

## MISSING LAWYER HAD A KEY ROLE IN TRIAL

**St. Louis Post-Dispatch (MO)** - Friday, March 18, 1988

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

LATE LAST week, Vincent "Pete" Wahby must have realized the peculiar irony of his situation: He is in the same position of vulnerability that he was accused of exploiting.

Wahby was convicted a week ago Thursday night of charges that he used his power as a marshal for the Missouri Court of Appeals at St. Louis to extort money and favors.

The victims - Larry D. Sutton and Marsha C. Fredrickson - were felons who had been free on bond in 1985 and 1986 as the appeals court reviewed their convictions. While Sutton and Fredrickson awaited the outcome of their cases, they had to report regularly to Wahby.

Now, as a felon free on bond, Wahby must report to court officials. Since his conviction, his integrity has become as questionable as some of the felons he used to supervise.

Wahby, 31, was freed on \$5,000 bond last week after spending one night in the City Jail.

At the trial, his attorney, Dennis J. Myers, insisted that Wahby was an innocent man who had been made to appear guilty by other schemers.

Myers told the jury that Wahby "doesn't look like a criminal, he doesn't act like a criminal and that's because he's not a criminal."

Anthony P. Gonzalez, the assistant circuit attorney who prosecuted the case, acknowledged that Wahby "seems like a nice guy." But in fact, Gonzalez said, Wahby is a man who used people and power for his own gain. To Gonzalez, Wahby was a man who used Sutton, Fredrickson and the court of appeals.

The Missouri Court of Appeals is where people go when they lose the first round of their legal battle in Circuit Court.

When Wahby applied for the job as marshal for the court's office in St. Louis, he had several years' experience in law enforcement. In the late 1970s, he worked as a youth leader in the Juvenile Court. Then he became a sheriff's deputy and worked about five years in the St. Louis Circuit Court.

Several of Wahby's relatives have worked in the courts or at City Hall; the family has ties to the Lebanese community that by tradition has had a powerful role in city politics.

Some political insiders have suggested that Wahby got his job because his parents were friends with Judge Paul J. Simon of the Appeals Court. Simon has acknowledged the friendship, but he denied recommending Wahby for the job.

Wahby became the marshal in September 1985. His salary was nearly \$20,000 a year.

One of the marshal's primary duties is to supervise about 50 convicts who remain free on appeal bonds. When Wahby took over as marshal, one of the those he supervised was Sutton. Within a year, Fredrickson was added to the marshal's roster.

Sutton, 44, was convicted in 1983 of theft by deceit. He was accused of paying an accomplice to burn his vehicle, then collecting nearly \$3,000 on his insurance.

Fredrickson, 36, was widely known for running the Golden Goddess massage parlor in Jefferson County. She was convicted in 1986 of promoting prostitution and evading income taxes.

Sutton and Fredrickson stood apart from many felons in at least one respect - they had money. Sutton had a steady income from a settlement in a worker's compensation claim; Fredrickson was reputed to have large earnings from her massage parlor business.

After Sutton and Fredrickson became acquainted with Wahby, they dropped their attorneys. At Wahby's suggestion, they switched to Wahby's attorney - Robert A. Hampe.

Hampe had handled several matters for Wahby, including the incorporation of Wahby's Gun Shop, 2711 Clifton Avenue in south St. Louis. Hampe also was a good friend of Wahby.

Just as Sutton and Fredrickson stood apart from other felons, Hampe stood apart from other attorneys. He had been accused of participating in a phony investment scheme with a client, Jackie G. Turner, 35, of St. Louis. Turner was a convicted thief.

In 1982, Turner had persuaded four victims to invest \$30,000 in a computer company for which Hampe had handled the incorporation papers, prosecutors alleged.

When Hampe went to trial on the theft charges, he accused Turner for using him as a vehicle to steal. Hampe testified that Turner "tricked me."

Turner never got a chance to tell his side of the story. On Oct. 3, 1983, he was found riddled with bullets on a road in Pontoon Beach. He died a short time later.

After Turner's death, authorities announced that Turner had been cooperating in an investigation of "an area lawyer." No one has been charged in Turner's murder.

