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***The Star's* archives: Stories from the explosion**

From the archives

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Testimony links five defendants to '88 blast site

By TOM JACKMAN

The Kansas City Star

A crucial prosecution witness testified Tuesday that in November 1988 she saw seven persons making plans to steal from a construction site where six firefighters later died in an explosion.

Among the seven were Frank Sheppard, Skip Sheppard, Darlene Edwards, Bryan Sheppard and Richard Brown. All five are on trial in federal court on charges that they caused the explosion, and the account Tuesday was the first in 14 days of testimony to link all five defendants in one place and time.

Outside the courtroom, events took a strange turn. A witness's pickup truck was doused with gasoline, Brown's bond was revoked after he argued with Edwards' parents and an audience member threatened a prosecutor.

But the testimony of Edwards' daughter, Becky Edwards, was the centerpiece of the day. Becky Edwards lived with her mother and her mother's boyfriend, Frank Sheppard, in November 1988, when she was 11.

Now 19, Becky Edwards twisted a tissue in her hands as she testified. She said a group gathered around her mother's kitchen table a week before Nov. 29, 1988.

"Who was there?" Assistant U.S. Attorney Paul S. Becker asked.

Edwards replied: "Frank, my mom, Skip (Sheppard), Richard (Brown), Bryan (Sheppard), my brother Ronnie (Edwards), Allen (Bethard)."

Ronnie Edwards later became an informant for federal agents in the case and made undercover drug buys from his stepmother, Darlene Edwards, which resulted in her drug conviction. Bethard was prosecuted by Becker on a rarely filed federal theft charge after he refused to implicate anyone in the explosion case.

"What were they doing?" Becker asked.

"Getting high," Becky Edwards said.

"What did they say they were going to do?" Becker asked.

"They just said there was copper and stuff that they could take and sell," Edwards said, "and there were some sheds."

"Who was doing most of the talking?" Becker asked.

"Frank and Richard," Edwards said.

Prosecutors believe that when witnesses refer to "sheds," they mean the two large steel boxes on the construction site that contained dynamite and blasting caps. Defense lawyers have noted that no copper was kept on the site where the blast occurred and that nothing was stolen.

Edwards started crying as Becker asked her whether she remembered the explosions. She said that after the second blast, "I went out

of my bedroom, my mom was coming down the hallway and Frank (Sheppard) was coming in the front door. He had on jeans and a shirt. He had a tear in his pant leg, and he had grass stains on his pants and shoes."

On cross-examination, Edwards said groups gathered at her mother's house nearly every night. "It wasn't really meetings," Becky Edwards said. "They would just get high and look for ways to get money."

Edwards faced little cross-examination and was on the witness stand only 15 minutes.

Earlier Tuesday, Darlene Edwards' sister testified. Nancy Romi said that three to five minutes after the first explosion, she saw a black pickup truck with a headlight missing roar through her neighborhood.

"I said, 'There goes Richard,' " Romi testified. Brown drove a black Ford pickup truck in November 1988.

After Romi was finished, the trial took its customary midmorning break. A confrontation during the break prompted the judge to order Brown, the only defendant not being held in jail, into custody.

Brown later took the witness stand and gave his account of the conflict.

He said he had walked out of the courtroom talking to his cousin.

"I can't believe her," Brown said of Romi. "She's a lying ... " At one time, Romi was Brown's aunt by marriage.

Brown said Romi's parents heard the remark and stood up in front of him. Brown said he cursed them.

When the trial resumed, Becker asked U.S. District Judge Joseph E. Stevens Jr. to revoke Brown's bond. Becker said Brown had "engaged in a pattern of conduct to intimidate the government's witnesses." He said Brown had made an obscene gesture at a former girlfriend last week and had glared at two other witnesses in a hallway Monday.

On the witness stand, Brown denied gesturing or glaring. He said he had been under great stress because, in addition to the trial, his 1-year-old son was in an intensive care unit with a serious illness.

Stevens ordered Brown into custody.

"I have an obligation to preserve the integrity of this process and to protect these witnesses," Stevens said. "It's been from the testimony and my observation in this courtroom that this young man doesn't have much control over himself."

