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The Firefighter Case: Part I

by [J.J. Maloney](#)

For many years Frank and Skip Sheppard were the Injun Joes of Marlborough - the down-on-its-heels neighborhood in southeast Kansas City where six firefighters were killed in an explosion Nov. 29, 1988. Like the character by that name in *Tom Sawyer*, they were perceived by many as evil characters in whose wake woe would surely follow.

These two brothers - large, forbidding Native Americans, scared people. When Skip Sheppard was in a car wreck that killed his fiancée and left him in a coma, some people said he deliberately drove in front of a truck to get rid of the fiancée.

So it's no surprise that Frank and Skip were among the early suspects in the firefighter case - and that Frank's girlfriend, Darlene Edwards, Frank's nephew Bryan Sheppard, and Bryan's best friend Richard Brown, would be included as well.

When the firefighter case had gone unsolved for eight years - and seemed incapable of being solved - these five became expendable.

On Feb. 26, 1997, a U.S. District Court jury found all five guilty of causing the explosion that killed the firefighters. They will soon be sentenced to life in prison without parole. The defendants can and will appeal their convictions, but that is a years-long road filled with uncertainty. All five of those convicted are almost certainly innocent of that crime. The five became expendable because of the lives they'd led: being petty thieves, drunks, drug addicts and no-accounts in general.

The firefighter case, in the end, became not so much a search for truth as a quest for closure. Over the years, the pressure for closure had grown intense.

The families of the dead firefighters ached for this dark chapter in their lives to come to an end, so they could go on with their lives. These families had the overwhelming sympathy of the people of Kansas City.

The firefighters of Kansas City needed to know that you couldn't just kill six firemen and get away with it.

Alcohol, Tobacco and Firearms (ATF) Special Agent Dave True wanted to retire - but not with the biggest case of his career unsolved. True, who had said for years that organized labor was responsible for the explosion, deliberately misled a grand jury in



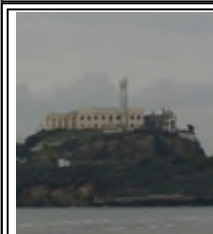
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order to get these five defendants indicted.

The deaths of the six firefighters on Nov. 29, 1988, constituted the most horrific, unsolved criminal case in the city's history. A year after the explosion, voters approved a nickel-a-pack increase in the cigarette tax to fund a Haz-mat (hazardous materials) unit in the Fire Department. That unit is dedicated to the dead firefighters. Three years after the explosion the Firefighters Fountain was dedicated at 31st and Pennsylvania, and six months after that the 30-41 Memorial to the slain firefighters was dedicated at the site of the explosion.

As late as February, 1995, ATF Special Agent True said on the TV series "Unsolved Mysteries" that the fire and explosion were consistent with previous acts by organized labor in the year preceding the explosion.

The five people indicted: Darlene Edwards, 43, Frank Sheppard, 46, Earl "Skip" Sheppard, 37, Bryan Sheppard, 26, and Richard Brown, 26, had no connection to organized labor. (Frank and Skip were brothers and uncles to Bryan, although estranged from him. Frank and Darlene had been living together for a number of years. Bryan and Brown were best friends. There was no love lost between them and Frank, Darlene and Skip.) At the time of the indictment, all but Brown were in prison on unrelated charges. Although Brown had no felony convictions, he was nonetheless well-known to police.

For Bryan Sheppard, it was the second time he had been indicted for the murders of the six firemen.

In 1989, after several jailhouse snitches said he had confessed to them that he was involved in setting the fire that caused the explosion, he had been charged with six counts of second-degree murder in Jackson County Circuit Court. (He'd been in jail for stealing a bicycle.) The murder charges were dismissed when it turned out the jailhouse snitches were lying. Specifically, informant Chris Sciarra said Sheppard had confessed while a particular Saturday morning television show was on. John P. O'Connor, Sheppard's attorney, was able to prove through jail records that Sheppard had been in the visiting room, in a different part of the jail, while that show was on.

John Driver, the key informant against Bryan Sheppard in 1989, has since stated publicly that the police intimidated him into signing a prepared statement implicating Sheppard. Driver, who'd been held on \$100,000 bond for several felonies, including a charge of bombing the Brothers III nightclub, was then released on a signature bond. The police deny Driver's allegations.

Sciarra later gave O'Connor a sworn statement saying the whole scheme had been dreamed up by Driver, who wanted to collect the \$50,000 reward.

This time the indictment against Sheppard and the four others was by the U. S. government. It charged the defendants with arson resulting in the deaths of the six firefighters (i.e., that they set fire to



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a trailer containing ammonium nitrate and fuel oil, which then exploded while the firefighters were trying to put out the fire). The case would be tried by Assistant U. S. Attorney Paul Becker, the chief of the federal Organized Crime Strike Force. And, instead of two jailhouse snitches, the ATF had rounded up scores of prison and jail informants, along with a handful of Marlborough residents.

Since the five defendants were all paupers, the federal court appointed private lawyers to represent each of them: Will Bunch, a 29-year veteran in criminal law, and the first criminal lawyer to be elected president of the Kansas City Metropolitan Bar Association, to represent Darlene Edwards; the previously mentioned O'Connor, a former Jackson County assistant prosecutor who had achieved wide recognition for his defense of Bryan Sheppard in 1989 and in subsequent high-profile cases, to once again represent him; Patrick Peters, a former Jackson County assistant prosecutor who became known as "Doctor Death" for his numerous death-penalty convictions as a prosecutor, to represent Frank Sheppard; John Osgood, who had recently retired as an assistant U. S. attorney who had lost only one criminal jury trial case in his long career (to Will Bunch), to represent Brown; and Susan Hunt, who frequently handled appointed cases in federal court, to represent Skip Sheppard. Hunt was assisted by attorney Elena Franco, who had recently been nominated to become a Kansas City municipal judge. (She was not appointed.) I assisted Bunch in the defense of Darlene Edwards.

The trial ran for five weeks in January and February, 1997. The jury returned with guilty verdicts on Feb. 26, 1997.

The word heard most often in the days following the verdict was "closure."