In March 1986, Judge Edward L. Sprague of St. Louis County Circuit Court acquitted Hampe in the computer scam.

The "empty-chair defense" is a term lawyers use to describe the contentions of an accused person (like Hampe) who blames a person (like Turner) absent from the witness stand.

Similarly, Pete Wahby could be said to have employed an "empty-chair defense" at his trial last week. In Wahby's case, the absent person was Hampe.

Hampe has disappeared, authorities say.

Wahby's trial lasted nine days before Judge Robert H. Dierker Jr. of the St. Louis Circuit Court. Instead of attending the trial, Hampe sent a letter invoking his constitutional right to avoid saying anything that would incriminate himself.

At Wahby's trial, both the prosecutor and the defense attorney called Hampe a scoundrel.

Gonzalez, the prosecutor, accused Hampe of teaming with Wahby to "milk money" from Sutton and Fredrickson.

Myers, the defense attorney, had worked closely with Hampe for several years. But at Wahby's trial, Myers accused Hampe of leading a gullible Wahby into a thicket of criminal charges.

Wahby was accused of hiding paper work to keep Sutton out of prison for 20 months after he lost his appeal. In return, Sutton ran errands for Wahby and worked without pay at Wahby's Gun Shop, Sutton testified.

But Wahby said he had believed that Sutton was rightfully a free man. Sutton and Hampe had assured Wahby that Sutton's case was being appealed to the state Supreme Court, Wahby testified.

Hampe also was a factor in Fredrickson's allegations against Wahby. She testified that she had been led to believe

that she would lose her appeal unless she made cash payments, which she believed were going to Wahby.

She testified that she had made four payments, totaling \$2,200. At the gun shop one day, she said, she handed Wahby a note saying that one of her payments was tucked in a soap box in the bathroom.

Wahby flatly denied Fredrickson's allegations. Myers, Wahby's attorney, contended that Fredrickson had fabricated the soap-box story to protect her attorney, Hampe.

The Post-Dispatch has been unable to reach Hampe to respond to the allegations.

When the scandal broke in June, questions arose about the extent of the wrongdoing.

As the case unfolded, Gonzalez found evidence that Wahby might have referred other felons to Hampe. But investigators found no more victims of extortion, Gonzalez said.

Gonzalez has accused Hampe of being a co-conspirator, but Hampe has never been charged. Fredrickson said she had been led to believe that Wahby had acted under pressure from court officials and that Wahby could influence the outcome of an appeal.

But no evidence surfaced to implicate anyone else inside the Appeals Court.

After investigating Wahby's actions, officials at the Appeals Court reviewed their procedures.

"We feel very comfortable that our system works," said Deirdre O. Ahr, clerk of the appeals court. "We will continue to routinely review all of our procedures to make sure that the system continues to work."

**Caption:** Photo

Headshot - Vincent "Pete" Wahby, Free on bond

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**Page:** 1C5UFHWP5

**Index Terms:** PXWAHBY BYGAYLE ACCUSATION CONVICTION CHARGE USE FAVOR C D VICTIM ; 1985 1986 REVIEW CONVICTION OFFICIAL J P SCHEME PROSECUTION SHERIFF ; RELATIVE SUGGESTION J RECOMMENDATION BOND SUPERVISOR CONVICTION TAX ; EVASION PROMOTION PROSTITUTE ATTORNEY A LAWYER ATTORNEY ; PARTICIPATION G ACCUSATION INVESTMENT PAPER ALLEGATION TESTIMONY ; MURDER AUTHORITY CONTENTION H CONSTITUTION CHARGE ACCUSATION ; PAYMENT FABRICATION ALLEGATION ACCUSATION OFFICIAL O PROCEDURE ; REVIEW FELON

**Record Number:** 8802120258

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## FIRED MARSHAL DENIES CHARGE BY PROSECUTOR

**St. Louis Post-Dispatch (MO)** - Thursday, March 10, 1988

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

Vincent "Pete" Wahby, a former marshal being tried on bribery-related charges, took the witness stand Wednesday to deny that he had teamed up with his attorney, Robert Hampe, to "milk money out of" two felons.

The allegation was made by the prosecutor in the case, Anthony P. Gonzalez.