An hour later, when Romi left the courthouse, she found gasoline in the bed of her pickup truck. The gas came from a 5-gallon can Romi kept in the truck.

Kansas City police could not determine whether someone deliberately poured the gas or whether the can tipped over. Romi's mother, Doris Clark, said the can had survived a long ride to the courthouse and appeared to have been emptied on purpose.

Police took a report and called firefighters, who hosed down the truck bed.

Also during the lunch hour, a defense attorney heard an audience member say something like, "I want to kill Becker." Becker, the lead prosecutor, did not hear the remark, but it was reported to Stevens.

"If I hear of anyone tampering with, intimidating or having a conversation or tampering with property of a witness," Stevens told the courtroom, "I promise you I will deal with you in a way you will never forget."

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Guilty: Five convicted in '88 blast

By TOM JACKMAN

The Kansas City Star

In a tensely still courtroom, five Kansas Citians were found guilty Wednesday of causing a 1988 explosion that killed six firefighters. The jury will return today to decide whether the defendants should spend the rest of their lives in prison.

Tears flowed throughout the jammed courtroom. Relatives of the firefighters wept and hugged, as if the verdict provided a cathartic moment in the tumultuous eight-year history of the case, which began with two thunderous blasts that shook houses and shattered windows for miles.

"It's about time," said Janice Oldham Offill, sister of firefighter Michael Oldham, who was among those killed. "It puts a closure on the case, but it doesn't put a closure on our lives, because Michael is still gone."

Relatives of the defendants stared straight ahead and then broke down in sobs.

After U.S. District Judge Joseph E. Stevens Jr. read the verdict, the audience was required to stay in the courtroom until the jury was out of the building. One defendant's brother was removed from the courtroom after arguing with security officers.

The defendants - Frank Sheppard, Skip Sheppard, Darlene Edwards, Bryan Sheppard and Richard Brown - have maintained their innocence, saying they were not at the south Kansas City construction site on the morning of Nov. 29, 1988.

"I'm still innocent," Edwards yelled at photographers after the verdict.

"It was wrong. It was totally wrong," Frank Sheppard said as he was escorted out of the courthouse. "We didn't do this."

But the jury never heard the defendants' versions, because none of them testified.

What the jury did hear was four weeks of testimony from friends and acquaintances of the defendants. About 50 of those persons said one or two of the defendants admitted starting a fire that caused two explosions along U.S. 71 near 87th Street. A handful of others said they saw the defendants on the streets either before or after the first blast at 4:08 a.m.

The jury deliberated for 13 hours over two days. At 4:35 p.m., Judge Stevens read all five verdict forms to himself and then announced that all five defendants had been found guilty of one count of arson resulting in the death of public servants.

"I'm just overwhelmed with emotion," said Leota Halloran, widow of firefighter Gerald R. Halloran, who was killed in the blast. She and many other family members were present for all or nearly all of the five-week trial.

In addition to Oldham and Halloran, the firefighters killed were James H. Kilventon, Luther Eugene Hurd, Robert D. McKarnin and Thomas M. Fry.

The lawyers in the case mainly declined comment, since it is still pending. Willard Bunch, Edwards' attorney, said, "We're disappointed, but jury verdicts are jury verdicts."

The parents and siblings of the five defendants, nervous during the two days of deliberations, were devastated. They, too, watched all of the trial, from the opposite side of the courtroom from the firefighters' families.

"How can they do this?" asked Naomi Sheppard, mother of Frank and Skip Sheppard. "This case was nothing but hearsay. I can't believe it."

Virginia Sheppard, mother of Bryan Sheppard, said: "I don't know how the jury can live with themselves, putting an innocent man in prison. It's just not fair."

This morning, Stevens will hear arguments on whether the fire caused by the defendants was a "direct or proximate" cause of the firefighters' deaths.

If Stevens rules that the fire did cause the deaths, the jury will return to the courtroom. The lawyers will argue whether the defendants deserve life without parole or a lesser sentence to be determined by the judge.

