

CRIME magazine an encyclopedia of crime

Winter 2012

Vol. 1 Issue 1

Guide to True Crime Books

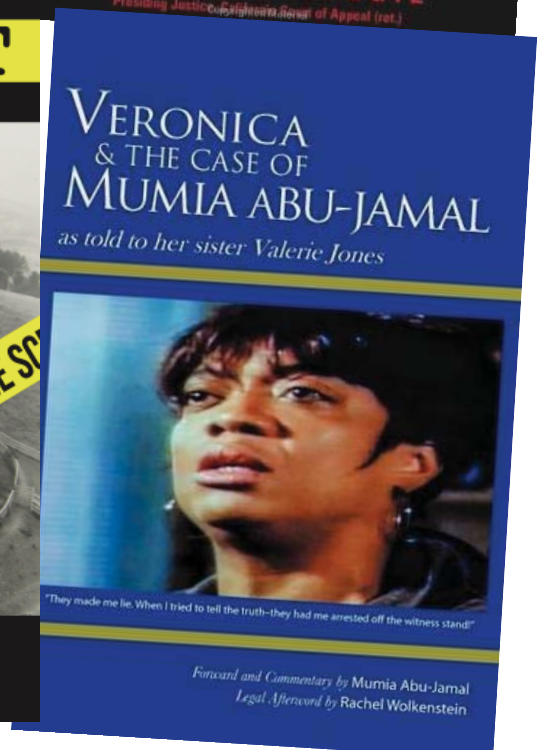
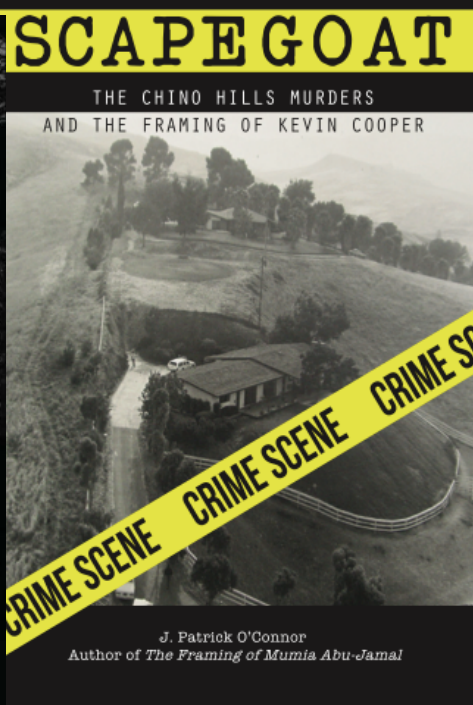
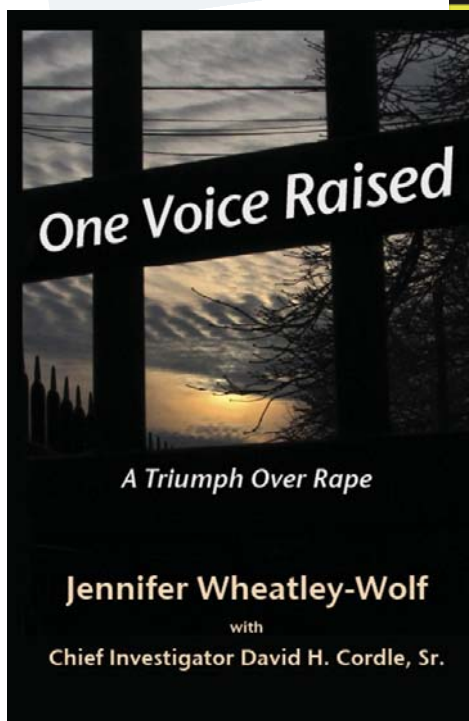
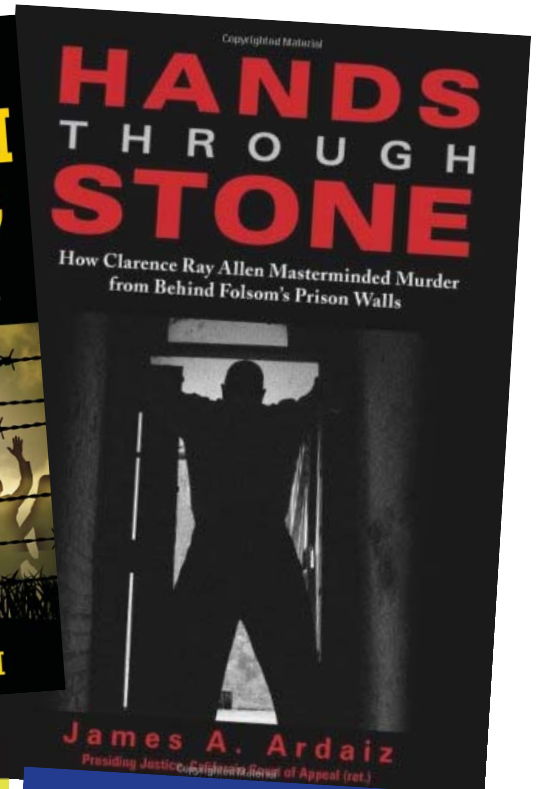
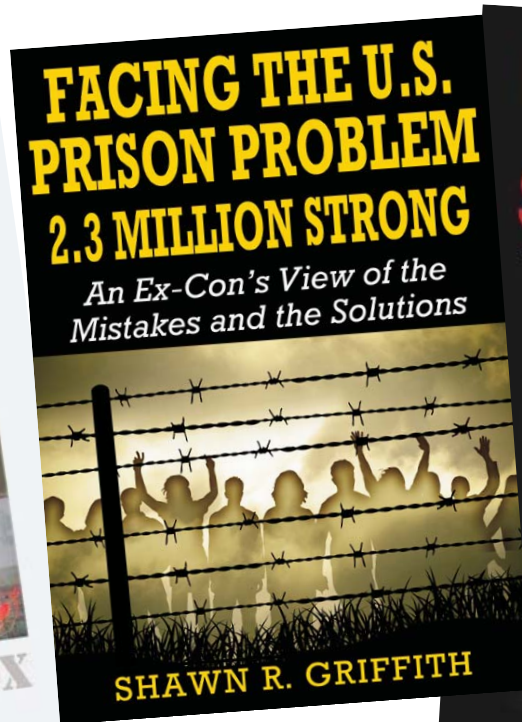
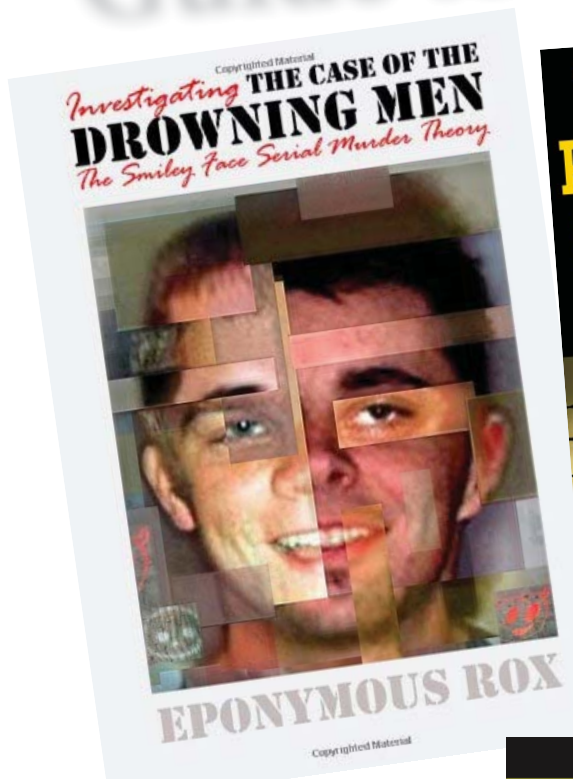


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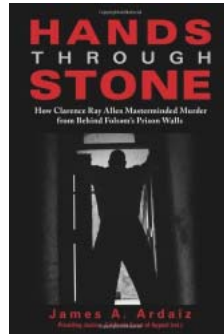
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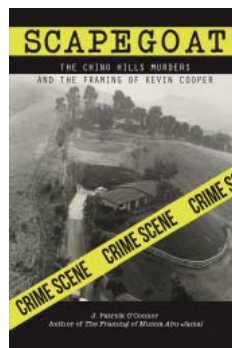
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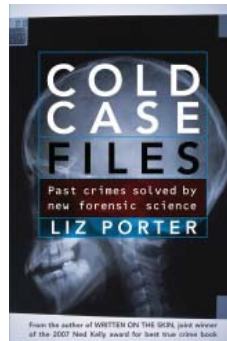
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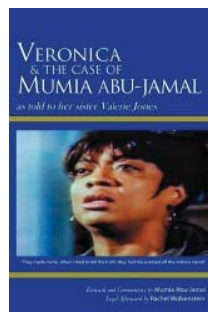
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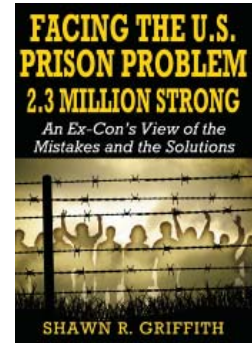
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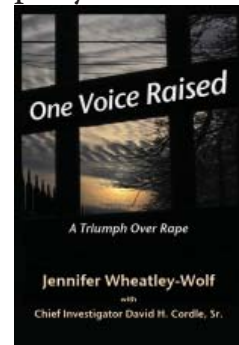
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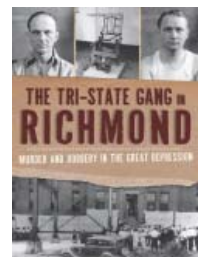
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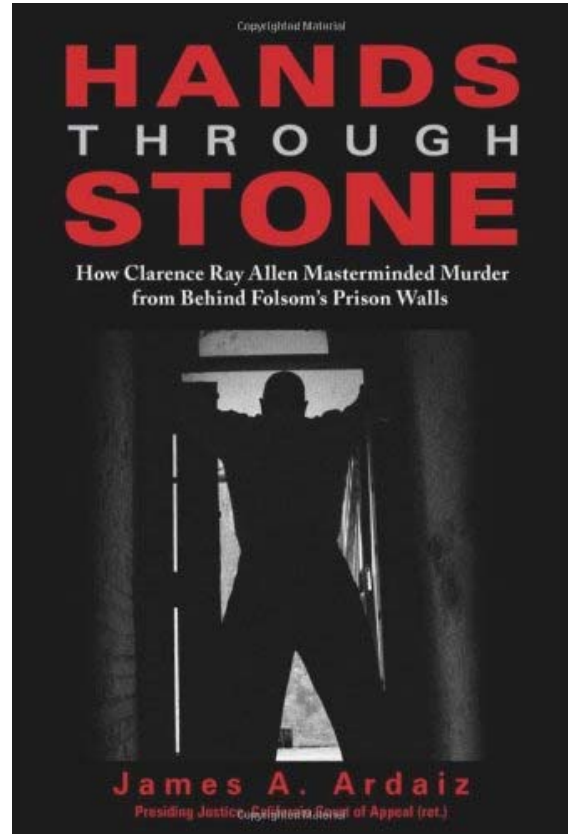


Book 'Em Vol. 38

Crime Magazine's Review of True-Crime Books

by Denise Noe

A multitude of approaches can be taken in crime writing. Crime is a subject that lends itself well to academic research. Thus, much writing on crime seeks to illuminate its history and the history of crime fighting techniques as well as to explore the social and psychological underpinnings of criminality. Humor is well known as a psychological defense mechanism. Much work on crime is written from a humorous slant as the most awful things in life can often inspire bursts of laughter. In addition, human weaknesses and faults of all kinds are always ripe for comedy. True crime books can also tell the stories of those victimized by crime and those who commit crimes. In this column, I examine a group of books that represent all of these diverse approaches to crime writing.

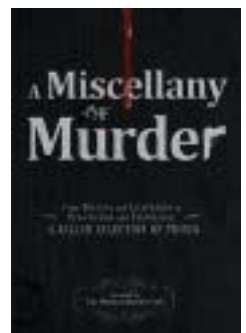


***The Truth Machine: A Social History of the Lie Detector* by Geoffrey C. Bunn** *The Truth Machine: A Social History of the Lie Detector* by Geoffrey C. Bunn (The John Hop-

kins University Press, 2012) is a book that genuinely deserves to be called “extraordinary.” It is not merely the story of the polygraph. The first chapters make no mention of the machine. This “social history” demonstrates how popular views about criminality, and about lying, had to develop in order to facilitate the entire concept of a machine that can pinpoint truth. Bunn records the persistent tension between the view that criminality is the ugly manifestation of negative tendencies intrinsic to being human and the view that sees criminals as a species apart, perhaps even biological “throwbacks” to savage pre-history. Bunn shows how fiction writers planted the idea of the lie detector in the popular imagination. He observes, “The ‘invention of the lie detector’ was predominantly a matter not of technological advance, but rather of conceptual, procedural, and, to some extent, terminological innovation.” Bunn points out that the concept of a “lie detector” is, ironically enough, something of a lie. *The Truth Machine* is a thorough investigation into the search for truth. It is a solid achievement that should be read by anyone interested in criminology.

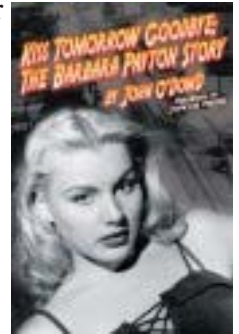


***A Miscellany of Murder: From History and Literature to True Crime and Television, A Killer Selection of Trivia* by The Monday Murder Club** (Adams Media, 2011) is a delightful potpourri of shivery murder related information. Organized around the Seven Deadly Sins of Lust, Gluttony, Greed, Sloth, Wrath, Envy, and Pride, the book ransacks history and tradition, real cases and fictional, film and television, to provide its readers with items that never fail to fascinate. The book includes games inviting readers to match one thing with another such as sexy TV cops and the actors who play them or fictional victims to the books in which they are murdered. It is sprinkled with witty remarks such as Lee Israel's



“Hatchet murders were the house specialty of the [New York] Journal, whose front page was a virtual abattoir of murder most foul.” There are many sprightly paragraphs about murders most foul as well as about the odd twists and turns of justice (too often) most capricious. This book resembles a box of delicious and rich chocolate candies.

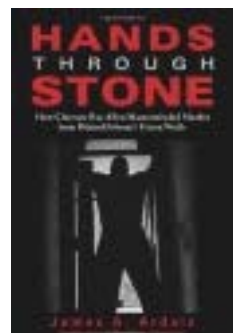
***Kiss Tomorrow Goodbye: The Barbara Payton Story* by John O’Dowd** (BearManor Media, 2006) is an enthralling book that is almost impossible to put down. It tells the heart-breaking story of Barbara Payton, a bountifully talented movie star whose life careened out of control through the tragic and interlocking factors of alcohol and violence. The book takes its title from the 1950 motion picture *Kiss Tomorrow Goodbye* in which young Barbara Payton, a relative newcomer to the screen, played opposite Jimmy Cagney. In the difficult role of a naïve woman corrupted by her relationship with a gangster and driven to violence by their love-hate relationship, Payton gave a believable and nuanced performance. She had previously garnered rave reviews in her first major role in the 1949 thriller with Lloyd Bridges *Trapped*. After the release of *Kiss Tomorrow Goodbye*, many believed the beautiful and shapely Barbara Payton was poised for superstardom. But a little over a decade later, she was a decrepit and alcoholic has-been, a skid row prostitute selling her favors for as little as \$5.



In the aftermath of the success of *Kiss Tomorrow Goodbye*, she garnered a multitude of condemnatory headlines for a violent episode in her personal life. Lusty Barbara had been juggling boyfriends. One was the elegant A-list actor Franchot Tone and the other the muscular B-movie denizen Tom Neal. Infamy crashed down on all angles of the triangle when a jealous Tom Neal beat Franchot Tone into a coma, giving Barbara a black eye in the process. This was not the first time Barbara’s life would be upended by brutality and it would not be the last. A boyfriend had previously viciously assaulted Barbara’s landlady in a dispute over Barbara’s rent. After the end of her career, Barbara suffered a beating and near gang rape. Still later she was stabbed by a deranged trick. O’Dowd has written a brilliant book that brings Barbara Payton to life in all her glorious and inglorious contradictions: ambitious, sensuous, conniving, kind, generous, loving, exhibitionistic, and all-too-often utterly out of control. Stunningly attractive and tastefully attired in her youth, she gained weight and became sloppy as she entered middle age.

O’Dowd draws the reader into this story of a young woman from the small town of Cloquet, Minnesota who headed for Hollywood to make her dreams come true and soon found herself trapped in a nightmare from which she could not escape. Raised in a family in which alcohol was habitually abused, she may have sought male approval to compensate for the lack of it from an emotionally distant father. O’Dowd points out that as long as Barbara had a movie career, she often gave fine performances even when the film itself hardly merited it as in the campy 1951 *Bride of the Gorilla* in which “the curvaceous Barbara smolders with a sexual intensity that is nothing less than riveting.” In the 1953 *Run for the Hills*, an oddball effort in which Sonny Tufts plays an insurance actuary who takes refuge in an old mining shaft because he fears the Cold War might burst into a hot one and Barbara plays his wife, she proves in her only comedy that she could be refreshingly funny. Indeed, Barbara Payton was multi-talented: a fine actress, a gourmet cook, a gifted interior decorator, and a skilled upholsterer. Her wealth of skills makes her end in alcoholic poverty all the more tragic.

***Hands Through Stone: How Clarence Ray Allen Masterminded Murder from Behind Folsom’s Prison Walls* by James A. Ardaiz** (Craven Street Books, 2012) tells a frightening story with all the tension and color of a first-class mystery novel. However, it is no novel but the true story of a truly diabolical criminal. Clarence Ray Allen, leader of a robbery gang, bullied an associate, Eugene “Lee” Furrow, into committing the brutal murder of Mary Sue Kitts, 19, because Allen feared she might talk to the cops. While serving a life sentence in Folsom Prison for that murder, Allen talked another prisoner into carrying out a robbery that



Facing the U.S. Prison Problem 2.3 Million Strong

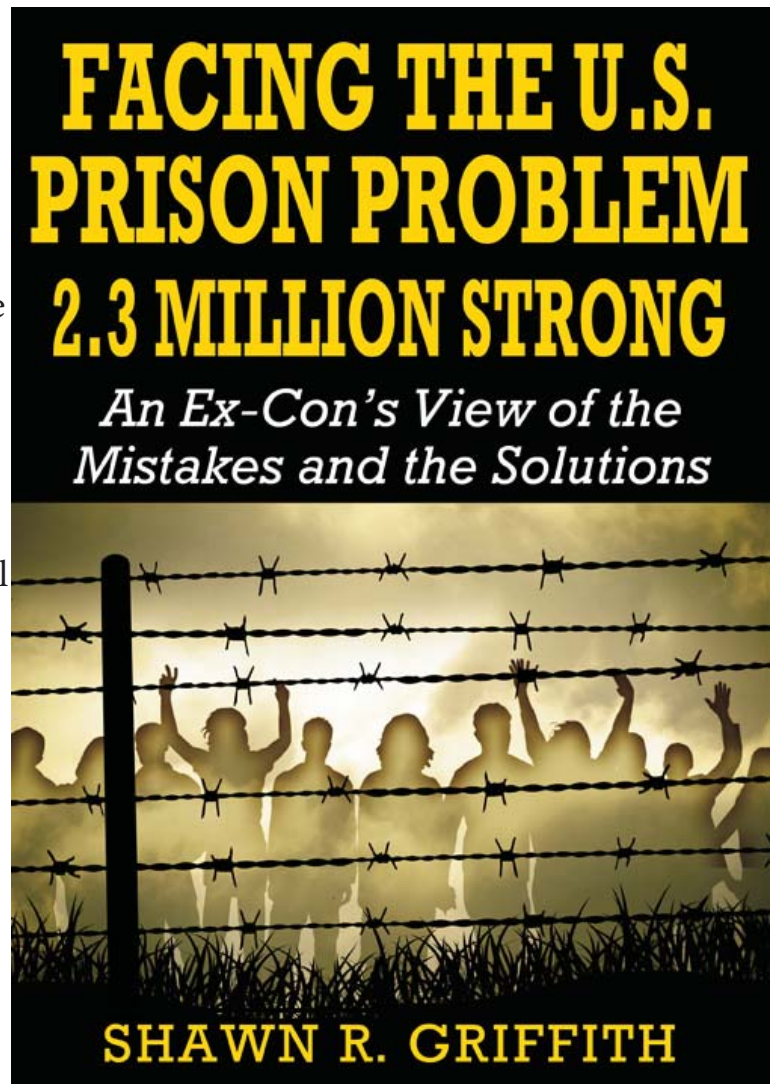
Facing the U.S. Prison Problem 2.3 Million Strong is a massive, thoughtful book written by someone from inside "the belly of the beast," who knows from years of personal experience what works and what doesn't. Ironically, most prisons today are not set up to rehabilitate prisoners but to do the opposite – simply to warehouse ever-increasing numbers of them until their eventual release with little or no practical training to succeed on the outside. Shawn Griffith, who spent almost 24 years in Florida prisons until his release in 2012 at age 41, advocates mightily that the real purpose of prison, in addition to punishment, should be to enable the 90 percent who will eventually be released to cope on the outside and not return to prison within the first three years, as now just under half of all released prisoners do.

Shawn Griffith shows how tough-on-crime politicians, supported by guard unions and private prison corporations, have a vested interest in keeping the recidivism rate high. Instead of fostering in-prison drug rehab, job training, impulse control, and close family ties, prisons continually slash these critical programs to hire more guards and build more prisons. In California, 70 percent of the prison budget goes to pay the 31,000 guards it employs and only 5 percent to vocational programs to reduce recidivism. Until taxpayers grasp how counterproductive this approach truly is in providing public-safety, there will be no chance for meaningful prison reform.

by Shawn R. Griffith

Preface

This book isn't just a commentary on correctional problems and solutions. Although my main goal is to present the mistakes that I believe U.S. policy makers have been making, it is also to share the human side of the story. By integrating my own personal experiences with statistics and examples from different corrections systems around the nation, I am attempting to discredit the general perception that the system is designed to enforce and protect justice for everyone. The U.S. criminal justice system is an economically and politically profitable en-



terprise for special interest groups in this country. The general taxpayer needs to understand how the abusive policies fostered by these groups worsen the U.S. prison problem and the debt crisis through wasted corrections expenditures.

Unfortunately, the system commonly attracts a darker side of people's personalities, making compassion for those incarcerated a rare trait among many corrections officials. As a consequence, hidden behind the walls, huge numbers of human beings have their spirits broken daily. Secretly, many suffer false disciplinary reports, illegitimate confiscation or destruction of personal property, physical beatings, rape, and sometimes fraudulent criminal penalties. Substandard nutrition, indifference to serious medical needs, and policies that encourage laziness have also become common. These practices help to sustain rates of recidivism, which is defined as a return to prison within three years of release.

What is most striking about this is how successful the government has been at maintaining the invisibility of it through "perception management." Public affairs offices work around the clock to spin damage control for correctional improprieties into non-controversial, politically correct sound bites. With 5,000 correctional jails and institutions dotting the U.S. landscape, prisoner abuses are rampant. However, much of the abuse is overlooked by unconcerned reporters who simply regurgitate government press releases. Many of them don't seem to care or consider how such blind journalism affects prisoners' perceptions of society. Prisoners as a general group believe

such ignorance results from an overt acceptance of their mistreatment. Journalists' acceptance of it is also detrimental to the public's confidence in their exercise of First Amendment powers. As will be shown, it indicates how far society has allowed the government and the media to mislead Americans about some of our most fundamental freedoms.

