# Cold Case Homicides… Search for Justice

*To the living we owe respect;*

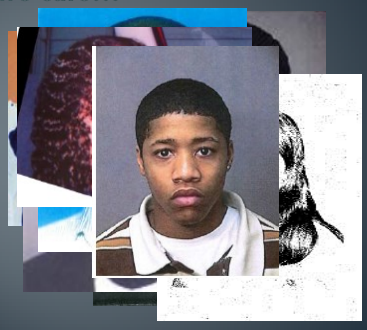
*to the dead we owe the truth*

- Voltaire -

## Presentation Overview

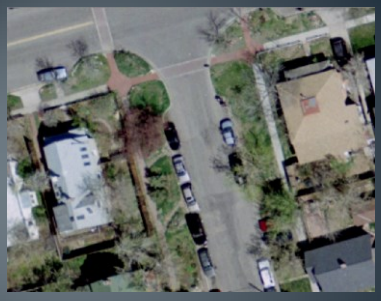
- Case Examples
  - Why to work a Cold Case
- How to work a Cold Case
  - Inter-agency cooperation
  - Starting over from the beginning
  - Investigative techniques
- Where to turn for help with a Cold Case
- Questions?

## Why we care…



## Susannah Chase

18th St.
Spruce St.
19th St.
Pearl St.



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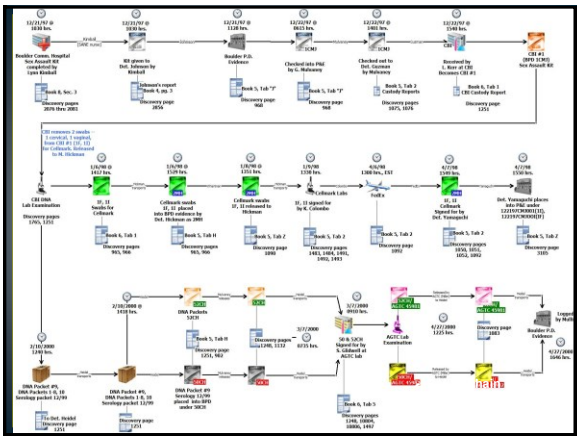
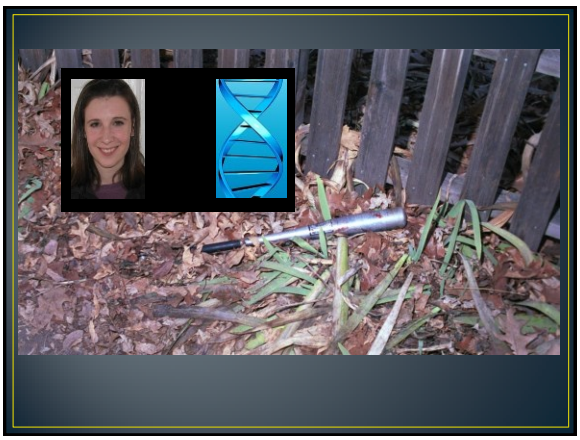
## What was tested…

- Sex Assault Evidence Collection Kit
  - DNA, Hair and Fibers
- Baseball bat
  - Fingerprints, DNA, Hair and Fibers
- Clothing
  - Hair and Fibers





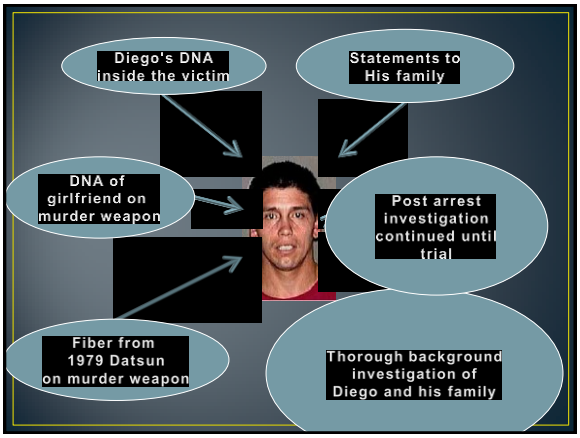
## After Initial Investigation, the Evidence went Cold, but the Investigation Continued ....