If the jury votes for a lesser sentence or can't agree on a verdict, Stevens will impose sentences later. But the lawyers said the federal sentencing guidelines call for a life sentence, so Stevens probably would be forced to impose a lengthy sentence that would be less than a life term. From the beginning, prosecutors admitted that they had no physical evidence and no eyewitnesses to tie anyone to the explosion. But Assistant U.S. Attorney Paul S. Becker told the jury, "Each of these defendants, over the last eight years, has been unable to keep their mouths shut."

Indeed, Becker and Special Assistant U.S. Attorney Daniel C. Miller produced a parade of witnesses over four weeks who recounted conversations with the defendants. Sometimes they were discussions in a bar, sometimes in a jail cell. Four of the five defendants are in prison.

When the government had finished, 57 witnesses had implicated one or more defendants. Only one witness, the daughter of Darlene Edwards, put all five in the same room at the same time. She said she saw the five, and two other men, planning to steal from the

construction site a week before the explosions.

The prosecution's theory

Becker theorized that the defendants went to steal "anything that wasn't nailed down" from the site and then sell it for money to buy drugs. Prosecutors believe that when two security guards left the site about 3:30 a.m., the defendants set a guard's parked truck on fire along U.S. 71.

Nothing was stolen from the site, though numerous witnesses said the defendants claimed to have made off with various items. Prosecutors think the defendants, after failing to break in to anything, poured gasoline on a truck trailer's tires and set it on fire.

At 3:40 a.m., when the security guards returned, they saw the flames glowing over the top of a ridge. They phoned the Fire Department, reporting both their pickup truck on fire and the burning trailer.

Two fire companies, from Station 41 and Station 30, were dispatched. They quickly extinguished the pickup truck fire.

They were attacking the trailer fire when 25,000 pounds of ammonium nitrate and fuel oil mix exploded, killing the firefighters instantly.

Prosecutors believe the flames from the first trailer ignited a second trailer, 80 feet away. The second trailer, with 30,000 pounds of ammonium nitrate and fuel oil mix, exploded 40 minutes later.

Special Agent David True of the Bureau of Alcohol, Tobacco and Firearms was part of the federal investigation into the explosion from the beginning. He testified that the case was at a dead end when firefighters suggested putting the case on the television show "Unsolved Mysteries."

New tips turned case

Even before the show aired in February 1995, the federal agency began receiving new tips about the explosion. Most of the tips, True said, pointed to the Marlborough area of south Kansas City, where all five defendants lived.

Police had concentrated on the area immediately after the explosion. Frank Sheppard and Darlene Edwards were first questioned in early December 1988. Skip Sheppard and Richard Brown also were interviewed that month.

All four gave police the same stories they give to this day. Frank Sheppard and Darlene Edwards said they had been drinking at Sheppard's sister's house and were home asleep at the time of the explosions. Skip Sheppard said he, too, was drinking at his sister's house and slept there with his girlfriend, Liza Harrigan.

Brown said he was at his grandmother's house. Bryan Sheppard said he was asleep on the sofa at his parents' house.

The defense put on only two days of evidence, mainly attacking government witnesses. Naomi Sheppard testified that her sons weren't at her house, as one eyewitness had said. Liza Harrigan said she went to sleep and woke up with Skip Sheppard, though she said she slept through the two blasts.

The defense lawyers advised the five defendants not to testify, even though Frank Sheppard had testified for three hours before the grand jury last year. The defendants agreed not to testify, thinking that the circumstantial case against them wasn't enough to convict.

Families on both sides said they would return to the courthouse today to see what could be the final day of the case.

"I want to see it through," said Karen Oldham Cable, Michael Oldham's widow, "just to know. For myself."

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Stevens imposes life sentences for fatal blast

By TOM JACKMAN

The Kansas City Star

Five Kansas Citians will spend the rest of their lives in prison as punishment for causing the explosion that killed six firefighters in November 1988, a federal judge ruled Wednesday.

Relatives of the firefighters were pleased with the life sentences without parole imposed by U.S. District Judge Joseph E. Stevens Jr. on Frank Sheppard, 47, Skip Sheppard, 37, Darlene Edwards, 43, Bryan Sheppard, 26, and Richard Brown, 27. The defense said it would appeal.