Wahby, 31, has been accused of using his position as marshal of the Missouri Court of Appeals in St. Louis to extort money and favors from two convicted felons, Larry D. Sutton and Marsha C. Fredrickson.

No charges have been filed against Hampe, but Wahby's current attorney, Dennis J. Myers, has accused Hampe of being the culprit in a scheme in which Wahby has been charged.

Hampe has disappeared, authorities say. A secretary at his former office said he had left the state. Hampe's home phone has been disconnected.

Wahby is on trial on 16 charges relating to the allegations of extortion schemes and to the sale of guns to Sutton while he was a fugitive from justice. The trial began last week before St. Louis Circuit Judge Robert H. Dierker Jr. Wahby was the sole and final witness in the case Wednesday.

Sutton, 44, was convicted in 1983 of paying an accomplice to burn his vehicle, then collecting nearly \$3,000 on his insurance. Fredrickson was convicted in 1986 of promoting prostitution and evading income taxes.

Sutton has accused Wahby of hiding certain paper work in an effort to keep Sutton out of prison. Fredrickson, 36, has accused Wahby of accepting cash payments to influence her case before the Appeals Court.

Wahby, who was fired as appeals court marshal last June, has denied the charges by both Sutton and Fredrickson.

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**Index Terms:** FIRING DENIAL BYGAYLE TRIAL CHARGE P ACCUSATION APPEAL EXTORTION ; FELON CONVICTION D C FILING J DISAPPEARANCE COURT ALLEGATION SCHEME ; H

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## FELON FOUND \$700, WITNESS SAYS

**St. Louis Post-Dispatch (MO)** - Tuesday, March 8, 1988

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

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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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**Index Terms:** BYGAYLE D 700 DOLLAR MONEY TESTIMONY ACCUSATION EXTORTION FAVOR ; FELON APPEAL C CONVICTION CRIME TESTIMONY H PAYMENT WEAPON GUN ; INVESTIGATION J WITNESS TESTIMONY

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## **COURT EMPLOYEES TESTIFY AGAINST FORMER MARSHAL**

**St. Louis Post-Dispatch (MO)** - Saturday, March 5, 1988

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

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A variety of court papers should have let Vincent "Pete" Wahby know that a man working at Wahby's Gun Shop was supposed to be in prison, several witnesses testified Friday.

That testimony came from several employees of the Missouri Court of Appeals at St. Louis as well as other judicial officials in a criminal case against Wahby, a former marshal of the appeals court.

Wahby, 31, is accused of using his position to extort money and favors from two felons, Larry D. Sutton and Marsha C. Fredrickson. Wahby went on trial this week before Judge Robert H. Dierker Jr. in St. Louis Circuit Court. The trial is scheduled to continue Monday.

Sutton has accused Wahby of keeping him out of prison for 20 months in exchange for Sutton's work - without pay - at Wahby's Gun Shop, 2711 Clifton Avenue in south St. Louis.

In testimony Wednesday, Sutton said that Wahby "buried" papers that would have resulted in Sutton being sent to prison.

Anthony P. Gonzalez, assistant circuit attorney, used a chart to show jurors that at least one key document in Sutton's case had gone to Wahby but was missing from the file where it belonged. Gonzalez contrasted Sutton's case with that of another male felon whose paperwork was generated at the same time and who went to prison on schedule.

Wahby's attorney, Dennis J. Myers, contended that Wahby had believed that Sutton's case was being appealed to the Missouri Supreme Court and was being treated differently from the other man's case.

Deirdre O. Ahr, clerk of the appeals court, testified that Wahby had made about \$20,000 a year in his job as marshal.

In a brief hearing with no jurors in the courtroom, a lawyer, Michael Donatt, took the witness stand to invoke his Fifth Amendment right against incriminating himself. Donatt refused to answer questions in the case.

Donatt apparently was called to testify instead of Robert Hampe, a lawyer who was a friend of Wahby. Donatt worked for Hampe, who represented Sutton and Fredrickson in some of their court dealings. Sutton and Fredrickson said Wahby had directed them to Hampe.

Myers, Wahby's attorney at the trial, has accused Hampe of being the culprit behind the charges that were brought against Wahby. Hampe told Wahby that he was working on Sutton's case before the Missouri Supreme Court, Myers said .

