sentence on Green and set the date of hanging for April 4th. Defense Attorney Tony Savage immediately filed an appeal to the State Supreme Court, citing recent decisions by the U.S. Supreme Court that have

nullified similar death sentences in other states. Yet, only three days earlier, Gary Gilmore had died, executed for murder in Draper, Utah. Perhaps the pendulum was swinging back...

If Green's appeal should fail, he will be hanged on the gallows in the north end of Wing 6, a three-story building in the state penitentiary in Walla Walla. Built in 1932, the gallows have never been torn down. Warden Bob Rhay commented succinctly that "they just have to be cleaned up."

In a case like this, one has to wonder "Why?" and ponder on how things might have been different—if early signs were taken seriously...and one must feel the pain felt not only by Kelly Emminger's parents, but by the parents of Michael Green, a boy who seemingly could have had the world but chose, instead, to kill.

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EDITOR'S NOTE:

Molly Sheldon, Lisa, Janis, Lance Markham, Jane Janis and Billy Koch are not the real names of the persons so named in the foregoing story. Fictitious names have been used because there is no reason for public interest in the identities of these persons.

Missing Car Key

(Continued from page 49)

the people for whom she had been babysitting, had driven away from home in his father's car early in the morning, apparently taking a .22 caliber revolver with him. Later, the car was found abandoned near Cadillac. There was no sign of the young man or the revolver he presumably had been carrying.

Sheriff Jensen considered the possibility that there was a link between the slaying of Miss Ferro and the possible kidnapping of Penny Smogoleski, and for a while the missing youth was regarded as a suspect, but he remained among the missing and later developments in the investigation soon eliminated him as one who might have had anything to do with the Smogoleski case.

Meanwhile, the search for Penny continued. Still nothing of significance was uncovered in the investigation. On January 14th, a State Police helicopter from Grand Haven flew over the area where Penny's mobile home was located on Rasmussen Road. The pilot and his observer could see nothing in the snow-covered countryside resembling a human being. After circling the surrounding area for some time and seeing nothing, it returned to its base.

After six weeks of intensive investigation without turning up any solid evidence, the lawmen began to doubt they would ever succeed in solving the mystery of Penny's disappearance. A

number of detectives were taken off the case to devote their time to more pressing criminal investigations. It began to appear as if the search for the young cocktail waitress would end up in the files as another of those unsolved cases recorded in the annals of the Mason County criminal records.

But suddenly the situation changed dramatically. On February 27th, an employee of the Mason County Road Commission was driving his truck along Johnson Road when he caught a glimpse of what appeared to be a human leg sticking out of the water in the ditch alongside the road.

He kept on driving, telling himself it must have been something else, but the thought would not leave him. Finally, he turned the truck around and drove back to the spot where he had seen the object. His first impression had been right. It was a nicely formed female leg. The body lay half submerged in the water filled ditch. He stepped closer to examine the corpse and noted that it had already reached an advanced stage of decomposition. The dead woman was barefoot and dressed in a housecoat.

The sight unnerved him. He wanted to throw up. Regaining his composure, he drove to the nearest house and called the sheriff's office. "I think I've found the girl you've been looking for, the one that's been missing from her place on Rasmussen Road. She's lying in a ditch on Johnson Road."

Within a short time the sheriff, detectives and a number of deputies arrived at the scene. They roped off the area where

the corpse was discovered. Crime technicians from the Michigan State Crime Laboratory at Holland were called to the scene to make a preliminary examination. A state police detective from Cadillac was assigned to the case to assist Sheriff Jensen in the investigation.

After the Mason County Medical Examiner had checked out the corpse and noted that in its present stage of decomposition it would be impossible to determine the cause of death or the time it had occurred, the boys from the crime lab examined the body and the immediate vicinity where she lay, for possible evidence or clues that would aid the law enforcement officers in their search for the slayer of the young woman.

When the crime lab technicians had completed their work, the body was removed to the Sparrow Hospital at Lansing. An autopsy would be performed by a state police pathologist.

In releasing his report on the autopsy, the pathologist, Dr. Lawrence Simson, revealed that fingerprints taken at the time of the post mortem confirmed the impression held by the authorities that the corpse was that of Penny Smogoleski. Her death had been caused by exposure to the weather. The stab wounds inflicted by what appeared to be a small bladed knife or similar weapon had not penetrated into any vital organs. There were eight of these wounds located in various parts of her body. The report noted that in death due to exposure to the cold, the body temperature is lowered to such a degree the heart is unable to function. Unless the victim had some sort of shelter, or her clothing was dry, she probably didn't live more than an hour after being exposed to the inclement weather.

Continuing, the report went on to say that chemical analysis of the body tissues and blood samples taken by the laboratory technicians from the State Crime Laboratory showed no traces of drugs and only a small percentage of alcohol. This usually accumulates within the body after death. Because of the advanced stage of decomposition of the corpse, it was impossible to determine if she had been sexually assaulted.

Sheriff Jensen began an intensive search for the slayer of the young cocktail waitress. He still had no solid clues or any worthwhile information. Discussing the matter with Sprenger, they decided to interview again the victim's close friends and the people she associated with. Known criminals in Mason County would also be brought in and interrogated. Every available man on the force was assigned to the case with the understanding they would work around the clock if necessary.

Several days were consumed in interviews conducted at the sheriff's headquarters. A number of suspects were asked to take polygraph tests at the Rockford

State Police Post. All of them agreed and underwent the tests which turned out to be negative.

"I can't help but think," observed a detective, "that whoever abducted and murdered Penny Smogoleski was well acquainted with her. There was no indication of a forced entry into the building, and according to her roommate, they always kept the doors locked securely. To my way of thinking, I'd say she knew him well enough to let him in without any hesitation."

"We've checked out every one of her close friends and their alibis all stand up," commented another detective. "As far as I have been able to determine, the only two boy friends either of the two girls would let in their place would be Chester Rice and Joseph Mathews."

"I'm satisfied that Rice is in the clear, but Mathews—we only have his word that he was home and in bed at the time of Penny's disappearance," suggested a lawyer. "He could have left for Penny's place after Rice had driven him home. Come to think of it, most of the other suspects we interviewed took polygraph tests. Why was Mathews overlooked? I suggest we ask him to go on the polygraph, too."

Asked by detectives if he would be willing to submit to a lie detector test, Mathews, without any show of hesitation, agreed. Arrangements were made to conduct the tests in a room at the Holiday Inn on Saturday, March 13th. Lynn Mercy, a polygraph operator from Dearborn, acting as a special agent for the sheriff's department, read Mathews his constitutional rights before beginning the test. The session lasted from 11:15 a.m. to 10:00 p.m.

At the time the tests were being conducted, Undersheriff Sprenger was present at the Motor Lodge, but not in the same room where Mathews was undergoing the polygraph examination. When the suspect emerged from the room, he appeared to be in a highly emotional state. Seeing Sprenger, Mathews asked if he could talk to him personally. He suggested that they meet at Penny's mobile home on the following day. Sprenger agreed.

When the undersheriff arrived, Mathews was already there. He was sitting on the kitchen counter, crying. Then he started to talk, but before he could proceed, Sprenger read him his rights,

after which Mathews began telling him the events that led up to Penny's leaving her place during the early hours of January 11th. After he had completed his account of the young girl's disappearance, Sprenger asked if he would be willing to repeat his statements at sheriff's headquarters. Mathews agreed to the arrangement without question.

In the sheriff's office, he was again read his constitutional rights, before witnesses. He stated that he was dictating his statements voluntarily and under no coercion by the authorities.

In his statement he said that after Rice had driven him home, instead of going to bed he went over to see Penny because he wanted to protect her from certain people in her life. She laughed at his concern and in the argument that followed, she threw an aluminum cup at him. He became angry. At the time, he was cleaning his fingernails in the kitchen with a pen knife. A struggle ensued and he stabbed her several times before he lost the knife. Penny got up and ran out of the kitchen, slamming the door in his face.

He followed her. She fell down in back of the house, falling against a fence. Catching up to her, he said he was sorry for what happened. She managed to get



up and started to run. He tried to follow her, but lost sight of her and went back to her car to try to find her. He drove east on Rasmussen Road and turned south on Meyers Drive. The car got stuck in the snow on Johnson Road. He got the car back on the road and saw her about 50 yards away. He jumped out of the car, caught up with her. She kept on struggling, but somehow he managed to get her into the car. While he was driving, she managed to jump out and fled into the woods. He looked around, but couldn't find her. He returned to the mobile home. It was so cold he dropped the keys to her car in the snow before going into the house. He noticed his pen knife lying on

the living room floor. He picked it up and returned home.

Late that afternoon he met Wanda and her girl friend at Hackett's Service Station. They told him about Penny's disappearance and that they had no idea what had become of her. Later, Wanda called him and asked him to stay with her and Viv as they both were frightened and upset about what had happened to their roommate. He went to their place and remained with them. After Wanda and Viv left for the Lakeside Club to work the late shift, he went out to shovel the snow from the front entrance where he found the car keys he had dropped after turning to Penny's place when she had escaped

from him. He returned the keys to the car.

Before leaving to pick up the two girls he unlocked the rear door to make it appear to the returning girls that an intruder had entered the place during their absence from home while at the club. They arrived home about 3:30, and Wanda noticed that the back door was unlocked. Both girls became hysterical with fright. He returned home before the sheriff's deputies arrived to begin their investigation into Penny's mysterious disappearance. Arraigned in District Court on March 17th, Mathews was charged on an open murder count. A preliminary hearing was scheduled for April 5th. When the hearing was conven-

"Sign Language Dictionary" Guarantees Due Process for Accused Deaf Persons

A NEW dictionary—possibly the most unusual in the United States—has been developed with funding from the Law Enforcement Assistance Administration.

It is the Ameslan dictionary for legal interpreting for the deaf. "Ameslan" stands for American sign language.

In its final version, the dictionary will contain 650 common sign-language signs for legal terms.

"It is one step closer to guaranteeing due process for deaf persons charged with crimes," said Professor B.J. George, Director of the Center for Administration of Justice at Wayne State University in Detroit.

"These are essentially shorthand signs that will convey conceptual ideas and phrases."

Since 1974 Professor George has been project director for a program to train certified legal interpreters for deaf persons coming in contact with the police or courts.

The project is financed by \$165,000 in LEAA discretionary funds.

To date, some 80 certified legal interpreters have graduated. Another 40 will matriculate soon.

In addition, two video tapes will be produced. One will be aimed at law enforcement officers; the other at the judiciary.

Both films will be designed to tell the viewers—police, judges, prosecutors and defense lawyers—of problems indigenous to the deaf.

Richard W. Velde, LEAA Administrator, pointed out that there

are an estimated 500,000 deaf persons in the nation with possibly another million who are nearly deaf.

"This project was funded because due process of law is guaranteed all persons—not just those with the gift of hearing and speech," Mr. Velde said.

Professor George said there is a "desperate" need for qualified legal interpreters.

"We have reason to believe that a higher percentage of deaf persons become involved with the judicial system than from a population sampling of people with normal hearing," Professor George said.

"The deaf person often becomes a more vulnerable victim because he cannot hear."

The project director cited an example of the problems in which a deaf person can become involved and which could hopefully be resolved by qualified interpreters.

"A deaf person will be stopped for a minor traffic infraction," Professor George said. "He reaches for his wallet and a card saying he cannot hear.

"The gesture is misinterpreted as going for a weapon. The police officer drags him out of the car. The driver is making high-pitched or grunting noises common to deaf persons.

"The cop thinks the man's speech is slurred and hauls him to the slammer as a drunk. Somewhere along the line the police officer reads him the Miranda warning—advice of his rights—unaware the person he is reading

to cannot hear him."