Stevens also discarded defense arguments that the firefighters were reckless and caused their own deaths. He ruled Wednesday that the firefighters weren't negligent in fighting the burning blasting agent that ultimately exploded.

Under federal sentencing guidelines, Stevens handed down the sentence required for first-degree murder, though he agreed with defense lawyers when he said: "I do not believe ... that these five (defendants) intentionally and with knowledge aforethought went out to kill six Kansas City firemen."

But, Stevens added: "I do believe that they conducted themselves in such a way, and committed such acts, as to clearly and unretrievably fall under that statute" that called for a life sentence without parole.

Prosecutors alleged that the five defendants set fire to a trailer filled with ammonium nitrate and fuel oil, the same mixture used to bomb the federal building in Oklahoma City.

The amount stored in the trailer along U.S. 71 near 87th Street was five times greater than what was used in the Oklahoma City blast. And when it exploded Nov. 29, 1988, firefighters Gerald Halloran, James Kilventon, Robert D. McKarnin, Thomas Fry, Michael Oldham and Luther Eugene Hurd were killed instantly.

"As firefighters, they can't be replaced easily," said Deborah McKarnin, the widow of Robert McKarnin, "but as family members they can't be replaced at all."

Leo Halloran, brother of Gerald Halloran, told Stevens: "If they (the firefighters) had any knowledge, absolutely an inkling, that there was a blasting agent in that trailer, they wouldn't ever have gone in."

Speaking their piece

The defendants renewed their claims of innocence, and most stood to speak to the firefighters' families before Stevens imposed sentence.

"As God is my witness, I had nothing to do with this," Frank Sheppard said as he faced the audience. "Nothing. This has been a long ordeal for all of us, and it may be over, but sadly it's not solved. It's not solved."

Edwards wept as she said to the families: "I'm very sorry you lost loved ones. Innocent people died. But history is repeating itself. I'm innocent."

Richard Brown looked at the prosecution table as he said: "I hope you do find the people who did this, and I hope they rot, because I'll stand right beside you."

The defendants' families cried and shouted goodbyes as the five defendants were led from the courtroom.

Outside the courthouse, Nadine Brown, Brown's mother, said that if the government couldn't make the defendants cooperate, it would frame them. "I never could believe the government would frame innocent people."

She added: "I do, from the bottom of my heart, give condolences to the firefighters' families, and I hope justice prevails."

As the defendants' families protested the outcome, the victims' families had difficulty mustering sympathy.

"At least they've got their families," said Cecilia Kilventon, widow of James Kilventon. "I can't see my husband. He's 8 feet underground."

Janice Oldham Offill, sister of Michael Oldham, said: "The way it's been portrayed is the defendants are the victims. Kansas City needs to know that we, the families, are the victims, not the defendants. We were the ones that had loss."

'The most difficult case'

After the fatal explosion in November 1988, Kansas City police soon focused on the Sheppards and the Marlborough neighborhood of south Kansas City. In 1989, Jackson County prosecutors obtained a six-count murder indictment against Bryan Sheppard, but charges were dismissed three months later.

Meanwhile, investigators from the federal Bureau of Alcohol, Tobacco and Firearms and the Labor Department looked at the possibility of labor-union involvement in the explosion. Court records have shown that the construction site was picketed and vandalized.

The federal investigation slowed, but retired ATF Agent David True said Wednesday that he never gave up hope on the investigation.

In November 1993, members of the Kansas City Fire Department asked True to help them get the case on the television show "Unsolved Mysteries." A segment on the case broadcast in February 1995 offered a \$50,000 reward for information. The show provoked hundreds of new phone calls, many naming the Sheppards or their friends.

Assistant U.S. Attorney Paul S. Becker issued grand jury subpoenas, and in June 1996 the grand jury issued its indictment.

The case went to trial in January. Prosecutors called 50 witnesses who said that one or two of the defendants had discussed or confessed involvement with the explosion. Several witnesses also testified that they saw one or two of the defendants on the streets shortly after the first explosion at 4:08 a.m.

All five defendants told police in 1988 that they were asleep when the explosion occurred and that they had no involvement. But none of the defendants testified.