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**Index Terms:** BYGAYLE EMPLOYEE TESTIMONY PAPER WITNESS TESTIMONY OFFICIAL ; ACCUSATION EXTORTION D C H SCHEDULE BURIAL P JUROR JURY J O ; TESTIMONY 5TH REFUSAL ATTORNEY DEALING ACCUSATION

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## MARSHAL PROTECTED FELON, TAPE SUGGESTS

**St. Louis Post-Dispatch (MO)** - Thursday, March 3, 1988

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

A marshal for an appeals court here told a man who belonged in prison that authorities "won't catch you," according to the transcript of a secretly taped conversation that was played Wednesday for a jury.

The tape was played at the trial of the marshal, Vincent "Pete" Wahby, who has been fired from his job with the Missouri Court of Appeals. Wahby, 31, of St. Louis, has been accused of using his position to extort money and favors from two felons, Larry D. Sutton and Marsha C. Fredrickson.

The tape recording was of a conversation between Wahby and Sutton. The recording was difficult to hear, but the jury was provided with a transcript. Sutton, 44, testified that he had made the tape secretly in September 1986, while he worked at a gun shop Wahby owned in south St. Louis.

Wahby is on trial this week before St. Louis Circuit Judge Robert H. Dierker Jr. Wahby, of the 6100 block of Magnolia Avenue, is charged with being a corrupt public servant.

Wahby also is charged with failing to execute a warrant for Sutton's arrest, conspiracy to steal money from Fredrickson and the unlawful transfer of 12 guns to Sutton while he was a fugitive from justice.

Wahby was fired June 16 from his job as marshal.

The tape was played for the jury over objections from Wahby's attorney, Dennis J. Myers.

Wahby's duties as a marshal for the appeals court brought him into contact with Sutton and Fredrickson. Sutton and Fredrickson were free on bond after being convicted, but they had to report periodically to Wahby.

Sutton testified that Wahby had referred him and Fredrickson to Robert H. Hampe, formerly a lawyer here.

Fredrickson, 36, is the former operator of a massage parlor in Jefferson County. She was convicted in 1986 of

promoting prostitution and evading income taxes.

Sutton has accused Wahby of arranging to keep him out of prison in exchange for work - without pay - at Wahby's Gun Shop, 2711 Clifton Avenue in south St. Louis.

Sutton testified that he had bought and sold guns at the shop, even though he was a convicted felon.

Sutton should have been in prison at the time he was selling guns at Wahby's shop - and Wahby knew it, according to the prosecutor, Anthony P. Gonzalez, assistant circuit attorney. Gonzalez contends that Wahby shirked his duty by not arresting Sutton when he lost his appeal.

Sutton testified that paper work that would have called for his arrest had been "buried" by Wahby.

Myers told the jury Tuesday that the real culprit in the case was Hampe - Wahby's former attorney.

On Wednesday, Myers attacked Sutton's credibility. Myers produced records showing that in 1980, Sutton was discharged from Deaconess Hospital because he was abusive to the staff there. In the records, a doctor wrote that in addition to a neck ailment, Sutton had a "sociopathic personality."

Under questioning from Myers, Sutton denied that he had threatened to kill the children of a woman friend. Sutton also denied that he had tried to "set up" Wahby.

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**Index Terms:** BYGAYLE DISMISSAL EXTORTION D C H CHARGE J CONVICTION TESTIMONY

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## **DEFENSE SAYS LAWYER IS CULPRIT**

**St. Louis Post-Dispatch (MO)** - Wednesday, March 2, 1988

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

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An attorney for Vincent "Pete" Wahby told a jury Tuesday that the real culprit in an extortion scheme was not Wahby but a lawyer who has disappeared.

Wahby, 31, is on trial this week on charges that he extorted money and favors from two felons by using his power as a marshal for the Missouri Court of Appeals at St. Louis. One of his duties involved handling the paper work necessary to send felons to prison after their appeals failed.

One of the felons, Larry D. Sutton, has accused Wahby of keeping him out of prison for 20 months in exchange for his work - without pay - at Wahby's Gun Shop, 2711 Clifton Avenue in south St. Louis.