Then, on April 19, 1997, as the nation was mourning the anniversary of the bombing in Oklahoma City, a small group of people picketed the Firefighters' Memorial, protesting the convictions in the firefighter case - signs protesting the fact that the bulk of the government's case consisted of testimony from convicts and ex-convicts. One sign pointed out that the three defendants who had taken polygraph tests had passed them. (Although Darlene had volunteered to be polygraphed, she never was, nor was Skip Sheppard.)

Frank and Bryan Sheppard and Brown had passed polygraph tests years earlier concerning their involvement in the explosion. Several Marlborough residents had claimed the defendants took valium to pass the tests - but Frank Sheppard was in Municipal Farm when police asked him to take the test. At the time of his indictment, Frank Sheppard didn't even remember taking the test.

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THE EXPLOSION

Nov. 29, 1988 was a crisp night with a full moon. At 87th Street and South 71 Highway the Bruce R. Watkins Memorial Drive was under construction. The 10 mile, \$200-million project was the biggest concrete job in Kansas City in many years. The work crew from Mountain Plains Construction, on the east side of 71 Highway at 87th Street, had left at 5 p.m. Across the highway (the west side) was the equipment for Brown Brothers Construction, the general contractor. Brown Brothers had subcontracted with Mountain Plains Construction to do the blasting (Mountain Plains then hired Maynes Explosives).

[Daniel B. Young](#)

The east construction site was atop a hill, which had an eight-foot earthen berm. Behind that berm were two trailers loaded with ammonium nitrate and fuel oil in cloth "socks." Holes were drilled in the bedrock, then packed with these long, cylindrical socks of ammonium nitrate, which were then detonated with dynamite. Ammonium nitrate in its pure form is simply fertilizer, but mixed with fuel oil it becomes a "blasting agent." The two trailers contained nearly 50,000 pounds of the ammonium nitrate/fuel oil mixture. The ammonium nitrate also contained 5 percent aluminum pellets, to increase the blast force, since the contract called for the bedrock to be broken into rock chunks of no more than 15 inches in diameter.

At 6 p.m. Donna Costanza and Kevin Lemanske, employees of Ameriguard, arrived at work. Their jobs were to guard the two construction sites. Costanza was the roommate and companion of Deborah Riggs. Robert Riggs, Deborah's brother, owned Ameriguard along with his wife Jenny. Deborah Riggs, six and a half months pregnant by artificial insemination, was on pregnancy leave from the Ford Claycomo plant and had recently begun moonlighting for her brother's company.

At 10 p.m. Costanza and Lemanske were replaced by Robert and Deborah Riggs (as with many aspects of the Riggs' story, there is some dispute on who relieved who, and when).

At 3:40 a.m. the Kansas City Fire Department received a call from Robert Riggs, which was recorded. Riggs reported a pickup truck on fire on the west side of 71 Highway. On the dispatch tape Deborah Riggs can be heard saying, "Oh, the explosives are on fire."

At 3:47 a.m. pumper 41, manned by firefighters James H. Kilventon, Robert D. McKarnin and Michael R. Oldham, told the dispatcher there were two fires, and they asked for a second pumper.

At 3:57:20 pumper 41 told the dispatcher it was an arson, and asked for the police to be sent. They also told the dispatcher to tell pumper 30 (on the way) to stay away from the trailer (on the east side of the highway), that explosives were involved in that fire.

At 3:58 a call went out to Battalion Chief Marion Germann, who was in car 107, along with his driver, Charles D. Gentry.

At 3:59:31 pumper 30, manned by Captain Gerald Halloran, Thomas

M. Fry and Luther E. Hurd, asked the dispatcher: "Can you confirm as to whether there is explosives in this trailer or not?" . . . pumper 30: "Could you send 41 out there?" Pumper 41: "10-4. We're on our way now." 4:02:13: Pumper 41: "We've got a trailer and part of a compressor going up here."

They asked for a 4-wheel drive to haul some water in.

4:04:20: Pumper 41 then told car 107 they were on the east side of the construction site. "Yeah apparently this thing's already blowed up. We've got magnesium or something burning up here." They told car 107 that both companies were back by the burning trailer.

4:06:23: Car 107 arrived.

4:08:19: Car 107 reported the first explosion.

In their later statements to police, Chief Germann, his driver and the Riggses all described the same scene prior to the explosion: The firemen were using a long pole to pull a Mountain Plains pickup away from the burning trailer. The trailer itself was so hot it seemed to be transparent - they could literally see the socks of explosives through the thin metal walls of the trailer. There were no flames, and no mention of smoke. Just this white-hot, hellish heat with countless sparks leaping from it and the sound of tiny explosions, like strings of M-80s going off (the aluminum pellets.)

The explosion had five times the impact of the bomb that destroyed the federal building in Oklahoma City. It was so catastrophic that one of the two fire department pumpers evaporated. Literally. It was never found. The explosion broke windows and cracked walls for miles around and was heard as far away as Warrensburg, Mo., some 45 miles to the east. One woman, who lived a mile away, told police the explosion bent the car key laying on her kitchen table into an L-shape and broke her dog's eardrums. (She would testify for the government.) Many thousands of people claimed to have been knocked out of bed, or at least jarred awake, by that first blast.

In the wake of the explosion, more than 1,300 individuals and businesses would file \$18-million in property-damage claims, and would eventually collect \$4.5-million from Brown Brothers Excavating, Inc., Mountain Plains Construction, Maynes Explosives and Ameriguard, Inc. Mountain Plains, which had a million dollars in assets at the time of the explosion, went out of business because no bonding firm would underwrite it.

The explosion heavily damaged car 107 and Robert Riggs' station wagon. A gloved, smoking hand landed next to Battalion Chief Germann's car - several hundred yards from the explosion. Deborah Riggs said later that the firefighter closest to the trailer seemed to explode from the inside out. Robert Riggs wanted to go up and see if any of the firefighters could be helped, but Deborah Riggs refused.

As she would say later, at a deposition:

Q: (Attorney): You made a reference in here to one of the firemen in the car being Manson like. Do you remember that?

A: (Deborah Riggs): Yes.

Q: What was that; what were you talking about?