This is the story told from the other side, showing the problems and the potential solutions from an inside perspective. If nothing else it is my will and testament. I hope that it serves to heighten the awareness of prisoners, their families, professors, students, policymakers, and the general public to the under-reported conditions of confinement in U.S. prisons.

As will be illustrated, the reported abuses of Abu Ghraib and Guantanamo Bay pale by comparison. Ironically, some of those abusive guards actually came from U.S. correctional systems into the National Guard(s) and the military reserves. They were trained how to effectively abuse prisoners and get away with it long before they were assigned to military detention facilities in Cuba and Iraq. What a shock they must have felt to find that American media would no longer ignore their sadist treatment of prisoners — at least not foreign prisoners connected to a war unpopular with the media.

This book is a form of media, and I think a little concern for American prisoners is well over due.

Introduction

Since this book is about solutions,

we must first gain insight about the core problems affecting the prison system in general. Although the United States has a large population in federal prison (208,118 as of 2010), the majority of prisoners is incarcerated in state institutions. As of 2010, the U.S. incarcerated 1,404,053 prisoners in state correctional institutions.¹

For that reason, and based on my own twenty years of experience, this book will primarily address the challenges of state prisons, with a heavy emphasis on the Florida Department of Corrections (FDOC). Florida serves as an especially relevant test case for the changes needed in the U.S. correctional system for two reasons. First is the size of Florida's prison population and some of the political causes of its growth. In 2010, of the 1.4 million prisoners in the U.S. state correctional system, Florida had the third largest population at 102,279 prisoners.² Only Texas and California had higher populations in prison.³ However, according to the Collins Center for Public Policy, Florida has seen a twenty-percent increase in the prison population since 2004 when it was at 82,000, with projections of 111,510 by 2015.^{4,5} Texas and California actually reduced their populations by 1,257 and 4,257 prisoners, respectively. By January 1, 2010, Michigan had shed 3,260; New York cut 1,699; and Maryland saw a reduction of 1,315. Florida saw another increase by 1,527, the second largest absolute increase in the nation.⁶

Second, Florida has enacted some of the toughest sentencing laws

US Prison Population Continued p. 20

Scapegoat: The Chino Hills Murders and the Framing of Kevin Cooper

An excerpt from the recently released book Scapegoat: The Chino Hills Murders and the Framing of Kevin Cooper by J. Patrick O'Connor, editor of Crime Magazine. Published in January of 2012 by Strategic Media Books, Scapegoat is available at www.strategicmediabooks.com, Amazon.com, barnesandnoble.com and other book sellers throughout the United States.

by J. Patrick O'Connor

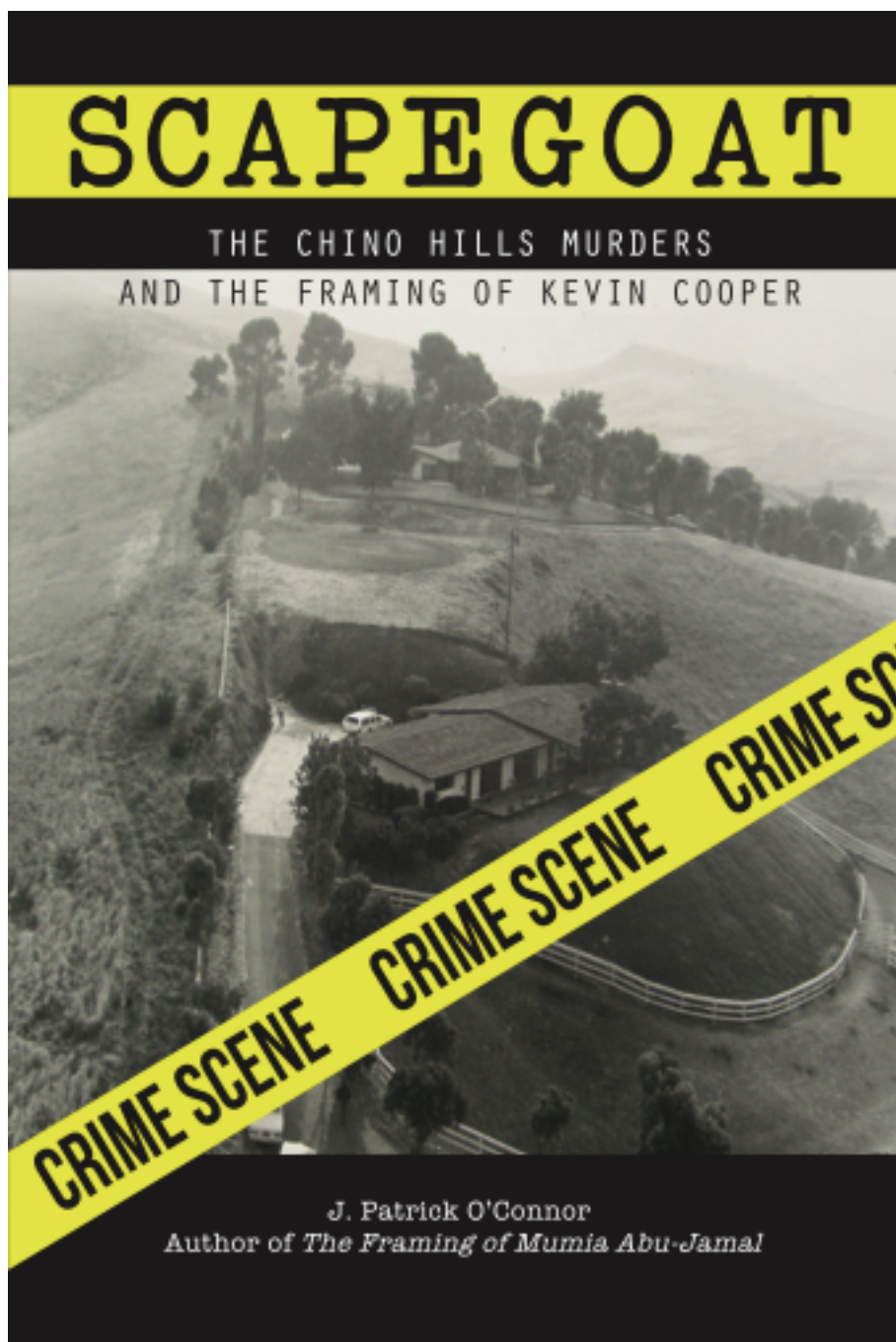
Foreword

During the fall of 2008, I was in the San Francisco Bay area on a book tour for *The Framing of Mumia Abu-Jamal*. The tour was arranged by Jeff Mackler, the executive director of the Mobilization to Free Mumia Abu-Jamal, and it involved about fifteen speaking engagements at different venues. Jeff told me that supporters of death-row inmate Kevin Cooper – whom I had not heard of -- would be attending a number of these presentations, and that they would be asking me to write a book about Kevin's case. Indeed, two of Cooper's most dedicated supporters, Carole Seligman and Rebecca Doran, did just that.

Cooper had been convicted in 1985 of the brutal murders of Doug and Peggy Ryen, their ten-year-old daughter, Jessica, and eleven-year-old houseguest Christopher Hughes, and the attempted murder of the Ryens' eight-year-old son Joshua.

Jeff had gotten to know Cooper over the years, and had visited him about twenty times. Kevin's case was quite different from Mumia's, he said, in the sense that Mumia is essentially a political prisoner and Kevin was anything but.

When I decided to begin researching the Kevin Cooper case in early 2009, I had no pre-conceived notions about his guilt or innocence. Each case is different, radically so. My first step was to read and notate the trial transcripts, documents of over eight-thousand pages. I then read all the police reports, witness interviews and vari-



ous newspaper accounts. Finally, I read all of the appeals and the judicial rulings. By this time I was ready to begin interviewing various people involved in Cooper's trial and his subsequent appeals.

One problem in researching a crime nearly twenty-five years after it occurred is that a number of key people involved in the investigation and trial have passed away or have retired or have simply forgotten important factual details. Another obstacle is that, because Cooper technically still has appeals open to him, the San Bernardino County District Attorney's Office refused to discuss the case.

During the summer of 2009, I made arrangements to interview Kevin Cooper in a visitor's cell on death row at San Quentin. On several issues, particularly those regarding his criminal record previous to the Chino Hills trial, I found him protective and less than forthcoming. That was all behind him, he seemed to suggest.

On the other hand, I was taken by his equanimity and his resolve to prove he was wrongfully convicted of the gruesome Chino Hills murders. I could see that the many years he had spent on death row, instead of diminishing him, had turned him into a person worthy of the high regard that his supporters – and his attorneys at the Orrick law firm – felt for him. On death row, Kevin Cooper had finally grown up.

Contrary to popular belief, most of the nation's more than three-thousand-five-hundred death row inmates do not profess innocence. In fact, unlike Kevin Cooper, very

few do. For those who do, the road to exoneration is a long, slow trek that usually fails. But it does succeed occasionally. Since 1973, when the U.S. Supreme Court allowed states to resume executions, one-hundred-thirty-six death-row inmates have been exonerated. In the majority of those cases, the proof of the inmate's innocence was so convincing that the prosecutor dropped the charges rather than retry the case. In forty-five cases where there was a retrial, the inmate was acquitted.

There are two things that do link the Mumia Abu-Jamal and Kevin Cooper cases: Each was prosecuted by a district attorney's office hell bent on winning a death-penalty conviction; and neither defendant received a proper defense. What separates the two cases is that, while Mumia's trial was a mockery of the justice system's standards for a fair trial, Cooper's trial had the trappings of fairness – but was lost long before the trial opened. Two pre-trial developments caused this outcome: The San Bernardino County Sheriff's Department destroyed evidence that could have exonerated Cooper; and his public defender insisted on going it alone. Not many Davids actually slay Goliaths.

This then is a book about a gruesome murder case, painfully recounted; all quotes are from either documents or interviews I conducted doing my research. It is also a book about how justice can go astray. It is the true story of the Chino Hills murders, and the prosecution of Kevin Cooper, a prisoner who escaped once too often and found himself in the wrong place at the wrong time. Since 1985, he has

been on death row at San Quentin asserting his innocence in failed-after-failed appeal while awaiting his execution.

Chapter One. Chino Hills

Five years after Mexico ceded California to the United States in 1848, the County of San Bernardino was formed out of the vast expanses of deserts and mountains of Los Angeles County.

In most ways it is the exact opposite of its glitzy neighbor to the west. While Los Angeles County is home to the City of Angels, Hollywood, Pasadena, Brentwood, Malibu, Bel Air and Westwood, a majority of Americans could not name any city in San Bernardino County other than the county seat itself. This is as it has always been, since the town of San Bernardino was so named on May 20, 1810 by Father Francisco Dumetz, a Franciscan missionary, to honor the feast day of Saint Bernardino of Siena.

What San Bernardino County lacks in national lore, it makes up for in size alone. It is the largest county in the continental United States, encompassing over twenty-thousand square miles that sprawl from the Riverside-San Bernardino area to the Nevada border and the Colorado River. It is larger than nine U.S. states and is larger in area than Maryland, Delaware, Rhode Island and Massachusetts combined. It is the only county in California to border both Arizona and Nevada.

The San Bernardino Valley is at the eastern end of the San Gabriel

The Case of the Drowning Men: The Smiley Face Serial Murder Theory

The police are calling them accidents. They say young men are simply drinking too much and meeting a tragic end in icy lakes and rivers. But, with sinister graffiti frequently found near where the victims died, the public thinks something else has been going on in America's northland since 1997. They're calling the sudden disappearances of hundreds of college-age men mysterious. They're calling the drownings murder.

by Eponymous Rox

Chapter 1: Dead Certain

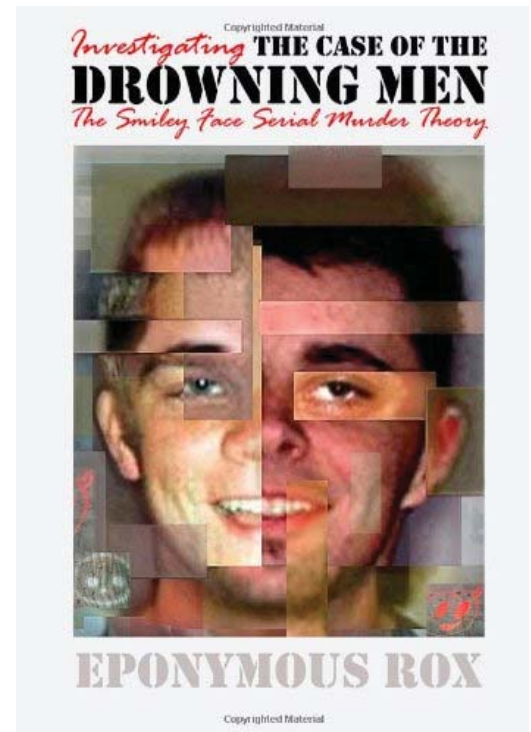
Since the mid 1990's, in the northernmost district of the United States where Interstates 90 and 94 merge to cut a scenic route toward the west, crossing nearly a dozen states along the way and skirting the border with Canada, scores of young men are vanishing every year without a trace. Only to turn up days, weeks, or months later in nearby bodies of water, dead.

Occurring mainly between the months of September to April, it's the same story repeating itself every time, with little variation: A young man goes out for the evening with his friends, gets separated from them some time after midnight, and, despite massive search efforts by his loved ones to find out what became of him, is never seen alive again.

For local law enforcement officials the hunt for lost men over the past 15 years has become an all too familiar tale of woe as well, not the least because it's costly and disruptive. But as far as police are concerned, even before they launch an investigation, even before a body's been recovered from the water and an autopsy performed, it's always a cut-and-dry case: "No signs of foul play."

Young people are simply drinking too much, the authorities claim. Young people will do crazy and stupid things when they're inebriated. They'll even throw themselves into an icy river or lake and drown.

Seems a reasonable enough explanation on its face, if only one or two fatalities occurring every once in awhile, and a scenario that's not



totally impossible to imagine either. But by the hundreds?

And why only males then? All matching the same description? Washing up in places thoroughly searched before...?

I first stumbled upon the case of the drowning men in early 2012, and quite by accident. Indeed, whatever it was I'd originally been researching at the moment, it was undoubtedly not related to death or dying, and I'm also positive it had nothing to do with H2O and its cold-weather hazards. But the brain is an efficient machine and though its focus may be directed to one particular matter it's still constantly processing everything else on the periphery; sorting, analyzing and connecting all the data-bytes it comes across. Like pieces of a jigsaw puzzle. Like dots on a map.

Scientists say one of the things the human brain is very quick to detect is a pattern. If so, that must be the reason why, when I glanced at the February article concerning yet another youth who had wandered away from his buddies and whose corpse was found shortly thereafter floating in the Mississippi, I blurted aloud, "What, not again," and clicked on the news link. Before that day, before I began to consciously pay attention to this issue, I can honestly say I'd never known of anyone, young or old, male or female, to drink and drown in autumn, winter or spring. Not in all the time I've lived in this, the affected area.

Like my fellow citizens who are also lifelong residents of the Great Lakes region—growing up here, going to school, working, vacationing, socializing—I can attest that these two things, drinking and drowning in cold weather, have never been synonymous with each other. Drowning after a night out on the town with your friends during the chilly months of September through April, with nobody else around to help, with no witnesses, just isn't as inevitable as the police would have us all suddenly believe it is. It's not, regardless of what age you are or your close proximity to the water, an ordinary way to perish.

This is probably because in these parts, even when people are drunk out of their minds, they don't usually drown outdoors unless they're in the act of swimming, or else involved in some other form of water recreation like waterskiing or boating. Activities which, because of our cold, northern climate, are

only safely executed in rivers, lakes and ponds approximately three months out of the calendar year, in June, July, and August.

The rest of the time the water's simply too cold to go in, and most everybody (native and transplant alike) understands that if water is at or below 65 degrees Fahrenheit, it's not only brutally uncomfortable, it can kill you—a body cools in water twice as fast as it does in air, losing an approximate rate of five degrees per hour. Death from hypothermia only takes about three hours in 40 to 60 degree water; less than two hours at 35 to 40 degrees; and less than three-quarters of an hour at temperatures below 35 degrees.

Those deadly equations are fairly easy to master and, in the land of lakes and rivers and ponds and streams and brooks, youngsters are taught them early on. As for the rare and reckless few who fail to grasp the math, to be perfectly candid, they don't usually make it to their early teens, let alone full adulthood.

The average age of the males who go missing and are later found drowned in the Interstate 90 and 94 Corridor is between 19 and 23 years. In the entire grouping perhaps a handful have been only 17 and a few others as old as 30, although it must be said, in the case of the more mature victims, they didn't look anywhere near their true age in posters or photographs.

Grown men drowning in cold weather on their way home at night. That's become a strange new fact of life and the weird new math those who reside in the northern corridor have now had to learn,

based upon figures which have been accumulating for nearly the past two decades.

We're fond of and rely on facts and numbers to inform us here in the northland because, overall, we're an educated people. Our extensive waterways, highways, railways, large cities, major industries and fertile farmlands have contributed to make the region one of the most affluent in the country. As a result, many of the world's finest universities can be found in this region as well, and an overwhelming majority of us have attended them. We're a schooled and highly trained bunch of skeptics we are, and even a bit conservative leaning.

Which is to say, we tend to mull things over long before we act. We don't jump to conclusions...

In 2004 the April drowning of yet another popular, athletic, and bright 21-year-old male of medium build, at the University of Wisconsin in La Crosse, provided the tipping point for that community's stoical tolerance of the matter. In terms of these events La Crosse is one of the hotspots, and by that year there'd been way too many of the same type of men dying under identical circumstances for the public to view it anymore as coincidence. With the inexplicable disappearance of honor student Jared Dion the city was up in arms, and when his body was eventually discovered downriver, the once-whispered suspicions of murder instantly morphed into full blown allegations of a serial killer or a gang of serial killers stalking college-age

Smiley Face Killer Continued on p. 37

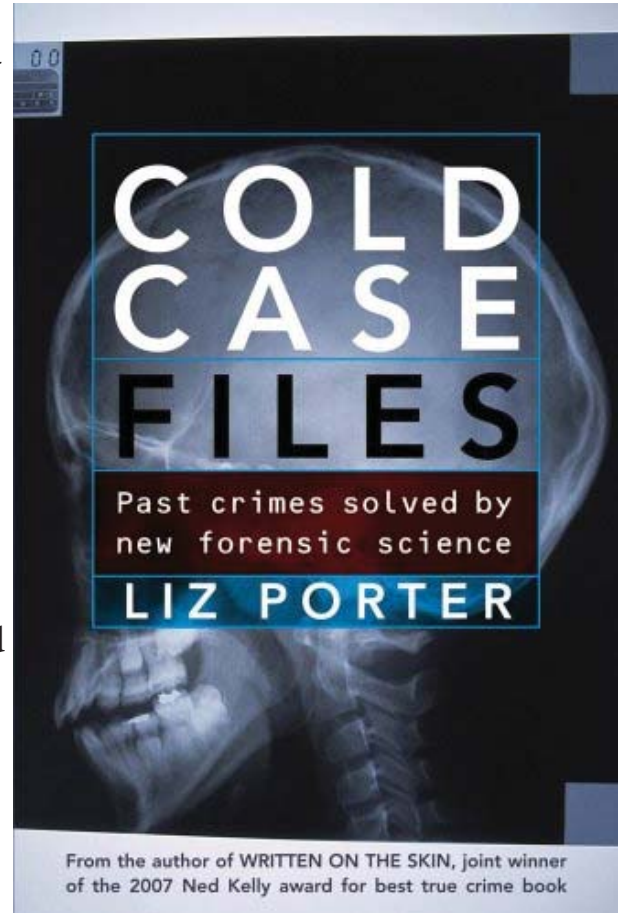
The Almost-Perfect Bank Heist

An edited extract from Cold Case Files: Past crimes solved by new forensic science – available for Kindle in the United States on amazon.com. Hard copies available at www.panmacillan.com.au

by Liz Porter

Mark Chrystie relished the challenge of hunting criminals with some ability. But as an armed robbery squad detective in the Australian state of Victoria, his day-to-day work involved the investigation of jobs carried out by lummoxes with no idea of planning, beyond the purchase of balaclavas and overalls. They would then barge through banks' front doors waving shotguns and escape in stolen cars.

So he enjoyed tracking down the crew that had planned its arrival at a bank in Melbourne's posh Toorak to the second. Arriving one minute after a cash van delivered \$250,000, they walked out of the bank with the cash in cardboard boxes on their shoulders, strolling down the street with the insouciance of men carrying a wealthy customer's bulk order of groceries to her Mercedes.



The detective also happily matched wits with the men who held up a cash van by hiding in a car boot equipped with a spy hole in its panel work, and then leaping out to surprise a driver who thought he was pulling up in an empty car park.

The Bank of Melbourne Heist – A “Soft” Target

The 1996 daylight bank robbery of a suburban branch of the Bank of Melbourne was one of the best-planned jobs that Chrystie had ever investigated. The robbers' haul was not huge – \$137,000 in cash and a pile of blank bank and travellers' checks that would be difficult to pass. But the men had done their armed robbery homework thoroughly, researching every aspect of the bank's operations in advance. If they had given the same attention to their science homework,

they might never have been caught – and this story would never have been told. As it was, they were not unmasked for another eight years. When they were, it was cutting-edge forensic science that brought them undone.

The robbers' choice of venue had been no accident. The Bank of Melbourne was clearly a “soft” target. Eleven of the 28 bank holdups in the state of Victoria between July 1995 and February 1996 had been at its outlets, with four of its suburban branches hit in January 1996. This branch, in the inner northern

Melbourne suburb of Glenroy, would have looked particularly inviting, with security shortcomings so obvious that the management had recognized them and had scheduled a move to a more secure building for a day two weeks after the break-in.

Located in a building with a back door and rear courtyard, the premises offered the robbers handy access to a rear lane, while the next door property's rear yard allowed them a subtle side-entry. Climbing up its fence and on to the roof of the bank's outdoor toilet, they could

then jump down into the bank's rear courtyard before entering via the bank's back door.

The establishment's Saturday-morning opening hours were an ideal time for a robbery, with the nearby station and surrounding streets free of the weekday commuter rush, meaning less risk of passers-by overhearing the noise of the break-in. The chosen day was the second Saturday of the football finals, and the suburban streets of football-mad Melbourne were even emptier than usual. Real estate agents tended to cut back on auctions and open inspections during this period, while police worked extra afternoon shifts at the football, directing traffic and controlling crowds.

The thieves made their entry more efficient by weakening the bank's rear door before the theft. Looking over the back fence, they had watched staff opening it when they visited the courtyard toilet, and had gauged its thickness and relative fragility. Visiting the site the night before the break-in, they used some kind of hand-held power saw to cut a square hole in the outer section of the door's lower half. They drilled only halfway through, making an incision that was invisible from the inside but inflicted serious structural damage.