Becker, in asking Stevens on Wednesday to impose life sentences without parole, said: "The defendants personally have no redeeming qualities. ... None of these defendants has ever produced a positive thing for society."

The defense lawyers grew emotional in asking Stevens to impose a lesser sentence. "I can say something I've never said in all my years as an officer of the court," said Willard Bunch, Edwards' lawyer. "I do not believe my client is guilty."

John O'Connor, Bryan Sheppard's lawyer, said: "I just think that in this case, two wrongs are never going to make a right. I hope we have the right people."

John Osgood, Brown's lawyer, argued against imposing the equivalent of a first-degree murder sentence. "We're treating these people the same way as if they set about in a cold, calculated, premeditated fashion to kill somebody. They didn't do that."

Stevens, however, did not change his mind and said: "This is really, it goes without saying, the most difficult case I've ever had anything to do with."

The judge also ordered each defendant to pay \$536,000 restitution to the Kansas City Fire Department for the equipment destroyed in the blast.

The defendants plan to appeal. They will claim that the statute of limitations had expired, that they should have had separate trials and that Stevens did not allow them to make their case to the jury.

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HEADLINE: Despite conviction, five insist: We didn't set the blast

By TOM JACKMAN

The Kansas City Star

Seething in jail as they awaited the life sentences they were given Wednesday, the five Kansas Citians convicted of causing the 1988 deaths of six firefighters maintained that they had nothing to do with the fatal explosion.

In a series of individual interviews conducted at the federal jail in Leavenworth before the sentencing, each defendant also insisted that he or she had never admitted any role in the blast.

At the trial, dozens of witnesses said they heard one or two defendants admit involvement in the arson that caused the explosion. Their testimony formed the foundation of the government's case against Frank Sheppard, Skip Sheppard, Darlene Edwards, Bryan Sheppard and Richard Brown.

Now, the five must pin their hopes on an appeal. They remain defiant, but not optimistic.

"I believe I'll spend the rest of my life in prison for a crime I did not commit," said Bryan Sheppard, 26.

"They couldn't find no one else to pin that case on," said Skip Sheppard, 37. "They just picked some bad lemons out of the neighborhood."

All of the defendants came from the Marlborough neighborhood of south Kansas City, near the blast site. All but Brown had previous

felony convictions.

Three defendants - Frank Sheppard, 47, Edwards, 43, and Brown, 27- noted that prosecutors offered them each a plea bargain: a five-year sentence in exchange for their guilty plea and testimony. "I told them, 'Forget it,' " Edwards said.

All five believed a jury would acquit them. "I thought the jury was smart enough," Frank Sheppard said, "just common-sense kind of people (who) could understand, could see through (the government's case)."

On Feb. 26, a jury convicted all five defendants of one count of arson resulting in the death of public safety officers.

The jury foreman said in March that jurors agreed with the government's theory that the defendants "wouldn't have said they did it if they didn't do it." The jury also couldn't believe that dozens of witnesses would all be untruthful.

"It just didn't make any sense for them to lie," the foreman said.

Sticking to their stories

The alibis the five gave in the interviews did not waver from the stories they had told investigators over the years - that they were asleep long before the first explosion at 4:08 a.m. on Nov. 29, 1988.

But none of the defendants took the witness stand to tell the jury his or her version of events. Some regretted that decision; some said it wouldn't have affected the outcome.

"I regret it 110 percent," Frank Sheppard said. "I feel ... that these people felt if the federal government indicted us, we must have been guilty. Then, on my part, not to relieve these jurors of that shadow of a doubt against me as to why I'm not testifying. 'If he's not testifying, he must be guilty; he must be hiding something.'"

Brown said: "It wouldn't have made a difference ... each witness that got up there, we knocked them down, and proved that they was liars, and proved that the federal system puts nothing but liars on the stand. I knew my case was won."

The six-week trial featured witnesses who said that one or two of the defendants made incriminating comments to them at some point in the previous eight years.

Each of the defendants was emphatic - he or she never made such a comment. Asked why the witnesses would provide such testimony, the defendants listed individual grudges that some witnesses had against them, the \$50,000 reward money that some witnesses admitted they sought and the deals witnesses made with prosecutors in other cases.

