

## FELON FOUND \$700, WITNESS SAYS

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**Author:** *Lisha Gayle Of the Post-Dispatch Staff*

Larry D. Sutton said that he had found \$700 in the bathroom at Wahby's Gun Shop and that he had left the money there for Vincent "Pete" Wahby to find, a witness testified Monday.

The witness was Ken Brusatti, who said he was a frequent visitor to the gun shop. Brusatti said Sutton had commented on the money in the fall of 1986. Brusatti said he had not told Wahby about the money or the conversation with Sutton.

Wahby, 31, was a marshal for the Missouri Court of Appeals at St. Louis until he was fired last June. Wahby has been accused of extorting money and favors from two felons who were assigned to report to Wahby while their appeals were pending.

The felons were Sutton and Marsha C. Fredrickson. Each had been convicted of separate crimes.

Brusatti testified on Wahby's behalf on the sixth day of Wahby's trial before St. Louis Circuit Judge Robert H. Dierker Jr.

Fredrickson testified Thursday that she had tucked \$400 inside a soap box in a bathroom at Wahby's Gun Shop, 2711 Clifton Avenue in south St. Louis.

At the time, Wahby was a marshal. Fredrickson said she had feared she would lose her appeal on a criminal conviction and go to prison unless she made payments, which she believed were going to Wahby.

When the \$400 was in place, Wahby accepted a message that Fredrickson wrote on a note pad, telling where the money was and how much there was, Fredrickson testified. After Wahby read the note, Fredrickson destroyed it, she said.

No testimony was given to explain the discrepancy between the amount of money Fredrickson says she put in the

bathroom and the amount Brusatti says Sutton told him he had found.

Brusatti said that Sutton "really wasn't capable" of telling the truth. Other witnesses testifying for Wahby also were critical of Sutton.

Steven Schulte testified that Sutton once pointed a loaded pistol at him. Schulte said that Sutton's action had been "idiotic" but that no threat had been intended. Schulte said that Sutton had once tried to sell Schulte a pistol from the trunk of Sutton's car.

On July 16, Fredrickson testified before a grand jury that was investigating Wahby. The day before her testimony, she talked by telephone to her attorney, Robert Hampe, according to testimony Monday by Joe Goff, a law clerk for Hampe.

Goff said that in the telephone conversation, Hampe repeatedly asked Fredrickson, "You're not going to hurt us tomorrow, right?" and Fredrickson replied, "No."

Hampe also was Wahby's attorney, said Dennis J. Myers, who now is Wahby's attorney. Wahby had referred Sutton and Fredrickson to Hampe, witnesses have testified.

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