They had cased their target well enough to know that its employees waited outside each morning while one staff member opened the building from the front, walking in to check for signs of intrusion before giving the all clear and admitting his colleagues. That employee could not be given any reason for suspicion, so the preparatory work

on the back door had to be undetectable from the inside. But when they rammed the door with several large steel fencing pickets bound together, the pre-cut outline would function like a perforated "open here" line on a cardboard box, a neat square section of the door would collapse inwards, and they would make their way in.

The robbers knew that the bank's safe was opened only a few minutes before the start of business, and that a series of piercing beeps, audible outside the bank, signaled the end of the standard five-minute time delay between a bank employee inserting the key into the safe's lock and the actual opening of the safe. Then the tellers would be given their personal money tins and drawers, and the time would be right for the criminals to enter, order the tellers to lie on the floor, and take their money.

Two Men in Masks

Aware that their arrival would trigger some kind of alarm and activate a security video camera, the two men wore overalls, gloves and balaclavas. Each man also wore a black theatrical Janus mask over his face, thereby depriving cameras of clues about his eye color or teeth. One was a tragedy mask, its mouth down-turned; the other a smiling comedy one.

The duo wanted to be in and out before opening time. And they were.

Bank employee Sam Ferraro was in the bank's kitchen, laying out the cash that was to go into the teller drawers, when he heard a huge crash behind him. A square

section of the back door had collapsed. First he saw the star pickets that had done the damage. Then an arm, a leg, and then a man's head appeared in the hole in the door. Within seconds two men, wearing full length overalls, balaclavas, gloves and masks were standing in the bank's kitchen.

"Get on the fucking floor!" they shouted, then "Don't move. You're not going to get hurt."

One man had a black handgun with a small nozzle, which he continued to point at the three employees, herding them down on to the floor under the kitchen table.

Meanwhile the second robber was emptying the cash boxes in the safe, stuffing bank notes into a small back pack he had brought with him – and keeping an eye on the staff. He noticed that one of the women lying on the floor was studying him, her training for armed robberies having taught her to not resist but to memorize as much detail as possible about robbers.

"Don't look," he shouted at her – an instruction repeated, with emphasis, by the man with the gun.

After emptying the safe, the second man rifled the tellers' drawers, roughly pulling out notes from the note clips, oblivious to the fact that the clips set off a silent security alarm – and the bank's cameras – if they are not handled appropriately,

But the intruders seemed to be expecting to be filmed, and did their best to thwart the security cameras' eye by ducking down. As a result

One Voice Raised, A Triumph Over Rape

One Voice Raised, A Triumph Over Rape , an excerpt from the non-fiction story about Jennifer Wheatley-Wolf's empowering experience of testifying against the man who raped her 20 years after the crime was committed. In addition to Jennifer's story of hope is a detailed account of how the cold-case was solved by Chief Investigator David H. Cordle Sr.

Important Update: In July 2012 a 3rd Victim was linked, through DNA, to the same man who attacked and raped Jennifer. This 3rd violent rape occurred on May 31, 1987 in Montgomery County, Maryland.

by Jennifer Wheatley-Wolf

Chapter 4

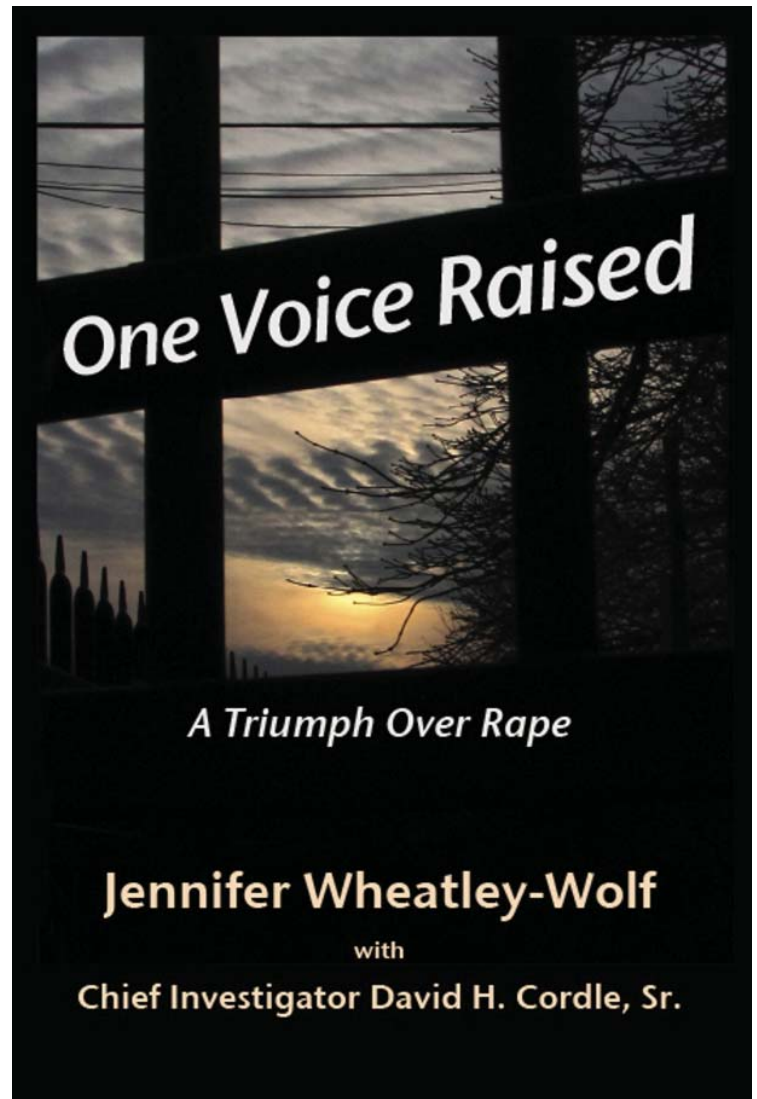
Intuition

1. Direct perception of truth, fact, etc., independent of any reasoning process; immediate apprehension.
2. A fact, truth, etc., perceived in this way.
3. A keen and quick insight.
4. The quality or ability of having such direct perception or quick insight.

I have always been intuitive. I suppose we are all intuitive to some degree. But maybe my feeling of "something isn't right here" was a bit keener than even I believed. I have been asked, if I'd felt something was wrong, "Why didn't you do something?"

Indeed, why didn't I? Hindsight is always twenty-twenty. However, even if I had followed my instincts, to what outcome? Who knows? In truth, the answer to "why not?" isn't, "I was tired and overreacting," or even "I had spooked myself by reading Stephen King at 3 a.m." It is much simpler: I'm home, getting ready for bed; I'm in my pajamas.

I am home. Isn't this the place where we feel the most invincible, the safest? Don't we all feel like the weight of the day begins to fall off once we come into our homes and kick off our shoes? We turn on the TV or stereo, grab a beer or glass of wine, get ourselves something to eat, and begin to relax. We naturally put our guard down. Getting ready for bed, dressed in my pajamas, and unwinding after a busy night at work is so far opposite from running out of the house screaming for help like a maniac. I didn't believe I was in danger because I was home. I didn't listen to my intuition. All the warnings were there and I got them all loud and clear.



I did not react to any of the intuitive signals I was picking up on because I wanted to continue to believe my home was a safe haven.

I am home. I'm safe.

Forget all the advice you have heard like, "When you are in this situation you do such-and-such." There is no way for you to know how you will react when you are in this situation. Nothing in life really prepares you for this. You can read a thousand books and hear a thousand victims tell a thousand different stories and still you are not prepared. Forget conventional thinking entirely. What is about to take place is beyond convention. Being attacked while in your pajamas getting ready for bed is unreal; surreal. Nothing you have read or heard about even enters your mind. What came to my mind were two thoughts: I'm going to die today. And, I'll be damned if I'm going to die today.

Unless you can somehow practice defensive moves all the time and make them instinctual, prepare to count on your survival instincts. Self-preservation is a strong motivator and I was about to have mine tested.

It was just after 3:30 a.m.

With my eyes focused on the candlelight, I took one step into my bedroom.

I didn't see the man who was in my room, but sensed him move in from my right and grab me. Instantly, I screamed and struggled to break free of his grip. He moved behind me and locked me in a tight bear-hug grip.

I was immediately bombarded by a blur of racing thoughts that were jumbled up with panic and terror. What's my advice? If you are lucky, you will get a chance to scream, so make it a good one. If you are really lucky and quick, maybe you can land a punch or wiggle free. Most of us are not skilled in martial arts and we have to rely on our willpower to get through what is in store for us.

"Why did you hang up on me? I told you if you hung up on me again I would kill you."

What? My thoughts came in a tumble, one over the other: This doesn't just happen in the movies. Kill me? Why? Who is this? Let go of me. What did I do to piss you off?

Something was being wrapped around my neck and I felt panic well up in me.

He was going to strangle me. Who was this? Why was he doing this? How did he get in the house? How long had he been in the house? Where was my mother?

"Scream again and I'll kill you."

As if in slow motion, I watched his right hand move up in front of my mouth. Poised, he waited for me to scream again. He knew I would scream again.

I couldn't help myself. I screamed.

As soon as I opened my mouth to scream a second time, he forced a wad of cloth into my mouth and down my throat. I wasn't even able to get the sound out before it was forced back down into me. Everything was happening so fast my

mind could barely comprehend what was going on. I tried to slip down and out from his arms. No luck. He gripped me tighter in the bear hug and forced my head back onto his chest. My mouth was all the way open. His right arm was wrapped around my face holding the gag in place and forcing my lower jaw out of alignment. The pain was horrible. I had to close my mouth or my jaw would break. Every time I tried to struggle away from him, he jerked my head back further and held on tighter.

"Touch me and I'll kill you."

My mouth was open too far. His arm was clamped around my face and he was forcing my lower jaw to move down to the right and onto my chest. He pulled my head back so far I was afraid my neck would snap.

The gag was pushing up on the roof of my mouth and the pressure was closing my nasal passage. I could not breathe. Why was he doing this? What did he mean by I told you if you hung up on me I would kill you?

No one had said this to me...

Crap! Fuck! This was the guy on the phone.

What I had mistaken for annoying prank calls had escalated into a fight for my life.

Really? Where had he come from? Where did he call from? Who was he? What had I done to make him want to kill me?

A Common Thread of Courage

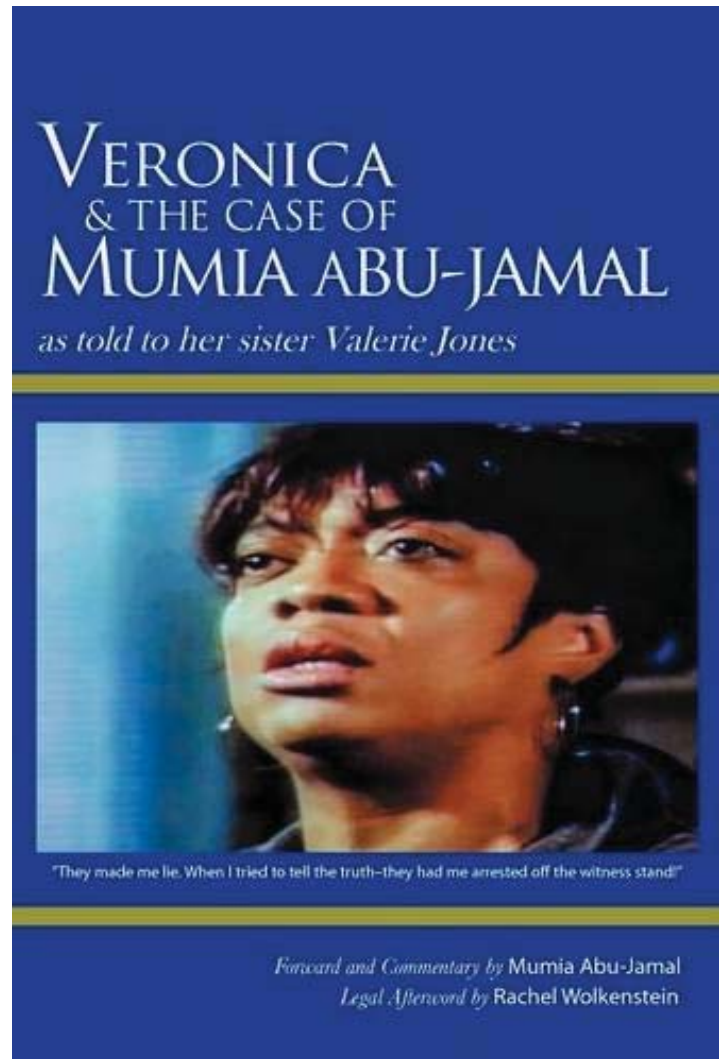
The John Carlos Story, with Dave Zirin,
Haymarket Books, 2011

Veronica & the Case of Mumia Abu-Jamal as told to
Valerie Jones, Xlibris, 2012

Two books – very different and yet with a common thread of courage. If the names do not immediately resonate with you, it is only because time and political circumstances are always changing.

by Lynne Stewart

John Carlos is the man and track star who electrified us when he and Tommie Smith and Peter Norman registered their protest to the USA's denial of black equality from the winners' podium at the 1968 Olympics in Mexico City. Veronica Jones (now deceased) is the witness to the shooting that Mumia Abu Jamal was convicted of, who came forward after lying at his trial, to clear her conscience and the record in 1995. I was struck by the fact that the two subjects, both African Americans, of these books were so different in outlook and upbringing but who in the crunch elected to stand up. Both suffered afterward for their acts of courage and that is an important part of these stories as well.



Veronica was raised by her mother and ended up in Camden, New Jersey, a dying industrial town across the river from Philadelphia. The mother of three daughters by the time she was 18, she found herself hanging out in the seamy side of Central City Philly with a group of women who earned money by turning tricks. She also became part of the “life” and so found herself on December 9, 1981, in proximity to the spot where Police Officer Daniel Faulkner was shot to death. Interviewed by homicide detectives subsequently, Veronica said that what she saw were two black men, that she thought she recognized as “vendors” (street sellers), jogging away from the scene after she had heard three shots at the location.

I know from my professional experience as a defense lawyer who has handled a goodly number of such cases, that cop shootings are “different.” This is especially true if it is a white cop and it is a black/revolutionary person who has been chosen to take the rap. The rabid intensity of the police and prosecutorial investigators to “get” the person who they have agreed upon as the “perp” is unparalleled. Like sharks at a feeding frenzy, they descend upon the potential witnesses and twist and tailor their testimony to fit their official version. They make untoward promises and if that doesn't work, they resort to intimidation. The “Blue Line” of silence of the fraternity of police is invoked.

Veronica tells us first how her first interview conformed with what she saw that December night. Thereafter,

while arrested on what was undoubtedly a weak if not non-existent case of accessory to armed robbery, she is visited by detectives at the jail who threaten her with double-digit jail terms and worse – separation from her children. When she, without any preparation by either defense or district attorney is brought directly from her cell in jail clothes to the court to testify as a defense witness at Mumia's 1982 trial – she believes she is going for her own case. When she gets there, easily intimidated, this 20 year old testified that she had not seen two black men running away from the scene. She admirably would not finger Mumia as even being there. We will never know the impact of her lack of testimony on the jury but we know the result of that trial: Mumia was convicted and he has been fighting back ever since.

Veronica's charges were subsequently dismissed and she wasted no time disappearing. Only through the untiring efforts of Rachel Wolkenstein, a lawyer on Mumia's defense team and her investigators, was she discovered in time for the 1996 post-conviction relief act hearings in Common Pleas Court in Philadelphia, hearings that the original trial judge, Albert Sabo, made a mockery of justice.

By this time, Veronica had made up her mind to clear the record of her previous lack of truth and she did so only to have an old warrant enable the district attorney to have her arrested by New Jersey State Troopers while she was still on the witness stand.

Her outrage and pain at this, reflected in her book, is indicative of

a fundamental difference between her and John Carlos. While both were born into and raised in the black community, Veronica Jones never "got it," the fundamental understanding that in this United States there was and is an enemy and that enemy – white police and their black toadies – is unrelenting. They must always be viewed as totally without scruple where black people are concerned, and even more so when a white cop was alleged to have been killed by a black revolutionary like Mumia. Her book made me sympathize with this street-smart but hopelessly naive girl/woman who ultimately found the strength to tell the truth and then become a supporter of Mumia and MOVE.

John Carlos was a man of the same color but who had race consciousness stamped into his genes. Growing up in Harlem of the '50s and '60s, his book tells the story of a young resister who from his exploits as a would-be Robin Hood taking cartons off the freight trains in the Bronx and distributing them to the people back home in Harlem, his devoted attachment to Malcolm X, his political confrontations with the power structure over minor but telling obstacles (bugs in the trees, food served in his cafeteria) he was always aware. Marrying while still in high school, he went to Texas on a track scholarship and learns the bitterness of living in a southern society where racial inferiority is a given and permeates even the utopia of competitive athletes.

It was at that time that there began the rumblings of an Olympic boycott by black athletes of the 1968 Games in Mexico City. In the organizing for that, John met with

the later, and more militant metamorphosis of Martin Luther King Jr. who was willing to support the boycott and coined for him the idea that we go out to fight not only for ourselves but for the people who can't fight and those who won't fight.

John Carlos also accurately portrays the racist control by Avery Brundage, the chairman of the U.S. Olympic committee and the threat that was implicit for any athlete who might dare to participate.

Ultimately the boycott was abandoned but when so confronted, (as have been so many of us activists by thwarted plans,) John Carlos knew he had to do something and enlisting his teammate Tommie Smith, they knew after finishing first and second in the popular 200 meter run, that they would have the victors' podium to showcase their resistance to the treatment of black people in the United States. They appeared barefoot to symbolize the poverty and with beads around their necks to echo the African ancestry. They donned the black gloves and raised their fists and bowed their heads during the Anthem. It was a moment of history! It electrified all of us back in the day when struggle was an everyday, recurring dedication and confrontation.

To learn more about or to buy a copy of Veronica & the Case of Mumia Abu-Jamal as told to her sister, Valerie Jones, go to: www.veronica-jonesandmumia.com

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Book 'Em Vol. 37

Crime Magazine's Review of True-Crime Books

by Denise Noe

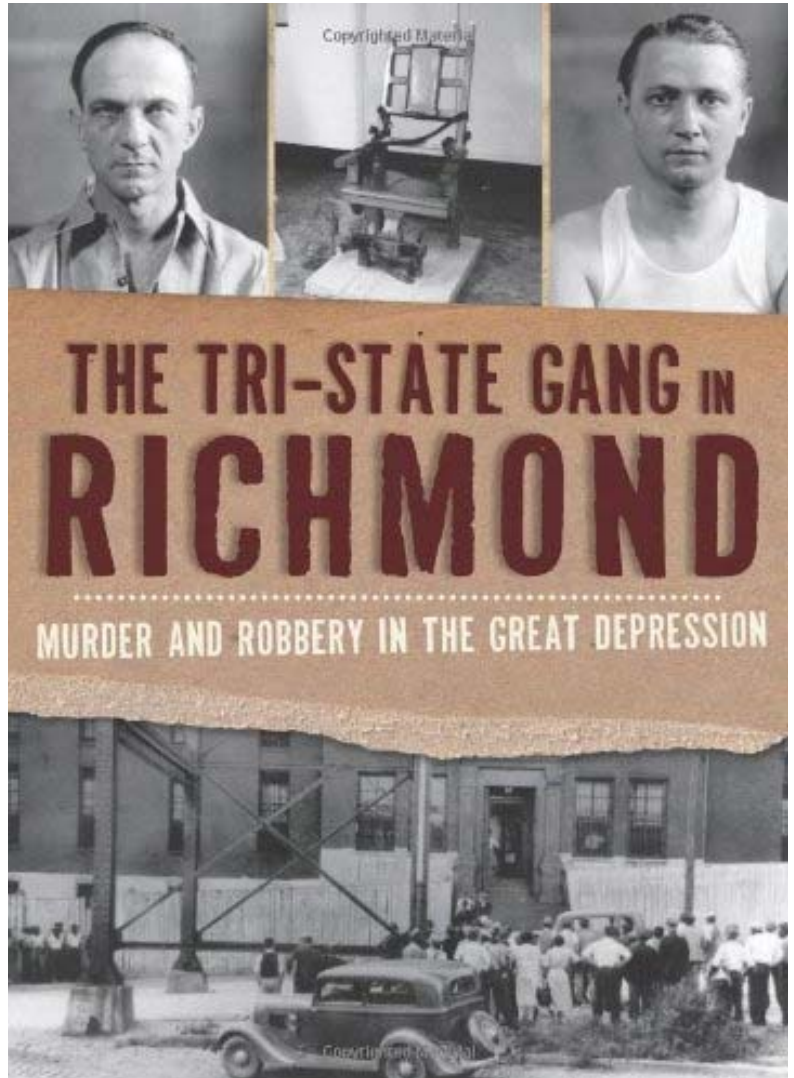
Like any other phenomenon, crime does not exist in a vacuum. It is often a kind of warped, mangled shadow of the era and culture in which it arises. Both the forms that crime takes and the manner in which the general population responds to criminal acts shed light – often an unwanted and unflattering light – on the greater society. One book reviewed here deals with crimes peculiar to the American culture devastated by the Great Depression while another deals with the organized crime culture specific to the Mafia. A book about the infamous Lindbergh baby kidnapping shows how a nation reacted to an especially heinous crime committed against a culture hero by a marginalized immigrant. A final book demonstrates how the wildly differing cultures of Great Britain and Japan were thrown together by both crime and the need to deal with it.

***The Tri-State Gang in Richmond: Murder and Robbery in the Great Depression* by**

Selden Richardson (The History Press, 2012,

\$19.99, 221 pages) is a relatively brief but utterly enthralling book. In the 1930s, with the backdrop of the Great Depression and Prohibition, Richardson brings these desperate times to life by tracking the Tri-State Gang, a handful of criminals out of Philadelphia that went on a crime spree through Baltimore and Richmond. Two of the most prominent members of the Tri-State Gang were Walter Legenza and Robert Mais, both of whom ended their lives in Virginia's electric chair. While the Tri-State Gang pulled numerous robberies, the crime for which Legenza and Mais were executed was peculiarly misguided. Richmond, Virginia bank employees Ewell Huband and Benjamin Meade found their truck blocked and surrounded. Huband was shot and killed as the gangsters grabbed the bags they were transporting and roared off with them. Later when members of the Tri-State Gang opened the "loot" they found the bags contained only cancelled checks and other paperwork. Numerous photographs help bring both the era and the gang members to life.

***Images of America: Milwaukee Mafia* by Gavin Schmitt** (Arcadia Publishing, 2012, \$21.99, 127 pages) is primarily a pictorial history of Milwaukee's Mafia. The photographs recreate a lost era and display a varied roster of diabolical characters. The introduction notes that Milwaukee's syndicate has been peculiarly neglected by the multitude of books on organized crime: "Milwaukee has never had a single book published about its criminal underworld – not one. . . . Milwaukee has been shortchanged time and again." *Milwaukee Mafia* gives the nasty syndicate of the city its devilish due. The book is made up of photographs from the early days



of the 20th century to the wind-up of the Milwaukee Mafia when its last known boss, Frank Balistrieri, died in 1993. Interestingly, the Milwaukee Mafia is believed to have died when this mobster shucked off his mortal coil (of natural causes). A reader is apt to linger over many of these extraordinary photographs. Mug shots show a bewildering array of expressions: blasé and detached, menacing and hateful, even coy and quasi-flirtatious. Gangsters often appear fascinatingly normal in wedding pictures and family photographs as well as candid shots of them chatting. The book includes pictures of taverns and attractive restaurants that served as venues for heinous crimes as well as gathering places for mobsters. Some of the photographs are intriguingly eccentric. For example, we see two photographs of dwarf Pasquale Scalici, also appropriately called Frank Little, a former circus clown who was also a bookie. One picture shows him outdoors with a group of people. The other shows him beside baseball legend Babe Ruth. Another eccentric photograph shows the patented drawing of a “device for pouring alcohol from bottles which is still used today.” This invention has the distinction of being created by a mobster who was imprisoned for murder. *Images of America: Milwaukee Mafia* has the distinction of being the first book to open a window into that city’s organized crime scene. It will undoubtedly enthrall readers with its clear portrayal of that lost underworld.