"The only thing I ever said about this in my life," Skip Sheppard said, "I said, 'I'm glad I don't know anybody that had anything to do with this.'"

Bryan Sheppard was charged in state court in 1989 in connection with the explosion, based on his alleged confessions to fellow inmates. But after those charges were dismissed, "I wouldn't talk about it," he said.

He said that when people asked him about the case, he would say either, " 'They released me because they didn't have enough evidence,' or, 'I don't want to talk about it.' Depends on what they ask, but mostly, it's just those two comments, and I ain't going to sit there and discuss it. ... I've never admitted to nobody."

Even Brown, whose lawyer tried the defense that Brown's comments were merely street braggadocio, denied ever once claiming a role in the blast.

"I never in my ... life said anything of any sort," Brown said, "that I had any ... thing to do with this or anything. No part. ... The only thing I've ever ... said is that I was at home in ... bed."

Problematic statements

In convicting the five, jurors cited two crucial pieces of evidence: a taped statement by Edwards and the testimony by Edwards' 18-year-old daughter, Becky.

In a taped statement to federal agents in February 1995, Edwards said that Brown and Bryan Sheppard awoke her two hours before the explosion.

She said the two had run out of gas and asked her to drive them to a gas station. After doing that, Edwards said, she drove the two to the blast site but left when she figured out what they were planning.

Two days before giving that statement, Edwards, unaware she was being videotaped, repeatedly declared her innocence to agents from the Bureau of Alcohol, Tobacco and Firearms. U.S. District Judge Joseph E. Stevens Jr. did not allow the jury to see that tape.

Edwards said that in that first meeting she had been shown a typed statement by Brown, unsigned, in which Brown said he saw the four other defendants buying gasoline the night of the explosion.

"I wanted out of jail," Edwards said, explaining that the ATF had just arrested her on drug charges. "I was angry; I couldn't believe Richard was saying something. ... I mean, if he's gonna lie about me like this, I might as well lie about him, which is stupid on my part."

Edwards later retracted her statement. She said she was intimidated into making it. Stevens, however, allowed the jury to hear it.

Brown said that it made no sense to walk from the construction site to Edwards' house when a QuikTrip store with gas pumps was visible from the site.

"Why ... would somebody walk a half a block past QuikTrip," Brown asked, "and two miles out of the way, on foot, to have her bring them right back to the same spot? But they (the jurors) believed it."

The only witness who ever placed all five defendants in the same place at the same time was Becky Edwards. When she was 11, she lived with her mother and Frank Sheppard.

A week before the explosion, Becky Edwards testified, she saw all five defendants and two other men sitting around the kitchen table at her house, planning to raid the construction site where the blast occurred.

"No way possible," Frank Sheppard said. He is Bryan Sheppard's uncle, and he said: "I don't run with my nephew. Never have run with Bryan on the street."

Skip Sheppard said: "We sat around the kitchen table doing a little dope every now and then, you know. But I never did hang out with Bryan or Richard."

Brown, who was a close friend of Bryan Sheppard's, said he hated Frank and Skip Sheppard because he thought they burglarized his grandfather's house. "Back when I was 17, I was fighting them," Brown said. "I never ... associated with them."

Cracks in the case

The defendants also attacked the logic of the government's case. Prosecutors said that after security guards drove away from the construction site, the defendants set one of the guards' trucks on fire as a diversion. The fire by the side of U.S. 71 actually caused the guards to return to the scene, where they also found a tractor-trailer of ammonium nitrate and fuel oil on fire.

"Why is somebody going to set a diversion," Brown asked, "when they (the security guards) done left?"

Other damaging witnesses included Carolee Ann Smith, a next-door neighbor who said she saw Frank and Skip Sheppard return to their mother's home after the first of the two explosions; and Karen Baird, a neighbor who said Brown and Bryan Sheppard were gritty and smelled of smoke when they visited her at 7:30 a.m. the day of the blasts.

Frank and Skip Sheppard said that Smith had a longstanding dislike of her rowdy, hard-drinking neighbors. Skip Sheppard said he believed Smith suspected them of burglarizing her house.