But Wahby's attorney, Dennis J. Myers, said Tuesday that Wahby had failed to send Sutton to prison because Wahby was depending on information given to him by Sutton's attorney, Robert Hampe. Myers told the jury that Hampe had assured Wahby that Sutton's case remained pending and that Sutton was not supposed to be sent to prison.

Wahby trusted Hampe because "Hampe was Wahby's attorney and his family's attorney," Myers said. In fact, Wahby referred Sutton to Hampe, Myers said.

"The evidence will prove that Robert Hampe is the one who ought to be on trial," Myers said. "I will give you enough evidence to convict the right man, and that's Robert Hampe."

Both Myers and Assistant Circuit Attorney Anthony P. Gonzalez said they didn't know where Hampe was.

Hampe, 43, could not be reached Tuesday by a reporter, either.

A woman who answered the telephone at Hampe's former office in St. Louis said that Hampe had left the state without a forwarding address.

Wahby, of the 6100 block of Magnolia Avenue, was marshal for the Missouri Court of Appeals at St. Louis for nearly two years. Wahby was fired from his job June 16, a few days after allegations against him surfaced.

His trial on 16 charges began Monday.

Some of the charges involve a scheme to extort money and favors from Sutton and Marsha C. Fredrickson, former operator of a massage parlor. Other charges involve the unlawful transfer of weapons to Sutton, a fugitive.

Fredrickson accused Wahby of acting with Sutton in a scheme to extort money from her in exchange for a favorable ruling in her case before the appeals court here. Fredrickson's case has since been transferred to another court to avoid a conflict.

Hampe also acted as Fredrickson's attorney, Myers said. Fredrickson "never paid money to Pete Wahby," Myers said.

Fredrickson, 36, is the former operator of the Golden Goddess massage parlor, in Jefferson County. She was convicted in 1986 of promoting prostitution and evading income taxes.

Sutton was convicted in 1983 of felony theft by deceit. He was accused of paying an accomplice to burn his vehicle, then collecting nearly \$3,000 on his insurance.

In October 1985, the appeals court affirmed Sutton's conviction. The decision should have resulted in Sutton's being sent to prison. But records show that he remained free for 20 months - until he made his accusations against Wahby.

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**Index Terms:** BYGAYLE CHARGE EXTORTION FAVOR DUTY FAILURE D ACCUSATION J ; CONVICTION P DISMISSAL ALLEGATION CHARGE FAVOR S WEAPON DECISION ; APPEAL PROMOTION EVASION TAX CONVICTION PAYMENT COLLECTION RECORD ; ACCUSATION

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## AS EXECUTION NEARS, LET'S HOPE THE COURTS GOT THIS ONE RIGHT

**St. Louis Post-Dispatch** - Sunday, February 21, 1999

**Author:** Bill McClellan

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A case for clemency?

Carl Harris claims he committed an armed robbery in the summer of 1978. He was 24 at the time. He was married, but he says he was cheating on his wife, seeing a young woman who worked at Al Smith's restaurant on South Grand.

That's the place he decided to rob. Harris said he hid in some bushes by the parking lot one night at closing. He had a woman's nylon stocking pulled over his face as a disguise. The manager came out with the day's receipts. He was with a waitress.

He told me he never committed another crime. Unless you count perjury, that is. He lied under oath the year after

the robbery.

That last part is the only part of his story I can vouch for. No matter what happened on the parking lot behind Al Smith's restaurant, Carl Harris did indeed lie under oath on May 15, 1979.

He testified that he had spent the night of the Al Smith's robbery at a party with Roy Roberts. The entire night.

That cannot be true. One of the two men was committing the robbery.

Let's hope it was Roberts.

He was 25 at the time of the robbery. He was what's known as a police character. That is, he was often in trouble. He was the fifth of seven brothers, and except for the oldest, who somehow went straight, the brothers were well-known to the local cops.

"They were always stopping us for one thing or another," said Carl Roberts, one of Roy's older brothers.

Mostly stopping the brothers for good reason, too. Carl is 59. He has spent about 25 years in prison.

At the time of the Al Smith's robbery, Roy had already done one short stretch in prison himself. He had done 14 months of a two-year sentence for stealing. He was released in December of 1977.