***New Jersey’s Lindbergh Kidnapping and Trial* by Mark W. Falzini and James**

Davidson (Arcadia Publishing, 2012, \$21.99, 127 pages) is a pictorial history of the sensational Lindbergh baby kidnapping case, the discovery just over two months later of the baby’s corpse in a shallow grave less than five miles from the Lindbergh’s estate in Hopewell, New Jersey, and the investigation that led to the arrest, trial, conviction and execution of Richard Hauptmann in 1936. The book features more than 150 photographs that have been out of circulation for more than 80 years. The authors present a straightforward, understated commentary that succinctly presents this terribly controversial case, including Hauptmann’s claims of innocence, but it avoids delving into the many controversies that still hound the “crime of the century.”

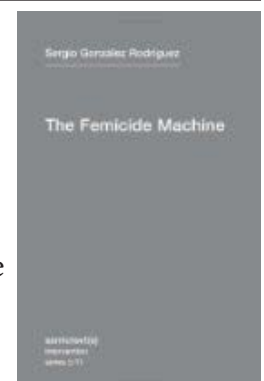


***People Who Eat Darkness* by Richard Lloyd Parry** (Farrar, Straus and Giroux, 2012, \$16.00, 454 pages) is an incredibly well-told account of the disappearance and murder of 21-year-old Lucie Blackman, a tall, blond Londoner who moved to Tokyo with her best friend in 2000 to work as “hostesses” in one of the city’s notorious entertainment districts. Lucie’s abduction occurred 59 days after her arrival and, thanks to her father’s persistence, became a major news story in both Japan and Great Britain that engaged the highest levels of both Japan and Great Britain’s governments. Written by Richard Lloyd Parry, the Asian editor and bureau chief of *The Times* of London, the book presents a rare look inside the Japanese justice system that is so radically different from the United States and the UK. For this tutorial alone, the book should be read. Parry also explores in great depth the family dynamics that are set off within Lucie’s family as the seven month search for her corpse plays out and the trial of her accused killer spans a six-year period.



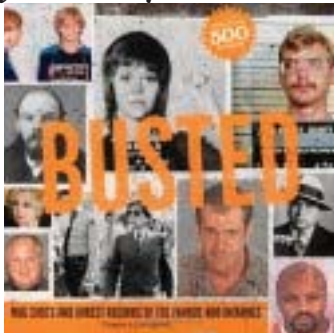
The Femicide Machine By Sergio González Rodríguez

In Ciudad Juarez, a territorial power normalized barbarism. This anomalous ecology mutated into a femicide machine: an apparatus that didn't just create the conditions for the murders of dozens of women and little girls, but developed the institutions that guarantee impunity for those crimes and even legalize them. A lawless city sponsored by a State in crisis. The facts speak for themselves. -- from *The Femicide Machine*



included the murder of three young people and the wounding of a third at Fran's Market in Fresno, California in 1980. That robbery was a cover for the revenge murder of a witness who had testified against Clarence Ray Allen in the murder of Mary Sue Kitts. Ardaiz was the prosecutor who prosecuted Allen for the Kitts's murder and won a sentence of life imprisonment and also prosecuted him for ordering the murders at Fran's Market. That conviction got Allen the death penalty, a sentence that was carried out at San Quentin in 2006 with Ardaiz looking on as a formal witness. Allen, at age 76, was the oldest person ever executed by the State of California. He was also the last person executed in California; a moratorium on executions has been in effect since then due to the lethal-injection controversy. The book is a revealing insider's view of the investigation in this case, but it could have been far better and more succinctly written by a professional writer as an "as told to" account.

***Busted: Mug Shots and Arrest Records of the Famous and Infamous* by Thomas J. Craughwell** (Black Dog & Leventhal Publishers, 2012) is as advertised, from Frank



William Abagnale to Yanni, with hundreds of others in between. Three of the Beatles (Lennon, Harrison and McCartney) were busted for marijuana possession in separate incidents. Chuck Berry jailed 20 months for violation of the Mann Act (interstate transportation of a white woman for "immoral" purposes). Mel Gibson, drunk driving. Gary

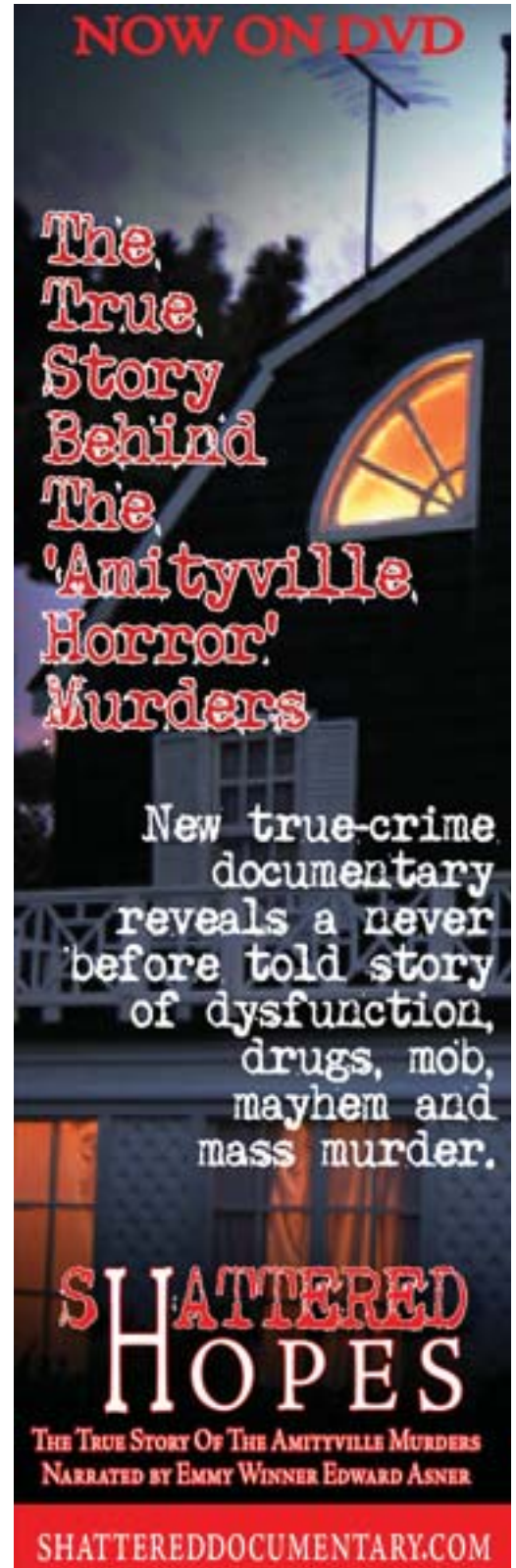
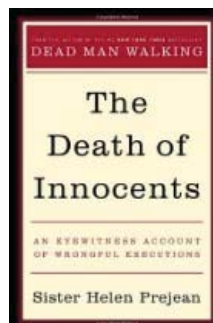
Coleman, domestic violence. Tom Delay, conspiracy and money laundering. Zsa Zsa Gabor, assault for slapping a police officer who pulled her over for a traffic violation. O. Henry, embezzling \$854.08 from the Austin, Tex., where he worked; sentenced to five years. Charles Keating, securities fraud. Rush Limbaugh, prescription fraud. Norman Mailer, felonious assault for stabbing his wife, Adele Morales, with a pen knife. Dudley Moore, domestic violence on his fourth wife, Nicole Richardson. And all the other usual suspects are in here from Mafia dons, to terrorists, to war criminals, to serial killers and assassins.



The Death of Innocents: An Eyewitness Account of Wrongful Executions

By Helen Prejean

Sister Helen Prejean was a little-known Roman Catholic nun from Louisiana when in 1993, her first book *Dead Man Walking*, challenged the way we look at the death penalty in America. It became a #1 New York Times bestseller and was nominated for the Pulitzer Prize. Now in *The Death of Innocents*, she takes us to the new moral edge of the debate on capital punishment: What if we're killing the wrong man?



US Prison Population Continued

of any state, causing correctional budgets to soar while educational budgets have been cut repeatedly.⁷ This is a recipe that ensures growth for the correctional industry. Proponents of tough-on-crime laws will undoubtedly propose that the burden on taxpayers is necessary to reduce an equally increasing crime rate. As chapter one will illustrate, tougher sentencing laws have not been created in response to increases in crime rates. Florida's crime rate had already dropped significantly before most of the tough-on-crime sentencing laws were even proposed. Indeed, the strongest factor in reducing the rate of criminal recidivism is education, especially higher education, the one correctional expenditure that federal and state politicians have slashed. This course must be reversed.

However, in an economic downturn not seen since the Great Depression, an increase in public spending for prisoner education is the last solution most taxpayers want proposed. In the current political climate, public funding for prisoner education is a near-impossible sell. The only solution to America's woes that seems to have traction is to cut, cut, cut – at any cost. For the most part, considering our bloated state and federal bureaucracies, this aversion to spending taxpayers' money is warranted. The level of wasteful spending has put the states and the nation in serious jeopardy.

For this reason, I ask the reader to be patient. This is not a book that proposes solutions that add to the deficit. Neither does it attempt to shift the blame for crime onto someone other than the criminal.

There are some mitigating factors to consider, as they relate to sentencing and rehabilitation; however, those factors are only considered to better understand their respective solutions. These will occur by shifting correctional resources to proactive programs that decrease overall spending through lowered recidivism. The solutions proposed herein are based on experience of the problems and logical conclusions, without being hamstrung by special interests that benefit from the status quo.

I deserved to go to prison for the crimes that I committed, and I am not a supporter of coddling prisoners. I am no longer a prisoner. I am a taxpayer. What I am suggesting is that the establishment politicians who have been beating the tough-on-crime drum the hardest are the same ones who have turned a blind eye to the inefficiencies that encourage returns to prison. In other words, the goal has been to grow the prison industry, not to reduce it. If that means ignoring policies within the institutions that encourage prisoners' laziness and reinforce bad behaviors, then leaders will do it. The politician has appeared tough on crime, has repaid the prison lobbyists with a vested interest in getting sentences lengthened, and has been re-elected playing the establishment game. As disturbing as this may sound, politicians and the bureaucrats who control the system have no incentive to reduce recidivism. To the former, passing tougher sentencing laws increases campaign dollars from prison construction companies, private corrections corporations, and law enforcement unions. To the latter, making policies that encourage prisoners' ignorance and laziness

ensures they will remain unemployable and increases their chances of returning to prison. More recidivism equals more prisons; more prisons equal more job security for prison guards and private corporations; more prison guards equal more members for correctional officer unions; and, more members and private profits equal increased campaign donations to the tough-on-crime politicians who cater to them. This is the main reason that Florida has one of the largest prison populations in the country, not an increasing crime rate. The same applies to the overall nation.

As the Pew Research Center stated in a 2008 research report, "Crime in Florida has dropped substantially over this period [1993-2007], but it has fallen as much or more in some states that have not grown their prison systems, or even have shrunk them, such as New York."⁸ The growth of the prison industry will continue across the country if the system is not reorganized to reduce the taxpayer burden and instill a productive work ethic based on incentive. Inmates should face the same responsibility as citizens by earning their keep and investing in their futures by preparing for the challenges they will face in the free world. By providing prisons with manufacturing, farming, and other productive capacities (as many states already do), and by providing prisoners with labor earnings to assist in their own education and healthcare, corrections in states like Florida will eventually move toward self-sufficiency. 102,000 inmates working and producing makes sense. 102,000 inmates lazing around while the taxpayer foots the bill makes no sense.

This truism should not, however, support the concept of slave labor. Once inmate labor becomes a significant source of revenue, costs to the taxpayer will be reduced. This is the reason when mentioning the need for improving education and the work ethic that I asked the reader to be patient. As the proposals in this book will show, cost reduction to taxpayers and increased prisoner education, incentive, and training can be and should be achieved simultaneously. If the political will of the people supports these efforts, institutional security and private business concerns can be met sufficiently. This is a worthy goal, considering that 95% of all prisoners nationally will be released.⁹ The primary resistance that reformers will face is maintenance of the status quo. A lot of powerful people have a vested interest in seeing that things remain the same. When the status quo amounts to hundreds of millions of wasted tax dollars, business as usual warrants a hard look.

From Chapter 1

Between 1987 and 2008, the U.S. prison population nearly tripled and one out of every 100 U.S. adults was behind bars in a local, state, or federal facility.³ By 2010 this equaled approximately 2.3 million people incarcerated in the U.S., more than any other industrialized nation.⁴ Indeed, the country with the second-largest prison population of the industrialized, information-age is the Russian Federation, at 889,598 prisoners, or 628 prisoners per 100,000 residents.⁵ By comparison, the U.S. locks up 750 prisoners per 100,000 residents.⁶ In the half century leading up to the U.S. prison boom, imprison-

ment rates per 100,000 had been averaging under 108 residents “and the number of inmates rose roughly in proportion to the growth in the general population.”⁷ Since then the increase has been sevenfold.

Why? Are Americans really that much more criminally minded than the Russians or the Communist Chinese? Additionally, during some periods Florida’s prison system has grown faster than that of any other state.⁸ This statistic not only implies that Floridians have been more criminally prone than foreigners, but also more than New Yorkers, Alabamans, Alaskans, and all other state populations in the U.S.

Stop for a moment and consider how profound such a statement is. This is the idea that tough-on-crime politicians in Florida have been selling for the past twenty years at a cost of over \$30 billion. What do Floridians have to show for it? There are 62 major prisons, 77 work camps and community-based facilities, 161 probation offices, about 28,000 correctional employees, and a 2010 operating budget just over \$2.2 billion dollars.⁹

If these dollars made Florida’s crime rate drop significantly more than the overall nation’s rate, we might argue that the dollars were well spent. This is not the case. Even without examining the psychological effects of long-term incarceration on the lives of non-rehabilitated convicts in Florida, of whom 88% will be released, the results have been a failure.¹⁰

Gulf Correctional Institution

For instance, I was housed at Gulf

C.I. in 2003. I submitted a grievance about a work assignment in which inmates were cordoned off from the rest of the institution. We were separated from water and toilet facilities for hours at a time, doing hard labor in highly humid, 100-plus degree weather. This was a legitimate grievance about a significant, repetitive violation of human rights. Some of the prisoners suffering from the heat and lack of water had already been seen by medical for heat exhaustion and dehydration. They also wanted to file complaints, but some were illiterate and others were fearful of retaliation. For these reasons, I agreed to help them write objections to the work policy.

Two of the primary proponents of the slave-labor policies at Gulf C.I. were Lieutenant Brannon and Colonel Sexton. When these rural, Southern officers learned that the work squad had made official objections to their policy, they were highly disturbed. The unified opposition to sunburn blisters, horse flies, and dehydration was something they had not previously witnessed. Work was cancelled for the day. The entire group of prisoners was brought before Colonel Sexton (who was more red-faced than usual) and Lieutenant Brannon. They had the stack of grievances on a rickety, brown, Formica-topped table in front of them, as their interrogation began. From their seats behind the table, they sneered up and demanded our individual names and DC numbers. They yelled and threatened us and convinced about half of the group to retract the complaints filed the previous day. While the lieutenant was screeching her cigarette-rasped curses at us, she had an ominous-

looking, muscular black sergeant standing silently behind her. He had been standing behind the colonel and lieutenant through their entire ranting. He had not moved a muscle, with his arms crossed over his broad chest. We could not see his eyes because of the mirrored sunglasses, but we could feel his glare.

His name was Sergeant Hudson, but most of the prisoners on the plantation-era work squad secretly called him the straw boss. He was the overseer and enforcer for the colonel and lieutenant when they needed to remind the inmates of their place in life. He was known for physically assaulting recalcitrant prisoners and intimidating those who needed to make the “right” decision.

When some of us prisoners refused to retract our grievances, Sgt. Hudson was sent to visit us in our cells later in the day. By the time he came to my cell, he was aware that I had organized the protest for water and toilet access. He searched through my personal property destructively, throwing my personal letters, legal papers, photos, and canteen items onto the floor. He then trudged back and forth, destroying everything under his feet, as he called me derogatory names. He scrunched his face up, got in my face, and tried to compel me to assault him so he could legally jump me with his fellow officers. Although he had already assaulted one of the smaller, less literate inmates earlier in the day, he seemed more hesitant to make the first move against prisoners capable of defending themselves physically. I was closer to his size and I could effectively document and assault if

he struck first.

When he saw that I would not strike first, he picked up my new GPX radio. Since he had already participated with another guard in strewing my paper records and letters onto the cell floor, he knew that the property slip authorizing me to possess my radio was somewhere in the pile of hundreds of papers. He ordered me to present my property slip immediately. Of course, I explained why I could not, but offered to search for it if given the opportunity. He said my radio was considered contraband, since I could not provide proof of purchase on demand. He melodramatically handed it to the officer and told him to discard it. The officer slowly placed the radio on the cell floor, put the heel of his boot in the center of it, slowly increased his weight on it, twisted back and forth, and crushed it. Sgt. Hudson looked in my eyes and then left my cell.

Tomoka Correctional Institution

Seven years later, I saw Mr. Hudson again. He was assigned to Tomoka C.I. in 2010 and early 2011. In the seven years since he had retaliated against me, he had been promoted by the FDOC four ranks to the position of colonel. This was a fast pace of promotion, and it sheds light on the mindset of the highest-level administrators in the FDOC. Mr. Hudson has a history of retaliatory abuse. He has had numerous grievances written against him for it. He has suppressed many more complaints through intimidation, threats, and falsified DR's. The upper-echelon administrators in Central Office are well aware of Mr. Hudson's record of abuse, yet they have rewarded him and placed him

in a position that gives him power over many more prisoners.

Why? Colonel Hudson was still abusing his power at Tomoka C.I. in 2010, threatening numerous inmates who filed grievances with disciplinary retaliation. One of those inmates, Joshua Goss (DC X12457), was called in and threatened with long-term controlled management (CM) confinement. Colonel Hudson made this threat, showing the abuse of his power, while Assistant Warden A. Gordon allegedly sat and observed the entire confrontation without using her authority to intervene. Goss was not threatened for misbehaving. He was threatened for using a grievance procedure supposedly authorized for prisoners' use by the DOJ.

During a completely unrelated incident, Colonel Hudson came down to B-Dorm in 2010 to address some complaints made about one of his policies. After he yelled at everyone and established that he would reprise against any prisoner who wrote or voiced any additional complaints about his policies, he then asked that any inmate with questions raise a hand. The inmates that raised their hands were immediately placed in handcuffs and put into confinement. This incident was grieved to the Bureau of Inmate Grievance Appeals by a prisoner named James Perez (DC 168772). He filed an emergency complaint to make the top administrators in Tallahassee aware of the retaliation in early 2011. Corrections leaders were definitely made aware of Colonel Hudson's violations of prisoners' civil rights. Rather than having these allegations properly investigated, or

forwarding them to an unbiased agency for civil rights, the FDOC rejected the emergency grievance and notified Colonel Hudson that Inmate Perez had made a complaint against him. This resulted in an order for Perez to report to Colonel Hudson's office. Perez is a martial arts expert with a life sentence; therefore, Colonel Hudson's routine attempt to intimidate him into withdrawing his complaint did not succeed. Perez re-filed his emergency grievance as a regular grievance of retaliation. Shedding additional light on the mindset of top-level administrators in the Central Office of the FDOC, they denied the grievance again.

Incidents of this nature span across different times and administrations specifically because upper-, mid-, and lower-level officials remain in position regardless of political changes at the top. Officials like Colonel Hudson are deeply embedded in a system that has been sewn together by a thread of intolerance and abuse. Governor Rick Scott is probably less beholden than prior governors in Florida to the influence of the union for correctional guards, simply because he did not need their campaign donations. Nonetheless, abusive FDOC officials were embedded into the system before Governor Scott took office and they will likely remain long after he is gone. Unless and until a Governor or Secretary replaces the leaders of the FDOC who have been promoting abusers and exhaustively investigates employees' records to weed out the mid- and lower-level violators, the abuse will continue.

Columbia Correctional Institution

A germane case in point involved an incident at Columbia C.I. in 2006. Secretary James McDonough had been appointed by Governor Jeb Bush after James Crosby resigned the position in February of the same year. Crosby had started as a guard in the prison system in 1975 and worked his way up, using his diplomatic communication skills to curry favor with state officials and the Florida PBA. As he worked his way to the top, he became close friends with lobbyists and the prison vendors who hire them. Immediately preceding Crosby's previous appointment to Secretary of the FDOC, he had served as the warden of FSP during the murder of Inmate Frank Valdes and the subsequent cover up. Indeed, similar to Colonel Hudson's promotions, Crosby was also promoted despite his own corruption and intolerant abuse of prisoners.

After Crosby pled guilty in July of 2006 to accepting kickbacks, he was sentenced to eight years in Federal prison, yet very little seemed to change after he resigned from the FDOC. Many of the officers at Columbia C.I. had been promoted for their high level of intolerance during Crosby's tenure as Secretary. When Crosby resigned these guards remained at Columbia C.I. and other prisons to continue their abuse.

Around the same time that Crosby resigned in early 2006, I filed a grievance at Columbia. About two days after I filed it an officer named Durham called me to my cell. He told me to pack my property. "The longer you take, the more you will lose when I inventory it," he barked. When I asked him why he was

taking me to confinement, he said because I had cursed at him. I was scheduled to go home within a year and had only been at Columbia for a short time, not long enough to have ever spoken to Mr. Durham. At that moment I suspected that I was being retaliated against for the grievance I had recently filed about the policy of precluding inmates, upon leaving their dorms for work, from locking their cell doors. The new policy was inviting thieves to steal after we left our dorms, since our cells were wide open.

A few days later I was taken to DR court. A lieutenant named Petersen was the primary official of the hearing. He told me that at Columbia they did not tolerate grievance writers. He said he was aware of my history as a writ writer, but that at Columbia I would have to just ignore things and mind my own business. He said he saw that I had years of gain time earned, and that I had a choice to make. "You can plead guilty and go on up to your confinement cell and finish your lesson about minding your own business. We won't take none of your gain time and you keep your head low and go on home next year. Or ...," he said with a long pause, "you can plead not guilty. If you do that, we'll find you guilty anyway and take sixty days of your gain time. But here's the catch. While you're up there, one of my officers will pay you a visit. He'll find a knife under your mattress. He'll ask you if it's yours. You'll say 'no,' and he'll write you a DR for lying to staff. The penalty for lying is the loss of all your gain time. We'll forfeit every last day, almost eight years of it. What ya want to do?"