Professor George said the films will give law enforcement officers a better facility in working with the deaf. In addition, the newly trained legal interpreters will be available in emergency situations such as the driver falsely arrested for being drunk.

The Wayne State law instructor said before a person can even qualify for the three-week legal interpreting course, he or she must hold a "Comprehensive Skills Certificate."

This certificate is issued after a rigid exam by any one of the chapters of the Registry of Interpreters for the Deaf (RID). The headquarters for RID is located on the campus of Gallaudet College in Washington, D.C.

Upon successfully completing the legal interpreting course the graduate receives a Legal Specialist Certificate.

Some 40 persons, in two seminars, were certified at Wayne State in 1975. Another 20 took the course at Gallaudet and 20 completed the curriculum at California State University at Northridge.

A class has been set at the University of North Florida in Jacksonville and Wayne State will hold another seminar.

"It is our hope that local funding will continue these courses and keep a ready pool of certified interpreters," Professor George said.

"Ultimately, our aim is that all courts—both state and federal—will recognize these graduates as the only persons properly certified to interpret for the deaf." ♦♦♦

ed at the appointed time, Mason County Prosecuting Attorney Jon S. Shepherd called several witnesses to the stand to witness for the prosecution, among them Dr. Lawrence Simson who performed the autopsy. He testified that there were eight stab wounds on her body and that death was due to exposure to the weather.

When Undersheriff Walter Sprenger took the stand, he testified as to the events occurring during the lengthy investigation, stating that he had been present at the mobile home where the victim had lived at the time Joseph Mathews had confessed to attacking Miss Smogoleski with a pen knife and her escape from the home dressed only in her housecoat.

Wanda Howard, when she was called to the witness stand, testified that when she and her girl friend returned from the Lakeside Club where the witness was working at the time, she found the lights on in the living room, but could, even after calling find no sign of Penny. She said that Penny's clothes were in her closet and on her bed, with the exception of her housecoat. She said she had met Joseph Mathews at a service station later that afternoon, and he seemed nervous when told of her roommate's disappearance.

When the prosecution presented a

motion asking Mathews' confession be entered in as evidence, Judge Frederick Mather said he would take the matter under advisement and recessed court until April 14th. He also stated that he was not completely satisfied that the defendant had been properly informed of his rights under the law. Should he find Mathews' rights were not properly read to him, then Mathews' voluntary statement or confession would be denied as evidence in court.

When court reconvened, Friday, April 30th, with Judge Mather presiding, he ruled that the defendant had been properly informed of his constitutional rights, and that his statement made to the law enforcement authorities would be considered as evidence in court. The judge then stated that, "the Court finds the offense of murder was committed and there is probably cause to show the defendant committed the offense." Mathews was then bound over to Circuit Court and was held in the Mason County jail without bond until his circuit court arraignment scheduled for May 11th.

Appearing in Circuit Court on the appointed day before Judge Charles Wickens, Mathews stood mute to an open charge of murder in the death of

Penny Smogoleski. A plea of innocent was entered for him by the court; he was remanded to the county jail until a jury trial was scheduled in his behalf.

On Tuesday, November 23, 1976, Joseph Barry Mathews, 26, pleaded guilty to a charge of manslaughter. The reduced plea came after a plea bargaining session between the prosecuting attorney and the defense counsel. Judge Wickens tentatively accepted the plea pending a review of the transcript of the preliminary hearing after which he instructed Probation Officer Warren Enyart to begin a pre-sentence investigation. By pleading guilty to the manslaughter charge, Mathews could receive up to 15 years in prison.

At the conclusion of the hearing, the defendant was lodged in the Mason County Jail while awaiting sentence for the senseless murder of pretty Penny Smogoleski. ♦♦♦

EDITOR'S NOTE:

Vivian Andrews, Wanda Howard and Chester Rice are not the real names of the persons so named in the foregoing story. Fictitious names have been used because there is no reason for public interest in the identities of these persons.

Bizarre Burial For Millionaire

(Continued from page 14)

As they talked Ayers and Moller leaned against the formica top of a heavy wooden serving bar in Tubach's recreation room. The room was one area of the house not daubed with blood. They thought that curious. The room appeared that it had been freshly cleaned. Nothing seemed out of place in the room. The bar, too, was hardly noticed except for its heavy splendor. It remained then, for a time, an unlikely tomb for a murder victim.

Two more unexplained incidents occurred the next day, December 17th, one week before Tubach's body was found in the bar. During the morning, an unidentified man telephoned Tubach's Spring Valley travel agency and left a message: "Tell Ed the earrings he ordered are ready." He said he was telephoning from Tecate, Mexico, just across the international border.

Later that afternoon, the Tiel Insurance and Trust Company of Santa Ana received a telegram signed by Ed Tubach and sent from Mexico City. The message requested that \$30,000 from Tubach's account be forwarded to the post office box in Mexico City. But, loan company officials denied the request, explaining in a return telegram that the money was in a note not yet matured and not redeemable. Ed Tubach would have

known his note was several years away from maturing and therefore convertible into cash. Officials at the bank became suspicious and called police.

San Diego Police asked the FBI to contact Mexico City and help them trace the source of the telegrams.

Would Ed Tubach be on the other end?

Ayers and Moller began to rehash details of an incident that occurred on November 5th, when Tubach reported to police that he had been attacked at his home after he returned from work.

What Tubach didn't tell police was that he believed the assailant had been sent by his estranged wife, Isabel. However, Tubach did tell the story in court as part of his divorce proceedings.

The two detectives came across the story in a statement Tubach had filed with the court. Reading further, they found another statement even more important. It was a sworn affidavit by Tubach in which he said that, several days after the robbery, he noticed three persons watching him leave his San Diego attorney's downtown office.

Two were females and one was male, Tubach stated, and continued: "I recognized the two females as sisters of my estranged wife. With them was a young male of Mexican or Spanish descent," he said. "I recognized him as the person who attacked me at my home, November 5th."

Ayers and Moller wondered why, if Tubach spotted his assailant on a downtown street, he didn't notify the police,

particularly if he was convinced the man with the knife had been sent by his wife.

Who was this estranged wife, anyway?

The answers, although somewhat murky, were found by the two detectives in the thick divorce file.

Court records show the couple met in Panama City in December, 1972, while Tubach, even then, was awaiting word on the final divorce decree from his fifth wife.

Isabel Zerda Beltran had dark flashing eyes and a zest for play. Her father, she told Tubach, was a once prominent attorney from Bogota, Columbia. She, herself, had been a successful fashion model, and, although beginning to round out a bit in the hips at age 32, still was pretty, and apparently never married.

One month later, a few days after Tubach received word that the divorce from his fifth wife was official, he and Isabel were married in scenic Cuernavaca, Mexico.

They returned one month later to Point Loma and the Tubach home in San Diego and Ed Tubach informed his newest bride of his fondest desire, to "retire" from the travel agency business, live off his inheritance, business and real estate holdings and take things easy on Spain's famed Costa del Sol.

Isabel was thrilled. She had visited Spain and socialized with European movers and shakers. She had tasted the good life and wanted to share it with her new husband and with some others. She asked Tubach to allow her teenage

sisters, Gloria and Patricia, to visit them in Spain.

Tubach agreed but was not enthusiastic. It was hardly his idea of an extended honeymoon with two teenage girls in the same house. The couple moved to Malaga, Spain and Tubach purchased a home not far from the beach. Gloria and Patricia came to visit and stayed. Six months later, after supporting the two younger sisters for six months, Tubach sent them packing back to Bogota.

But, both returned within several weeks. Tubach was vexed at what, by now, was considered an intrusion. He ordered the girls to leave his house. Isabel protested, but Tubach stood firm.

On August 7, 1973, Isabel Tubach left the home in Malaga with the two girls. But, before her exit, she confessed to her astonished husband that their marriage was not her first. And, she confessed something more. The girls were not her sisters. They were her daughters.

The next time Ed Tubach saw his two stepdaughters was shortly after he was beaten and threatened with a knife on the porch of his home in San Diego. Even when he told a court he saw the girls in San Diego, Tubach did not refer to them as his stepdaughters. He continued to identify them as Isabel's sisters.

After they left, Isabel Tubach and her daughters, accompanied by a boyfriend the girls had picked up in Malaga, a Swiss named Federico Frank, far more advanced than his 19 years, fluent in French, German, Spanish and English, moved first to Madrid, then made forays to jet-set spots such as Marbella and the Mediterranean island of Ibiza off the Spanish coast.

They also ran up thousands of dollar-sin bills, all charged to Ed Tubach.

And, they did something else which, Tubach claimed in his divorce declarations, proved to be the final flashpoint in the downfall of the marriage.

Isabel systematically looted his numbered Swiss bank account for more than 60,000 francs, Tubach claimed. Beginning in January, 1974, Isabel, accompanied by Frank, who acted as her interpreter, traveled to the Banque Privee in Zurich and persuaded officials there to transfer funds from her husband's numbered account. The funds were to be deposited in Isabel's account at Banco Atlantico, at Torremolinos, Spain. Her two daughters would be entering a private school, she told bank officials. So, she had to have the funds.

She and Frank allegedly provided officials with a statement signed by Tubach, authorizing the withdrawal. Edward Tubach later told a San Diego court that the note was forged.

But, Isabel would claim that \$200,000 deposited in Tubach's name in the Zurich bank actually came from her father, and

that it was Ed Tubach's name in the Zurich bank actually came from her father, and that it was Ed Tubach who had intended to loot the account, not she.

Isabel's bills continued to plague Tubach throughout 1974. Creditors demanded payment. He attempted several times to locate her. But, one week, it seemed, she was shopping in Madrid, the next she would be staying in plush hotels along the Spanish seacoast.

Searching alone proved too difficult. Tubach hired a private investigator who proved unsuccessful, but returned to inform Tubach that not only was his wife missing, so was at least \$40,000 from his numbered Swiss bank account.

Tubach became desperate. He was being harassed by creditors and more bills arrived almost daily in his mailbox. Finally, he visited the U.S. consul in Madrid and sought advice. There was only one thing to do, he was told: sell the house in Malaga and returned to the United States.

So he did, moving back to San Diego in late 1974, humiliated, frustrated, burning with anger. Immediately, he filed for divorce and requested the court order no alimony or child support from him. He also returned to work in his travel agency.

Isabel was not heard from until she showed up last summer in San Diego. With her was a two-and-a-half-year-old child. She claimed the child was her son and the son of Ed Tubach and she wanted money.

Isabel Tubach told her side of the story in court, filed suit against her estranged husband and was granted a motion to set aside the divorce until she proved Tubach was indeed the child's father.

Detectives Ayers and Moller read Isabel Tubach's version. The former model who once claimed to Tubach that her father was wealthy, told the judge she was broke. She also said Tubach had deserted her in Spain when she told him of the pending birth of their child.

"I went to Madrid to have the child," she said in a written statement to the court. "He sent me no money and when I returned, the house had been sold. He was gone. There was no forwarding address. He deserted me."

Isabel did not mention in her court statements that she had been on expensive shopping sprees and stayed in posh hotels, as her husband alleged.

On the other hand, though, Ed Tubach failed to mention that his wife was pregnant when she left him, in August of 1973.

But Isabel countered by producing an official birth certificate showing that a son, David, was born to Isabel Tubach on November 22, 1973, in Madrid—only a little more than two months after she left her husband.

Surely, Ed Tubach knew she was pregnant. Maybe that is why he either kicked her out or left her. The fact is, Tubach was incapable of having

children. He had undergone a successful vasectomy operation. Several physicians reported to the court in San Diego that Tubach had undergone the operation and that it was successful and irreversible.