## Knowledge Prior to January 24, 2008...

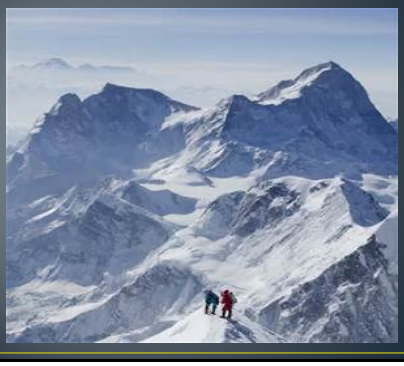
- Susannah Chase died on December 21, 1997
- Cause of death blunt force trauma to the head
  - No conclusive evidence of sexual assault
- Unknown male DNA from cervical slide
- Unknown female DNA from grip of baseball bat
- Fibers from possible early 1970's Japanese vehicle
- The boyfriend – still uncooperative - was still a suspect

## DNA HIT January 24, 2008…

## Confronting Alcalde…



## Cold Cases Are Different



## Getting Started

## Where Do You Find Cold Cases?

- Folks in the Community
- DNA Database Hits
- Newspaper Archives
- Victims' Advocacy Groups
- DA Rejects and Archives
- Detectives/LE Agencies

## DAWN STUARD

## When do you want a cold case

## How do we start?

- Team Based approach
  - Three components
    - Prosecutor's Office
    - Laboratory
      - Indiana State Police Lab, Local Lab
    - Law Enforcement
      - Detective/Investigator
- When Possible – Cooperative Suspect

## Getting Started

*And Just As Importantly…*

A Detective or Law Clerks Who are Proficient with Visual and Social Media

## Communication…

- Regardless of what kick starts the case **Keep all abreast of the progress of the case.**
  - Laboratory personnel are seldom told the outcome of their work.
  - Once the family is informed the case is being worked, maintain regular communication with them.

## When to Contact the Family

- LEA and DA should coordinate and collaborate
- When??
- Rapport with the family is critical
- Someone must have rapport
- If someone in the investigation has built rapport keep them engaged
- Blame the DA if need be to maintain rapport
- Talk to the family early, let them know you are beginning to work the case more heavily, ask if they want to be involved, prepare them for what court will look like, ask them if they would like to be present, reinforce the importance of that
- Offer "Commitment to Justice" Award for the family.

## When to contact the Press

## Two Approaches to Cold Case Review…

- Intelligence Driven –
  - Re-interviewing witnesses, developing informants
- Science Driven –
  - Primarily DNA, but other evidence, such as fingerprints, should be re-examined

## Intelligence Driven…

- Review the evidence
- Re-visit the crime scene
- Meet with past detectives
- Assign the case
- Schedule first meeting
  - Discuss how to include the family and when to make that 1st contact with them
  - Be realistic with family members
  - Victim Advocates

## Team Reviews All Physical Evidence

- What Was Originally Tested?
- Anything Missed / Re-Examine?
- New Technology?
- Lost Evidence / Chain of Custody?

## Review All Other Evidence

- Locate & Re-Interview Witnesses
- Make Sure Key Witnesses are Available
- New Leads/New-Old Relationships
- Evaluate Circumstantial Evidence
- Victimology
- Suspectology
- Motive

## Meet With the Pathologist

- Significance of Wounds
- Cause, Time, Manner of Death
- Toxicology
- Possible Defense Theories
- If Pathologist is Not Available, Enlist a Current MD for an Updated Opinion

## Consult Outside Experts

- Crime Scene Reconstructionist
- Blood Pattern Expert
- Ballistics Analysit/Nibin
- FBI "Profiler"
- Statement Analysis
- Hypnotist
- Crime Statistics Analyst
- Narcotics/Intelligence Units
- Outside Agencies

## Cellmates…

## RAYNA RISON

## COLD CASE TASK FORCE

- Two members – representing Statewide Victims Advocacy Organization
  - Appointed by Governor
- One Sheriff; One Police Chief
  - Appointed by Speaker of the House
- One Sheriff; One Police Chief
  - Appointed by President of the Senate
- Two Representatives from Victim's Families
  - Appointed by the Speaker of the House
- Two Representatives from Victim's Families
  - Appointed by the President of the Senate