I told him that I realized the deck

was stacked against me, and I pled guilty. Because I was facing the potential loss of eight years and I saw that the grievance procedure was only a trigger for reprisals, I intended to complete my confinement time and ignore any disciplinary or physical abuse against other inmates. Upon release from confinement, I noticed about 20 packs of cigarettes missing from my property, just as Officer Durham had promised. He had stolen them from me to give to his informants, who would bring him information on prisoners like me.

About a week after my release from confinement, I learned about an inmate who had been beaten down by three officers. One guard had used a walkie-talkie as a weapon. Another officer, named Tate, went into a confinement cell and beat up an inmate named Williams. About a month prior to that, a Jewish inmate refused to buckle under the pressure by officers to give up his kosher diet.

In 2002 a lawsuit had been filed in the U.S. District Court for the Southern District of Florida seeking an injunction causing the FDOC to provide Jewish prisoners with a kosher diet. The lawsuit was represented on behalf of a Jewish prisoner, Alan Cotton, by attorney M. Jaroslawicz of the Aleph Institute. Attorney Jaroslawicz contended at the time that the FDOC's refusal to provide Cotton with kosher food illegally obstructed his exercise of religious freedom guaranteed by the Florida Religious Freedom Restoration Act of 1998, the Religious Land Use Act of 2000, and the U.S. and Florida Constitutions.⁹ The Southern correctional officers at Columbia C.I. did not agree that

Jewish religious expression should be fostered upon them in the heart of Dixie. Officers beat the Jewish inmate so badly that he had to have his eye surgically replaced back into the socket. Officers then maced the prisoner directly in his damaged eye.

I witnessed some of these incidents and began to feel troubled at the failure of the prisoners at Columbia to address these issues. After a mentally retarded inmate was given a retaliatory DR for requesting a roll of toilet paper, thereby disturbing the officer, I decided to challenge the abuse. What they were doing was insidious, abusing the most vulnerable inmates who had little or no chance at defending themselves. They were doing it out of pure bigotry and hatred, and they had devised a systemic method of immunity through retaliation against the slightest sign of resistance.

I began to resist by picking eight prisoners who had suffered one form of abuse or another. I approached them and made each swear their allegiance and their silence. I explained to them that the grievance procedure could not be utilized, that we would have to write letters to civil rights agencies secretly, as a group, with proper dates, times, names, and documentary proof of our allegations. The complaints would have to be mailed strategically, with the farthest addresses to agencies being mailed first and the closest addresses last. This way the full impact of the disclosure would be made apparent to FDOC officials simultaneously, thereby providing the greatest potential for limiting retaliation.

We mailed over 65 letters to a myriad of agencies within a five-day period of time in early 2006. These agencies included the Southern Poverty Law Center, the Anti-Defamation League, The Beth Tikvah Jewish Prisoner Outreach Center, the Florida Justice Institute, the Florida Attorney General's Office, Florida Institutional Legal Services, and the Civil Rights division of the FBI.

We patiently, nervously waited. At first we could tell something was happening because the guards had become angrily quiet.

Chapter 10 Prisoners' Families Are Not The Criminals

Most families of prisoners are law abiding citizens. As the studies of nature versus nurture have repeatedly shown, an understanding of criminal behavior involves more than an understanding of genetic traits passed down from people's parents. There are many complex reasons why some people develop dysfunctional or criminal personalities. Moreover, offenders' relatives are often the most angry and outspoken against a family member's criminal behavior. Prisoners' families should not be blamed. They are not the criminals. To be sure, a mother does not want her "Little Johnny" to become a felon or to victimize other people. Contrary to popular opinion, a Bonnie and Clyde is rarely responsible for bringing a thief, a robber, or a Ted Bundy into the world. Sometimes it just happens.

When it does, there are two groups that truly suffer. First, there is the victim and the victim's family. Second, there is the offender and

the offender's family. Immediately following the crime, the victim and the victim's family members are most deeply affected. This, of course, is why a felon gets punished as severely as he or she does. The punishment is retribution for a victim's fear, loss, or pain. The offender's family members, however, are taxpaying citizens who do not owe this debt, yet they still suffer public scorn in ways that judges, corrections officials, and politicians make worse through criminal justice policies that ignore this fact.

Families are ignored or purposely disrespected in large part because they do not lobby their political leaders for reforms as a unified force. Before families can demand respect and reverse abrasive policies that harm them and their incarcerated loved ones, they have to become unified. They must come together under the umbrella of a union with strong leadership to influence the policies that affect them. This is being developed, and the information for readers interested in joining is provided at the end of this chapter.¹

One effective aid for implementing the abrasive policies about to be shown is public affairs departments used by corrections officials to mask the harm caused by them. Anyone can go to DOC websites for the different states and witness a prison system in the light of perfection. According to the public spin on these sites, money is never wasted, prisoners are never abused, and officials strive to accommodate prisoners' taxpaying relatives without discriminating against them. According to officials, they serve and respect all citizens, including prisoners' families.

Indeed, Michael Moore was quick to make those same claims in 2002. He was the Secretary of Florida corrections from 1999-2004. During a press interview about the introduction of hand scanners into the prison visitation screening procedure in Florida, Moore said that "visits between inmates and their families are important. Those connections can make the difference between inmates who don't come to prison and the ones that do." He also mentioned that he considered visitors customers when he pointed to new policies that will "give a boost to our efforts to improve customer service."²

Nonetheless, the issues most important to prisoners' relatives tell a different story, especially those related to prisoner placement, visitation, canteen pricing, and phone policies. All of these policies routinely increase the financial and emotional strain on families of prisoners. Most of these families are poor, which is already made worse by the loss of a family member to incarceration. Studies on the impact of incarceration on families have shown that the average yearly cost of incarceration on those left behind is \$12,680, or about six months of the prior annual earnings before imprisonment of the relative.^{3,4} This is devastating to families who are already socio-economically disadvantaged.

Minorities Disproportionately Affected

These families are also disproportionately African-American and Hispanic. The importance of this fact becomes clearer when the children of these minorities are

taken into consideration. In 2010, more than 1.7 million children in this nation had a prisoner for a parent.⁵ Of those children, half were black, and about eight percent of all African-American children have to visit a prison to see their mom or dad.⁶ More than sixty percent of incarcerated women are African-American or Hispanic.⁷ African-American men are approximately six percent of the U.S. population, yet nearly fifty percent of the nation's prison population.⁸ In addition, the U.S. Department of Labor has shown in prior studies that over fifty percent of black men go unemployed during difficult economies, such as the U.S. has faced the past few years, and in many ways is still facing.⁹

This means that when an African-American mother goes to prison, a slight increase in the distance of a prison from the residence of the father and children frequently makes the difference of a visit or no visit because of the price of gas. Mothers left to rear children fare no better. They must work and find a way to sustain daycare without the assistance of the father. In many cases staying at home makes more economic sense. With children of prisoners, a policy increasing a financial burden just slightly can and does trigger the decision by some desperate mothers to give their children up to foster care. Their delinquency worsened by the absence of the imprisoned parent, many other children end up going to juvenile detention centers. This is especially true for those who are unable to partake in contact visitation with their fathers because of the distance that separates them. Fathers are typically housed an average of 100 miles away and moth-

ers an average of 160 miles away from their children.¹⁰

And the pain does not discriminate.

Regardless of whether a child is black, brown, tan, or white, no child should have to suffer emotional instability from excessive corrections practices. Officials implement these practices under the pretense of increased security, when frequently the true impetus is increased profits for private commissary vendors, job security for unionized guards, and convenience for corrections administrators. They must know how practices that make visitation difficult or practices that charge excessively high collect-call rates also strain those ties between prisoners and loved ones. This is true even as criminal justice studies and recent re-entry initiatives have advertised the rehabilitative effects of strong family relationships.

Children of Prisoners Suffer the Worst

For this reason, over half of all incarcerated parents reported having never received a personal visit from their children.³⁵ Much literature on the developmental effects of separation from a primary caregiver has been produced. In one report issued by the U.S. Bureau of Justice Statistics, sixty-six percent of incarcerated mothers and forty percent of incarcerated fathers reported being one of the primary caregivers previous to incarceration.³⁶ The U.I. also showed in a study that there are specific character and behavioral traits in children that are directly affected by parent-child separation, especially complete separations that disclude contact

visits, including, among others:

- Feelings of shame
- Poor school performance
- Increased delinquency
- Loss of financial and emotional support
- Increased risk of abuse by new caregiver(s)
- Impaired ability to cope with future stress and trauma
- Disruption of normal developmental progress
- Increased dependency and maturational regression
- Intergenerational patterns of criminal behaviors³⁷

These findings are made even more troubling when the age of these children is revealed. In prior studies, 56% were shown to be between one and nine years of age. An additional 28% of them were under the age of fifteen.³⁸ As illustrated earlier in this chapter, and as restated in the U.I. report, “facilitating contact has been shown to reduce the strain of separation and increase the likelihood of successful reunification.”³⁹

Even if studies did not show that returns to prison were lowered by the strengthening of prisoners’ family relations, simple concern and humane consideration for the children would demand policies that facilitate visitation and other means of contact. In direct conflict with these findings, states increasingly approach interstate and intrastate placement of inmates based on short-term fiscal and security considerations, rather than long-term effects on prisoners’ families.

Findings of the Legislature and Florida Supreme Court are Meaningless to FDOC

The Florida Legislature and the FSC have verbalized a concern for and an intent to bolster the “frequency and quality” of prisoner visitation and intimate family relationships. To the contrary, the FDOC is renowned for circumventing those stated intentions. The FDOC does this by creating policies of visitation and prisoner placement that conflict with them, while instituting and publicizing other, less-widely adopted practices that give the appearance of compassion.

A program called “Reading and Family Ties – Face to Face,” provides a case in point. This program permits prisoners and their children to communicate over a videoconferencing technology. The live sessions occur weekly, encourage parent/child discourse, strengthen children’s reading skills, and enhance their familiarity with the imprisoned parent. The sessions last one hour and cost nothing to the families. An excellent, insightful program.⁴⁰

Sadly, this program is not available to male prisoners, who comprise 93% of the population in the FDOC.⁴¹ Sixty-five percent of female prisoners have children.⁴² This means the FDOC is only providing the service to a small fraction of the total prison population, about 4.5%, or 4,700 out of approximately 102,000 prisoners.⁴³ Albeit the program is positive, it would certainly be more deserving of the accolades it receives through the public affairs department of the FDOC if it did not disclude approximately 54,000 of the remaining incarcerated parents because they are fathers.⁴⁴

Contrary to this program, which affects only a small percentage of prisoners' children, the facilitation of visits through the placement of inmates within a reasonable proximity to their families would potentially affect 100% of prisoners' children. The following rule was enacted in the FAC in 2001 and clarifies the position of the FDOC on this issue:

Inmate visiting is a privilege, not a guaranteed right of either the inmate or the visitor. Inmates are not assigned to specific institutions solely for the convenience of visiting privileges.⁴⁵

Once again, the public position of the think tanks, the Legislature, and the FSC seems insightful and compassionate, but directly conflicts with actual corrections policies instituted by the FDOC. Furthermore, words such as solely used in the rule above make the policy appear more reasonable than it is. Nobody would expect the FDOC to establish a policy of prisoner placement solely for the convenience of visitation. There are many other considerations of security, programs, and fiscal limitations involved in establishing where a prisoner will be placed to serve a sentence. Oftentimes the prisoner needs to participate in a specific rehabilitative program for a parole consideration or drug treatment that is not available at an institution close to his or her family's residence. Fiscal constraints have also caused the FDOC to limit the number of discretionary transfers. Additionally, most prisoners come from the South and Central regions of Florida, yet most prisons have

been built far away, in the North and Northwest rural regions, such as Jackson and Gulf Counties.

Commonly provided to defend practices of prisoner placement, these reasons cannot withstand a simple analysis. Prisoners know that the FDOC rarely places them in an institution with any consideration whatsoever for the proximity of their families. In fact, many inmates believe the FDOC purposely transfers them as far as geographically possible from their families to increase the pain and suffering of the sentences underlying their imprisonments.

The Prison Boom of North Florida

There is plenty of evidence to support this position, including a calculation of the average distance from prisoners' facilities to their families' permanent residences. At Tomoka C.I. in 2011, prisoners averaged 136.38 miles away from their families.⁴⁶ Additionally, since most inmates come from Central and South Florida, the Tomoka number is skewed to lessen the real average that discludes the tens of thousands serving time in North Florida, hundreds of miles away from their families. If a family were to call and try to argue that the word solely does not mean a consideration of the families' distance from a facility should be precluded completely, the FDOC would simply refer them to the rule and allege that officials are not required to make such a consideration. This is what frequently happens. It is the general, though unofficial, policy.

I experienced this myself. There is a prison in Bowling Green, Florida,

called Hardee Correctional Institution. This close-custody institution matched my security rating and is only fifty minutes away from my family's home in Bradenton, Florida. I asked my classification officer numerous times to be moved from Tomoka to Hardee. There was nothing preventing my transfer. Even the last two-and-a-half years before my release in 2012, my family was required to drive a full five-hour round-trip to and from Daytona Beach, Florida and suffer the expense of a hotel over twenty times. I had a good behavioral record, having received only one minor disciplinary infraction from 2007 to 2012 and the FDOC had no viable excuse for denying my request for transfer. Refusing such a request unnecessarily strained my family financially and emotionally. Most prisoners' families are being forced to routinely suffer in this manner.

Although there are true limitations on bed space in institutions with programs that are located in Central and South Florida, that fact itself deserves an evaluation. As previously stated, the majority of prisoners in the FDOC originate from the Central and South Florida regions, from the Tampa-Orlando corridor of Interstate 4, southward. From over twenty years of personal acquaintanceships and observation, I would estimate this to be approximately seven of ten prisoners. This demographic has not changed to any significant degree during Florida's boom of prison construction over the past twenty-five years. During this time, legislators have been aware of the demographics of Florida's prisoners and their relatives while also advertising the intent to increase

the practices that strengthen their rehabilitative bonds, specifically those with children. Then those same legislators sponsored bills to increase expenditures for prison construction in rural areas as far away from prisoners' families as possible, even signing appropriations in 2009 for shipping Florida's prisoners to private prisons in Alabama.⁴⁷ Something smells rankly abusive and self-promoting about these taxpayer expenditures. If the mass majority of state prisoners are located within Florida's central and southern regions, then why would recent, huge facilities be built in North Florida?

In February of 2012, there were at least forty-one major correctional institutions in the FDOC located north of the Tampa-Orlando region of Central Florida and thirty-four of the forty-one were situated between Jacksonville and Pensacola. Within most counties in North Florida west of Jacksonville, a major institution has been built since 1990. For those like Union County that already had a major institution, huge expansions have doubled or tripled their capacities through duplicate prisons called annexes. Most of these are just as big and commonly house just as many or more inmates as the original, now conjugate, institutions. These annexes, internal expansions, and new prisons in the North Florida region account for over seventy percent of the additional occupancy built by the FDOC since year 2000.

Indeed, none of the following counties in South Florida had a major institution in 2011:

St. Johns
Sarasota

Flagler
Manatee
Collier
Monroe
St. Lucie

One of the latest additions to the state's stable of corrections facilities is called Suwanee Correctional Institution. Opened in November 2009, it was built to house high-security-risk inmates who are classified for long-term CM confinement. This institution is larger than most facilities in Florida. It holds approximately 5,000 prisoners; older institutions (before annexes) have one-fifth the holding capacity. Suwanee C.I. is located in North Florida, between Lake City and Tallahassee.

Prisoners housed in DOC facilities such as Suwanee C.I. are permitted fifteen approved visitors, and children below the age of twelve are not counted against the quota. There are many prisoners who have fifteen loved ones including nieces, brothers, grandparents, uncles, etc., and over half of all male prisoners have children. It would be a conservative estimate to assume an average of five approved visitors per inmate. This estimate of five would adjust for those prisoners who are not fortunate enough to receive visits. At this level, assuming seventy percent of inmates' visitors live south of Orlando, the choice to build Suwanee so close to Georgia means that over 17,000 taxpayers must suffer the time and expense of at least 400 miles (round-trip) to see their imprisoned relative at this prison.

For families who live in West Palm Beach, Key West, Miami, Fort Lauderdale, or Fort Myers, the distance

(round-trip) is closer to 800 miles. For those families with a relative housed in Century C.I. or Gulf C.I., the total distance to complete a visit is between 1,000 to 1,200 miles. These distances are costly and exhausting, especially for elderly relatives and mothers bringing children to see their incarcerated fathers.

Why does the FDOC build seventy percent of Florida's correctional institutions in North and Northwest Florida knowing that seventy percent of prisoners' children live in Central and South Florida?

The answer is complex.

The first reason is economically threefold. To begin, in the U.S. thirty percent of all counties have a jail or prison.⁴⁸ These facilities, especially in undeveloped rural regions, are frequently the primary or strong secondary source of employment for a large percentage of the local population. In Florida, the northern half of the state is the most rural, least-populated half of the state, and 100% of those counties have at least one major DOC facility.⁴⁹ Less than 75% of the counties below Tampa have a major DOC facility.

In Jackson County, bordering the corners of Alabama and Georgia, County Commissioner Jeremy Branch stated in response to Governor Scott's proposal to close three older state-run institutions that closing one of Jackson County's major prisons would cause "economic devastation."⁵⁰ The county is home to both Apalachee C.I. (ACI) and Jackson C.I. (JCI). ACI alone has more prisoners than the inhabitants of Sneads, the small town from where most of the ACI

guards originate. Sneads has a population of about 2,000 and forty percent of the jobs have been created by the prisons, work camps, and the Chattahoochee mental hospital.

According to Branch, “[ACI] is the town’s major wastewater-treatment customer, accounting for about forty percent of its entire annual revenue.” He continued, saying that “the snowball effect of those dollars, of those paychecks, they’re just tremendous.”⁵¹

This raises the second economic reason: wages. Most people living in rural towns such as Sneads have little more than a high school diploma. Their chances of finding a job that pays more than the starting pay of \$31,900 with benefits for a Florida DOC guard is unlikely.⁵² There is only one major grocery store and one pharmacy in Sneads, Florida. This means lucrative employment opportunities are rare or completely non-existent. This also depresses the wages the FDOC might otherwise have to pay to open a new prison somewhere south of Jacksonville.

Sometimes these points mask an important result. A prison built in North Florida has a huge hidden cost inherent to prisoner placement, because over 34,000 inmates are received and transported to their assigned prisons every year in Florida.⁵³ One gallon of diesel fuel has been costing between \$3.00 and \$4.50 for the past few years. The expense of transporting seven of ten prisoners from the reception centers in Central and South Florida to prisons in the panhandle (hundreds of miles away) is incomprehensible. After considering the

additional costs of vehicle maintenance and security labor for round-trips (two guards per vehicle), the wasted expense of these prisoner placements could easily exceed half a million dollars. This does not serve the best interests of 99% of Florida’s 19 million residents who must pay for these correctional expenditures. Building prisons in North Florida is even more costly to prisoners’ loved ones. It is also emotionally and psychologically harmful to their children who number in the tens of thousands.

The costs are hidden because members of the special interest group that benefits from these tax expenditures do not want such waste to be exposed. The depressed wage expenses are advertised to legislators, who are more concerned with voters’ perceptions of an initial outlay for a new prison, rather than the hidden, recurrent costs attached to North Florida’s prison boom. In these cases, the group that benefits is the correctional officers’ union.

Family Bonds Further Strained by New Restrictions to Visitation

Indeed one of these correctional absurdities instituted more recently is the policy of suspending prisoners’ visitation privileges. It is happening across the nation, as seen in numerous state and federal court challenges against its constitutionality.

Relating to this issue, the Court has repeatedly failed in its duties to protect family ties, as seen in a case titled, *Dunn v. J. Castro*, out of the Ninth Circuit Federal Court in California:

Dunn is a California State prisoner.

On May 7, 2002, while incarcerated at Corcoran State Prison, prison officials reported Dunn for violating prison rules by ‘attempting to elicit illegal sexual relations by phone in concert [with a] minor.’ Dunn claims that he was actually engaging in a sexually-oriented telephone conversation with his wife, without realizing at the time that his child was on the phone. Nevertheless, on January 29, 2004, an Institutional Classification Committee (ICC) decided to prohibit Dunn from receiving visits from all minors, based upon the May 2002 violation. The ICC relied upon California Code of Regulations (CCR) Title 15, section 3173.1, in making its decision.⁷⁸

The Court, in affirming Dunn’s loss of visitation, relied upon a number of cases that have focused on the security concerns of corrections officials in years past. In the following case out of the same Federal Circuit in 2002, the judges, some of the more liberal in the nation, held that,

[it] is well-settled that prisoners have no constitutional right while incarcerated to contact visits.⁷⁹

What the courts in the U.S. have done by allowing blanket restrictions limiting visitation is to reach a conclusion that is related to the wrong premise. In this matter, the question should not be whether or not prisoners have the constitutional right to contact visits. A prisoner’s enjoyment in receiving contact visits is a secondary consideration, as it should be. Instead, the question should be do citizens have a constitutional right to policies that achieve correctional security and that pose the least threat of fu-

eling future criminal behaviors. If a criminal's civil right is the premise argued, then judges and corrections directors probably have a legitimate claim. A prisoner should probably not have a guaranteed right to contact visits. In the end, a felon is incarcerated for using his or her contact with people to victimize them. Part of their separation from society was to protect citizens and to punish and teach a correctional lesson. If this were the only concern, then visitation would be of no great importance.

By isolating criminals, however, whether to cover abuse against them or not, the criminal justice system is perpetuating crime. Isolating criminals does not "correct" them. It does not make them more docile. It does nothing positive at all. Instead, it destroys their family ties, causes innocent children to cry on Christmas or Father's Day because their mother cannot afford to drive from California to see their father in an Oklahoma prison resulting from an interstate transfer. It causes a mother who already suffered from depression to revert to drug use in prison after missing her daughter's fifth birthday in a row without a visit or phone call. It causes a son to literally slice his arms to shreds because going to a prison for psychologically disturbed inmates is the only way to get close enough for visits with his mother, who is dying of lung cancer.

The Prisoner Family Union Has Some Solutions

This book is designed to serve as a catalyst for students, family members, and other criminal justice reformers to develop unions in each of the fifty states. The established

goal of each state's Prisoner Family Union (PFU) should be to:

Pursue criminal justice sentencing reforms that place ceilings on sentences, increase judges' discretion to make downward departures, increase drug treatment and other community corrections alternatives, and abolish minimum-mandatory provisions for non-violent offenses.

Pursue policies of prisoner placement that reduce current intrastate distances by forty percent and completely abolish non-voluntary interstate placements.

Pursue the reversal of corrections policies that diminish prisoners' familial contact for disciplinary purposes, increase weekly video-conferencing for children and incarcerated parents, in addition to normal contact visitation, and establish a comprehensive private healthcare plan to augment Medicaid for children of prisoners.

Lobby legislators to pass laws that reverse pen-pal and religious-correspondence restrictions restrictions and other policies of isolation, while instituting other safeguards to ensure societal and penalogical security.

Seek the abolishment of policies that charge co-payments, reimbursements, and other double-taxation charges to prisoners' taxpaying loved ones. This would include the pursuit of fair collect-call rates and profit margins on the commercial resale of all goods and services.

Pursue programs of inexpensive electronic video communications between prisoners and their chil-

dren that apply to both genders of all incarcerated parents.

Seek increases in rehabilitative activities such as music, artwork, writing, and hobby craft that can be leveraged to reduce solitary confinement and visitation restrictions as positive behavioral incentives.