So, he had no intention of paying Isabel one dime for a child that wasn't his own. Nor would he pay alimony to the woman whom he alleged to have looted his bank accounts.

But Isabel said she would prove the child, David, was Tubach's son. She would furnish the court with tests of blood samples and other evidence. She just needed more time to gather the information.

Should she be granted the time, she would also furnish the court with proof that her father had given Tubach \$200,000 to smuggle out of Bogota; that was the money deposited in the Zurich bank and it belonged to her family, she insisted.

Furthermore, she told the judge, her husband had told her that he had more than \$250,000 in savings accounts in Switzerland, France, Spain and Mexico. His real estate holdings were worth about \$750,000, she told the judge. She was entitled to some of that money, she believed.

Charges, countercharges, desertion, divorce, a mysterious child and lots of money.

It was Christmas Eve. By noon, most people began slipping away from their jobs—hitting one last office party or making a final run for a remembered gift. Even in San Diego, where sunshine and swaying palms encourage golf rather than caroling, Christmas magic still exists—that kind of magic that diverts the attention from even the most earnest.

But Detectives Ayers and Moller decided to revisit Tubach's Point Loma home before taking a few days off from the case. They pulled the unmarked sedan to the curb behind a station wagon loaded with presents. It belonged to the neighbors next door. The detectives tried to be inconspicuous as they entered the Tubach home. But a heavy stench sent them reeling. It was the smell of a decomposing body. Both had smelled it before, usually in sleazy downtown hotel rooms where they were called to identify some expired wine.

Gasping, the detectives followed the stench to Tubach's recreation room and to the bar. Suddenly, the seven-foot long structure took on a new identity for Detectives Ayers and Moller. It became a coffin.

They pried off the formica top. Inside was the body of Ed Tubach, clad only in a shirt shredded by multiple stabbings. Lab men were called, as was the coroner who examined the body and determined that Tubach had been dead for at least 10 days, maybe 13 or 14 days.

In any case, the travel agent had been slain before the telegram was sent from

Mexico City requesting his mail or the telephone calls were made saying he was alive in Mexico.

Were they strange coincidences, unconnected to his death? Before the coroner's report that Ed Tubach had died between December 10th and 13th, they were strange coincidences.

Now, they became ruses, efforts by the slayers to buy time, to throw investigators off their trail.

Detectives Ayers and Moller looked at each other. "Isabel Tubach," they said in unison. "We've got to find her," added Moller.

They contacted her attorney, who told the detectives Isabel was last seen leaving the country on a bus bound for Mexico. She left San Diego on October 29th.

"Look, the judge told her to get the evidence," the attorney explained. "So she left for Bogota, I guess. She was broke and had been evicted from her apartment. She was desperate."

By now, the detectives were desperate, too.

A police attorney informed Ayers and Moller that if Isabel Tubach had crossed the border, no matter whether she was in Mexico or Colombia, they would find it nearly impossible to retrieve her.

"You can't get extradition papers on someone just because you want to question them. You need to charge them with a specific crime," he said, adding, "even then, if she's got money, she can keep the Mexican or Columbian police away from her door by dispensing a little here and there."

Ayers and Moller knew the Latin custom of "mordida"—pass some money so you can pass go without going to jail. No, they couldn't charge her yet, not even with stealing Tubach's Buick or his credit cards. Forget murder. Still, the following Monday, they requested more help from the FBI. They had to find out who sent those phony communiques from Mexico. And, was Isabel back in Bogota?

The last question was answered quickly by Colombian authorities. She had not passed through customs. Her father had passed away two years earlier. Her family was no longer in Bogota. She had not returned.

A week went by. No word from Mexico. Ayers and Moller bided their time by talking to more witnesses, people who knew Tubach. They concluded that he had some money, maybe as much as a million dollars in banks throughout the world. But, he was being financially drained by payments to previous wives, even though he had apparently made peace with them all—except Isabel.

They also determined that Ed Tubach was a clean liver. No drugs or gun running, even though it would have been easy for a habitual traveler like him.

More and more, Ayers and Mollers became convinced Isabel was their suspect—one whom they just might

never actually be able to see again.

Then, a few days after New Year's, the phone rang at Moller's desk. It was an FBI agent. He had been in contact with Mexico City and authorities there reported that several persons, including Isabel Tubach, had been doing some shopping. They paid with credit cards belonging to a San Diego man named Donald Edward Tubach.

Moller told Ayers. The two detectives were elated at the twist the case had taken in their favor. But, it wasn't enough to file charges in court. They had located Isabel, that's all.

Or so they thought. They hadn't yet realized the fruits of a growing trend, one of more cooperation between police in Mexico and the U.S. Drug crackdowns on both sides of the border brought it on; Mexico and U.S. authorities needed each other.

So police in San Diego wanted Isabel Tubach. The Mexicans said they would see what they could do.

Detective Ayers was elected to go to Mexico City. He is blond, well-trimmed, with a square jaw. Ayers would appear more at home drinking beer in a Munich gasthouse than pouring down Margaritas in Mexico City. But, his wife is South American. To get along at home, Ayers learned to speak Spanish.

He boarded a commercial jet on January 13th. Because of international law, Ayers left his service revolver in San Diego. He also had no official police authority. The only thing he had when he landed in Mexico City was the hope that police would cooperate. So he found Isabel Tubach, what next?

At police headquarters the following day, Ayers was shown copies of bills from fashionable Mexico City stores. Most of the items purchased were clothing, expensive garments for men and women.

They were purchased with Tubach's credit cards. The women's clothing, Ayers figured out. But, who were the men?

The next day, he found out. Tubach's Buick had been spotted, pulling into a private garage in a crowded middle class section of the giant city. The garage, investigators told Ayers, was rented by a man named Federico Pietro-Carl Frank. The detective asked the Mexican investigators to repeat the name. Also, did they know who this Frank was? But Ayers didn't need an answer. He already knew it.

Frank had to be the young man Gloria Zerda and her sister Patricia had picked up in Malaga, the same young man who helped Isabel negotiate with Swiss bankers. Was he the same person who attacked Tubach at his home on November 5th?

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Within 24 hours, Mexican police burst into an apartment near the private garage and arrested Frank, who protested in German that he could not speak Spanish and that he was innocent of any wrongdoing.

Several hours later, at police headquarters, Frank was shown the notorious electric cattle prods Mexican police sometimes use to elicit confessions from suspects. Federico Frank suddenly spoke Spanish, Mexican detectives said.

When the subsequent interrogation ended, officials informed Ayers that Frank had made a statement: He killed Edward Tubach and stuffed his body into the bar. Moreover, Ayers was told, Frank told Mexican officials that "the three girls knew about this." The three girls were Isabel Tubach and her daughters Gloria and Patricia.

Within hours, Mexican police arrested the women when they returned to the apartment from another shopping trip. Ed Tubach's credit cards were pulled from Isabel's purse, police said.

Ayers wired San Diego and told his partner of the events. He also sought advice on what to do next. The consensus was that the next move would be made by the Mexicans. It was still their ballgame.

Some old-fashioned hard bargaining ensued. Ayers reminded Mexican police how much help San Diego law enforcement had done to bust narcotics smugglers. The Mexicans said that was fine, but suggested that more could be done to crack down on gun runners from the U.S. who bring pistols and rifles to terrorists and Mexican peasants. Ayers, a one-man diplomatic corps, said U.S. police would work on the problem.

Finally, on January 18th, Mexican officials decided to deport the four suspects as undesirable aliens because of their alleged use of stolen credit cards and failure to pay bills.

Again, Detective Ayers wired San Diego and relayed the message that the Mexicans had decided to oust the suspects. Detective Moller waited for the next line. It came over the teletype—because the United States apparently was the last previous nation in which the suspects had resided before entering Mexico, the wire said, they would be deported to the U.S. They would be put on a plane the next day for San Diego.

Within minutes, Moller and Officer Barbara Muse packed some things and caught a jet for Mexico City. They would have to help Ayers. Once the suspects were on the plane, they were under no authority until they touched down in San Diego and were arrested. Until then, it would be the officers' mission to sit on the plane with the suspects and act as though the players—suspects and detectives alike—were no more than average tourists.

Officers Moller, Muse and Ayers held a short reunion in Mexico City and board-

ed Western Airlines Flight 692 behind Isabel Tubach, Federico Frank and the two daughters, and headed for San Diego's Lindbergh Field.

The suspects were the last ones off the plane after it landed at 5:57 p.m. More San Diego police officers were waiting and they escorted the fugitives through customs. Detective Ray Dobbs trailed right behind, carrying a three-year-old child, David, the son of Isabel Tubach. He was taken to a county juvenile care center temporarily.

The others were booked on murder charges and bail were set at \$500,000 each for Isabel Tubach and Frank and \$250,000 apiece for the two daughters.

Later, Frank allegedly made a more elaborate confession. In it, he said he was the person who attacked Ed Tubach on November 5th, demanded money and told him it was for Tubach's wife and child. He said he was convinced by Tubach that the travel agent had no money. So, Frank traveled to Mexico and reported the events to Isabel and the girls.

Isabel became furious, Frank told police. She ordered him to return to San Diego to accost Tubach.

The two daughters later corroborated Frank's story, it was reported. Only Isabel refused to respond to questions. She said she knew nothing of Frank's activities in San Diego.

But Frank told police that at Isabel's order, he returned to San Diego and the second time, refused to take "no" for an answer. He killed Ed Tubach.

Later, during the night, he went back to hide the signs of foul play, he said. It had been dark when he went back to clean the blood from the walls and carpet. He groped in the dark and found a box of what he believed was dry soap. Without turning on any lights, Frank sprinkled the powder on the carpets where he believed the blood from Ed Tubach had been spilled. Then, he scrubbed with warm water.

Investigators at the scene discovered that what Frank believed was soap really turned out to be plaster of paris. In fact a plaster film had been laid throughout the house. And, there were plenty of footprints formed in the film. Casts had been taken of the footprints. As if to stamp an official seal on Frank's confession, one of the detectives brought out a cast of the footprint.

"One more thing, Cinderella," one of the officers said. "Try this on."

Frank, Isabel Tubach and her two daughters, Patricia and Gloria Zerda, are due for trial in Superior Court in San Diego in the spring. They are presumed innocent until or unless they are found otherwise by a jury of their peers, after due process. ♦♦♦

Kidnaper Under the Gun

(Continued from page 29)

tle under the blindfold and recognized landmarks on the way to the Overland Park bank. The man drove into the drive-in facility and handed the check to the girl at the teller's window. The girl handed the check back and told him she was not permitted to cash a check in that amount at the drive-in window. The man argued briefly, but the girl was firm and told him he would have to take it inside and get the approval of a bank officer.

As they drove away from the drive-in facility, Mrs. Tanquary told him that if he would let her go inside she could cash the check without difficulty. She assured him she would not cause any trouble.

"I can't take that chance. I'll have to take you and hold you. We are going to my apartment," he retorted.

During the ride, she continued, the man asked about her children. She told him she had a son who worked at Rothchild's on The Plaza. He asked if her son could get money for her and she replied that he could. He asked her other questions about her son, his age, his wife's name, how many children they had and his address.

They returned to the Ward Parkway Shopping Center, where the man parked Mrs. Tanquary's Lincoln and told her they would transfer to his car for the rest

of the trip. Without removing the blindfold he led her several steps to another car. Despite the blindfold, she noticed that the side of it was a bright blue and that the front seat had a blue, terry-cloth cover. The number "440" was inscribed on the dashboard on the passenger side.