A: Because he was up underneath the dashboard.

Q: What Manson are you talking about?

A: Charles Manson.

Q: The mass killer?

A: It had nothing to do with him being a killer. It was because supposedly when they caught Manson, he was in a cabinet, in a kitchen cabinet. He had crawled inside a cabinet.

Q: When you saw this fireman, that is what came to your mind?

A: Yes, because he also was supposedly in charge and he was underneath the dashboard.

Q: So it kind of was analogous in your mind?

A: Yes.

Q: What was his demeanor, the fireman, not Charles Manson?

A: I don't know what you mean.

Q: Did he seem upset: was he crying; did he - was he uttering anything; was he bemoaning the loss of friends?

A: He was saying "call an ambulance," which didn't make a lot of sense to me. The firemen didn't need an ambulance.

Following the explosion, Germann, his driver, and the Riggses immediately left the site. The police blocked off the area, setting up a command post farther south on 71 Highway at 95th Street. Two firefighters - ignoring orders - entered the explosion site to see if any of the firefighters were still alive. They didn't get far, however, before they began to discover body parts. They could see dead firefighters scattered around. They left before the second explosion occurred, approximately 40 minutes after the first.

THE RIGGSES

By 6 a.m. the first finger of suspicion was being pointed. Shawn Roma, who lived east of the explosion site, told police that they should look at Ed Massey, a part-time bounty hunter and wood cutter. Massey and Roma had briefly been partners, cutting wood from the blasting site. There was a huge -football field sized -pile of wood from trees that had been razed from the construction site. Brown Brothers Construction had given permission to Roma and Massey to harvest the wood, since someone would have to get rid of it anyway.

After a week or so Massey and Roma had a falling out. According to Roma, Massey had threatened to blow the site up so no one could have the wood. By the time it was over, Massey and Roma were both questioned, searched and polygraphed. (They both passed.)

Also at 6 a.m. that day, detectives picked up Deborah Riggs at her mother's house in Grandview and took her to headquarters for questioning.

- Although the police had publicly exonerated the Riggsses of suspicion by March, 1989, during the next month detectives began contacting American Family Insurance concerning claims filed by Deborah Riggs. Although Deborah Riggs had only been with American Family since May, 1988, there is no indication the police ever checked with any insurance company other than American Family. Had they done so, they might have learned about the phony theft report she'd previously turned in a car she claimed had been stolen.

- Robert Riggs testified at trial that, after the explosion, he had retraced the route he and Deborah Riggs took after she claimed to have seen two people walking across the highway. He said it took four-and-one-half minutes to go from where they had been parked, up by the office trailer, down by the river, then to QuikTrip, and back to where Deborah's pickup was burning. Keeping in mind that Vivian Rhodes came along, saw the burning truck, then went down the highway, turned around and went back to QuikTrip, it appears there would have been an extremely brief "window of opportunity" of about 90 seconds for some outsider to go to Deborah's truck and set it on fire, and to also set the trailer on fire on the opposite side of the highway, along

with a compressor which was set on fire.

· Agent True wasn't oblivious to the Riggsses being the most logical suspects in this case. When True was questioning Darlene Edwards on Feb. 17, 1995, he repeatedly sought to find some link between Darlene and Deborah Riggs. He asked Darlene if she had ever babysat for Deborah, or if she had ever smoked crack with Deborah. Darlene denied ever knowing Deborah Riggs.

In her initial statement to police, Deborah Riggs told Detective Victor Zinn that she took a meat-loaf sandwich to the site to give to her brother, that he was alone and he'd asked her to stay and help him. She was scheduled to work later that night anyway, she said, but came in early because of Costanza's car problem.

Deborah Riggs said she was parked on an access road on the west side of the highway, where the heavy equipment for Brown Brothers was parked, while Robert Riggs was stationed on the hill on the east side of the highway, so he could guard the Mountain Plains site. There were two access roads onto the east site: one, directly across the highway from Deborah Riggs, and another at the corner of 87th and 71 Highway, which she could also see from where she was parked.

It was an unusually slow night, she said, with little foot or vehicle traffic along 71 Highway. Deborah Riggs told Det. Zinn that at about 3:30 a.m. she had seen two large people, whom she presumed to be men, walking across the highway, north of her position, where a construction trailer was parked in the median of the highway. At first she thought nothing of it, but when they disappeared and did not reappear, she called her brother. She said Robert Riggs drove over to where she was and she got in his station wagon, leaving her keys and her purse in her red 1977 Toyota pickup truck. She said they then drove north on 71 Highway, looking for the two men. They shined their spotlight around the construction trailer and saw nothing, so they decided to go to the QuikTrip store several blocks north to see if the clerk there had seen anyone suspicious.

The clerk had seen nothing, Deborah said, so she decided to buy some milk and breakfast rolls. Robert Riggs, however, told police he was waiting for his sister, looked in the store and didn't see her or the clerk, and thought a robbery might be in progress. But she emerged and moments later a black Camaro sped into the parking lot and a woman in black leather pants and a black feathered coat ran into the store. Then the manager came out and said there was a fire at the construction site.

The Riggsses said they immediately left to check the fire. The woman in black, Vivian Rhodes, told police she became concerned because the Riggsses seemed unconcerned, so she went looking for the police and stopped a patrol wagon to tell them about the fire.

The Riggses said they raced south on 71 Highway, saw a fire, and as they got closer saw it was Deborah's pickup truck, with the headlights on and fully ablaze. Robert then called the fire department.