Brown and Bryan Sheppard said that they were rarely awake at 7:30 a.m. and that they probably visited Baird later that day after working on a car.

The jury never heard these explanations, for several reasons.

Defense lawyers believed that the government hadn't proved its case beyond a reasonable doubt. Many witnesses reported being told stories by the defendants that had factual inaccuracies. No one ever gave an account of how the defendants came together, acted at the construction site and set a fire.

In the case of all three Sheppards, different witnesses placed them in different places at the same time. The defense lawyers thought, and the defendants agreed, that those inconsistencies would trouble the jury.

All the defendants said they would gladly cooperate with prosecutors, to reduce their sentences, if they had any information about the crime.

"If I knew who did this," Edwards said, "they would be sitting here, you know?"

This story originally appeared in the Oct. 31, 1998 edition of *The Kansas City Star*

Verdicts stand in deaths of six KC firefighters

By MARK MORRIS

The Kansas City Star

A federal appeals court panel on Friday upheld the convictions and life sentences of five Kansas Citians in the 1988 construction site explosion that killed six firefighters.

The 26-page decision upheld U.S. District Judge Joseph E. Stevens Jr.'s handling of the case and affirmed his decisions on every appeal point raised by attorneys for Darlene M. Edwards, Richard W. Brown, Earl D. Sheppard, Bryan E. Sheppard and George Frank Sheppard.

Lawyers for the five argued in their appeal that Stevens had denied them a fair trial by refusing to grant separate trials, by not allowing defense lawyers to present their case and by not ruling that the statute of limitations had expired.

At an April hearing, appeals court judges sharply questioned prosecutors about their case, and that led some to speculate they might rule in favor of the defense.

Friday, however, Judge James B. Loken, writing a unanimous decision for the three-judge panel, declared that the defendants had received a fair trial.

"The evidence was sufficient for a reasonable jury to find that defendants set the fire that caused the fatal explosions," Loken wrote.

Edwards' attorney, Willard B. Bunch, said he would ask the full 8th Circuit Court of Appeals to reconsider.

"Obviously we're disappointed," Bunch said. "I'm surprised at what I'm reading, because we had a good appeal and good arguments."

Should the full circuit agree with the panel, appeals would go even higher, said John O'Connor, who represented Bryan Sheppard.

"If there's any issue we can take to the Supreme Court, we'll take it all the way," O'Connor said. "I firmly believe in my client's innocence."

U.S. Attorney Stephen L. Hill and Assistant U.S. Attorney Paul Becker, who tried the case, on Friday were in Washington, where Becker received an award from Attorney General Janet Reno for his work on the case.

In a telephone interview, Hill said the ruling reminded him of those who had suffered the most from the explosion's aftermath.

"The bravery of those firefighters was matched by the bravery of the families during the investigation and trial," Hill said. "I hope the families get some sense of closure here."

Leo Halloran, brother of firefighter Gerald Halloran, who was killed in the blast, said he was elated by the ruling. But he said closure never really comes.

"I'm really relieved I don't have to go to my grave without finding out who did it, but to me it seems like it happened three or four days ago," Halloran said. "There will never be complete closure. It's something that will be with us for the rest of our lives."

Fire Chief Rick Brisbin, who plans a November memorial service to mark the 10th anniversary of the firefighters' deaths, applauded the court's decision and the prosecutors' work.

"We're glad it worked out for the families of firefighters here and the extended families of firefighters all around the country," Brisbin said. "Maybe we can close this chapter in the darkest day of the Kansas City Fire Department."

That day began in the early hours of Nov. 29, 1988, as six firefighters approached a burning construction trailer on a highway construction site in southeast Kansas City. They did not know it contained 25,000 pounds of explosives.

When the trailer exploded, James Kilventon, Halloran, Michael Oldham, Luther Eugene Hurd, Robert McKarnin and Thomas Fry were killed instantly.

After the explosion, police focused on the Sheppards and south Kansas City's Marlborough neighborhood. The next year Jackson County prosecutors obtained a six-count murder indictment against Bryan Sheppard, but charges were dismissed three months later.

A 1995 segment on the television show "Unsolved Mysteries" provoked hundreds of new phone calls to investigators, many naming the Sheppards or their friends.