As they drove out of the parking lot the man asked Mrs. Tanquary if he could reach her son at work. She gave him a number for the Plaza store and he stopped at an outside telephone booth to make a call. The woman said she did not hear the conversation but assumed he called her son.

Then the trip resumed, Mrs. Tanquary said. When they stopped and got out of the car she saw a street sign that said Thirtieth Street and Walnut.

They walked a short distance then climbed some concrete stairs to a small landing then went up several more steps. Doors were opened by the man and they entered a small apartment consisting of a living room with a bed, a kitchen and a bathroom. Mrs. Tanquary said she was able to see enough under the blindfold to know that the apartment had two windows, an arm chair and divan and a small television set. The walls were beige and the carpet was brown.

The man turned on a floor fan and the television set. He cautioned her to speak in a low voice. He told her he would not harm her if she did what he told her. He said if she wanted to use the bathroom to tell him and he would lead her to it.

He did not remove the blindfold and cautioned her to remain quiet. During the night she was able to doze some, Mrs. Tanquary said. Late the next afternoon the kidnaper said he was going to make a telephone call and that she was going to go with him. If anyone asked why, he was leading her he would tell them her eyes were bad, he said.

They got into the car with the blue terry-cloth seat again and drove a few blocks to an outside telephone booth. He explained to her that he wanted her to say "Edward, do as the man tells you. I am all right." He wanted her to say those exact words and nothing more, he warned her as he handed her the telephone.

She talked briefly with her son, Mrs. Tanquary told the agents, then the man hung up. A couple of minutes later he told her he was going to make another call, he did and then they returned to the apartment. She said she did not hear any of the second conversation.

About an hour and a half later, she continued, the man told her he was going out.

"I don't want you to say one word and I don't want you to move," he said.

He made her lie on her back and he tied each leg to a bed post at the foot of the bed and her wrists to the head posts. He placed a roll of cloth in her mouth and taped it shut so she couldn't make a sound. He indicated that someone would be watching her and then he left the apartment.

Thirty minutes later he was back. He untied her and removed the gag but left the blindfold in place. he got her a drink of water and said he was going to count the money. If it was all there, he added, she would soon be going home.

Less than an hour later he led her from the apartment again and put her in his car. They drove south for a while, then stopped. He helped her out of the car and told her to stand still for five minutes before removing the blindfold. Then he drove away, she said.

Mrs. Tanquary said she waited a few minutes, then removed the blindfold and walked to the dress shop to call her son. Within minutes the FBI met her and took her home.

She told agents she was certain the apartment building was in the general vicinity of Thirtieth and Walnut Streets and she thought she could find it. Again she assured the agents that she felt fine despite what she'd been through.

Two FBI men, Detective Ron Grove of the Overland Park police, Mrs. Tanquary and her son drove to the Kansas City midtown area to search for the building. As they drove around the neighborhood Mrs. Tanquary pointed to a red brick building at Thirtieth Street and Grand Avenue. It was the building where she was held captive, she said. It was a block east of Thirtieth and Walnut where Mrs. Tanquary saw the sign.

Mrs. Tanquary also saw a gray house

trailer she recalled seeing when she was taken out of the apartment. She counted the concrete steps leading to the landing and then on up to the door of the apartment in the building at Thirtieth and Grand and said they were the same.

"I'm positive it's the building," she told agents.

Mrs. Tanquary was driven home and other agents were called to the scene. By now it was 11:30 p.m., about three hours after Mrs. Tanquary was released.

Agents John Cannon and John Toale awakened the manager of the apartment building and asked about the occupant of the apartment at the front of the building near the door. The manager said the apartment which was 104 was rented June 4th to a man she knew as William Douglas. He said he expected to be transferred soon and paid his rent in advance.

She described Douglas as about five feet 10 inches tall, 180 pounds, 50 years old. He wore horn-rimmed glasses, she said. The manager's description of the furnishings in apartment 104 corresponded with the description given early by Mrs. Tanquary. No one was in the apartment at the time, the agents determined.

At 11:50 p.m. the apartment building was staked-out by FBI agents and Kansas City police officers. At 11:10 a.m. the agents observed a man matching Douglas's description approaching the building from the south.

When the man walked up the steps to Apartment 104 agents converged on him. He was asked if he was William Douglas. The man replied that he was and the agents told him he was under arrest. He was searched and a "panther" knife with a 5-inch blade and a wad of currency was found.

In looking through his wallet agents found identification cards in the name of Donald Ellsworth Durns. The suspect, however, insisted that his name was Douglas.

Meanwhile, an agent had contacted the FBI office and read the serial numbers from the thirty-two \$20 bills taken from the man's pocket. The serial numbers matched numbers on the list of bills included in the ransom package!

The suspect was taken to police headquarters, where his identity was established through fingerprints as Donald Ellsworth Durns, 49 years old. He was booked into the Jackson County Jail.

Apartment 104 was kept under surveillance for the remainder of the night. The following morning agents obtained a search warrant from Calvin K. Hamilton, United States Magistrate.

Upon entering the apartment, agents found a large cardboard box in the corner of the apartment with a throw rug over it. The rug was removed and under it were two blue bank bags from the Johnson County National Bank containing

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the packets of paper currency.

The money was counted. There was exactly \$20,000. The serial numbers matched the list made at the bank. Including the \$640 taken off Durns when he was arrested \$20,640 of the ransom was now accounted for.

Agents also found six boxes of .30-30 shells, a hundred .38 caliber shells, and six 12-gauge shotgun shells. They also found pieces of rope still tied to the bed posts and a piece of cloth later determined to be the gag stuffed in Mrs. Tanquary's mouth when the kidnaper left to pick up the ransom.

Mrs. Tanquary was taken to the apartment by agents and confirmed that it was where she was held. She walked around the room pointing to various items she remembered.

Meanwhile, an agent checking Durns' police record at headquarters came across some intriguing information. A year before, Durns was charged in connection with an assault and rape on two women. One of them, Terri Saunders, was identified as Durns' girl friend. The

charges subsequently were dropped when the women declined to prosecute.

The agent drove to the address listed on the police report for Mrs. Saunders. He wasn't sure what he expected to learn from the woman but it proved, indeed, to be a worthwhile trip.

The first thing he encountered was a 1970 white-over-blue Dodge 4-door parked at the rear of the apartment.

The agent recognized it as similar to the car Agent McKenzie observed entering and leaving the McGilley parking lot the night before. McKenzie was contacted and joined the agent at the apartment. He immediately recognized it as the vehicle believed driven by the kidnaper. The front seat had a blue terry-cloth cover just as Mrs. Tanquary remembered.

Next the agents interviewed Mrs. Saunders. This, too, provided some surprises. She acknowledged that she was Durns's girl friend and that they had lived together on several occasions. She told the agents that Durns originally bought the 1970 Dodge himself but later sold it to her. However, he continued to use it whenever he wanted to, she added.

And, it had been in his possession on July 8th and 9th, the days Mrs. Tanquary was held captive. About 9 o'clock the previous night (about 40 minutes after Mrs. Tanquary was released) Durns came to the cocktail lounge where Mrs. Saunders worked. He told her to hide the Dodge back of her apartment. He also told her there was a .357 magnum revolver under the front seat that he wanted her to hide. In addition to that he gave her a valuable diamond ring, the woman said.

"Do you have the gun and the ring now?" an agent asked.

Mrs. Saunders got the revolver out of a closet and handed it to the agents. She took the ring from her purse. It appeared to be identical to the ring Mrs. Tanquary said the kidnaper took off her finger.

Mrs. Saunders told the agents she was deathly afraid of Durns. He had a violent temper and had beaten her on several occasions, she said.

But even that was not the last information to come from Mrs. Saunders. Later that afternoon she called the FBI office and said that she just found \$980 in her purse. She recalled that while Durns was in the lounge the night before he had gone through her purse looking for a cigarette. She assumed that he put the money in it then.

The serial numbers were checked with the ransom list and matched. With this money a total of \$21,620 of the \$22,000 ransom had been recovered.

On January 10, 1977, Durns went on trial for kidnaping before a jury and Judge William R. Collinson in the United States District Court in Kansas City. The government's case, under the skillful

handling of J. Whitfield Moody, first Assistant U.S. Attorney, unfolded without a flaw.

Moody's first witness was Ethel Tanquary. She told the jury about the abduction and subsequent release when the ransom was paid. Moody handed her the diamond ring Mrs. Saunders said Durns gave her the night the ransom was paid.

"Have you ever seen this ring before?" Moody asked.

Mrs. Tanquary replied that it was the ring the kidnaper took from her finger soon after she was abducted.

She was followed on the witness stand by her son. He described the telephone calls and the ransom drop. Federal agents testified about the preparation of the ransom and the arrest of Durns. Mrs. Saunders was called as a government witness and told about Durns telling her to hide the Dodge and the magnum revolver.

Moody produced one surprise witness—an attractive young woman who identified Durns as the man who had attempted to kidnap her from a shopping center parking lot in Prairie Village on June 28, 1976.

The woman said she was grabbed by a man as she started to get in her car. He told her she was being kidnaped. He held the gun to her temple threatening to shoot her if she continued to struggle, the girl testified.

However, she said, she refused to give in and finally eluded his grasp. He ran to a white-over-blue 1970 Dodge and fled the parking lot. The incident was reported to the Prairie Village police but the man's identity remained a mystery until the arrest of Durns July 10th on the kidnaping charge. The police became interested in him because of the Dodge car and the M.O. The girl was shown a photograph of Durns by the police and she said it was the man who attempted to abduct her on June 28th.

"And do you see that man in the courtroom today?" Moody inquired.

"Yes, that's him sitting right there," the young woman said pointing to Durns.

On January 12, 1977, after deliberating only 20 minutes, the jury found Durns guilty on the kidnaping charge. The defendant, seated at a counsel table with his court-appointed attorney, showed no emotion when the verdict was read.

Judge Collinson deferred imposition of sentence pending a pre-sentence investigation. Durns now is in custody awaiting a sentence which carries a maximum penalty of life imprisonment. ♦♦♦

EDITOR'S NOTE:

Terri Saunders is not the real name of the person so named in the foregoing story. A fictitious name has been used because there is no reason for public interest in the identity of this person.

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Beauty's Murder In the Orange Grove

(Continued from page 37)

much, for there had been no question of walking home from her last date.

Lieutenant Garner G. Brown arrived from Headquarters with instructions for Tex Hannon to proceed to the Altadena address, and the deputy took off at once.

Deputy Howard L. Achenbach, arriving at the same time from downtown, met Hannon at 1:30 p.m. in front of the trim white stucco house that stood behind a well-kept lawn and shrubbery at 434 West Marigold. Reporters and cameramen had preceded them and were standing in the street.

"There's a lady and a boy in there," one of the newspapermen told the deputies, "but they won't let us in!"

Receiving no answer to their ring at the front door, the officers went around to the back. The frightened occupants of the house took that chance to slip out the front and dash away in a car that had stood with motor running in the driveway.

Hannon and Achenbach caught up with them a few blocks away, and showed their badges.

"We thought you were reporters!" explained the woman, who identified herself as a neighbor of Cora Moore. "We don't want to talk to reporters!"

Taking the woman and the agitated boy in their official car, the deputies succeeded in eluding the press contingent, and parked on a quiet road to get the story.

The boy was the son of the murdered beauty. It developed that he and the neighbor hadn't yet realized that Cora Moore was dead; they knew only that she hadn't come home, and the neighbor thought Cora must be in "some trouble," and had wanted to avoid publicity.

"When did you last see her?" Hannon asked.