Present the statistics in support of increased drug and alcohol treatment programs and make early release credits dependant on successful participatory recovery.

Lobby state and federal leaders to institute mandatory GED classes and increased vocational and higher educational opportunities for prisoners.

Implement agricultural, industrial, and service economies that increase training and financial incentives. This increased work ethic would decrease the burden on taxpayers through a reduction in recidivism and correction expenditures.

These are the top ten goals of each individual state's PFU. Additional pursuits will certainly develop over time in response to new legislation that punitively affects prisoners' loved ones. Since most prisoners' families are socio-economically disadvantaged, reformers who actively pursue the development of pro-family unions must be cost-considerate. Membership dues should be held down to the minimum required to adequately fund legislative lobbying, marketing, administration, newsletters, website development, and subsidies for children's transportation for visitation with incarcerated parents.

There are many ways to fund non-profit family unions without discouraging participation by less-affluent members. First, in corrections systems that provide jobs with financial compensation, prisoners themselves would be encouraged to pay a donation of \$15.00 per year. This would allow them to receive a monthly or bi-monthly newsletter on topics related to prisoners and their families and would automatically make their children eligible for transportation benefits increasing child-parent bonds through visitation.

Second, a rehabilitative program that increases family bonds reduces recidivism. This is a societal benefit that would qualify for federal and state grants to an organization with a 501(c)(3) non-profit status, and all contributions to these efforts are tax-deductible.

Third, not all prisoners' friends and adult relatives are poor. Those citizens concerned with the issues raised herein who are affluently capable would be encouraged to make more generous donations. The key is to effectively advertise and promote the organization's agenda with philanthropists who would not otherwise be aware of abuses inside the U.S. corrections system.

For example, in 1967 the Ford Foundation made a \$1 million grant to create the National Office for the Rights of the Indigent, for inmates accused of capital crimes.⁹³ Billionaire philanthropists have also contributed to criminal justice issues, including the establishment of the Campaign for New Drug Policies, which has mobilized public support for drug treatment in lieu of incarceration.

tion.⁹⁴ The resources are available and this book is only one of the many activist mechanisms needed to increase awareness.

In the event a member believes that the information provided in this book should be shared with a potential donor, requests should be made to the U.S. Post Office address, the e-mail address, or at the contact information at the PFU website provided in the front of Appendix A. Book donations will be made on a case-by-case basis, depending on available resources and the content of each inquiry.

Fourth, donations made by prisoners would help the PFU assist inmates' children with visitation transportation costs for up to six visits per year and to provide up to six newsletters per year by mail to the prisoner or his/her family. However, the prisoner would not become a union member in most states because they disallow the unionization of prisoners. Free members would be required to pay \$120 per year or \$10 per month in membership dues or have a sponsor provide the annual fee. For those concerned loved ones or reformers who would rather offer their services, this would be very helpful to the success of the union. Membership dues could be waived for members who provide research for the newsletter, typing, writing articles, coordinating visitation transportation for family members, mailing newsletters, or providing transportation for members' attendance at rallies for lobbying in each state's capitol.

In very extreme cases of hardship, verified by a union director, an immediate relative of a prisoner

unable to afford the annual membership due may receive membership for any size donation. Citizens would be asked not to seek this privilege of hardship unless one truly exists so that potential members who genuinely need it could benefit from the services provided by the union.

Privileges of membership would include the following services:

- Monthly newsletter;

- A healthcare plan that covers prisoners' children who are being raised by a union member caregiver;

- Through community donations, a benefit program of clothing and school supplies for prisoners school-age children administered through civic leaders in each community;

- Annual membership to PFU website resources, reports, and member network;

- Transportation for caregivers of prisoners' children for parental visitation;

- Legislative activism for prisoners and prisoners' family related issues; importance of primary concern would be decided by member votes over the internet;

- Select support by phone, internet, and mail of individual member concerns to corrections officials, including probation and parole agencies;

- Select support of pro bono legal aid;

- Select support for typing and presentation of parole plans;

- Select support of EOS packages and other needs of re-entry;

- The establishment of mentors for the prisoner releasee.

In addition to the services above,

significant systemic cases of abuse may also be challenged by class-action civil suits represented by PFU civil attorneys. The PFU would also work in coordination with law schools that take on activist-oriented projects challenging civil rights abuses, particularly those that effect great numbers of prisoners and/or their families.

There are already a number of successful programs coordinated in league with law students across the nation. One of those programs, called the Innocence Project, has effectively seen justice in applying DNA to prove the innocence of falsely accused defendants in numerous cases.⁹⁵

Criminal-Justice & Law Professors Are Encouraged to Leverage This Book to Teach Students Another Perspective

I invite professors of criminal justice and law courses to use this book as an interactive tool for eliciting debates on the criminal-justice issues of the day. The PFU website provides an outlet for discussion, from the perspective of prisoners' families. Very few books on criminal justice present an ex-convict's view of the prison problem, leading students of law or criminal justice to adopt an unbalanced account of these issues. This is significant considering college undergraduate students in this generation will be the leaders of carceral policies within a decade. Those students will be the next district attorneys, federal judges, correctional administrators, and rehabilitative program directors.

Students may become completely intolerant or equally balanced in

their future applications of criminal justice. If this treatise does nothing more than achieve the latter, rather than the former, then this work has been successful.

Justice Thurgood Marshall stated it best in the landmark Supreme Court case temporarily abolishing the death penalty in 1972:

At a time in our history when the streets of the nation's cities inspire fear and despair, rather than pride and hope, it is difficult to maintain objectivity and concern for our fellow citizens. But, the measure of a country's greatness is its ability to retain compassion in time of crisis.⁹⁶

Thurgood Marshall



Scapegoat Continued

Valley, and, along with Riverside County, is part of the Inland Empire, so named to distinguish the region from the coastal areas of Los Angeles County. The San Bernardino Valley includes the cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa.

Chino Hills is nestled in the southwest corner of San Bernardino County. Its forty-five square miles of rolling hills border Los Angeles County on its northwest side, Orange County to the south, and Riverside County to the southeast. In

1771 the Spanish founded Mission San Gabriel and began using the area to graze the mission's cattle.

Developer Richard Gird bought the land in 1910, the same year he founded the nearby city of Chino. During Prohibition the Carbon Canyon Mineral Springs opened for business and the Los Serranos County Club soon followed, drawing both day visitors from Los Angeles and bootleggers to the isolated area.

By the mid-1970s, Chino Hills was still unincorporated with less than twenty-thousand residents. About half of Chino Hills consisted of undeveloped grazing land for equestrian ranchers and dairy farmers. Over the next twenty years the area experienced rapid development. When Chino Hills was incorporated in 1991, its population had more than doubled to forty-two thousand residents.

A somewhat worrisome aspect of life in Chino Hills is the presence of a major state prison located just three miles away with over four-thousand convicted felons. Over the preceding ten years, escapes had occurred with unsettling frequency, ranging from eight to thirty per year.

The California Institute for Men sits in a barren southwest corner of San Bernardino County, sandwiched between two state highways, in the town of Chino. When it opened in 1941 it was known as "The Prison Without Walls." Its first warden, Kenyon Scudder, believed in education and rehabilitation. He took the title of superintendent and the guards – all unarmed – were referred to as "supervisors." The

only fence Scudder allowed on the two-thousand-six-hundred acre property was a low barbed-wire one erected to keep dairy cows from wandering through the prison complex. In 1952 Doubleday published Warden Scudder's seminal work on penology, *Prisoners Are People*. The 1955 movie, *Unchained*, was based on his book. Chester Morris of Boston Blackie fame played the role of the groundbreaking superintendent.

As California's prison population exploded in the 1970s – thanks in part to the crackdown on drugs and the overcrowding that produced throughout the state's prison system – CIM devolved to the traditional mode of simply incarcerating prisoners in maximum, medium, and minimum-security facilities.

The minimum-security area, the only holdover from the Scudder days in terms of appearance, sits in an open, grassy area with dorms, surrounded by a waist-high, chain-linked fence. Guards do not patrol its perimeter.

Chapter Two. The Ryens of Chino Hills

The secluded area of Chino Hills that Doug and Peggy Ryen and their two-year-old daughter, Jessica, and infant son, Joshua, moved into in 1975 fulfilled a long-held dream for Peggy Ryen, joining a small, close-knit community of Arabian horse breeders who operated adjoining or close-by ranches. Their neighbors referred to their ranches along Old English Road as the "Arabian Horse Center of Southern California."

From their hilltop house, the Ryens

looked out over a maze of white fences that hemmed in their and their neighbors' ranches. In the Ryens' stables were more than a dozen white Arabian show horses, including their champion stallion, Tatal.

Peggy had owned her own horses since she was twelve years old, gifts from her twice divorced mother, Dr. Mary Howell. Peggy loved to train horses and enter them in competitions near her mother's chiropractic practice in Lititz, Pennsylvania, not far from Lancaster. As a teen she aspired to be become a veterinarian, but her mother persuaded her to follow in her footsteps. Like her mother, Peggy attended the Palmer School of Chiropractic in Davenport, Iowa, graduating in 1963 and then joined her mother's chiropractic clinic in Santa Ana. Three-and-half years later, Peggy opted to venture out on her own, opening her own clinic in Santa Ana. At an alumni reunion at Palmer in 1970, Peggy Ann Howell met Franklin Douglas Ryen, an ex-Marine who was in the final year of the school's four-year program and who by now was separated from the woman he had married in 1964. Doug, who descended from Norwegian ancestry, grew up on the outskirts of Des Moines, Iowa.

At a Lutheran Church in Corona Del Mar, California, two months after Doug's divorce was finalized, Doug and Peggy were married on December 20, 1970. For eighteen months, Doug joined Peggy at her clinic, but when Peggy became pregnant they decided to sell the practice. They used the \$10,000 proceeds to open their own clinic in Olympia, Washington. Peggy bought her first two Arabian horses and threw herself into training

them. Jessica Kate Ryen was born in Olympia on November 9, 1972.

In Olympia, as they would be to an even greater degree in Southern California, the horses were an economic burden. The cost to maintain them strapped the couple for cash. At one point, Peggy was forced to tap her mother for money to buy hay. With Peggy's new responsibilities as a mother and her dedication to her horses, establishing the new chiropractic clinic fell mostly to Doug. With the practice failing to take hold, the Ryens reluctantly opted to close their Olympia clinic and accept Mary Howell's offer to join her successful and lucrative chiropractic clinic in Santa Ana in mid-1973.

The Ryens, thanks to a \$5,000 down payment provided by Dr. Howell, bought a home in Santa Ana with a backyard big enough to hold the Arabians. By December Peggy had three Arabians in her backyard, one still in Olympia, and one in training about thirty-five miles away. Her mare was pregnant. In a post-Christmas letter to her half-sister Lillian Shaffer, she wrote, "We can't wait for our 'big mama' to have her baby... We're hoping for a filly (girl) – they sell for more."

The hand-written letter was on newly printed stationery inscribed "Ryen Arabian Ranch" that Doug had given her for Christmas. "Where we are now we should call it 'Backyard Arabians!' Look out a window and see a horse looking back at you – but we love it," Peggy wrote.

When the Ryens' neighbors in Santa Ana began to complain persistently about Peggy keeping her

horses in her backyard, Dr. Howell bought a four-bedroom house in Chino Hills with six acres so the horses could be kept there.

In another letter to Lillian, this one written in May of 1974, Peggy brimmed with enthusiasm about her plans to breed and train Arabian horses. "Right now we are horse poor, but give us five years of our planned breeding program and we'll have only the best. It's so exciting! Finally, after all of these years of wanting I've got what I've always wanted."

She wrote about Doug and her watching their mare foal at 2:30 a.m. and described the newborn as "a real pistol." They named him Barna-B, but "of course we call him Barney." She said because Barney was a full brother to their dark stallion, he would be for sale later on. "It's so much fun having a little one to train since our other youngests are two years old already. Jessa loves having one her size around."

In other news, Peggy mentioned buying a five-year-old Arabian stallion she named Scruffy, and arranging to impregnate one of her mares with the highly regarded stud, Sahara Prince, whose photo was on the back cover of the current Arabian horse magazine. "We'll have the foal next year. Can't wait to see his babies – we should make a mint when we sell that one."

Her other two mares were going to be bred to two top stallions also featured in that issue of the magazine. "These stallions are pure polish and really gorgeous animals," she wrote. "The dark stud's fee is \$1,500, a real bargain. The blood line of our one mare is a very valuable cross and

the foals are going for \$20,000 or so. Untrained! But we won't sell that one – I'll show it next year."

Her other mare would be bred to the white stud shown in the magazine "and what a movin' machine we'll have from that cross."

With three foals on the way next year and one already born, the Ryens began ranch hunting. By now, Peggy was pregnant again. Several months after Dr. Howell moved to Chino Hills, a five-acre, a hilltop ranch directly above Dr. Howell's house came on the market. Doug and Peggy Ryen sold their home in Santa Ana and bought it. Peggy said that the property came with "a gorgeous barn and huge riding ring but rotten house! Oh well, we can always change that." The three-bedroom, two-bath house featured a sunken living room, a family room, and a Jacuzzi in the patio off the master bedroom. The Ryens would never get around to fixing up the well-worn house.

Chapter Three. June 4, 1983

On Saturday, June 4, 1983, the Ryens and eleven-year-old Chris Hughes attended a potluck barbecue dinner with about a hundred other Arabian horse people and their families at the Chino home of George and Valerie Blade. George Blade made his living as a horse shoer, a service he had provided the Ryens for the past eight years. It was a BYOL affair. Doug and Peggy brought a bottle of pink Chablis. Earlier that afternoon, Chris called home to get permission to spend the night with his friend Josh. That night, the Blades' young son, Jason, pleaded with his parents to allow him to spend the night at the Ryens'

as well, but he was not allowed to because his grandmother was visiting and it was already 9 p.m., an hour after his normal bedtime.

Around 9:30 p.m. the Ryens and Chris returned to the Ryens' rambling, split-level, pentagon-shaped home. After awhile, the children went to sleep, the boys in sleeping bags on the floor in Josh's room and Jessica in her room. Doug Ryen watched some television before joining his wife in bed, probably after 11 p.m. As was their custom, the couple slept in the nude in their king-size waterbed.

When Chris did not come home at 9 a.m. to join his family for church the next morning, his mother, Mary Ann Hughes, began calling the Ryens' house only to get repeated busy signals. At 11 a.m. she drove the short distance to the Ryens' house, went to the front door and knocked. When no one answered, she tried to open the door but found it locked. She walked around to the west side of the house and looked into the children's bedrooms but could not see or hear anyone. She called out several names but got no response. She noticed that the Ryens' station wagon was gone and then drove home to ask her husband to go take a look.

Bill Hughes, an agriculture professor at Cal Poly Pomona, got in his Audi and drove up to the Ryens' house. He went to the front door, but no one answered and the door was locked. Hughes went around to peer through a sliding glass door into the Ryens' master bedroom. He could not at first believe what he was seeing. "It was a very bloody scene and my first recollection was that this can't be blood, this is paint,

makeup...I thought what kind of crazy game is this?"

Peggy Ryen was lying on her back naked in the middle of the room and Doug Ryen, also nude, was kneeling over by the edge of the bed. Both were covered in blood. Not far from Mrs. Ryen, Chris Hughes was lying on his stomach and Josh, drenched in blood and curled up in a fetal position, was near him. Josh was moving, but his eyes were glazed and the left side of his head was "gashed up." Josh had been left for dead with his throat slit from ear to ear, a hatchet blow to his head that fractured his skull, several stab wounds to his back that broke three of his ribs and collapsed one lung, broke his collarbone, and nearly severed his left ear. He had survived by keeping his fingers pressed to his throat to staunch the bleeding, and then going into shock for eleven hours until help arrived.

Hughes tried to enter through the glass door, but couldn't budge it. The door was unlocked, but in his panic, he was tugging it the wrong way. He yelled to Josh to open it. Josh tried to move but could not. Hughes ran around to another side of the house and kicked in the kitchen door. In the kitchen were the Ryens' Irish setter, their golden retriever, and three kittens playing on the floor. "I thought that was strange, that they were playing," Hughes recalled. As he approached the master bedroom he saw the bloodied, incredibly lacerated body of Jessica Ryen, sprawled across the doorway. He reached down and touched her and by her stiffness knew she was dead. He entered the master bedroom and called out to Josh. When Josh looked at him,

Hughes asked him what had happened, but Josh could only mumble. He told Josh to just lie there.

Hughes checked his son and the Ryens for signs of life and found instead massive face and head wounds. Rigor mortis had set in. Hughes tried to call 911 from the Ryens, but both phones were out of order. He raced to a neighbor's house and asked Bob Howey to call the police and request an ambulance for Josh. Hughes, recalling that he was "somewhat in a state of shock," went home to tell his wife what he had seen while Howey went up to the Ryens to wait with Josh until help could arrive.

A crew of six from the Chino Fire Department – three paramedics and three firefighters – arrived and soon began treating Josh in the master bedroom about 12:30 p.m. Josh was lying on his left side, with his head turned toward the end of the water bed. Ruben Guerrero, a fire department medic, put some Vaseline on Josh's neck wound, then gauzed and bandaged it. He then rolled Josh over on his back and attempted to start an IV but could not locate a vein in his arm. Josh was manifesting numerous signs of being in shock: no bleeding from an open wound, no blood pressure and no pulse. His system had literally shut down, but he was able to raise eight fingers when Guerrero asked him how old he was. The medic tore Josh's pajama top off and cut his clothes away and washed away some of the blood and fecal matter on him with a white towel another medic removed from the master bedroom bathroom. The towel ended up on Peggy Ryen's leg.

As the medics were treating Josh, a

firefighter was coming in and out of the master bedroom, providing treatment advice being relayed from the emergency room of Loma Linda University Hospital. In response, Guerrero placed anti-shock trousers – called a MAST suit – on Josh. Anti-shock pants are used to get any blood that is pulled to the lower extremities back up to the vital organs.

A little after 1 p.m., a helicopter arrived and air-lifted Josh to the nearby hospital, arriving there at 1:36 p.m. En route, an IV was started and an oxygen mask attached. Josh was given ten liters of oxygen a minute, a substantial amount.

At 1:50 p.m. Dr. Imad Shahhal, a neurosurgeon, began operating on Josh's head wounds as another team of surgeons began treating the wounds to his neck. Dr. Shahhal found Josh surprisingly responsive. As he shaved the boy's head he could see the fracture in Josh's skull. He cleaned and sutured the wound. Another surgeon, Dr. Larry Habenicht, inserted an endotracheal tube in Josh's windpipe to aid his breathing.

Chapter Four. A Massacre

San Bernardino County Sheriff's Department Deputy Paul Beltz was the first officer at the crime scene, arriving six minutes ahead of the paramedics. Dispatch had told him to go to 2943 Old English Road, a homicide scene with one survivor. Beltz, with his gun drawn, entered through the kitchen door. He soon saw Jessica sprawled in the bedroom doorway and checked her for vital signs. He stepped over her to enter the master bedroom. "I thought, my

God, what in the hell have I come across. The walls were all white, but smeared with blood – I mean everywhere,” he told a newspaper reporter from the Daily Bulletin. “It was like something you see in a Helter Skelter movie. That must have been one holy battlefield. I felt inadequate holding a handgun.”

The murders had an uncommon viciousness to them, as if the killers meant not only to kill, but to send a message of payback or retribution. There would be no open caskets at these funerals. Each of the murder victims sustained numerous deep chopping wounds to the face and head and stabbing wounds to the body inflicted by a long knife. An ice pick was also used. Many of the wounds to Jessica Ryen were meted out post-mortem. The autopsy reports stated that more than one-hundred-forty wounds, twenty-eight fractures, and two amputations were inflicted on the four murder victims.

Forty-one-year-old Doug Ryen was found slumped kneeling against his bed, the victim of thirty-seven hatchet and knife wounds. Two of the hatchet blows fractured his skull. One of the knife wounds to his chest penetrated five inches through the right pleura cavity and then through the right lung. Another transected the left carotid artery causing extensive hemorrhage and arterial blood spraying on the wall behind the water bed. He sustained that injury on the opposite side of the bed from where his body was found, indicating he was mobile during part of the onslaught. Oddly, all four fingertips of his left hand were lightly touching the edge of the waterbed on his side of the bed. Another indication that the

solidly built six-foot-two chiropractor had at least a few moments to attempt to ward off the attack was a severed finger on his right hand. The blow that amputated the finger was delivered with such force that the finger was propelled into a bedroom closet. Also suggesting that Doug actively resisted the attack were a number of defensive-type wounds slashed into both of his arms, one of them fracturing the ulna of his right forearm above his wrist.

Peggy Ryen, also forty-one years old, was positioned in the middle of the bedroom with her arms straight out, her left leg straight out and her right knee slightly bent inward, much as though she had been nailed to a cross. The blood drain pattern running from her right thigh to her right foot indicated to the medical examiner, Dr. Irving Root, that she was standing when she incurred that wound. He said the bruising near her nose indicated that she was alive for one to three minutes after being hacked in the left cheek. A smudge pattern on her left knee meant “she had to be elsewhere for a period of time” from where her body was found. During the attack, and while still alive, she suffered hatchet wounds to both her face and the back of her head and a stab wound to her left breast.

Her body was covered with smeared dried blood and what the deputy coroner, David Hammock, described in his crime scene report “as a number of loose hairs about the subject body, including some very long brown hair, both on the left thigh and, in particular, about the auxiliary areas and arms. These hairs are longer than the subject’s

own head hair.”

Peggy sustained seventeen hatchet wounds to the forehead, face and chest and four separate knife wounds to her chest. She, too, showed signs of resisting the attack, with stab wounds on fingers of both hands and left forearm. The hatchet wounds exposed her skull to the bone and caused multiple skull fractures. The medical examiner listed thirty-three separate wounds, most of them delivered with great force and destruction.

Although San Bernardino County Sheriff Floyd Tidwell told the media that the killings were in no way “ritualistic,” a good deal of staging could be inferred from the placement of both Doug and Peggy Ryen’s bodies. It was as equally unlikely that Doug Ryen would have died kneeling with his fingertips barely touching the front side of the bed as it was for his wife to have died with her body splayed straight out in a T.

Jessica, who died with a clump of blond or light brown hair clutched in her fingers, sustained the most wounds, forty-six, and had the most defensive type wounds to her hands and arms. Her autopsy reported eight separate stabbing wounds to her right forearm and four to her right hand and wrist. The little finger of her left hand was cut to the bone. At four-feet-nine-inches and eighty pounds, she apparently sustained all those wounds before succumbing to having her forehead and face hacked in and her throat deeply slit. One hatchet blow to the right side of her mouth was delivered with so much force that it caused three of her teeth to dislodge from her gums.

A knife was dragged across her back and then inserted. Dr. Root said the bruising around the entry wound indicated it occurred early on in the assault.

In another display of staging, Jessica's chest was dotted with twenty puncture wounds most likely inflicted post-mortem with an ice pick in what the medical examiner described as showing "some type of pattern." Her head was twisted up so that her heavily mutilated face was visible.

Some of Jessica's hair was found on her mother's body. This led Dr. Root "to believe the mother was cradling her daughter at one point during the attack."