## What We Learned . . .

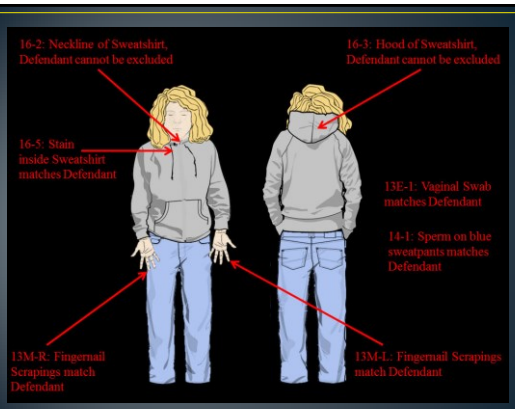
- Presence of co-victims on Task Force conveyed sense of frustration and anger they were feeling
- Opened eyes of law enforcement community and educated them on perspective of co-victims
- Made co-victims aware that law enforcement really did care about their cases in many instances
- Formation of a trust between law enforcement and co-victims
- Created a catalyst for agencies to realize the importance of cold case investigation
- Increasing communication and notification
- Identifying and cataloging cold cases statewide
- Creating searchable online database for co-victims and law enforcement
- Training law enforcement statewide and creating interest on the part of investigators to re-examine cases
- Identifying needs of law enforcement

## What Still Needs to be Done

- Expanding and funding state resources – investigations, analysts; forensics; review team
- Improving communication between DAs and victims' families
- Feeling that too many prosecutors hide behind the ethical obligation of reasonable likelihood of conviction and won't take tough cases forward (shared reaction from law enforcement, co-victims, and fellow prosecutors)

## Cold Case Review Team

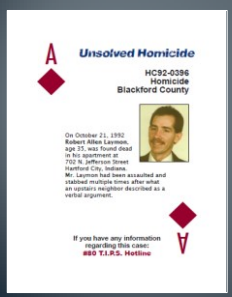
- Created in 2009 implemented in 2010
- Made up of 27 ++ experts
  - Forensic Scientists
  - Local and State Investigators/Detectives
  - Analysts
  - Prosecutors
  - Victim Advocates
  - Forensic Pathologist
  - Attorney General's Office
  - FBI
- Meet 2-4 times a year
  - Hearing up to 3 cases per session
- Cold Case Review Team Application
  - 2 Fold – Information that can be shared with the team prior to presentation
  - Checklist type document to be used for triage in all cases
  - Presentation by team traditionally 2- 4 hours in length but can take the entire day 6 hours or more

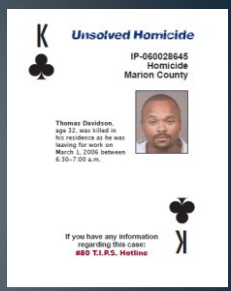


## Innovative Investigative Steps…

- Media
- BAU
- Necrosearch
- ViCAP
- Cell Mates
- Family
- Hypnosis/Psychic
- NAMUS
- Wire Taps
- Coroner
- Jail House Phone Calls
- Interview/Re-interview
- Review of Evidence
- Re-visit Crime Scene
- Crime Scene Reconstruction
- Crime Scene Re-enactment
- Narcotics/Drug Task Force
- Federal and State Investigators
- Cold Case Playing Cards
- Grand Jury
- Coroner's Inquest

## 3rd Edition Cold Case Playing Cards




## Re-visiting the Crime scene…

## Wire Tap

- "Alternative Investigative Procedures which have been Tried and Failed or are Unlikely to Succeed:"
  - Confidential Informants
  - Undercover Detectives
  - Consensual Recordings
  - Physical Surveillance
  - Pen Register and Toll Information
  - Search Warrants
  - Interviews of Witnesses and Use of a Grand Jury
  - Examination of Discarded Trash
  - Examination of Records

## Wiretaps in Cold Cases

- Use templates from other offices
- Need to articulate recently developed probable cause -- be able to demonstrate that target is likely to engage in discussion about "old" crime
  - New witness, DNA, evidence
  - PLUS confrontation to come with detectives

## Drafted Wiretap – Now What?

- Arrange for listening center/staff
- Apply to Correct Judge
- Submit motions for sealing
- Prepare monitors – Confidential and Minimization
- Review calls
- Continue to prompt target to speak
- Strategize – Shake that tree

## Grand Jury…

- Use the authority of the Grand Jury to subpoena witnesses and assist in the development of evidence.
- Submit the facts of the case to the Grand Jury and request a probable cause determination from the Grand Jury as the voice of the community.