Young Moore supplied the information. "Last night, Sunday night, about 9 or 9:30. She was going out with some man. I don't know who it was, but she said they were going to Earl Carroll's, over in Hollywood. I was asleep when they left."

After a few more probing queries, the sheriff's men broke the tragic news. The boy took it in numbed silence, but the woman broke into sobs. "I knew it!" she cried. "I could feel it coming! I warned Cora time and again not to go out so much, to run around with so many different people, some of them she hardly knew!"

The officers pricked up their ears. But when the woman calmed down and was able to answer their questions in a choked voice, it turned out that she had no particular suspect in mind as the killer. It was

simply that she had felt her socially-minded friend was courting trouble by her way of life.

Cora Ethel Moore, the deputies learned, was a widow. Her late husband had left her fairly well-fixed financially, and she had augmented her modest capital by wise investments and occasional speculations. She owned several pieces of income property and had been proud of the fact that her own security and the boy's college education were assured.

The picture the officers built up in their minds was that of an independent and strong-willed young widow, capable of taking care of herself. She had handled most of her own business affairs, the neighbor said. In addition, she was a woman of restless energy which turned to social activity and night life.

"Cora often used to say she never wanted to get married again," the woman told the investigators, "but there was always some man, or a couple of them, in the background. She was even engaged a few months ago, but broke it off."

Could she name any of Cora's boy friends? Well, there was that elderly army major and the young navy lieutenant and the handsome doctor, all of whom had wooed her ardently and tried to induce her to marry them. But that was more than a year ago, and Cora's friend was sure none of these had been around since that time. There was a middle-aged real estate man to whom she had been engaged for a couple of months—his name was Will—but he, too, seemed to have gone with the wind. Cora's latest flame, as far as the informant knew, was a young college student named Harvey, who had been calling for her every few days.

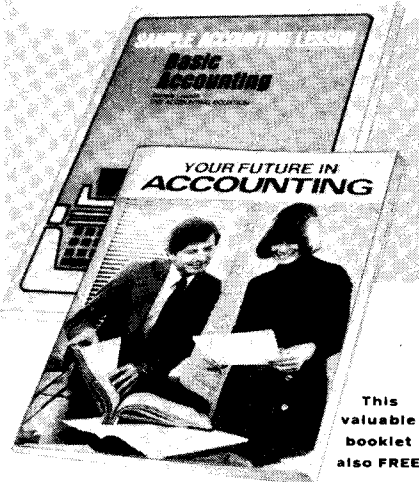
Young Moore was a bit more specific. He knew the young student, Harvey, and didn't like him. "He was too young for mother," the boy said sternly. He didn't know Harvey's last name, but knew that his mother had met him through Harvey's activities as a budding actor with the Pasadena Community Playhouse.

On the other hand, the boy gave his okay to middle-aged "Uncle" Will, his mother's former fiance. He didn't know Will's last name; he thought it began with a K. Uncle Will had been a soldier in World War I and used to tell tales of his adventures in the trenches. He had sometimes taken the boy riding along with Cora and himself.

It was true that Mrs. Moore had severed their engagement a month or so ago, and given him back his ring, but she still saw Uncle Will frequently. They were in some business deals together, the boy thought. In fact, only last Thursday they'd driven over to Yuma, Arizona to look at some ranch property they were thinking of buying together.

Then there was Cora's former boarder, Edgar Ponty, who had been a close confidant of hers and who still dropped around occasionally for dinner.

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There were two or three other recent escorts whom he didn't know; but these were the principal ones. And he couldn't name anyone with whom she had had trouble, or of whom she had expressed fear. The fun-loving young widow had seemed to get along fine with everyone.

The boy didn't know with whom his mother had gone out Sunday night. Before kissing him goodnight she had mentioned only that "we" were going to Earl Carroll's, and that she'd bring him back a souvenir menu from the famous Sunset Boulevard theatre-restaurant. She had added that another couple was going to join "us."

He had gone to bed a little after 9 o'clock, as Cora was putting the finishing touches to her careful coiffure. He had an indistinct recollection of hearing voices and laughter as he was falling off to sleep.

When his mother turned up missing in the morning, and he saw that her bed had not been slept in, he had decided to stay home from school, and had gone over to the neighbor's house to ask her advice. She came home with him and started telephoning Cora's friends, and the next thing they knew, the horde of insistent newsmen had descended upon them.

Tex Hannon relayed this information to the Hall of Justice, where Captain J. Gordon Bowers had taken over the desk of Inspector Penprase, who had gone out

to the murder scene to direct operations. Bowers carefully noted down the names and other information on the slain widow's suitors.

"You fellows try and dig up this Uncle Will," he decided. "I'll send out another team to look up Harvey. Harvey looks good to me, but meanwhile maybe the older man can tell us something. And I'll check on Earl Carroll's, too."

Driving back to Marigold Street, the deputies checked with a couple of other neighbor women who had known the murdered beauty well, but were unable to learn Uncle Will's full name or address. All spoke highly of him. They described him as a goodlooking, mild-mannered man of about 55, of medium stature; with wavy gray hair and merry blue eyes, a meticulous dresser; he was understood to be a well-to-do real-estate man who had recently come to California from Arizona to seek investments for his retirement, and he had been advising Cora Moore about her business affairs.

Finally, after securing permission from the slain woman's Los Angeles attorney, whose name the original neighbor informant supplied, the sheriff's men searched through the neatly arranged business and personal papers in Cora's desk till they came upon a clue.

"Here's a stack of letters and telegrams, about real estate matters, all recent date, signed 'Will,'" Howard Achenbach announced. "Some from Phoenix, Tucson, Yuma, San Bernardino, Barstow—and here's what we're looking for."

A dozen recent envelopes bore the return address of a motel near Santa Anita Park. There was no name, only the initials "W. F. K.," but it was enough. The two deputies grabbed their hats and headed out for the motel, a popular and well-known establishment between Altadena and Claremont.

There the manager readily identified Uncle Will as William Francis Kline, 52 years old, who was a permanent guest, having occupied Cabin Number 8 for almost six months. The manager hadn't seen Kline around since Saturday, but this wasn't unusual, for, he explained, the real-estate man was often away for several days or a week at a time, his business interests taking him to various points throughout Southern California and Arizona.

The motel man opened the door of Cabin 8, and they looked in to confirm that Kline was out. Everything was in apple-pie order in the neat, masculine cubicle, redolent of good tobacco and shaving lotion. Several good suits hung in the closet, and a suitcase stood in the corner.

It didn't look as though Kline had gone away for very long, and the manager thought he would surely be back by dinner time. But when the detectives impressed him with the urgency of locating Kline as soon as possible to see what light

he might be able to shed on the murder, he suggested they talk to a garage man in downtown Pasadena, who was a friend of Kline's and might know where he had gone.

So there the dogged deputies headed, after checking in once more with Captain Bowers.

Meanwhile other phases of the investigation were going forward. At the murder scene, Inspector Penprase and Lieutenant Brown headed a crew that carefully searched every square foot of the orange groves and road for 100 yards around the corpse, but found no further clue.

No footprints of any value could be distinguished in the wet loam. But Lieutenant Fred Wolfe of the Criminological Laboratory succeeded in getting a good plaster cast as well as photographs of the faint tire tracks in the sand, which showed that an automobile, northbound toward Foothill, had stopped near where the handbag had been found, then turned around and headed south toward U. S. Highway 60-70.

When nothing further could be learned at the scene, the body was removed to the Todd Mortuary in Pomono for autopsy. Penprase left a pair of deputies to canvass the ranch homes up and down Mountain Avenue, on the chance that someone might have seen or heard something suspicious during the night.

Inspector W. J. Hunter and Captain Walter H. Hoskins meanwhile had sped out to the Pasadena Community Playhouse to get on the track of young Harvey. Through his description and the drama group's records, they quickly identified him as Harvey Glenn, aspiring actor and student of the arts. Headquarters gave him, as well as Will Kline, a clean bill of health as far as police records went.

They ran Glenn to earth at the college, where he was in the middle of an afternoon class. Much to his bewilderment and embarrassment, the tall, weedy youth with a crop of unruly blond hair was called into the dean's office to be interviewed by the detectives.

Harvey shook his head helplessly when they asked him what he knew about Cora. He had not seen her since Friday, he said. He had spent Sunday night studying in his room, for an early-morning examination. His roommate could confirm it. He didn't know with whom she had been planning to go to Earl Carroll's.

He had no idea who could have wanted to kill the beautiful widow. Yes, he knew Will Kline, and knew Cora had been engaged to him. In fact, Kline considered that young Harvey had come between them, and on their last meeting had refused to speak to the youth. "But that wasn't true. I didn't come between them. Cora had already decided she

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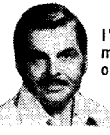
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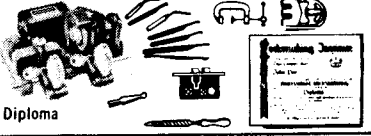
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didn't want to marry him."
 Advising the worried student to hold himself available for further questioning, Hunter called Headquarters with this latest information, and then he and Hoskins headed out to check up on Glenn's alibi.
 In the meantime Penprase, Brown and Hopkinson had gone over to Altadena, where the murdered woman's attorney and a number of her relatives and friends had arrived at the Marigold Street house, all eager to supply what information they could to the authorities.
 The sheriff's men quickly got on the trail of Edgar Ponty, Cora Moore's former boarder, and Brown and Hopkinson located him at his job in Pasadena. He had just read about the murder, and his reaction was an odd mixture of shocked grief and bitter belligerence. His information out to be vital.
 "If you want to know who killed her, look for that Will Kline! He's no good. I told her so, but he had her fooled, him and his smooth talk."
 Kline, whom Cora had first met that summer in a real estate deal, had impressed the well-to-do widow with the idea that he was a wealthy man and had only her best interests at heart, according to Edgar Ponty, and was constantly trying to get her to let him manage all her affairs.
 Ponty had done some digging into

Kline's past on his own account. "He hasn't got a biscuit," the man assured the attentive officers. "He's nothing but a bum. He claims he was shell-shocked in the war, and he gets a little pension. He used to live with his father in Tucson. He came out here with a few hundred bucks he'd borrowed, and started dabbling in real estate, on a shoestring without even a state license. Then he met Cora, and she fell for his big front.
 "Those telegrams and letters from all over—I checked on them. Half the time he was never in those places! he was holed up over in his motel, broke. He had friends of his mail the letters and send the telegrams, just to impress her. And that fake holdup was his biggest gag. Don't you know about that? He really put that one over!"
 A couple of months before, while Kline and Cora were engaged, Ponty disclosed, Kline had announced one day that he had been held up in the parking lot behind his bank and robbed of \$2,500 he had just cashed in dividend checks. The trusting widow volunteered to tide him over till his next checks should come.
 "The last time I talked to her, she said they'd had a terrible fight over her going out with that young fellow, Harvey. Kline told her: 'If I can't have you, no man can!' She thought he was really desperately in love with her and she was afraid to break it off for good. She was trying to let him

down easy. But for my dough, he was just out after her bank account!"
 Lieutenant Brown hastened to call the Pasadena Police Department to check the \$2,500 "holdup" report. Sure enough, William Francis Kline had filed such a report on September 15th. He had changed his story several times, and the Pasadena detectives hadn't taken much stock in it—especially after they found that he hadn't cashed any \$2,500 in checks at the bank, where he had a balance of \$45. His amended story then was that he was robbed as he was going to deposit the cash he had in his wallet.
 And Brown learned that Tex Hannon had called Pasadena headquarters just a few minutes before, to check on the same matter.
 Hannon and Achenbach had located the man who knew Kline. He hadn't seen the real-estater since Friday, but he believed Kline might have gone to Tucson, Arizona, where his elderly father was ill. The man had at first assumed the officers wanted to talk to Kline in connection with the reported holdup. He confided that he didn't take much stock in the story, and thought Will had fabricated it "to impress that rich widow he's been buzzing." The man added that Will owed him \$50.
 When Hannon called the Altadena house from the parking lot, Penprase filled him in on the new development and

had one order for him: "Get Will Kline's license number, and get it fast! We want to put out a pickup for him. He drives a green Lafayette coupe, the Moore boy says, but nobody here knows the number."