A grand jury issued indictments in 1996. At the trial in January 1997, prosecutors called 50 witnesses who said that one or two of the defendants had discussed or confessed involvement with the explosion. All five defendants told police in 1988 that they were asleep when the explosion occurred, but none testified at trial.

All were convicted of aiding and abetting the arson that caused the deaths of the firefighters, a capital offense. Stevens sentenced each to life in prison without possibility of parole.

Bryan Sheppard's mother, Virginia Sheppard, said Friday that the case had been a nightmare for the families of those convicted.

"It's heartbreaking for the innocent people sitting in there and their families who have had to suffer through it," said Virginia Sheppard, who hadn't yet spoken with her son about the decision. "Maybe God will bring them home. I have all the faith in God."

Speaking for Louie Wright, president of Local 42 of the International Association of Fire Fighters, retired Capt. Joe Galetti said the city could be relieved at the court's decision.

"We're happy that justice prevails," Galetti said. "This provides closure for the families and the men and women of Local 42."

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Court backs sentences in '88 blast

By MARK MORRIS

The Kansas City Star

The U.S. Supreme Court rejected without comment Monday the appeals of five Kansas Citians who were convicted in the 1988 explosion that killed six firefighters.

Officials have called the crime the "darkest day of the Kansas City Fire Department."

The high court's action effectively ends the defendants' appeals and upholds a year-old decision from the 8th U.S. Circuit Court of Appeals.

That court ruled that Darlene M. Edwards, Richard W. Brown, Earl D. Sheppard, Bryan E. Sheppard and George Frank Sheppard received fair trials. They were convicted and sentenced to life in prison.

In their appeal, the five argued that the late U.S. District Judge Joseph E. Stevens denied them a fair trial:

By refusing to grant separate trials.

By not allowing defense lawyers to present their case.

By not ruling that the statute of limitations had expired.

"I'm stunned, but I'm not surprised I guess," said lawyer Pat Peters, who represented George Frank Sheppard. "The people that actually sat through the whole trial know we have innocent people in prison and they know the story of what actually went on hasn't been told."

Leo Halloran, brother of slain firefighter Gerald Halloran, said the ruling carried an empty satisfaction for the families.

"It's not going to bring the guys back," said Halloran. "I don't think there's anything like total closure. I don't think you can ever totally close the curtain on it."

U.S. Attorney Stephen L. Hill Jr. said successive courts have upheld the fairness of the investigation and the trial.

"This was one of the most difficult cases this office has ever handled," Hill said. "There were complex legal issues and hundreds of witnesses. The court's decision today is a testament to the work of investigators and prosecutors to bring justice to this case."

Lawyer John Osgood, who represented Richard Brown, said the defendants' remaining appeal options were limited and few. They now have a year to file appeals arguing ineffective defense counsel, new evidence showing their innocence or improper sentencing.

The explosion occurred in the early hours of Nov. 29, 1988, as six firefighters approached a burning construction trailer in southeast Kansas City. They did not know it contained 25,000 pounds of explosives. When the trailer exploded, Halloran, James Kilventon, Michael Oldham, Luther Eugene Hurd, Robert McKarnin and Thomas Fry were killed instantly.

After the explosion, police focused on the Sheppards and south Kansas City's Marlborough neighborhood. The next year Jackson County prosecutors obtained a six-count murder indictment against Bryan Sheppard, but charges were dismissed three months later.

A 1995 segment on the television show "Unsolved Mysteries" provoked hundreds of new phone calls to investigators, many naming the Sheppards or their friends.

A grand jury issued indictments in 1996. At the 1997 trial, prosecutors called 50 witnesses who said that one or two of the defendants had discussed or confessed involvement in the explosion.

All five defendants told police in 1988 that they were asleep when the explosion occurred, but none testified at trial.

All were convicted of aiding and abetting the arson that caused the deaths of the firefighters.

"We were always certain the U.S. Attorney's office had put together a rock-solid case," said Kansas City Fire Chief Rick Brisbin. "This does kind of nail it shut for the families and the extended family, which is the fire service. We'll put it behind us and go forward."