

MISSING LAWYER HAD A KEY ROLE IN TRIAL

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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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