The friend didn't know the number. Hannon phoned the motel, but the manager couldn't find it on record.

Then the friend had an idea. "Say, I remember that Will said he was getting a loan on his car at the bank here, about a month or so back. They ought to have the number!"

Hannon and Achenbach hurried to the bank, which had already closed for the day, and caught the manager just as he was about to leave. They hit the jackpot. Yes, Will Kline had mortgaged his 1937 green Lafayette for \$200—the first payment was already delinquent, and his insurance policy had been canceled for nonpayment of \$6. The license number appeared on the papers: 1944 California license 1X4-623. The mortgage application also listed his closest relative, living in Tucson.

In a few minutes an all-points bulletin over the signature of Sheriff Eugene W. Biscailuz was crackling out over the statewide police teletype and radio system and being relayed to other western states.

Hannon and Achenbach sped back to the motel, spurred by the uncomfortable knowledge that the suspected killer had at least a 12-hour start on them. They searched through his belongings, hunting for a picture of him. Such a picture was urgently needed in the manhunt, for up to now they had nothing but a vague description, and Penprase had already informed them that there was no picture of Kline among Cora Moore's effects.

They found no picture, but they rifled through correspondence that gave leads to a dozen friends and business clients of the wanted man. The deputies hit the telephone, and soon filled in a more graphic picture of William Francis Kline, the man with the million-dollar front.

He was in desperate straits for money, it appeared. The lawmen had already learned that he was a month behind in his rent at the motel, and now they found that he was being threatened with a suit for failing to keep up payments on a piece of property he had purchased. Apparently what Edgar Ponty said was true—Will Kline literally hadn't a biscuit, living by his wits between pension checks.

Several friends were able to shed light on his character. The Veterans Administration in Arizona, the deputies were told, had tabbed him as a psychopathic case. In addition to his confirmed habit of grandiose lying and boasting, his deceptively mild and affable manner belied the fact that he was given to flying into violent rages when anyone crossed him or things didn't go his way.

It appeared that the worldly-wise

widow Moore had really stepped into something when she took up with the benevolent "financial adviser."

When they finally returned to the Hall of Justice late that afternoon, the weary sleuths found a number of new reports on file.

The coroner's surgeon reported that Cora Moore had been killed instantly by a .38 revolver bullet fired through her brain at close range. He estimated death at sometime between 2 and 4 a.m.

A check with Earl Carroll's had produced nothing. None of the nightclub staff recalled the auburn-haired beauty with the artificial blue delphinium. Inquiry among her friends for the "other couple" supposed to have joined her and her escort for the evening at Carroll's was equally fruitless.

On the other hand, Harvey Glenn's alibi checked out and put him completely in the clear, as did that of Edgar Ponty and a couple of other male acquaintances Captain Bowers had investigated.

The day wasn't yet over for Tex Hannon and Howard Achenbach. Since they had already gained the confidence of young Moore, they were told to go out and interview him further at the lawyer's home in Altadena, where he had been taken for the night.

Their second talk with the sleepy boy, whose dark-shadowed eyes bore traces of weeping, proved a gold mine. Did Uncle Will own a gun? Yes, he nodded readily. Will had a .38 revolver, one that broke open in the middle, that he had bought just recently "for protection," after he reported the "holdup" in the parking lot. He'd shown it to the boy and his mother, and he carried it in the glove compartment of his car.

Did the lad know of any picture of Uncle Will? Yes, indeed! He had taken a reel with his own little 8-millimeter movie camera, on an outing the three had taken that summer to Big Bear Lake, and it included several good shots of Uncle Will. The boy told the eager deputies where the reel could be found in his room at home.

He added a macabre bit of information: once when they had been driving through the orange groves near Claremont, and Cora remarked on how beautiful the country was, Kline had commented with a grim chuckle that

Bluebeard Watson, the notorious mass murderer of the 1920s, had buried several of his butchered brides among those very orange trees.

This information wasn't quite correct—Watson had preferred to dig his graves out in the desert—but Cora didn't know the difference. The conversation had stuck in her mind, and later she had twitted Uncle Will about his grisly store of information, calling him "Bluebeard" and remarking, "After all, I know nothing about your past. Maybe you've butchered a dozen wives of your own out there."

On the trip to Big Bear, they had stopped to visit a man in a barber shop in San Bernardino, whom Uncle Will had introduced as his best friend.

Coming away from the interview more positive than ever of Will Kline's guilt, Hannon and Achenbach stopped by the silent house on Marigold Street, secured the precious little roll of movie film and took it to the crime lab, to have enlarged prints made of the suspect's picture.

A score of deputies and police were staken out at various places where Will Kline might be expected to show up, but the night passed without a report from any quarter on him or his old green car.

In the morning, further incriminating information was forthcoming. Pasadena police located the sporting goods shop where Kline had purchased the gun, a .38 Harrington & Richardson. They also found a pawnshop where he had later pawned both the gun and the unwanted engagement ring, redeeming them only the previous Wednesday. He had just received his pension check at that time, and possibly felt he needed the two pledged articles as tools of his trade.

Hannon and Achenbach picked up the son, who by this time had become an eager young manhunter, and drove out the valley to San Bernardino, where the boy unerringly pointed out the barber shop.

The barber confirmed that he had known Will Kline for many years. He had last seen Kline late Thursday night, when Will had dropped in at his home with Cora on their way back from Yuma. Will had proudly introduced the beautiful widow as his "future wife." She seemed embarrassed but didn't say anything.

"He said he had to go to Tucson in a few days to see his sick father, and he was

ANSWER TO THE CRYPTOGRAM

(Puzzle on page 57)

THE ILL-CONCEIVED NOTION THAT REHABILITATION
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trying to get Mrs. Moore to elope with him. He said they'd send me a card from Tucson. As they were leaving, he took me aside and borrowed \$5 from me, for gas."

When by mid-afternoon there was still no report on Will Kline, it seemed certain that he had made good his escape from California, and the FBI entered the hunt for him.

Sheriff Biscailuz issued a new all-points bulletin, this time adding that the killer suspect was believed to have headed for Tucson. He telephoned Pima County Sheriff Ed Echols at the southern Arizona city to be on the alert.

Another tense night passed, with Kline still eluding the dragnet. Early the next morning, the second day after the murder, Sheriff Biscailuz and Inspector Penprase decided a good bet was direct action to pick up the cold trail. They dispatched Tex Hannon and Howard Achenbach to Arizona, equipped with photos of the elusive suspect, a photo and plaster cast of the tire mark found at the murder scene, and names and addresses of Kline's family and friends in the adjoining state.

Their first stop was the border checking station of the Arizona Commission of Agriculture and Horticulture at Ehrenberg. They explained their mission, and Inspector Curtis Fortner handed them the sheets listing eastbound cars that had passed through for the past two days.

Sure enough, Will Kline's green Lafayette, 1X4-623, was listed as having gone through the checking point at 3:30 a.m., Mountain Time, on Monday the 20th. The California deputies did a double-take when they noted the time. "Three-thirty in the morning! Two-thirty, our time! But the coroner says Mrs. Moore was killed between two and four a.m.! It's just about 200 miles from Claremont to here. Unless he had wings on his car—" Tex Hannon scratched his head.

"The coroner could be wrong, with her lying out there on the wet ground, and all that," Achenbach pointed out. "Those estimates are just rough, anyway. Let's say she was killed around 10 or 10:30 Sunday night. He could have made it over here in four hours."

"Could be," Hannon agreed. "That might fit in better, too. It'd mean she was shot a little while after leaving home, and they didn't go to Earl Carroll's at all. But all the same, if this goes to trial, I'd hate to be the D.A., battling this tricky time element in court!"

Late that afternoon the roving detectives arrived in Phoenix, some 400 miles from Los Angeles, and immediately they hit pay-dirt. The suspect's friend told them that Will had dropped in at 8 o'clock Monday morning and borrowed \$2.

"I'm in a jam in L. A.," the hunted man said. "I'm going to Tucson. I'm tired. I've been driving all night. I think I'll leave my car here and grab a bus!"

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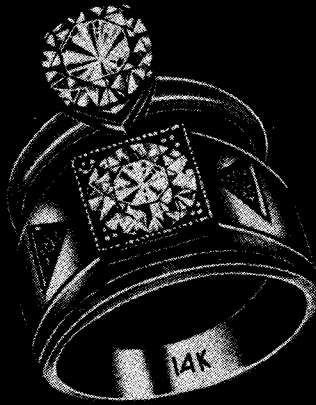
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The Los Angeles sheriff's men made the rounds of Phoenix garages and parking lots, and at one garage found the old green Lafayette coupe standing cold and forlorn. It had been left there late Monday afternoon. This was Wednesday. The attendant positively identified Will Kline from his picture.

Hannon and Achenbach, after telephoning this latest information ahead to Tucson as well as to their own Headquarters, went that night to the office of Maricopa County Sheriff Cal Boies and enlisted the aid of his technicians in examining and photographing the car. Then they piled into bed for a few hours of sleep.

In the morning the Phoenix lab men reported that stains on the right door sill of the green coupe, and on a folded cloth behind the front seat, were definitely human blood, and further, that the tires matched the marks found at the murder scene.

The case was cinched now: Will Kline was the killer beyond any doubt. Inspector Penprase was jubilant when Hannon telephoned him the news. "Good work! We'll get a murder warrant out for him right away! You boys had better chase

over to Tucson as soon as you can, and keep your eyes open along the way. I'll phone that sheriff again."

The two detectives lingered to finish checking on Kline's movements in Phoenix and to wrap up the physical evidence, with the cooperation of local Deputies Verne LaMoore and Ernest Roach. They were just about to take off on the 120-mile drive to Tucson when the denouement came, unexpectedly swift and dramatic.

The telephone rang just as they were shaking hands with LaMoore and Roach. It was Sheriff Echols, calling from Tucson. "That Kline fellow you're after—he's just shot himself, just as we closed in on him! He's still alive, but they don't give him much chance."

Hannon and Achenbach burned up the desert road to the southern town, but they arrived a few minutes too late. Will Kline had died in the hospital at 1:30 p.m., without regaining consciousness.

The Los Angeles officers talked to the Tucson lawmen, the story was simple and grim. Will had appeared at his relative's house at dusk Monday evening, travel-

How Nurse's Aide Helped Catch Rapist

(Continued from page 31)

She quickly declined the invitation and tried, unsuccessfully, to persuade him to leave. He only seemed to become more aroused. He told her he "intended" to have sex with her then and there, or else he would kill her.

She realized then that the intruder really did have rape on his mind. She commenced to scream, which didn't faze him at all. He simply popped one hand over her mouth and started strangling her with the other.

During the scuffle that followed, she was thrown to the floor and her face was ground into the carpet. She blacked out and regained some consciousness, enough to realize she was being pulled from the living room into the bedroom.

She was tossed onto the bed like a sackful of laundry. Then she was methodically stripped of her clothing until she was naked and brutally raped. During this ordeal she lost her senses several times. When she finally regained full consciousness she found the assailant had gone.

