

MARSHAL PROTECTED FELON, TAPE SUGGESTS

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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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