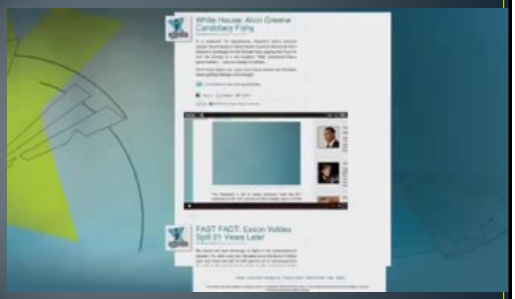
## USE the Media ….

## USE Social Media

- Facebook, Twitter, Foursquare, etc.
- Bragging posts
- Gang Affiliation
- Potential Third Party witnesses
- Public check ins
  - Pleaserobme.com

## Computer/Data Storage Devices

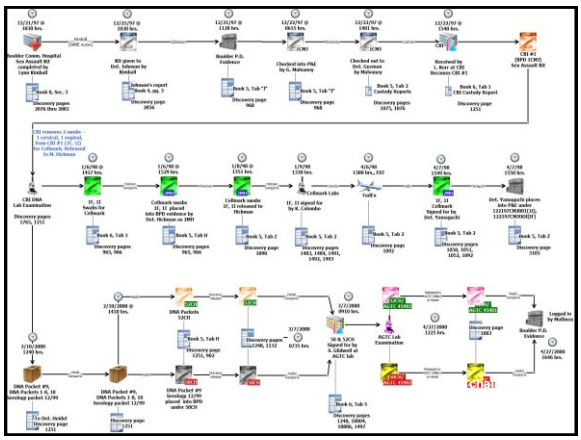
- Internet search history
- Stored photos
- Stored Chats/Instant Messages etc
- Email




## AMY WEIDNER

## Science Driven…

- DNA Hit
- Review Evidence
  - Do we still have it?
  - Where is it
- Review Chain of Custody
- Suspect timeline and extensive background (review victimology for similarities)
- Possibly schedule interview
- Collect DNA samples from suspects, persons of interest, other of relevance



## Achieving the Ultimate Goal…

- **Filing decision begins and ends with the Prosecutor's ethical obligations**
  - Reasonable likelihood of success at trial
- **But, what does this mean in a cold case??**
  - Arrest
  - Conviction
  - Closing the case
  - Media headlines

## Expectations

- **Expect the LEA to partner with you**
- **Acknowledge ethical obligations**
  - **Explain them**
  - **Not a place to hide**
- **Probable cause vs. beyond a reasonable doubt**
- **Reasonable likelihood of conviction**
  - **Not can we guarantee a conviction**

## Expectations (continued)

- **Expect to assist in the Evidence Review**
- **Expect to be part of a presentation at the Cold Case Review Team**
- **Expect to be courageous**
- **Expect to accept their your ethical obligations and present cases before the jury…grand jury**
- **DO NOT accept there is not enough here unless you have been part of the team**

"In the dust of defeat as well as the laurels of victory there is a glory to be found if one has done his best." - Eric Liddell

## Marty Grisham Homicide

Victim: Marty Grisham (11-29-1945)

Location: 5640 Arapahoe #413 Boulder, CO.

Date: November 1, 1994

Time: 9:35 PM

## Marty Grisham

- Tuesday evening, Marty is having dinner with his girlfriend, Barbara Burger. At 9:35 PM, there is a knock at the front door. He tells Burger, "That sounds like a Loren knock." Marty answers the door. He opens the door partially and looks at Burger, "With a confused look on his face." He then opens the door all the way. He is shot 4 times. Burger does not see the shooter. She calls 911 as neighbors come to his aid.

- At the time of his murder, Marty was 48 years old. He had been divorced from his wife, Pamela Grisham, for about 3 years. They had two children – 19 year olds Kristen and Loren.

- Loren immediately becomes a suspect because of Marty's comment and because of

## Tuesday, November 1st

- Kristen and Pam Grisham are contacted at Pam's residence in Louisville. Officers report that Pam reacts appropriately to the news of Marty's murder. Kristen reacts by giggling and saying, "He could be a jerk, but not that big of a jerk." She was also overheard on the phone laughing and telling a friend, "You're not going to believe this."
- Loren is located in Glenwood Springs, where he was attending Colorado Mountain College. It's determined that he could not have been in Boulder at the time of the murder.