In this, and in subsequent interviews with Robert and Deborah Riggs, a pattern of inconsistencies emerged:

- After her videotaped interview with Detective Zinn, Deborah admitted she was lying when she said Robert was on patrol across the highway when she saw the two men in the median of the highway. She now said that she was sitting beside Robert in his station wagon when she saw the men.
- The police found a witness who had seen Deborah sitting in the station wagon, with the overhead light on, but did not see Robert. So Deborah said Robert had fallen asleep, with his seat reclined. Robert said he may have gone to urinate behind some machinery.
- A police report dated Dec. 1, 1988 described Robert's reaction to some of Deborah's statements: "His displeasure was almost to the point of saying his sister was lying."
- Robert Riggs, Jenny Riggs and Deborah Riggs all used aliases on the job. Robert Riggs said this was to avoid the appearance of a mom-and-pop operation.
- Deborah Riggs said that following the first explosion, a police officer told her and Robert to wait on the west side of the highway, until statements could be taken from them. She said initially that they were still by the heavy equipment when the second explosion occurred. She then changed her story, saying that in addition to her keys and purse, a .38-caliber revolver belonging to Robert had been in the truck. She now said that, after waiting a bit on the west side of the highway they looked out and everyone was gone, so they decided to drive to the command center farther south on 71 Highway (which they could see). Before getting there, however, Robert remembered the pistol and decided to go back for it. Robert let Deborah out by the side of the road and Robert went back for the gun. Before he could return, the second

blast occurred.

- Robert Riggs told police he went back for the handgun because it was a limited-edition collector's item. At trial John Osgood asked Robert Riggs exactly what kind of handgun it was - what year, what model - and Riggs said it wasn't really a collector's item.

- At the time of the explosion, Ameriguard had an employee named Melvin Stanton. Stanton told detectives on Feb. 21, 1989 that he was contacted by Deborah Riggs around 9:30 p.m. on Nov. 28, 1988, and was told to report to work because someone was not coming in. Stanton said he arrived between 9:45 and 10 p.m. and Deborah was on the west side of the site alone, so he took up a position on the east side. At 11 p.m., Stanton said, Robert Riggs called him on the car phone and told him to go home. Stanton told detectives that several days before the explosion Robert Riggs told him, "If anything happens out here, you keep your mouth shut."

- Stanton also said that Deborah normally had a large boxer dog with her, but had left it at home the night of the explosion. He also said Deborah always carried a one-gallon red gas can with a yellow spout in the back of her truck, because her gas gauge wasn't working. (Denied by Deborah Riggs.)

- Deborah testified that, just prior to seeing the two men, she was making out new work schedules for the employees of Ameriguard, because on the afternoon of Nov. 28, 1988, Robert Riggs had been notified that the construction companies were cutting back the hours Ameriguard would be guarding the site.

- Stanton told detectives he thought Robert Riggs had set the fire, because Riggs was worried about losing the construction site contract.

- Although the Riggses had at first said they saw the flames from the trailer while they were calling the fire department, Robert Riggs later said he could only see an orange glow in the sky on the east side of the

highway.

- Detectives parked where Robert's station wagon had been, on the access road, had someone walk across the highway where the construction trailer had been parked, and determined that Deborah Riggs could not have seen two men where she said she saw them. Robert Riggs said he could understand why detectives would have doubts, but insisted he believed his sister.

- In the numerous police statements and depositions given by the Riggses, they have never mentioned Melvin Stanton being called to duty and then being sent home an hour later that night. Melvin Stanton was never again questioned by the authorities, and defense lawyers were unable to find him while preparing for trial.

- Deborah Riggs testified to the federal grand jury that pumper 41 arrived and quickly put out the fire in her pickup. She said pumper 30 arrived and parked in the median of the highway, and that pumper 41 was by her truck for 25 or 30 minutes, and that pumper 30 was parked in the median for an additional 10 or 15 minutes. She said in a deposition that she talked to all six firemen, and that she specifically told them the trailers on the hill were loaded with ammonium nitrate and fuel oil. This statement has caused great bitterness among firefighters in Kansas City, because it is a commonly known rule that firefighters do not fight a fire once it has reached ammonium nitrate - they evacuate the area and let the fire burn out.

- In her first statement to Det. Zinn, however, Deborah Riggs said she told the firemen it was "blasting caps and explosives" in the trailer (which would explain why the firefighters thought an explosion - the blasting caps - had already occurred). She has since said, however, that Zinn was putting words in her mouth and misquoting her, and that he told her he would not let her go home until she said Robert Riggs had been asleep.

- During the 45 minutes to an hour that Deborah Riggs claims the firefighters were dawdling on the west side of the highway,

she admitted that neither she nor her brother ever went to see what was happening on the east side of the highway. In one deposition Deborah said she believed the Mountain Plains pickup truck was on fire, and that it might set fire to the trailer. She said she asked the firemen why they were wasting time with her truck - when the explosives trailer was in danger across the highway. During one deposition she was asked if she or Robert Riggs - hired to guard both sides of the highway - weren't a little curious about what was happening across the highway, or whether intruders were over there, and she said no.

- The Fire Department dispatch tape proved conclusively that only 20 minutes expired from the time pumper 41 arrived and the time of the first explosion, proving that Deborah's account could not be true. The tape indicates that pumper 30 went straight up the hill, rather than stopping, because at 3:57:20 pumper 41 told the dispatcher to tell pumper 30 to stay away from the trailer because of explosives being involved, and two minutes and eleven seconds later, pumper 30 asked the dispatcher to send pumper 41 up the hill. · Deborah Riggs collected approximately \$2,200 for the destruction of her truck. She has admitted that her paycheck from Ameriguard was being paid directly to her mother because she was in debt.

- An hour before Deborah Riggs was to take the witness stand at the trial, Paul Becker notified defense lawyers that Deborah Riggs had just informed him that, in the 1970s, she had paid her roommate to have her car stolen so she could collect the insurance.

- On Feb. 16, 1994 ATF Agent True and special agent Eugene Schram of the Department of Labor (DOL), took a signed statement from a woman, which said: "Approximately 5 years ago, shortly after the explosion which killed the six Kansas City Firefighters . . . I believe some television news program mentioned the explosion, which caused Sandy DiGiovanni to say she had information about the cause of the explosion. DiGiovanni said that a friend of hers, Donna Constanza (sic),

claimed to have worked as a security guard on the construction site where the explosion occurred. Donna Constanza (sic) said that on the night of the explosion, she assisted a fellow female security guard burn her private pick-up truck. This was done to collect insurance on the truck." .