Chris Hughes endured twenty-six separate wounds, including a deep hatchet gash that ran from his eyebrows to the tip of his nose. He sustained numerous skull fractures. He was stabbed clear through his sternum. His hands, wrist and arms also revealed numerous defensive wounds: his left arm was nearly severed and the second finger on his right hand was attached by a flap of skin.

Theft did not appear to be a motive for the killings. In reviewing the crime scene the day the murders were discovered, Detective John Clifford saw no signs of ransacking. On a counter between the kitchen and the dining room, he saw coins and some bills in plain view next to Peggy Ryen's purse. Her purse contained over \$40 in cash and numerous credit cards. There was also a small amount of cash in Doug's pants. Clifford also located a coin collection in a safety deposit

box on the upper shelf of a master bedroom closet. Also visible in the bedroom was a jewelry box with jewels in it, as well as a video camera, stereo system, and a TV with a VCR. In a nightstand drawer less than five feet from where Peggy Ryen's body was laying, he found a loaded .22 Ruger pistol. In Doug Ryen's closet, about two feet from where his body was found, was a loaded .22 caliber Winchester Magnum rifle with scope attached. An unloaded Smith & Wesson pellet gun was on the bottom shelf of that closet. Doug Ryen's wallet was missing, but it would be found under the front seat of his pickup truck in late July. Only the Ryens' station wagon had been stolen. Their pickup truck, a 1976 Chevy Silverado with "Ryen Arabians Chino California" printed on the side, was still in the driveway with the keys in it.

This book is available for purchase through Amazon.com.



Smiley Face Killer Continued on p. 37

men in the area, not to mention accusations of police involvement and a cover up.

There were roughly 51,000 people living in La Crosse in 2004, according to the U.S. Census, and, to be sure, they weren't all hapless students; city officials and the police department were late to acknowledge a crisis at hand, and, when they did finally react to it, the town-hall meetings they commanded to dismiss the public's fears

as unfounded did little or nothing to calm things down again. Every public debate concerning the river deaths was jam-packed and rapidly descended into a shouting match.

It was probably in a last ditch effort to restore the peace as well as to mitigate harm to the university's reputation that an open letter from faculty members at the University of Wisconsin in La Crosse was penned and then distributed to the student body. Co-authored by the chairs of the Psychology and Sociology departments and titled "Why we are 99.9% sure it is NOT a serial killer" - a data based explanation, this urgent communiqué implored students to use their "critical thinking skills" to evaluate what was really going on in their town. A levelheaded analysis would prove these were only drownings, not murders, the professors assured them. A string of terribly tragic and utterly preventable accidents:

Students are drinking too much and incapacitating themselves, a condition which drives some to seek out the river to refresh themselves, during which they slip and fall in.

Only men are drowning as a result of intoxication because women are more savvy these days and don't wander around alone at night, especially not if they've been partying.

Annually, almost 10 times as many males die during water recreational activities and in other types of accidents than females do. Alcohol plays a role in a number of these cases.

There are no drowning deaths at nearby universities like Madison because their campuses are beside lakes. Whereas La Crosse's campus is situated right on the river's

edge, and rivers, being suddenly deep and fast flowing, are far more dangerous.

The similarities between the victims constitute “illusory correlations” which can readily be explained through other qualifying factors.

Stepping into the middle of a community’s fray and trying to mediate it was highly unusual for a university, and, in light of the dire subject matter of their “data based explanation” and the negative impact advertising it might have had on future enrollment, a rather risky PR move, too. But the professors’ treatise was also an intelligent, compassionate, and methodical approach to debunking the serial-murderer theory before it could take root—the first of many—so the gamble was well worth it. Moreover, this strategy appears to have been quite successful. At least for awhile.

But in 2005, 2006 and 2007, drunk and sober young men continued to go missing along the interstates, sometimes two or more in the very same time span. Their corpses eventually to be retrieved from such rivers as the Calumet, the Hudson, the Charles, the Mississippi, the Milwaukee, the Wabash and the Wisconsin, as well as a number of area lakes, including Great Lake Michigan, Lake LaVerne, and the University at Madison’s nearby Lake Mendota. These latter deaths occurring in seeming defiance of the UW-L professors’ sweeping assertion that a lake doesn’t pose the same risk for drowning because “it becomes gradually deeper and is not moving swiftly.”

Smiley Faces

Also helping to rekindle the flames of conflict between believers and nonbelievers of a serial killer, new information had begun trickling in from reliable outside investigators which suggested that dozens of the questionable drownings could be linked now not only by an identifiable victimology and a distinct manner of death, but also through cryptic symbols like smiley faces and other taunting messages left at the scenes of a some of the suspected murders.

A subsequent inspection throughout the region confirmed that there was in fact sinister-looking graffiti of this sort at many a river’s edge or lakefront, and, as with the ruckus at La Crosse Wisconsin just a few years prior, a large percent of the student populations in these locations, together with their families and the local citizenry, became understandably very worked up about these findings. Terrified.

It was investigative reporter Kristi Piehl from KSTP-TV out of Minnesota who first broke the story in 2008 of serial killers drowning men along Interstate 90 and 94, and of the doggedly determined pair of retired NYPD detectives in hot pursuit of them. The segment ultimately earning her an Emmy but apparently costing her a job. From that special report, the concept of a “Smiley Face Killer Gang” was born and went instantly viral, not just on websites and in chat rooms, but also in the major media outlets.

ABC, MSNBC, CNN and the Associated Press, among others, picked up the local news item and carried it nationwide, in so doing, widely broadcasting the seeds of what would become one of the most

hotly-contested conspiracy theories of our time.

Once again, pandemonium broke out as anxious citizens began mobilizing and actively trying to bypass their own police departments’ authority, demanding instead that federal assistance be provided in order to apprehend a fiendish network of elusive serial murderers stalking, abducting and drowning specific types of young males across the northland.

Experts in criminology and forensic pathology studied the various case profiles as well, and, noting the telltale spikes in certain localities, they also began expressing similar opinions.

“The probability is virtually zero that five intoxicated students just happened to walk similar or even different routes and end up on the riverbank.” Dr. Maurice Godwin, criminal investigative psychologist, commenting on the La Crosse Wisconsin cluster

“They could have been murdered but the person was just so good at doing it that they didn’t leave any physical evidence... [they] could sedate and drown him in a tub or something like that and then throw him in the river.” John Kelly, psychotherapist and profiler

“The statistics are so stacked against this number of men, young men, Caucasian males, found in bodies of water in that cluster of states, within that period of time.” Dr. Cyril Wecht, forensic pathologist

“If you actually look at the statistics on drownings, most drownings occur during the summer and they’re

related to water activities like boating and water skiing and things like that. Very few drownings actually occur during the winter.” Lee Gilbertson, Professor of Criminal Justice at St. Cloud University

The supporting evidence for those conclusions was so compelling, in fact, that two high-level state representatives joined in the furor. Senator Jim Sensenbrenner from Wisconsin and U.S. Congressman Michael McNulty from New York both submitted requests directly to the FBI urging the Bureau to formally investigate the serial murders being perpetrated in their states and to take swift actions to end them.

“Yes, there’s a serial murderer—alcohol,” La Crosse’s flustered chief of police, Edward Kondracki, retorted when confronted with these latest developments. But, “a rogue cop... or national smiley face gang...there is no serial killer!”

In this growing war of words, rival local-news networks that had failed to show any real interest in the story before felt obliged now to weigh in, some seeking to ridicule the award-winning reporter who had intrepidly launched the Smiley Face Murder Theory into the national spotlight.

Veteran columnist Steve Perry from the Minnesota Monitor unabashedly said of her, “Let the record show that Kristi Piehl of KSTP has done her part to bring the yarn to the huddled masses yearning to breathe the vapors of another massive conspiracy.” And reporter Brian Lambert at Minneapolis St. Paul Magazine angrily proclaimed that a story depicting serial drownings

as actual serial slayings in disguise going on to earn a coveted journalism award was “ludicrous,” and that the very idea of a serial murderer being responsible for the spate of area deaths, “boggles every rational instinct.”

But because a homegrown rumor, many years in the creation, had suddenly spiraled into a legend overnight, it would now require much more than scorn and carefully constructed editorial pieces to slam the lid back on the can of worms it had opened. The American public’s imagination and its keen interest in the case had been ignited, and it would take a multi-pronged effort to fully squelch the serial killer theory this time. In that process, a number of reputations would necessarily have to be sullied, a few investigations closed, and taxpayers’ monies liberally spent in order to increase security, and a sense of security, in communities close to water.

Fences, river patrols, safe buses, surveillance cameras, targeted campaigns of every variety aimed at damage control—these costly measures could be justified because public officials knew that, to govern properly, people couldn’t be living in fear day and night, and they couldn’t be distrustful of their law enforcement officers, either. Most importantly, university towns couldn’t expect students to continue flocking to them in droves, as many in this region have been accustomed to for over a century, if they’re suddenly afraid they’ll end up victims of violent crimes there. When it comes to social strife and chaos, in the end the end always does justify the means employed, and, as can be seen today, these

strenuous attempts to solve “the problem” have been effective in crushing the ugly stories and criticisms that were running rampant not so long ago.

All throughout the northern corridor now, a truce appears to be in place and holding, and, for the most part, it’s been pretty quiet these past couple of years.

But then there is that plaguing issue of a steadily rising body count.

Chapter 2: Anatomy of a Drowning

For those who think that drowning is a pleasant way to go, think again. Drowning is a violent assault on the body during which the frightened victim fiercely, albeit briefly, battles to survive. Death follows exhaustion within only two or three minutes.

Technically, it is true that a person can drown in as little as a cup of water. A cup, a puddle, a ditch, a bathtub—anytime liquid enters the air passages and lungs, even if someone doesn’t die immediately, it can still turn fatal because there are a host of medical complications which arise that are always life-threatening, such as pneumonia and renal failure. These types of delayed fatalities are known as “secondary drownings” and, although their symptoms may develop over the course of several days, or even longer for some patients, they’re usually triggered within only a few hours of the initial incident.

But most victims drown fully submerged in water when the nose and mouth inadvertently become covered. Sometimes, when there

is an instantaneous glottal spasm blocking off oxygen, or a preexisting medical condition, death can be automatic without any signs of a struggle. In the majority of drownings, however, this is not the case. Struggling is one of the key stages leading to unconsciousness and death. In fact, so intense can this final fight for life be that, in more than 10 percent of drowning fatalities, an autopsy will actually reveal bruised and ruptured muscles, particularly in the shoulders, chest and neck. Evidence of injuries of this nature suggest to a medical examiner the strong likelihood that a victim was alive in the water at the time of their demise and not placed there already dead.

The stages of a full-immersion drowning event are fairly quick and, because the victim's airways are being blocked, either by water and/or the epiglottis, it's often completely soundless. There will be panicked thrashing as the victim desperately attempts to get air and to grab onto nearby objects for security, and then, when they can no longer hold their breath, they'll begin to inhale water in large quantities, gulping it into their stomach as well. This action also rapidly circulates water throughout their other systems and bloodstream with differing biochemical reactions depending on whether they're in saltwater or in fresh. This last stage of drowning ends with coughing, vomiting, convulsions, loss of consciousness, death, and rigor mortis.

Very shortly after the victim dies their body will start to sink. If retrieved soon thereafter, their arms and hands may display cadaveric spasm, a posture in death borne

out of extreme mental anguish and which reveals the person's final thoughts and movements as they frantically fought to stay alive.

If a victim is not promptly retrieved at death, then, without exception and no matter how deep or how swift the water may be, the corpse will continue to drift downward until it reaches the bottom. This is where it will remain in a somewhat fetal position until gases from putrefaction cause it to rise to the surface once more.

A semi-fetal posture is the norm for all drown victims

A semi-fetal posture is the norm for all drown victims, so if divers do locate such a body before it ascends, but it isn't in this pose and/or the head is seen to be tilted to one side, they must include these observations in their police recovery report, as it reveals the victim died on land and was put in the water post-rigor mortis.

Typically, once the body does emerge on its own, it will surface in the general vicinity of where the victim originally went under. From this location the water may then carry the corpse along for quite a distance, depending on the strength of the currents or if it becomes ensnared and is thereby prevented.

Refloat largely varies on the water's depth and temperature, taking only a matter of hours to occur if extremely warm and up to two weeks or longer if at 40 degrees Fahrenheit or less. The timetable, therefore, is not fixed but is loosely as follows: at 40 degrees Fahrenheit it takes approximately 14 to 20 days for a drown victim's corpse

to resurface; at 50 degrees 10 to 14 days; at 60 degrees seven to 10 days; at 70 degrees three to seven days; and at 80+ degrees one to two days or sooner. In very cold and very deep bodies of water, like certain oceans or the Great Lakes of North America, it's not unusual at all for a drown victim to never resurface, lying on the bottom in a state of suspended decomposition until the body eventually disintegrates or is otherwise destroyed.

But in temperate oceans, rivers, lakes, ponds, pools, reservoirs, quarries, or the like, a corpse will inevitably rise again, sooner or later, occasionally exploding to the surface if it was deliberately anchored. And when it does reappear, if the person did genuinely die from drowning, then the corpse will always be discovered floating face down in the water, with the head drooping forward and lower than the rest of the body.

Lividity, the pooling of blood and fluids, will then have permanently settled into the under regions of the corpse by then, weighting it from beneath and essentially acting as a ballast so that, even when disturbed, say by a collision with a boat, it will return to this original position.

If one can stomach a physical inspection of the body and knows what to look for, at this point it becomes relatively easy to determine the length of time a victim's actually been submerged. However, because a previously sunken body could have been slowly dragged along the water's bed by currents and thereby further damaged against rocks and similar objects, or even partially eaten by marine animals, it may be

difficult for the layperson to ascertain if any visible injuries happened in life or were obtained postmortem.

Damaged or not, though, if a body has been in the water for at least one to 48 hours, wrinkling of the skin will be present already, particularly on the palms of the hands and fingertips and on the soles and toes of the feet. Noticeable blanching and bloating of the epidermis may also be underway too, with pronounced blotches and discolorations ranging in hue from pink to dark red distributed unevenly across the body.

In excess of the above time period, the victim's epidermis may look a greenish bronze and will have begun pimpling and even pre-peeling as fat deposits just beneath it slowly transform into a soapy material and loosen the skin. This is especially true of the flesh on the hands and feet which will slip off on their own or when tugged on just like gloves, a process of decay aptly named "degloving." If signs of degloving are already evident on such a corpse, special care must be taken in recovering the body from the water, as additional harm can easily be inflicted when physically grappling with it or maneuvering it about with hooks and mechanical devices.

Once it has been successfully recovered, a waterlogged body will rapidly deteriorate when fully exposed to air, therefore an autopsy must be performed immediately in order to help determine the exact cause of death and the manner. This may seem superfluous, but the fact is death by drowning is not wholly assumed by medical experts and

law enforcement, especially where there have been no witnesses to unequivocally substantiate it.

In forensic terms, there is nothing whatsoever deemed "classic" about any drowning, no one particular physical characteristic manifesting in a corpse that would aid in expediting such a ruling. Because of this, the methodology for reaching a determination that it was a water death and accidental is one that is chiefly focused on excluding foul play. This places a great deal of importance on the initial investigative role of police personnel who could inform or misinform a medical examiner with their onsite reports and early conclusions.

Even the autopsy is insufficient on its own for definitively pinpointing the victim's cause of death as an accidental drowning, but the line of inquiry a medical examiner follows during this phase of the inquest is to review the circumstances of how the deceased person reportedly first entered the water and to try to judge if the body they're viewing matches up to that version of events. If so, and the death indeed appears benign, the medical examiner will then proceed to determine whether the drowning was a result of the individual's own failure to stay afloat or the byproduct of some underlying ailment. For this reason, there are educated assumptions which may safely be arrived at when the victim in question is young and healthy, whereas it's not impossible in older people that they may have died in the water as a result of a heart attack or emphysema, or some other serious medical problem.

That makes prompt identification

of the body vital to a postmortem medical exam, but, of course, a corpse will always be more deeply probed in those cases where the victim's identity is still not known or the fatality somehow looks and sounds suspicious.

Lying on the examiner's slab and before taking a scalpel to flesh, there are visual clues that can provide a few preliminary answers about the death. For instance, drowning produces a thin foam in and around the victim's mouth which usually lingers there for several days before washing away. The presence or absence of this transient substance, on the other hand, is not conclusive because drug overdoses, electrocutions and strangulations also have the same foaming effect, and because up to 20 percent of drownings are actually "dry drownings" where the victim took no water into the airways but died instantly, or else suffocated very quickly from a sudden throat-closing reflex.

To see if this telltale foam did once exist, though, placing a hand firmly on the victim's chest and gently compressing it should bring the substance back up once more, perhaps even with pebbles and sand in it. Alternately, when a corpse has begun to decay a darkish, foul-smelling fluid might fill the mouth instead, but this is standard to all types of deaths where putrefaction has set in and is therefore of little diagnostic value. It is the existence of a pair of oversaturated lungs, ideally with debris in them, that will most strongly point to death by drowning. But, again, this by itself is not proof positive either, since a dead body can slowly draw water into its air passages even if only

placed in the water after having died elsewhere.

Also, the victim's hands can, and often do, reveal important evidence to a medical examiner. A drowning person grasps at everything within arm's reach to prevent going under, so the victim may still be clutching a variety of foreign objects. These can be anything the drowning person managed to grab hold of before losing consciousness, such as nearby plants, twigs and other artifacts. In fact, this phenomenon is so common, that in some cases it can be considered suspicious if the hands are empty. For example, if the victim's body was entangled in a densely weeded aquatic environment it is reasonable to expect to find the victim clutching fistfuls of such weeds. Similarly, victims holding things that aren't natural to the settings they drowned in will also be indicative of foul play. And, finally, in very rocky locations, a victim's hands might even be slightly mangled with a missing fingernail or two from scraping against stone to stay afloat.

In death as in life, a person's eyes can tell a story, too. If the victim still has eyeballs in the sockets and these are wide open and glistening, as is usual for bodies found face down in the water, then there is a high probability that the victim drowned, although this alone won't yet prove whether it was on purpose or by accident. If, instead, a horizontal demarcation "line" is perceptible on each of the eyes (showing distinct cloudy and un-cloudy zones created by post-mortem exposure to the air) then the victim expired, or was killed, someplace on dry land.

Opening the corpse comes next. If the victim truly died in the water then, regardless if it was a dry or wet drowning event, there will always be a considerable volume of watery fluid in the stomach with yet more debris in this mixture, because a person cannot help but to drink water in the final act of drowning. A thorough analysis of the stomach contents is required then and these fluids must be found consistent with a sample of the water the victim allegedly succumbed in. If they are not, this will be determined to be just as suspicious as not finding any such fluid present.

The rapid ingestion and aspiration of large quantities of freshwater and its swift circulation throughout the body will, as well as diluting the victim's blood by as much as 50% percent dilute whatever fluids they might have consumed ante-mortem (prior to the agonal event). Thus, a postmortem toxicology test to determine if any of those might have been intoxicants, and alcohol thereby a culprit in the death, will obviously be thwarted—a blood/alcohol reading from a drowning victim can be drastically lower than what it would have been if measured when the person presumed to be drunk was still alive.

Additionally, taking an accurate BAC from a drown victim is further rendered futile in cases where decomposition has already begun, since alcohol is naturally manufactured in the body through the process of decaying. Consequently, a BAC level in these types of deaths, which on the average requires another month for a lab to process, is not very informative to an experienced and astute medical examiner, especially one who isn't totally

convinced that drinking was what caused the individual's drowning.

Signs of trauma to the body, if any, can be equally as perplexing at a glance. While bloody wounds the victim may have received when still living will leach from prolonged soaking and no longer be as noticeable to the naked eye, postmortem injuries a corpse derived from impacts as it traveled along may be much more prominent and deceptively appear as intentional. That's because those latter injuries tend to occur on the more vulnerable parts of the deceased, like the face where a lot of excess blood has collected, and a puncture or tear to these sensitive areas can cause them to ooze profusely.

So too, the whole head of a rotting corpse might totally blacken from all the blood that's shifted to it and congealed, and to the unfamiliar observer this shocking appearance can be mistaken for evidence of having been burnt.

Because all of the foregoing demonstrates that a drowning is never medically clear cut and, often enough, can be simulated to disguise a murder, and because a drowned person may even falsely resemble a murder victim on some occasions, it does demand 100 percent certainty to officially rule it as the cause of death and an accident. This means any lingering doubts a medical examiner still has should and must be disposed of in a more comprehensive autopsy.

There are any number of additional tests which, when performed, can begin to reduce overarching concerns, but a Diatom Test has proved the most decisive in an inquest

where the truth of a drowning death still remains shrouded in some mystery.

A diatom, that bountiful microscopic organism found in every single environment on Earth, creates a hard, crusty exterior casing which is virtually indestructible even to decay. Identifying the specific diatoms native to the waters the victim allegedly drowned in and then finding the presence of those diatom breeds in the tissue samples of the victim's organs and in their blood makes it all the more certain that this is the place where the person ultimately died. It also proves the individual did in fact drown and was not placed in that locale after death, since, even if a pre-dead body did take water into the stomach and lungs, there is no way for the dead to circulate water (and that water's microorganisms) throughout all the rest of the body's system. Only a living person—or rather a person who is dying—could achieve this, during the process of drowning.

After that comparative analysis and matchup is made, if drowning is judged to be the actual cause of death, but the manner itself still cannot confidently be listed as accidental, the death certificate issued will reflect this finding, citing the manner as unknown or undetermined, and the case will then be turned over to the police once again, pending further investigation.

ABOUT THE AUTHOR:

Eponymous Rox researches and writes about cops, curs, and killers. His next work in this special true-crime investigative series is

titled **KILLING KILLERS: How the World's Wickedest Got Whacked**. Also fully-illustrated, **KILLING KILLERS** is slated to premier in winter of 2012.

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Bank Heist Continued

the cameras recorded only the tops of their balaclavas, so police could not draw conclusions about their height and build.

The speed of their operation indicated their expectation of an alarm. They didn't know for certain until they were on the way out and spotted the tiny orange light on a black box mounted at shoulder height on the kitchen wall. It was flashing.

The first man rushed at the back door, while the gunman stayed an extra 20 seconds, shouting a final "Don't move" at the terrified bank staff, before he grabbed the big vinyl security guard mail bag, that was delivered to the bank daily. He passed it through the hole in the door to his partner and followed it through. The whole operation, from the moment the back door caved in, until the men fled over the fence, had taken little more than two minutes.

Looking for Clues

The local police arrived shortly after nine. Detective Mark Chrystie had been only 10 kilometres away and was there by 9:30.

The bandits' masks and disguises meant that the three tellers could provide only basic details about their physical appearance. Both were of "scrawny" build and medium height, with teller Sam Ferraro estimating them as about his height of "five feet six." Their accents were "Australian" not foreign and the gunman's overalls were green German army issue, with a small yellow, red and black German flag on one sleeve. His colleague wore

plain overalls with an elasticized waist and pockets, one of which held his mobile – one of the small “brick”-like variety in use back in 1996. Both men wore black balaclavas and ski gloves with red stitching, although the man in the safe took off his left black glove, in order to open cash tins, revealing a white surgical glove underneath.

The police were soon able to check the tellers’ recollections against the actual clothing worn by the robbers. A police dog squad handler had been called to the scene, in the hope that his dog, “Boss,” might be able to track the robbers’ path away from the bank.