In July of 1978, the robbery occurred. Two months later, Roberts was arrested for creating a disturbance.

He told me he was into the drug scene. He had bought some capsules of Dilaudid, a heroinlike substance. At least that's what he thought he was buying. Instead, he had been given the wrong kind of capsules.

"I went over and knocked on the guy's door. Kind of rudely, I guess," Roberts said.

The cops were called. A little bell must have gone off in somebody's head. The two victims of the Al Smith's robbery had described the robber as being big. Two hundred pounds, the manager had said. Maybe more, the waitress had said.

Roberts' nickname was Hog. He stood a touch over 6 feet, and he weighed about 280 pounds. (Harris, by the way, is about the same height, and weighed about 240 pounds at the time. He goes about 230 now.)

The two victims of the robbery were called downtown for a lineup. They identified Roberts as the man who had robbed them.

Roberts was convicted in May of 1979. He was given 18 years and sent to Jefferson City Correctional Center. He was transferred to the prison in Moberly in the spring of 1983. In July of that year, there was a riot at Moberly. A guard, Tom Jackson, was killed.

Two inmates were accused of fatally stabbing Jackson. Roberts was accused of holding him while he was stabbed.

One of the alleged stabbers was convicted of murder and sentenced to life. The other alleged stabber was convicted of murder and sentenced to death, but his conviction was overturned. He is scheduled to go on trial next month.

Roberts was convicted of murder and sentenced to death. His appeals have been denied. He is scheduled to be executed March 10.

His last chance lies with the governor.

These final extralegal appeals are taking two forms. The first is the proportionality argument. If one of the two men who actually stabbed Jackson got life, how can you execute the person who simply held him? Maybe Roberts didn't even know the other guys had knives.

The second argument is that Roberts is actually innocent. At his trial, a number of inmates testified on his behalf. A couple of inmates testified against him -- as did three guards -- but these inmates later allegedly told fellows that they had been forced to lie. Meanwhile, Roberts' defense was that he was brawling with a guard a good distance from where the stabbing occurred, and that guard testified that yes, he had been fighting with Roberts.

Furthermore, of the three guards who testified against Roberts, two of them placed him at the scene of the stabbing only after undergoing hypnosis.

But who knows where the truth lies? I certainly don't.

Same deal with the robbery.

The prosecutor who handled the case, John Dockery, said he couldn't remember many details. The defense attorney, Robert Hampe, got in some trouble himself in 1988, and left the area without a forwarding address.

The helpful staff at the circuit clerk's office located the trial transcripts in the attic of the Municipal Court building.

It was a very short trial. Jury selection began on a Monday morning, and the witnesses were done by Tuesday afternoon. The two victims testified that they had been robbed by a large man wearing a nylon stocking pulled over his head, but despite the resultant distortion, they were sure the defendant was the guy. A detective testified that Roberts had more or less admitted his guilt.

Roberts testified that he had not admitted his guilt, because he hadn't robbed anybody. He testified that the detective wanted information about a guy named Jack Lindsey, who was wanted for killing a deputy sheriff in Jefferson County. According to Roberts, the detective had threatened to put a case on him if he didn't cooperate, but he hadn't known anything, anyway.

Roberts then said he had spent the night at a party with Harris. Harris testified that way, too, as did a couple of young women.

They were lying, of course. Harris and Roberts couldn't have both been at the party all night.

One of them was committing a robbery.

Late Friday afternoon, I got a call from Roberts, and a little later from one of his attorneys. Roberts had just taken a lie detector test. A former Kansas City police officer had administered it. The examiner had asked Roberts if he had held Jackson during the riot and if he had participated in Jackson's murder, and Roberts had said no to both questions. No deception, said the examiner.

Again, though, who knows?

But there is a chance -- an outside chance, but a chance -- that Roberts was in prison for a crime he didn't commit when he was accused, convicted and sentenced to death for another crime he didn't commit.

It's enough to make you wish the pope would visit the state again during the second week in March.

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**Column:** BILL MCCLELLAN COLUMN

**Index Terms:** DEATH PENALTY ; MURDER ; PRISON GUARD ; ROBBERY ; POLICE RIOT COMMUTATION ; TESTIMONY

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