· Although the police publicly exonerated the Riggses of suspicion early in the case, on Feb. 10, 1995 detectives went to see Deborah Riggs at the Ford Claycomo plant. Det. Emerson's report says: "Det. Emerson asked Ms. Riggs if she had intentionally burned her vehicle and her reply was 'no.'" He then advised her that information had been received that Donna Costanza had burned her vehicle for her because it had a lot of mechanical problems and she again denied any knowledge. She stated she thinks six union persons were involved. She said two had to be hiding behind her vehicle who set it on fire while two others on top of the hill set the trailer on fire. She said the other two were observed by she and her brother at the North End of the median.

"She stated Donna Costanza does not have the guts to set a vehicle on fire. She stated Donna had a cocaine problem and had contacted her by telephone about two months ago. She has not heard from her since.

"She further stated she would take a polygraph to clear her of any involvement in this offense."

· Three days later Det. Emerson wrote another memo, which said: "On 2-13-95 at about 1345 hrs. Det. Don Emerson R-1166 of the Bomb and Arson Section received a telephone call from a person who identified himself as John Cullom who stated he is an attorney retained by Deborah Riggs and in the future if she needed to be contacted by the police he must be notified first.

"He further stated she will not make any additional statement and will not submit to a polygraph examination."

ORGANIZED LABOR

On Feb. 9, 1989, Special Agent Schram of the DOL wrote a 13-page report pointing the finger of blame directly at organized labor.

Although, at the trial of the five defendants, an executive of Brown Brothers Construction testified that there was no labor unrest at the construction site, this report by Schram, which identified 11 targets of the federal investigation, tells a far different story. The number of labor incidents listed by Schram were voluminous, and the New Times is listing only those immediately preceding the explosion: .

- Sept. 12, 1988: Mountain Plains Construction Company begins work at Highway 71 and 87th Street, Kansas City, Missouri. This is the location of the future fatal explosion. Mountain Plains Construction utilizes employees from OE (Operating Engineers) 101 and Laborers 663. Mountain Plains refuses to sign a CBA with IBT (International Brotherhood of Teamsters) 541.

- Systematically, 400 gallons of diesel fuel and 40 gallons of engine oil are leaked from machinery located at the Highway 71 and 87th Street Construction site. (Ed. Note: Eight years later, at the trial, Brown Brothers would say this may not have happened, it might have been employee error).

- Sentinel Security is employed by Brown Brothers Construction Company for the Highway 71 and 87th Street Construction site. .

- Oct. 4, 1988: The Lenexa Kansas Police Department received a bomb threat directed against Southern Red-E-Mix (Ed. Note: Southern Red-E-Mix was a non-union company). .

- Oct. 11, 1988: Paul Denoon, operator at Southern Red-E-Mix, is approached by Rodger Kaminska, BA (business agent), OE 101, and requested to sign an authorization card.

- Oct. 14, 1988: Southern Red-E-Mix delivers concrete to Brown Brother Construction at the Highway 71 and 87th Street construction site.

- Dirt is added to a bulldozer's transmission at Brown Brothers Construction Company causing \$15,000 in damage.

- Oct. 19, 1988: Sentinel Security is released after one of their guards is found asleep at the Highway 71 and 87th Street Construction site.
- Oct. 25, 1988: Jim Thompson, driver for Southern Red-E-Mix, receives a telephone call from Robert Gilliam, BA, IBT 541, who solicits Thompson's union membership.
- Oct. 28, 1988: Southern Red-E-Mix delivers cement to Brown Construction Company at the Highway 71 and 87th Street construction site.
- Oct. 30, 1988: Ameriguard Security is hired by Mountain Plains Construction Company for the Highway 71 and 87th Street construction site. .
- Nov. 4, 1988: Southern Red-E-Mix delivers concrete to the Highway 71 and 87th Street construction site.
- Nov. 9, 1988: Rodger Kaminska, BA, OE 101 is seen at the entrance to Southern Red-E-Mix ...Kaminska is seen with a IBT 541 member
- Nov. 9, 1988: Greg Halphin, a member of LIUNA 663, is seen picketing the Highway 71 and 87th Street construction site. .
- Nov. 9/15, 1988: OE 101 and IBT 541 reestablish picket lines at Southern Red-E-Mix and at the mid-town construction site at Highway 71 and 87th Street.
- Nov. 10, 1988: Southern Red-E-Mix files charges with the National Labor Relations Board.
- Nov. 12, 1988: Gregory Halphin is laid off from Beamer Construction Company where he was a blast driller.
- Nov. 18, 1988: National Labor Relations Board sends settlement agreements to IBT 541 and OE 101.
- Nov. 21, 1988: The Heavy Construction Association Of Greater Kansas City and the Clarkson Construction Company files an

injunction and restraining order and damages against IBT 541 (Richard Milone, Robert Gilliam, and Gayle Starling) and OE 101 (Sam Long and Rodger Kaminska).

· Nov. 22, 1988: An article appears in The Kansas City Star pertaining to the above injunction and restraining order.

· Nov. 23, 1988: Southern Red-E-Mix delivers concrete to the Brown Brothers Construction Company at the mid-town construction project Highway 71 and 87th Street.

· Nov. 24, 1988: Security guard Debra Riggs observes a vehicle on the construction site at Highway 71 and 87th Street. Guard Riggs spotlights this vehicle as it leaves at a high rate of speed. This vehicle believed to be a red 1961 or 1962 pickup truck slams on its brakes causing Riggs to rear-end the suspect vehicle. The vehicle then departs at a high rate of speed. Guard Riggs believed the vehicle was occupied by two individuals.

· Nov. 28, 1988: IBT 541 and OE 101 are ordered to stop picketing and to post the order notice at the union halls.

· Nov. 29, 1988: Early in the morning hours, the explosion takes place claiming the lives of six firefighters at the mid-town construction site, highway 71 and 87th Street, Kansas City, Missouri.

So, by February of 1989 the KCPD was running in one direction and the federal government in another.

RONNIE EDWARDS

On Dec. 12, 1988 Det. Ron Randol went to Center High School to check out a story that a 17-year-old student named Ronnie Edwards had said that Bryan Sheppard, Ben Craft and Derek Smith were responsible for the explosion.