She started for the living room to use the telephone. In the walking area between living room and bedroom she noticed a wrist watch with a broken band. Miss Lorenzo kicked it aside and telephoned the Carroboro Police Department.

The call was taken by Patrolman Kenneth Horne and he headed for the

apartment forthwith. He found the victim with hair disheveled, throat and arms scratched, and with blood in her eyes.

"What in the world happened?"

Without going into details, Miss Lorenzo told him. She pointed out the watch with the broken band and said she thought her assailant lost it during their struggle. Horne asked if she knew the man.

"No, but I got a good look at him. I can give a full description, and I'll know him again," she was quoted.

"Wait just a minute. Let me call the captain," the officer said.

Patrolman Horne then called Captain John Blackwood at the Carroboro police station. As soon as his squad car could take him there, Captain Blackwood was at the apartment. After a few soothing words aimed at comforting and calming the victim, Captain Blackwood started asking questions.

He soon discovered that Katherine Lorenzo was a person of determination with keen powers of observation. She declared she wanted to prosecute her assailant, and she gave a good description of him and his car.

She described his reddish-tinted, pullover shirt and said he had a medium-chocolate complexion. His car was green, with double stripes down the trunk and hood. She hadn't noticed him wearing a watch, but the one she found didn't belong there so he must have left it.

Captain Blackwood took some notes, then drove Miss Lorenzo to the emergency room of the hospital where she worked. There she was examined and treated by a physician and a surgical nurse. The

stained and near exhaustion. He was far from the affable, prosperous businessman role he had played in Altadena. He refused to go to sleep, and sat all night fully dressed in the living room, peering out at the street through the drawn curtains.

When asked what was the matter, he snarled, "I'm okay! Just leave me alone. If anyone asks for me, you haven't seen me!" When tradesmen and neighbors came to the door, he hid in a closet, a gun in his pocket.

Sheriff Echols, preferring to play a waiting game rather than alert Kline, had been keeping the little house under surveillance but had cautioned his men not to approach it.

Finally that morning, Thursday, the 23rd, when his deputies reported that they were certain the hunted killer was inside, the sheriff gave the word to go ahead.

Undersheriff John Higgins and Police Detectives James Herron and Fred Comacho, armed with shotguns, cautiously approached the house, while other officers stood by with tear-gas guns ready.

As the officers stepped onto the porch and rapped authoritatively on the door,

examination corroborated that she had been ravished.

After the hospital visit, Captain Blackwood asked the victim a few more questions. Meanwhile, Patrolman Horne was canvassing her neighborhood for fragments of information. Then the two officers started putting together what they had.

There were not too many green 1971 Mavericks in the area. The number of men matching the assailant's description who would have access to such automobiles narrowed the field even more. One of the vehicles belonged to a woman whose last name was Noell.

Captain Blackwood knew a great deal about many people in the Chapel Hill-Carroboro area. He knew, for instance, that the woman had a son named Tommy who fit the attacker's description very well.

He knew that Tommy had recently been working as a vacuum cleaner salesman. And it didn't take him all day to learn that Tommy had a police record. It included a conviction for criminal assault the previous May.

It also included a previous conviction for conspiracy. And on January 6, 1973, he had been accused of—but never prosecuted for—forcing a woman named Laura Morton to have sexual intercourse with him against her consent. Laura Morton, like so many such victims, had backed off from prosecuting.

Captain Blackwood and Patrolman Horne headed for the Greenway Trailer Park where young Noell stayed with his

Kline, inside, gun in hand, cried, "They'll never get me!" He ran into the bathroom and slammed the door, and a moment later a single shot rang out.

Bursting in, the officers found Will Kline lying unconscious and bleeding, mortally wounded, on the bathroom floor. He had shot himself in the right temple and the bullet had passed through his head.

The rest was antic-climactic. Hannon and Achenbach brought Kline's .38 back to Los Angeles with them, and lab tests proved it to be the same gun that had killed Cora Ethel Moore. On November 27, 1944, a coroner's jury formally decided that Mrs. Moore had died of a gunshot wound in the head, inflicted by one William Francis Kline with homicidal intent. Sheriff's File Number A-47220 was officially stamped "Closed." ♦♦♦

EDITOR'S NOTE:

Harvey Glenn and Edgar Ponty are not the real names of the persons so named in the foregoing story. Fictitious names have been used because there is no reason for public interest in the identities of these persons.

wife of two months. Mrs. Noell came to the door of their trailer and Blackwood asked where Tommy was.

She said he was in the trailer occupied by his brother and pointed it out. The officers started over to the other trailer. Then Horne noticed a garment fluttering from a clothesline beside Tommy's trailer.

"Look at that," he said.

It was a dark red pullover shirt, still wet from having just been washed. Captain Blackwood confiscated the shirt and tossed it in his squad car. Then he went on to the brother's trailer and took Tommy Noell into custody.

At the police station he was identified by the rape victim as her assailant. She said there was no doubt in her mind; the attack had occurred in broad daylight after she looked at him several times; this was the man.

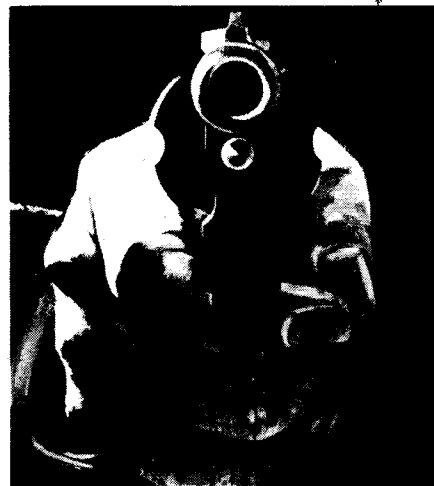
Captain Blackwood had handcuffed the suspect for the ride to the police station. As he took the handcuffs off he noticed on Noell's left wrist what appeared to be the impression of a wrist watch.

"Where's your watch?" asked the officer.

Noell said he'd lost it about a week or two before. Blackwood then questioned him about his activities of the morning, first giving him his so-called Miranda rights, then telling him he stood accused of rape.

Men facing such a charge usually come up with some sort of exonerating story. One may claim he is the victim of mistaken identity. Another will admit copulation, then claim the woman con-

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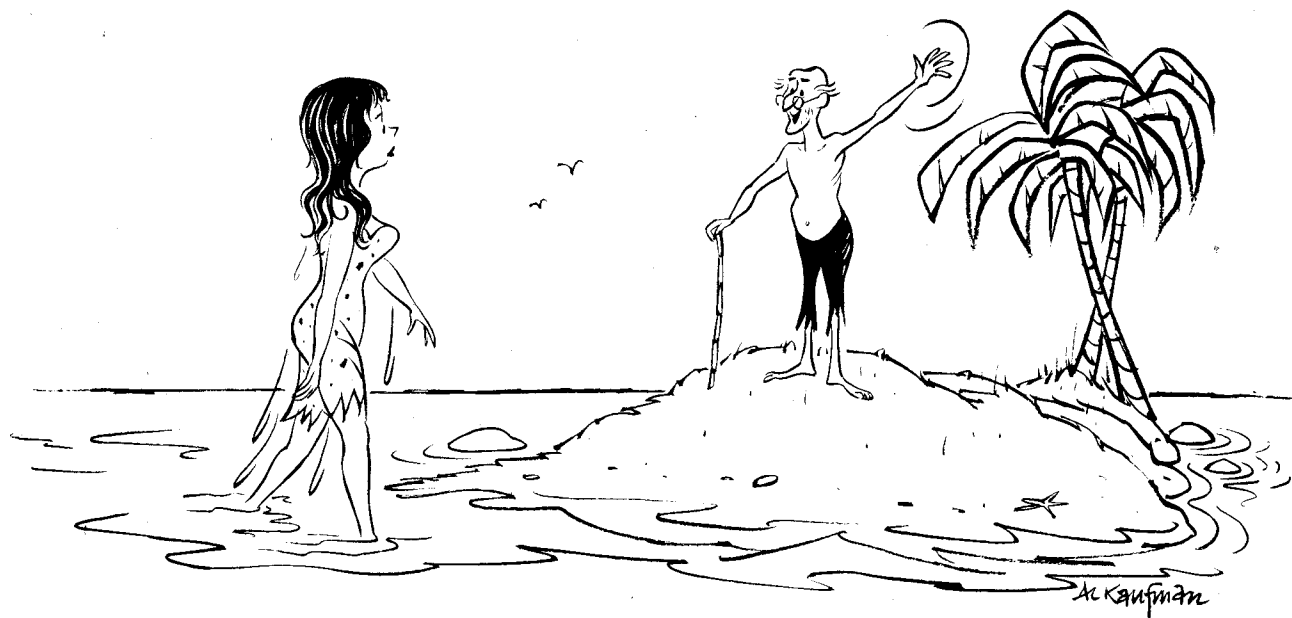
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"At last, at last! Someone to talk to!"

sented. Others give yarns that sound like excerpts from Alice's Adventures in Wonderland; they get curiouiser and curiouiser as they unfold.

Tommy Noell's response was simple. He flatly denied knowing anything about any alleged rape. Then he came up with an elaborate alibi for his whereabouts during the entire morning.

On the previous day, Tuesday, he claimed, he went to the Snelling & Snelling employment agency in Chapel Hill to seek work. There he was given an appointment for 9 a.m. that morning at Bronson's Tire Company in nearby Durham.

Early that day, he said, he borrowed his mother's car and took her to work. After that he took some children to a day care center. Then he headed for the job interview. On the way to Durham he had a flat tire. After changing it he went on to the tire company and waited outside until it opened for business.

While waiting for the tire store to open he tried to fix a malfunctioning door on his mother's car. Then he went inside to see the manager, was interviewed and filled out a job application and signed it.

He left Bronson's Tire Company at 9:25 a.m. and drove home. The trip being 18 miles, it took him about 25 minutes. He helped his wife rearrange some furniture, then decided to go work on his car, which was broken down at his mother's place.

After changing clothes, Noell said, he went and worked on his car. He knew the officers had confiscated his red shirt. But, he claimed, he didn't wear it that morning. For the interview he wore maroon pants and a flowered button-up shirt.

He professed to be thoroughly sur-

prised at being accused of rape. Perish the thought! He had only been out hunting a job. The officers said he sounded so innocent you would have thought hog lard wouldn't melt in his mouth. And he had that involved story that amounted to a time table of his every movement.

It was a beautiful alibi. Airtight. The chronology he had delineated hardly left time for a lascivious thought, much less an act of forcible rape.

But there was something that threatened the alibi.

This was the fact that Captain Blackwood didn't believe a damned word of it. The story was just too, too elaborate. And therein lay its weakness. The details made it easy to check. Captain Blackwood went first to the employment agency.

He located the employment counselor who set up the job interview. The counselor had no way of knowing whether Noell kept the appointment, but it had been set up on Monday for Tuesday, not on Tuesday for Wednesday.

It was several days before the captain got over to Durham to check that end of the alibi. By then the tire store manager couldn't remember what day Noell came in to see him. But telephone records showed that someone from Snelling & Snelling had called him on Monday to say Noell would be coming in, and the appointment was for the following day, the next morning, and that would have been Tuesday.

So Noell's beautiful, intricately-contrived alibi was like unto a straw basket. It didn't hold water after the 24-

hour discrepancy was uncovered.

In due course, the Orange County grand jury returned an indictment against him for raping Katherine Lorenzo. When he came to trial before Judge Hall it was at the county seat in Hillsboro.

And then the wrangling and legalistic nit-picking started. As already stated, much of it was over jury selection. The defense attorneys seemed to want a panel that would almost promise not to impose the death penalty. Solicitor Pierce wanted the opposite.