It seemed that the duo had run towards the railway station. But instead of running on to a platform, they had crossed the train-line and headed into a street on the other side of the line. “Boss” lost their trail in the station car park – a fact suggesting that the men were picked up by an accomplice in a car. There were too many pedestrians about, and too many scents for him to keep trying. Instead the dog handler set his animal on a property search. “Boss” immediately headed for a dumpster in the lane near the rear. A balaclava and a pair of overalls were inside.

The police also discovered a second mask and a baseball cap in the backyard of the property next door to the bank, and another two gloves, one inside the other, on its concrete footpath. Shoe impressions in the dirt at the base of the wall inside the neighboring backyard told the investigators that the robbers had climbed that wall, stepped down onto the corrugated-iron roof of the bank’s toilet and

jumped from there into the bank’s courtyard. Inside the bank itself, the tip of a rubber glove was found – and it appeared to have come from one of the dumpster gloves.

Interpreting the Clues

With three detectives assigned to help him cover the case, Mark Chrystie began the investigation in a mood of cautious optimism. To his experienced eye, the style of the break-in was a clue in itself. The robbers had been patient and calm. They had sat outside waiting for the time-delay to sound rather than rushing in at the earliest opportunity. This sangfroid told him they were professionals, meaning that a survey of Melbourne’s experienced criminals, just seeing what they were up to at the time, might help to identify them.

Another reason for hope was that, for all the careful planning that had gone into the heist, the robbers had still left the detectives plenty of leads. An obvious starting point was the mobile phone spotted in the overall pocket of the man who had emptied the safe. One bank teller had seen a red light flash on the handset, presumably denoting a call received or a message left. Why would the robber have brought the phone unless he needed it to make a call – perhaps to the driver of a getaway car? The local service providers, Telstra and Optus, should be able to tell police what calls had gone through their towers in the minutes before nine o’clock.

The masks also looked promising. Specialty theatrical items, both lined with cloth, they should be available only from a limited range of shops. The overalls, military is-

sue with serial numbers on them, should be traceable to an individual consignment, sold to a particular army disposals store. The saw used on the back door was another potential lead. It had to be portable, and had been either petrol or battery-operated – probably the latter, as it had been quiet enough not to attract attention. Such tools were rare in the mid-1990s. The bank checks bore serial numbers, enabling them to be traced when they were cashed. The robbers weren’t stupid enough to pass them personally; they would sell them on to a middle man, who would sell them again. The detectives would pounce when these checks were passed, hoping that those caught with them would name their source – bringing the detectives one step closer to the robbers.

But, to Chrystie’s frustration, all enquiries led to dead ends. The detectives looked at all robbers known to have done jobs in which they waited for the safe’s time delay to go off. Nothing. The mobile phone enquiries went nowhere: the detectives could find no call that fitted the bill. The quest for the supplier of theatre-quality Janus masks turned out to be a marathon, involving personal visits or phone calls to hundreds of outlets around Australia. But the source of the masks was never identified. The serial numbers on the overalls revealed that they had been used in training and then discarded and presumably picked up by a disposal store. The detectives spent many hours checking such stores, with no result. The quest for the rare battery-operated saw also failed. The police could not find one capable of the kind of work done on the bank’s door. No potential suspects

had been reported flaunting unexplained and sudden wealth, and none of the stolen checks surfaced.

Traces of DNA

However, there had been one gap in the criminals' meticulous preparation. Their forensic science research had been incomplete. They obviously knew about fingerprints, so wore gloves. The thick ski gloves they had donned over the rubber gloves suggested they also knew about DNA and were aware that any blood left at the scene, perhaps by accidentally cutting themselves as they broke in, might eventually betray them. It was their masks that were the problem.

Technically speaking, they had been correct to discard such highly incriminating costumes: they couldn't risk being held up in a random traffic stop, so their masks, gloves and overalls had to be disposed of as quickly as possible. But they would have been better off dumping the gear further away. They should certainly have thought of a more imaginative hiding place than a dumpster so close to the bank.

The cloth linings of the masks had captured skin cells and saliva droplets from their wearers. A cutting-edge scientific development, "trace DNA," meant that scientists could obtain DNA from such microscopic specks of biological material. Of course the robbers had never heard of trace DNA, and, even if they had been doing university-level science homework on DNA, they still would not have known about it at the time. It was their bad luck to be committing their crime less than 20 kilometers from the police forensic

center that employed the world experts in this ground-breaking area of science.

From the mid-1990s, Victoria Police forensic scientists Max Jones and Roland Van Oorschot had been noticing that, when they were extracting DNA profiles from blood, semen or saliva stains on clothing, they were also registering a second source of DNA that did not always belong to the person who had shed the blood, semen or saliva they were working on. Instead, this trace DNA inevitably belonged to the person who had been wearing the clothes bearing the stains. It had been deposited in sloughed-off skin cells that were invisible to the naked eye. The two scientists began documenting their results. Their research, published in 1997 in the international science journal *Nature*, triggered a worldwide revolution in police forensic work.

Max Jones provided Chrystie with the first lead on the case. Jones tested the cloth lining around the mouth of each mask, and, only six days after the robbery, was able to extract DNA profiles from the minute amounts of biological material present. One distinct male profile was on each mask.

The detectives were now in possession of two separate genetic fingerprints – one for each robber. But whose were they? The profiles were useful only if the detectives had a suspect to compare them with. Unfortunately, they didn't.

The scientists cross-checked the DNA profiles from the masks against the profiles of dozens of other criminals charged with armed robbery. None matched. At that

time, DNA data bases were still brand new. The U.K. had set one up in 1995, but the FBI didn't get the United States one running until 1998. Victoria was the first Australian state to pass legislation to set up a data base, but didn't do so until 1997. In 1996 Victoria Police were only taking DNA from people charged with major offenses. So the number of samples available for comparison was limited to those left by – or taken from – known robbers.

But detectives are patient. Early in 1997, Chrystie and his colleagues were watching two men who had begun using the stolen bank checks. On one occasion, they had bought \$22,600-worth of fillet steak, claiming they were in a hurry because they had a catering company working at the upcoming Grand Prix motor race weekend. In fact, they sold the meat to a butcher. A few days later, their purchase of \$86,000-worth of alcohol from an up-market wine business was interrupted by their arrest.

It turned out that they had bought the checks from a middle man who had got them from a man who seemed to have a similar height and build to one of the robbers. A phone call had been made to the bottle shop on the morning of the alcohol buy, to check that the order was ready. It was traced to the phone of a woman with links to a man with convictions for armed robbery in four states. But none of them could be connected to the Glenroy robbery.

A Cold Case

By mid 1997, the case had ground to a halt. No more of the stolen

checks had been passed. Undoubtedly, the bottle shop arrest had prompted their new owners to destroy them. Chrystie and his colleagues had spent more hours on this job than on any of the others on their office whiteboard. Other more urgent cases were now taking their attention.

The Glenroy bank robbers could have been forgiven for believing they'd got away with it.

The following year Mark Chrystie left the armed robbery squad. But he didn't forget the Glenroy job. In fact he thought of it every time he read a newspaper report about a bank robbery.

In 2002 the detective returned to the squad, by then rebadged as the Armed Offenders Squad. He thought about the case every time he had to deal with an armed robbery in which the perpetrators had simply barged in, vaulted over the counter and demanded money. Nobody, it seemed, was doing "professional" but relatively non-violent heists like the Glenroy one.

Finally, a Match

In 1999 the DNA profiles obtained from the robbers' masks had been entered into Victoria Police's new database, where they waited for a match. In May 2004, one finally appeared. It was to a prisoner's profile only recently placed on the system: its owner was Goran Stamenkovic, 39, whose record included dishonesty, violence and 27 driving offenses.

One night in October 2000, police had spotted him driving along a country highway with his number

plate partly obscured. Disobeying a request to pull over, he had sped off, leading police in an hour-long pursuit during which he drove at up to 190 kilometers per hour towards Melbourne, veering into the emergency lane and onto grass verges in order to overtake other cars.

Once in town, he had run red lights and dodged around closing railway-crossing boom gates. After a minor accident, he had abandoned his car at an outer suburban railway station, where he threatened another motorist with a screwdriver, stole his car and drove it to a shopping center. There, he had pounced on a woman standing by her car with a baby in her arms, grabbed her keys and was trying to get into her car when he was tackled by security guards. He was arrested and charged with attempted robbery, theft of a car, assault with a weapon, driving while disqualified and possession of a drug of dependence. In May 2001, a judge had given him a minimum four-year sentence for this "murderous" rampage.

As a prisoner, Stamenkovic had to be DNA tested before his release. In 2004, when he had been close to the end of his minimum sentence, he had been duly tested, and his profile had been submitted to the DNA database.

This man didn't sound like the mastermind behind the Glenroy job. But Chrystie knew of plenty of cases in which once-disciplined criminals had begun using drugs and, as a result, had abandoned carefully planned professional heists in favor of desperate street-based armed robberies, carried out to fund their next hit.

The detective was thrilled with the opportunity to reopen the case. As the officer in charge of the squad, it was his job to supervise the investigation, not do the legwork himself. But he planned to follow this one very closely.

He was pleasantly surprised to find that the 1996 file had not left the office. It was sitting on a shelf directly above the desk occupied by the investigator he had just assigned to the task of running the reopened case: John Bergin. The first task was to retrieve all of the exhibits from storage so they could be sent to Max Jones at the police forensic center for re-analysis. While the masks had yielded profiles back in 1996, the gloves and the hair samples collected from the balaclavas and a baseball cap had failed to give up any secrets.

Jones ordered a new DNA sample from Stamenkovic: a reference sample that could be used in the laboratory to compare with profiles obtained from the crime scene. He then began retesting the robbers' clothes. He could obtain DNA profiles only from the gloves, but was able to isolate DNA from three different people. Two full profiles were present, along with one very partial profile insufficient to identify anyone. One of the full profiles on one pair of gloves matched Stamenkovic.

Finding the Second Robber

Two months later, while detectives were tracing associates of Stamenkovic for testing, the DNA database linked a second name to the Glenroy bank job: career criminal Mikael Mann. He had been arrested after committing an aggravated

burglary in a flat in the Melbourne bayside suburb of Elwood. Mann's accomplice had hooded and bound the female flat owner. Mann, who knew the victim, had held a gun to her head and robbed her safe of jewelry. The DNA profile taken from him matched the profile from the other mask and the other pair of gloves.

Mann had been committing dishonesty offenses since he was 17. By 2004, he had more than 63 convictions, including one for burglary and theft in Victoria and one for receiving stolen goods in New South Wales, for which he had been sentenced to five years, with a non-parole period of three. On his release in 2003, Mann had arranged to buy a U.S. exchange student's \$7,500 Rolex watch, but had robbed him of it at gunpoint. Arrested a few months later in Sydney, he had been taken back to Melbourne and charged with armed robbery.

It was while he was on bail and waiting for his trial for this offense that he had taken part in the Elwood burglary, which had originally been planned as an insurance job in which the female victim was supposedly part of the conspiracy. But, partway through, Mann had realized that the victim was not in on it. When he was arrested straight afterwards, he had also realized that the police had been tipped off.

But Chrystie wasn't as happy with this news as might have been expected. Detectives don't believe in coincidence, and this result seemed too good to be true. It had been wonderful when, eight years after the crime, the DNA database had produced one offender's name. But when it came up with the second

man's name a mere two months later, Chrystie couldn't help but suspect a mix-up in the files.

The problem was, the detective knew Mann. He had arrested him in Elwood only a few months earlier. Perhaps there had been a confusion with case numbers. Perhaps the DNA results should have said that Mann's profile was a match for material at that burglary scene. Detective John Bergin had also put a lot of effort into tracing possible associates of Stamenkovic – men who might have been his accomplice at Glenroy. Mann's name had never come up.

But exhaustive rechecking confirmed the result. Mann's DNA was, indeed, a match for the Glenroy tragedy mask. Stamenkovic and Mann were charged with the 1996 robbery. Both gave "no comment" interviews and pleaded not guilty: a great disappointment to Chrystie, who had been hoping for full confessions, to save the time and expense of a trial.

DNA Evidence on Trial

It was unusual for an armed robbery case to proceed with no identification evidence beyond the DNA. But the prosecution could produce nobody who had seen the accused men's faces or spotted them unmasked in a getaway car near the bank. There were no witnesses who had bought checks from them or who had seen them clutching wads of bank-fresh cash.

The pair faced trial in September 2007. The detectives were looking forward to it for a particular reason: they wanted to see the two men standing in the dock together. They

were used to prosecuting robbers with obvious connections to each other: known associates heard blabbing together on tapped phones and who had done jobs – and time – together. But in this case, while the DNA evidence wasn't in doubt, the police remained uncomfortable with the fact that, for all their research, they had not been able to find hard evidence of any significant relationship between the two accused.

Mann was four years older and had a more serious criminal record, so the detectives assumed him to be the leader and Stamenkovic the follower. But, beyond that, they knew only that both came from Serbian family backgrounds, they had been to the same school, and both had a connection to Broadmeadows, the neighboring suburb to Glenroy. There was also a prison visit record suggesting that one had visited the other.

Seeing the pair sitting comfortably together in the dock, the detectives felt a little more peace of mind. But they remained worried, as did the trial prosecutor, Darrin Cain, about the jury's reaction to the DNA evidence. Although there had been plenty of trials in which DNA evidence had been an important feature, it was still rare for it to be the only evidence presented. Nevertheless, Cain was confident that Max Jones could present the DNA evidence in a way that the jury would find comprehensible and convincing.

But he expected the defense to present an independent DNA expert, and use him or her to confuse the jury and sow seeds of doubt in their minds. He braced himself

for a clash of experts, in which the defense would raise problems with statistics and contamination. He spent hours preparing possible lines of cross-examination.

Jones was ready, Cain knew, for the defense to argue that the masks had been worn by the defendants and then passed on to others. But it was clear that there was only one sample of genetic material on each mask. The prosecutor also knew that one of the men had a brother who had been convicted of criminal offenses. Might the defense use that fact to blow smoke in the jury's eyes?

Cain was not permitted to tell the jury that the database had solved the case. He couldn't let on that the respectable-looking men in the dock had been DNA tested after committing crimes involving theft and violence: juries are not allowed to know if an accused person has prior convictions. Any mention of the wizardry of the DNA database would entail explaining how the defendants' profiles got there. But it was bad storytelling to have to gloss over this key aspect of the investigation and say only that the police had been acting "on information received" when they had reopened the case in 2004 and zeroed in on Mann and Stamenkovic. It sounded like he was hiding something.

He needn't have worried. Jones's presentation to the jury was a triumph of clarity. The key point that he made was that full DNA profiles had been extracted from each mask and set of gloves; in each case matching one of the defendants. This result was 98 million times more likely to happen if the biological material tested had originated

from the defendants rather than from random individuals in the Victorian Caucasian population. And the two defense lawyers did not put up their own DNA expert after all.

Still, the defense attorneys did their best to remind the jury of the technical possibility that their clients' DNA had been transferred onto the masks by other items in the dumpster. They also suggested that both defendants were too wide to squeeze into the hole in the bank door, although the jury knew that 11 years had passed, meaning that the men's girths might have expanded in the meantime.

The defense lawyers hoped that the jury would be concerned by the fact that the prosecution had been unable to find any other evidence besides DNA to link the men to the robbery – concerned enough to find that the prosecution had not proved its case beyond reasonable doubt. But they were destined for disappointment. The jury found the pair guilty, and the judge sentenced them each to seven years, with a minimum of five.

While Chrystie and Bergin were delighted with the verdict, gratified by the DNA success story and relieved that neither man chose to appeal, the closing of the case left them with several unanswered questions: How had Mann and Stamenkovic met? Was the Glenroy heist the only job they had done together? Had they been working for another criminal? Was there a getaway driver? What had they done with the money? And where had they bought those damn masks?

If the detectives ever run into these

two criminals after their release, those are questions they'll be asking.



Voice Raised Continued

I began to realize he must have been on my back patio when I got home. He must have watched me through the blowing curtain on the sliding glass door as I changed into my pajamas.

He'd seen me naked. I felt sick.

How did he get into the house? My mind was racing.

The door upstairs. Mom had left it open.

He had turned on the air conditioner.

Oh my God! I thought.

He had been in the house for at least fifteen minutes. He had turned on the air conditioner knowing the sound would mask his footsteps overhead.

How had he known where the thermostat was? Had he been in the house before?

He was the one who had made the step crack.

He'd been waiting on the landing, watching me.

How long had he been planning this? Who the fuck was this guy?

All of these thoughts and realizations bombarded me in just seconds. No matter how much I wracked my brain, I could not

figure out who he was and I had no idea what I had done that made him so mad he wanted me dead.

I was feeling the panic beginning to win. I couldn't breathe. I couldn't swallow. I could make noises, but that was it.

This was not good. I needed to get a breath. I reached up to move his hand.

"Touch me and I'll kill you."

I tried to move my head forward, but he had the back of my head clamped tightly to his chest. I thought if I could move my head forward just a bit, I could get some air through my nose. I reached up again and this time I tried to grab my own hair. I wanted to pull my head forward.

"Touch me and I'll kill you."

I had to do something quickly. I was beginning to feel woozy. I tried to use my tongue to move the gag out of my throat. That didn't work. I tried twisting my tongue. My mouth was so dry. I wanted to swallow, but every time I tried, I began to choke. I worked my tongue some more. I was able to make a small opening in the cloth on the left side of my mouth and I could suck a little air in through the hole I'd created, but it was not enough. My jaw was close to breaking. I reached up again to grab my head to pull it forward in order to relieve the pain.

"Touch me and I'll kill you."

I tried to make some noises that sounded like, "I can't breathe," and I continued to try to turn my head so that it aligned with my jaw. I was

losing my mind. The pain in my neck was overwhelming. I tried to close my mouth a bit. That didn't work. His arm was gripping too tightly over my face and my jaw felt stuck.

"Touch me or look at me and I'll kill you!"

Again, I made some noises like I can't breathe.

"Do you have any money?"

"Do you have any drugs?"

I shook my head, "No."

"Are you here alone?"

Again, I shook my head, "No."

He had killed my mother.

Why else didn't she come when I screamed? If she were alive she would have to have heard me scream and she would have, at least, called downstairs to find out what was going on. He'd killed her and he was going to kill me as well.

I had to get free of this guy. I had to get the gag out of my mouth. I had to breathe. My upper arms were pinned against me, but I could move my arms from the elbows down. I continued to try to move my head forward to relieve the pain in my neck and jaw.

"I can't breathe." The noises I was making were not exactly words, but he clearly understood what I was saying. He pinched my nose shut and held my nostrils closed for several seconds, sneering.

"This is what it's like not to be able

to breathe."

I felt myself giving up. I was convinced whoever this was had killed my mother and now he was going to suffocate me. I was light-headed, and fighting him was using up the little bit of air I was able to suck in through my gag. Believing he intended to kill me, I gave up my struggle and went slack.

Again he asked me: "Do you have any money? Do you have any drugs?"

I shook my head "No."

I did have money, but I wasn't going to give it to him. If I had had any drugs, I would have given them to him. I didn't. Even if I did give him what he asked for, it probably would not have been enough to make him happy and leave.

He started to bargain with me. I guess since he was not getting money or drugs he decided he wasn't leaving without something. I'm sure that's what made him say, "I'll take the gag out if you promise not to scream again."

I nodded my head, "Yes." I would be able to breathe again and maybe he would not kill me. It took some persuasion on my part through vigorous nodding, but he did finally remove the gag from my mouth and unwind the cloth from my neck. My mouth was stuck open. My jaw had become dislocated and I had to use my hands to push it back into place. I almost did scream, it hurt so badly.

"Take off your panties."

I realized the price of air was not

going to be cheap. He intended to rape me. He still might kill me, but now he was focused on rape. Maybe if I did what he said he would not kill me.

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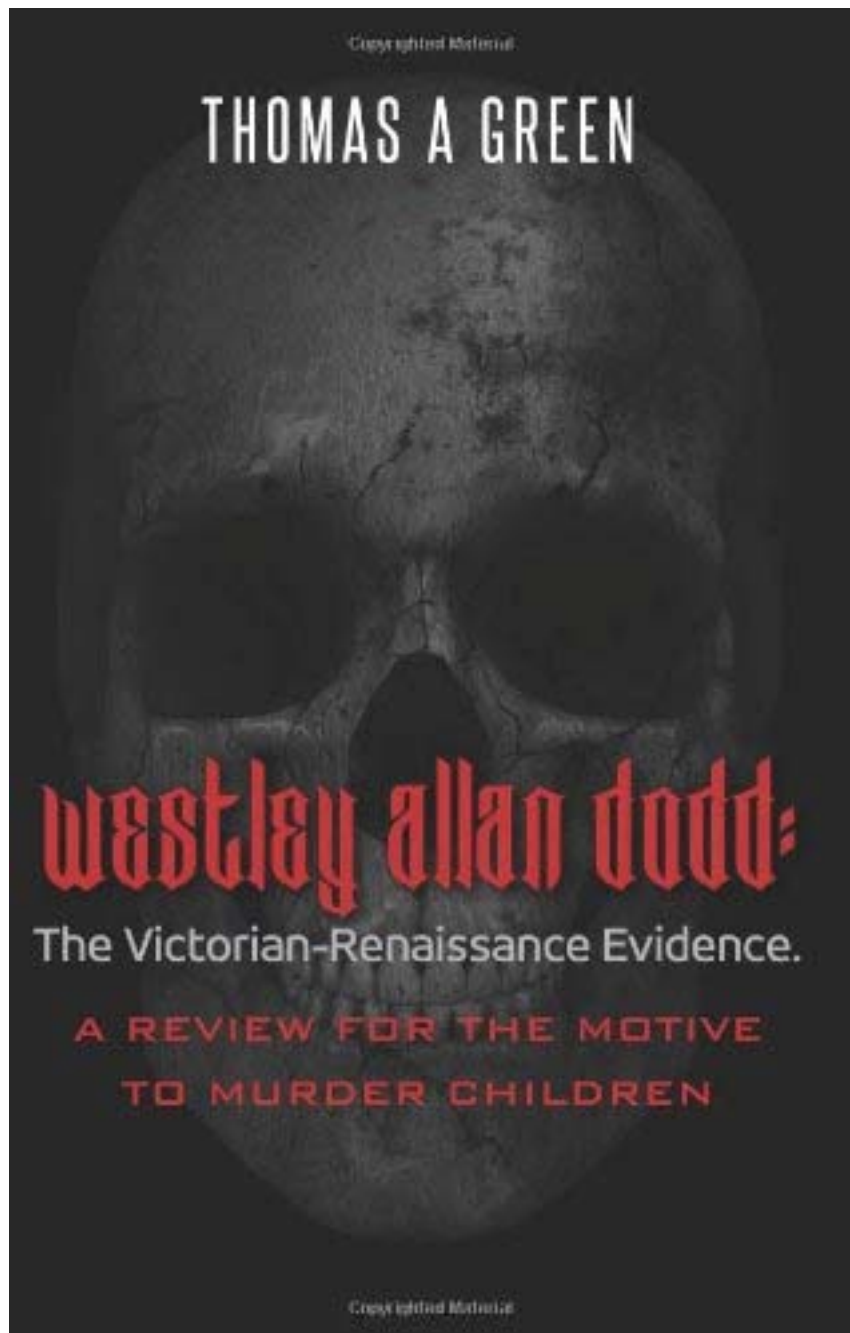
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