When questioned, Ronnie Edwards denied any knowledge of the incident. On Feb. 16, 1989, Edwards told police that Richard Brown and Chuck Jennings had come to his house at 8511 Wornall in Dec.,

1988: "Well Richard came in and he started bragging about how the cops took him down to question for eight hours, and he had mentioned that him and Chuck Jennings went up to that construction site, I guess trying to steal something or just get something out of that trailer. And he tried to get in the trailer and I guess Chuck went over to get into the car and I guess he set it on fire with some kind of substance, I don't know what it was. He tried to set it on fire. And I guess they left, cause I, I know they was drunk."

Edwards said Brown and Jennings were driving Bryan Sheppard's car, but that Sheppard didn't know what they were doing, "...cause Bryan wouldn't let them do that, but they probably used it and said they had to get something else."

Edwards said that Allen Bethard, who rented a room at the house, also heard the statement. He said that several females, who were in the front room, would not have heard what was said.

Police questioned a number of people who had attended the party, but no one corroborated Ronnie Edward's claims.

Enter Jack Albrecht, a portly former police officer turned private detective. Albrecht put together a packet of alleged interviews, wherein he claims he got seven people to corroborate hearing Bryan Sheppard say he and Richard Brown and Chuck Jennings caused the explosion.

Based in part on Albrecht's material (who has always said he was after the reward), a Jackson County Grand Jury met in secret for 11 hours in late March, 1989. Among the witnesses appearing at this grand jury were the Riggses, Wilda Romi (Richard Brown's grandmother), Ronnie Edwards' mother, Kathy Edwards (who said the police were "shooting in the dark"), jail inmates John Driver and Kelly Kivett, Darlene Edwards and a very drunk Frank Sheppard.

Darlene Edwards and Frank Sheppard were rowdy all day, according to the Star. Edwards told the Star that she and Frank had been arrested four days after the explosion and grilled for four-and-one-half hours. Frank Sheppard told the Star "that police might believe he and his brother were involved because they are well known as neighborhood "bad guys." Frank Sheppard also said he thought someone was at the construction site to steal dynamite and blasting caps, then set the trailers on fire to cover their tracks "and accidentally killed somebody."

After testifying before the grand jury, Sheppard told the Star, "The stupid firemen made a mistake." That remark has generated a lot of hatred toward Frank Sheppard over the years.

The grand jury came to naught. As Albrecht would later write to Albert Riederer, the Jackson County prosecuting attorney at the time: "I told Richard Brown that I had taken my investigation and my seven witnesses to the Kansas City, Missouri Police Department Homicide Unit and subsequently there was a Grand Jury investigation held because of the new evidence that I had brought

the police department. I further explained to Richard that he would have been indicted at that point in time but Dale Close, Assistant Jackson County Prosecutor, made a mistake when he put Frank Sheppard, Brian Sheppard's uncle, in the same room with my seven witnesses and they were scared and intimidated by Frank and so when they got in front of the Grand Jury all but one nutted up and said they didn't remember the conversation at the party which was held at 8511 Wornall Road, Kansas City, Missouri, where Brian Sheppard admitted that he, Richard Brown and Chuck Jennings started the fire which caused the explosion and subsequently killed the six Kansas City firefighters."

When Will Bunch filed a motion prior to trial demanding that the government produce Albrecht's reports (Albrecht said he had given his only copies to the police department and the Jackson County prosecutor) - since they would establish the innocence of Darlene Edwards, Frank Sheppard and Skip Sheppard - Paul Becker told U.S. Magistrate Sarah Hays that the reports had disappeared from all files and therefore could not be turned over to the defense. Albrecht, apparently still hoping to collect the reward, refused to cooperate with the defense.

Six years later, on Jan. 25, 1995, Ronnie Edwards was telling an entirely different story. On that date he was taken to the Bomb and Arson Unit and gave the following statement:

Q (by KCPD): Will you tell us where you were and what you were doing prior to the explosion?

A: (Ronnie Edwards): Yes, I was at the bar at 89th & Troost. Darlene Edwards was there and I was with Allen Bethard. Richard Brown and Brian Shepard came into the bar and Johnny Driver was out in the car. Richard or Brian asked me if I wanted some C.B.s. I knew they were the Motorola Intercoms from the construction site at 87th and 71 Highway. They had stolen some there before and I had bought them and I told them to go back and get some more. They had sold me six for \$200.00 each. I left the bar at 2:30 a.m. Richard, Brian, Darlene and Frank Shepard left to go to 87th and 71 Highway. Frank Shepard had been in the car with Johnny Driver.

Q: Whose car were they in?

A: They were in Brian Shepard's car, the '78 Olds Toronado.

Q: Where did you go?

A: I went home with Allen Bethard who was living with me at the time at 8511 Wornall.

Q: What did you do next?

A: After about five minutes, Allen and I left my house and drove to the QuickTrip at 85th and 71 Highway. We left about 3:30 a.m. and got there about 4:00 a.m. While we were on the way, the first

explosion took place. After we got to the QuickTrip, we got gas and then the second explosion took place. After the first explosion but, before the second explosion, I was pumping gas and I saw Brian Sheppard's black Toronado. Darlene Edwards was driving northbound on 71 Highway, about 70 miles an hour. I saw Frank Sheppard, who was the passenger in the front, Brian Sheppard was in the back, with Richard Brown and Darlene Edwards later told me there was another guy in the back who she later told me was Johnny Driver.

After taking this statement, the police asked Ronnie if he would be willing to make some drug buys from his stepmother, Darlene Edwards, and he agreed.

Over the next several weeks, Ronnie Edwards met with ATF Agent True, and local police, and he was wired for sound and given money. He would then go to Darlene's house looking for dope. On each occasion, Darlene would not have any drugs of her own, so she and Ronnie (and/or John Attebury, who was living with Ronnie's mother) would go looking for a drug dealer. Darlene would make the buy and give the drugs to Ronnie (or John), keeping a small portion for herself. On the third of what would be six transactions, the drug dealer pulled into a filling station across the street from a school - a location that would later result in Darlene receiving a much harsher prison sentence for purchasing drugs near a school.