Pierce posed the same question to all the veniremen. It went: "Would it be impossible for you to bring in a verdict that would require imposition of the death sentence, even though the state proves by evidence and beyond a reasonable doubt the guilt of the defendant?"

One Venireman: "I believe it would."

Another Venireman: "I'd have to say yes. In a rape case I couldn't do it."

Still another Venireman: "I do not believe in capital punishment in any case."

One by one, those veniremen with scruples against frying rapists were weeded out, and each was dismissed for cause. Adding these conscientious citizens to those unwilling to convict because they were acquainted with Noell's family made jury selection a time-consuming process. Finally it was over.

But the forensic hair-splitting wasn't. Some of it took place while the prosecutrix was on the stand. She had just told about Captain Blackwood taking her to the hospital emergency room. Then—

Solicitor Pierce: "What was the purpose of you going to the hospital?"

Miss Lorenzo: "Because I intended to

prosecute the man that assaulted me, and it's necessary, I knew that, to have a medical examiner confirm what happened. I also wanted treatment for other things. . .

"I had looked in the mirror and saw I had hemorrhages in my eyes, some bruises on my arms and back, and there were some ruptured blood vessels in my face. I'd had my face rubbed in the rug, so, I was a mess."

Solicitor Pierce: "Now, what was that you said about your eyes?"

Miss Lorenzo: "Subcutaneous hemorrhages. The surgical nurse told me they result from screaming. I don't know whether. . ."

Defense Attorney Epting: "Objection, your honor!"

Judge Hall: "Objection sustained."

The objection was to Miss Lorenzo repeating what the surgical nurse told her, which made it hearsay evidence, even though the nurse was scheduled to testify. The hemorrhages were around her own eyes, but quoting the nurse as calling them "subcutaneous" was hearsay. Such testimony was verboten.

With just such magnificent trivial technicalities our judicial system is bloated, but there was to be still more of it when the surgical nurse took the stand. She had just been asked what medical tests were conducted on the victim in her presence.

Nurse: "There were slides done; surgical secretion, bubble secretion, normal mal procedure in any normal rape case."

Lawyer Epting: "Objection!"

"Judge Hall: "Sustained!"

Apparently the rationale behind this objection was that an ordinary surgical nurse wasn't qualified to classify what had happened as a "normal rape case." It wasn't hearsay. She just didn't have knowledge enough to classify the case, in the eyes of the law, regardless of how many she had been involved in. Nor was she permitted to testify on results of the examination. That could only be done by a physician.

And so the trial staggered on through a miasma of cretinous trivia. Eventually the state's evidence was all before the jury. It was time for the defense to shine. Defense Attorney Epting elected to put the defendant on the stand, maybe because he thought it was his only chance. At any rate, Noell testified.

He repeated his elaborate alibi for the Wednesday morning of the rape. The employment counselor and tire store manager were subpoenaed as defense witnesses to corroborate the story. They verified Noell's testimony in most respects. . .

But not on which day he visited the tire store. Their testimony indicated it could have been either Tuesday or Wednesday. Since that part of the alibi was crucial, the whole thing was still like a sieve.

Then Noell's wife and mother, in turn,

took the stand in his behalf. They corroborated many details, like the clothing he wore, having a flat tire, helping move furniture, taking little children to a day care center, and so on.

His wife agreed that Captain Blackwood took one of Noell's shirts from a clothesline. But it had not been introduced in evidence, and she claimed the officer took "a gray, knit" shirt, and said Noell's dark red "tank shirt" was packed in a suitcase at the time.

Noell's mother corroborated everything he said down to the last elaborate detail. She even dragged in the bit about the flat tire by saying she later found a flat tire in her car trunk. It was like hearing two versions of the same tune played in different keys.

Finally the testimony was finished and the lawyers were ready to argue. The defense attorney didn't have much to argue about. He could do little more than cast aspersions on the thoroughness of Captain Blackwood's investigation, then urge the jurors to believe Noell's story.

Prosecutor Pierce took the opposition tack. He emphasized that Noell could only be in one place at a time, and all the evidence indicated he was in Durham on Tuesday, not Wednesday. Pierce suggested that the testimony of all three Noells smelled strongly of mendacity. The defense attorney objected, but Judge Hall allowed the argument to stand.

It didn't take the jurors long to buy the state's case. After brief deliberations they found Tommy Noell guilty as charged. Under the North Carolina laws then in effect, he had to be sentenced to death, which Judge Hall did forthwith.

The defense attorneys promptly filed a writ of appeal to the North Carolina Supreme Court. It cited 30 allegations of trial court error. On February 25, 1974, the high court rejected them all and affirmed the verdict.

Tommy Noell then went to Death Row to be executed. That has not been done and probably won't. Laws imposing the death sentence in North Carolina are in limbo, as they are in most of the rest of the nation, Utah excepted, of course, and possibly Texas.

Noell's eventual punishment has not been spelled out. There will probably be more legal wrangling before it is. But it is most unlikely he will very soon again be cruising the highways of North Carolina, seeking either employment or sexual gratification. ♦♦♦

EDITOR'S NOTE:

Katherine Lorenzo, Laura Morton and venetrem Allison and Carter are not the real names of the persons so named in the foregoing story. Fictitious names have been used because there is no reason for public interest in the identities of these persons.

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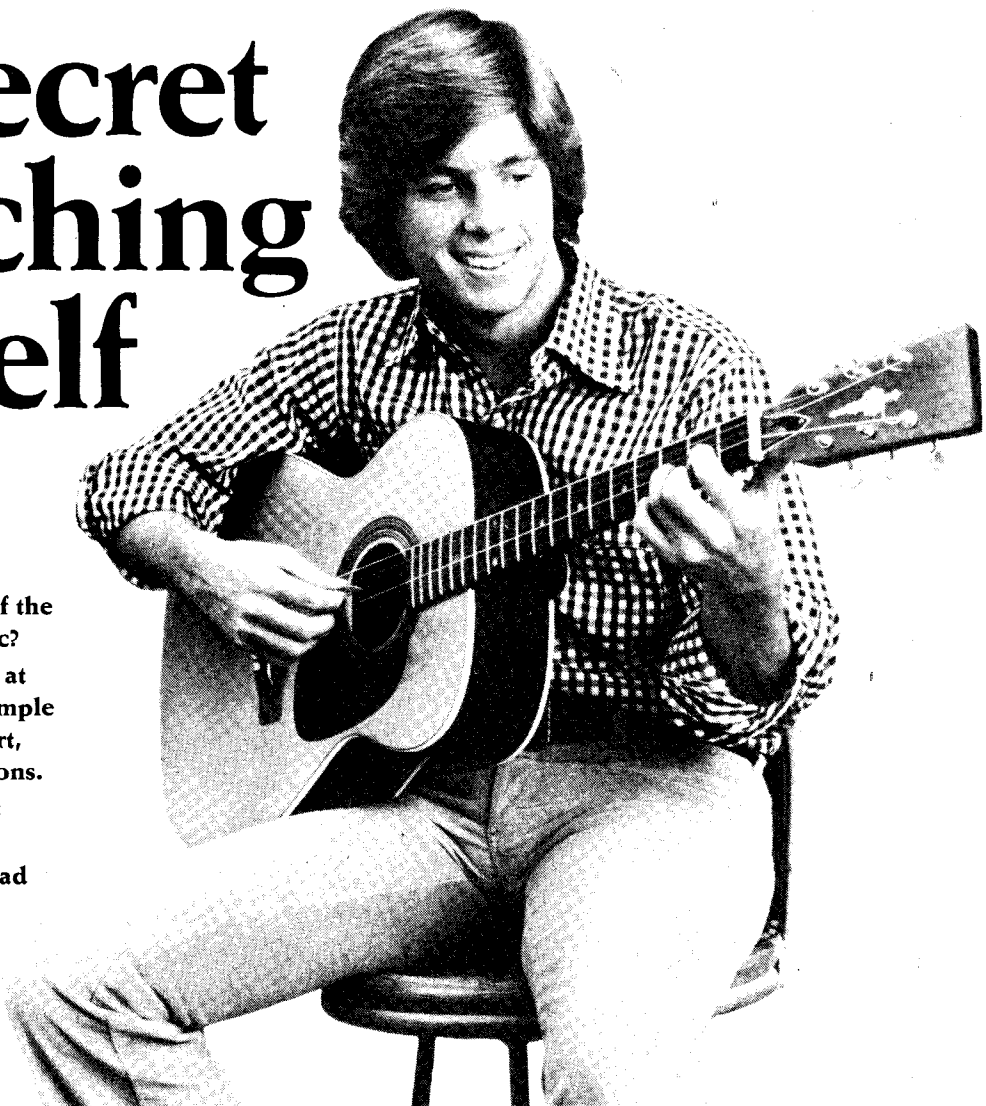
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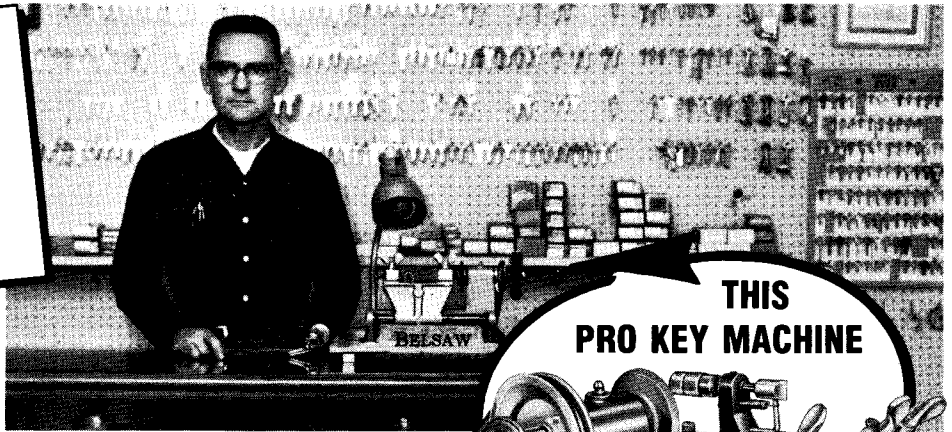
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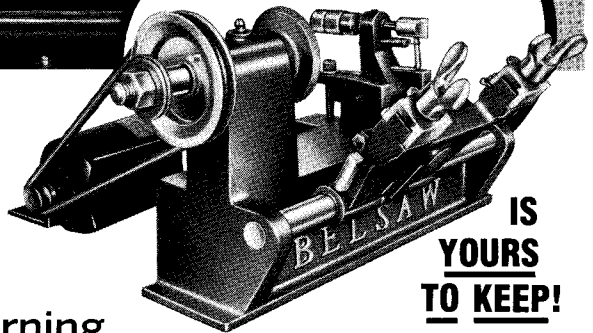
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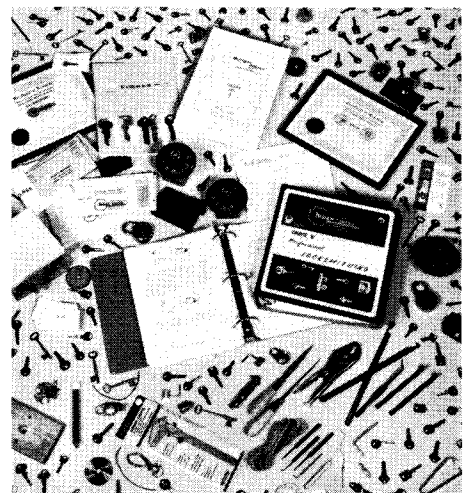
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