When True got around to busting Darlene, it was no ordinary drug bust. Although Darlene Edwards had lived in tents in her neighbors back yards on more than one occasion over the years, she was now considered so important that the drugs she gave to Ronnie Edwards were hand-carried to Chicago to be tested.

On Feb. 17, 1995, the ATF asked Darlene if she would come to its office to discuss the firefighters case. After she had been there about a half hour, the agents began - without her knowledge - to videotape the interview. She is shown on the tape as relaxed, friendly, fully cooperative - including offering to take a polygraph test when True said there were people who had said she was involved in the explosion.

Prior to the videotape being started, True had brought Ronnie Edwards and John Attebury in to confront her, but once face to face with her, according to Darlene's comments to True (which True did not deny) they waffled on whether she had made admissions to them.

During the interview - which she thought was about the deaths of the firefighters - True asked her about her drug usage, which she readily admitted to, and about her sales, which she also admitted to.

Then True sprang the trap. He opened the door and had a waiting DEA agent come into the office. It was explained to her that Ronnie Edwards had been wired when she made buys for him.

Anyone watching that tape would have to feel a little sorry for Darlene. She sat there for a moment with a very befuddled look on her face, then it was as if a cartoon balloon opened over her head with "Uh-Oh" written on it.

As she began to panic with the realization that she was going to jail, True leaned forward and told her that she had a "window of opportunity" - that what they really wanted from her was her cooperation on the firefighter case.

"It doesn't matter if you put me away forever," she wailed, "it won't change the truth." She swore she didn't know anything about the firefighters case, and again offered to take a polygraph test.

Then this brief exchange occurred:

Agent: And we're still giving you that opportunity to talk to us.

Darlene: Yeah.

Agent: ...to sign this.

Darlene: But I don't know.

Agent: Darlene, you do know.

Darlene: No, I don't know. I don't know.

Agent: This is your chance.

Ronnie Edwards wasn't finished yet. On Sept. 27, 1995, he appeared before a federal grand jury. Earlier that day several walkie-talkies had been introduced as evidence before the grand jury. Then, however, it developed that the walkie-talkies had never belonged to Ronnie Edwards, they had belonged to Allen Bethard, who had sold them for \$20 each. Edwards said he didn't know where Bethard had gotten the walkie-talkies.

Prosecutor Becker then had this exchange with Ronnie Edwards:

Q. Now, in an earlier report than I have of an interview with you, you talked about Bethard having six of these and that you bought them for \$200 each.

A. Yes.

Q. Is that correct?

A. It's somewhere around there. The money might not be precise but the quantity of CBs yes.

Therefore Becker misled the grand jury : from what Becker had said, the grand jury did not realize that Ronnie Edwards had originally said he'd bought the walkie-talkies from Richard Brown and Bryan Sheppard, and that the CBs had come from the construction site. Most disturbing of all, however, is the fact that it was Becker who said: "Now, in an earlier report that I have of an interview with you, you talked about Bethard having six of these and that you bought them for \$200 each."

It wasn't Ronnie Edwards misrepresenting what was in the earlier report, it was Becker, an officer of the court who is duty bound to tell the truth. Then, Ronnie Edwards came up with yet another completely new and damaging scenario against the defendants, saying he was at a barbecue the day before the explosion with "Frank Sheppard, Skip Sheppard. I was there. Tommy, my brother was there, Edwards. Becky was there. Darlene was there. Frank and Skip and Richard and Brian Sheppard, they were all talking about planning the explosion - not the explosion but going up there and stealing from the explosion site."

While the federal government was hanging on every word Ronnie Edwards said, its agents seemed deaf to anything unfavorable said about him, their star witness. On Feb. 5, 1996, Agent True interviewed a Steve Martin by telephone. True's notes on that conversation included the following summary:

"Mr. Martin said he is the same individual that called ATF in Feb. 1995 offering information regarding the Nov. 1988 fire fighter's deaths...Mr. Martin said at one time he worked at Precision Lawn, which was located on Holmes in Kansas City, Missouri, along with an individual by the name of Ronnie Edwards.

"On one occasion while he and Ronnie Edwards were sitting together in their truck waiting to do some lawn work, Ronnie Edwards told him that he was involved in the explosion that killed the fire fighters. He and some friends went to the construction site looking for something to steal. They may have gone to the construction site twice. Edwards said they got some walkie-talkies, described as 'high powered' walkie-talkies.

"During this conversation, Ronnie Edwards also said they set a trailer or something on fire and that they were messing with what he described as 'little pellets'.

When Ronnie Edwards appeared before the federal grand jury he was not asked a single question about this allegation, even though he was the only witness to ever mention the 'pellets' that were mixed with the ammonium nitrate.

The defense lawyers desperately wanted to put Ronnie Edwards on the witness stand during the trial to show the jury how this case was really put together - particularly Edwards' role in setting up Darlene for a drug bust that allowed True the occasion to elicit a damaging statement from Darlene, as well as to demonstrate the rank inconsistencies in Ronnie Edwards' previous sworn testimony that

True and Becker had used in getting the grand jury to indict the five people it did. But Edwards was now nowhere to be found. Shortly after John Dawson - a retired Kansas City police sergeant hired by Will Bunch to subpoena Ronnie Edwards - left his business card in Edward's door, with a note asking him to contact Dawson, Becker threatened to have Dawson arrested and charged with tampering with a government witness.

Despite repeated attempts to serve him with a subpoena, or even talk to him, the defense was unable to find Ronnie Edwards.

THE DEFENDANTS

In 1988 Darlene Edwards and Frank Sheppard, then both in their 30s, lived together at 2016 E. 83rd. Also living there was Becky Edwards, Darlene's 11-year-old daughter (Ronnie Edward's half-sister). Darlene and Frank had been romantically involved since 1982. The house was rented by Darlene, and boarders occasionally lived upstairs. Frank and Darlene were unemployed. They would occasionally cut lawns for a living, and Frank worked odd jobs. And, by all accounts, Frank stole anything that wasn't nailed down. Darlene had broken her back in 1987 and collected \$30,000. That had carried them for a while, but they were both doing dope and Frank was a serious drinker, having been barred from most of the taverns he frequented at one time or another. Neighbors said that Frank and Skip had a white pit bull that they would sic on other dogs in the neighborhood.

Darlene's entire family hated Frank passionately. Apparently on one occasion he badly beat up Tommy Edwards, Darlene's teenage son, and the boy was sent to live with Darlene's parents. Becky Edwards, Darlene's younger child, was bitter that her brother was sent away and she was left behind. Becky would later say that Frank abused Darlene badly, and that he made sexual passes at her several times while he was drunk. One witness alleged that Frank had once used Darlene as a battering ram.

Skip, Frank's younger brother by nine years, was living about a mile away with his sister and brother-in-law, Naomi "Didi" Baker and Larry Baker. Skip was unemployed, but collected \$650 a month disability from a car accident in 1983, wherein he'd suffered brain damage and had been in a coma for several weeks. Skip, too, had a drinking and drug problem. At the time of the explosion, Skip was dating Elizabeth Harrigan, who said Skip was asleep beside her the night of the explosion. She also said Skip had knocked her front teeth out once.

Also living in the neighborhood was Bryan Sheppard, the 18-year-old nephew of Frank and Skip Sheppard. Bryan's best friend was Richard Brown, another 18-year-old who lived a few blocks down the street from Darlene. Both Bryan and Brown claimed they were at their homes asleep at the time of the explosion.

In the days after the explosion, Darlene - described by many who know her as a "loud-mouthed bitch" - began telling people she had seen a black pickup truck resembling Richard Brown's go racing by her house shortly after the first explosion.

This rumor got back to the police and on Dec. 8, 1988, whereupon the police arrested Frank and Darlene and took them to police headquarters to question them about what they knew.

Darlene told the police that she and Frank had been at Larry and Didi Baker's earlier in the evening. She'd left because Frank was drinking too much, and Frank had come home later. They went to bed. She got up briefly during the night and saw that Frank was sleeping on the living room divan in his shorts. She was later awakened by the first explosion, she said.

She said as she looked out the window she saw a black truck resembling Richard Brown's go by. Then she said she saw a maroon-over-white vehicle drive southbound on Brooklyn - and that this vehicle looked like one owned by Chuck Jennings (a friend of Richard Brown).

The police began to hassle Richard Brown - questioning him repeatedly. It didn't take Brown long to figure out that Darlene was the source of his problems with the police. At one point, when Brown was told Darlene had said she saw him at QuikTrip, he commented bitterly, "How the fuck can she see me in two places at once."

Brown then began to orchestrate suspicion against Frank and Darlene. On one occasion he said his sister, Shannon, had walked into Darlene's house after the first explosion and saw Darlene, Frank and someone else sitting in the living room fully clothed in the dark.

At one point - after the police began putting heat on Brown - Brown and Frank Sheppard got into a fight and the police were called. On another occasion, when police were questioning Bryan Sheppard, he said his uncles might have had something to do with the explosion because they were low-lives and capable of it.

In many ways Marlborough is like a small town - people gossip and rumors spread like wildfire. Frank and Skip were arguably the most notorious characters in Marlborough for a long time. People would get nervous when they came into a bar and started drinking, because trouble was apt to follow. Some bar owners would order them out as soon as they showed any sign of getting tipsy.

Frank is somewhat handsome and intelligent. Those who know him well say he is a Jekyll and Hyde - a pretty decent guy when he's sober and a loud-mouthed lout when he's not. Skip is quieter and people say Frank is the only one Skip really listens to. Because of several bad car wrecks, and a lot of fights, Skip, a large man, has a battered, scarred look that tends to frighten people. During the trial someone remarked to me that Skip looked like he could strangle you with one hand and eat a ham sandwich with the other.

It's almost a certainty that Ronnie Edwards heard Darlene talking about the black pickup truck and maroon- over-white vehicle going by her house after the explosion, and that could be the source of his "revelations" to police.

This mosaic of spite and "getting-even" between Richard Brown and Darlene and Frank would escalate over the years.

On Feb. 3, 1995, while the government was preparing to charge Darlene on the drug charges, agents from ATF talked to Richard Brown. For the first time, Brown said he'd been at QuikTrip the night of the explosion, and saw Darlene, Frank, Skip, Larry Baker, Didi Baker and John Driver walking from the direction of the explosion site with a gasoline can. Brown refused to let the ATF videotape the statement, and refused to initial any photographs he had identified.

Eight days later Brown changed his story, saying he had only seen Frank, Skip and Darlene, that they bought a can of gas and walked back toward the explosion site. At this time he said his sister and Michael Demaggio had gone to Darlene's after the explosion and saw Darlene, Frank and Skip sitting in the dark fully clothed. Again, Brown refused to let the ATF record his statement.

Brown explained that he hadn't mentioned this incident earlier because he hadn't remembered it until his then girlfriend, Alena Fantauzzo, reminded him. However, Fantauzzo has always denied being with Brown the evening of the explosion.

If Brown thought that his not letting the ATF record his statements would prevent the agents from using what he had said, he was wrong. When Darlene was arrested on Feb. 17, 1995, she was shown summaries of what Brown had said. Two days later, remembering that "window of opportunity" that True had promised her, Darlene called ATF and said she was ready to cooperate. This time she said Richard Brown and Bryan Sheppard woke her up early in the morning and told her their car had run out of gas.

She said she drove them to QuikTrip and then they directed her toward the construction site. She said she could hear them talking and it sounded like they were talking about doing something criminal.

She said they mentioned something about starting a fire, that she told them they were crazy, because construction sites have explosives on them. She said she told them to get out of the car and she drove off.

The "window of opportunity" True had promised her turned out to have bars on it. Once ATF had her statement, the agents then demanded that she admit her personal involvement in the explosion, which she refused to do. She pled guilty to one count of distributing narcotics near a school and was sentenced to 64 months in federal prison.

It was too late, though. The statement she gave on Feb. 19, 1995, would turn out to be the key piece of evidence in convicting all five defendants (it was the first thing the jury asked for after they began deliberating). The jury was not allowed to see the earlier statement, wherein she denied any knowledge and offered to take a polygraph.

Next: The Indictment and The Trial

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