Lawman Training - 9mm Luger

| Part Number | Cartridge | Bullet Wt. | Bullet Type | Box Count | Bullet Coefficient |
|---|---|---|---|---|---|
| 53615 | 9mm Luger | 115 | TMJ RN | 50 | 0.177 |

| Velocity(in feet per second) | | | Energy (in foot pounds) | | |
|---|---|---|---|---|---|
| Muzzle | 50 yards | 100 yards | Muzzle | 50 yards | 100 yards |
| 1200 | 1096 | 1024 | 368 | 308 | 268 |

| Trajectory if sighted at 25 yards | | | | Test Barrel Length in inches | Usage |
|---|---|---|---|---|---|
| 25 yards | 50 yards | 75 yards | 100 yards | | |
| 0.0 | -0.8 | -3.3 | -7.8 | 4 | 2 |

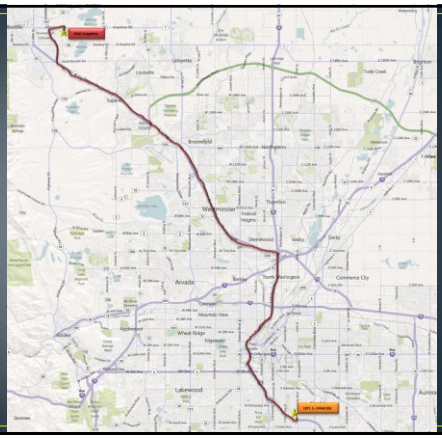
Usage Key: 1 = Personal Protection | 2 = Training | 3 = Hunting

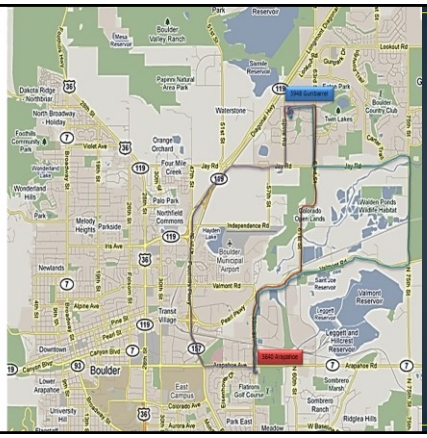
- Detectives discover that Marty Grisham made a forgery report the afternoon of his murder. He identified Loren, Kristen, and Michael Clark as possible suspects. He is alerted by his Credit Union when an unknown male calls that morning to check the account balance. He is hangs up after being challenged, and Marty is notified.

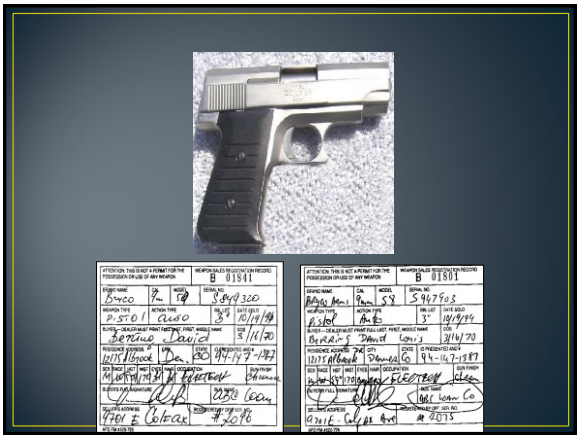
Kristen Grisham
06/23/1975

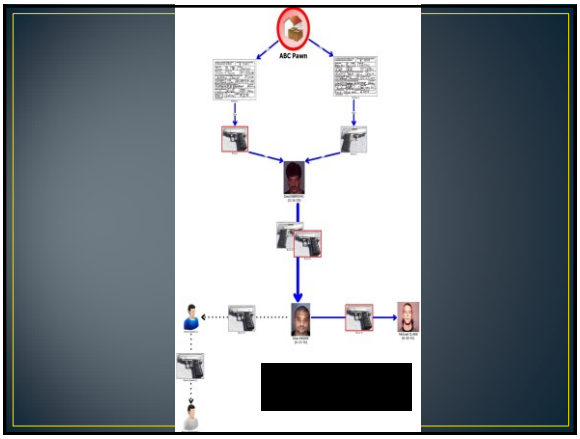
Loren Grisham
06/23/1975

Michael Clark
8/30/1975

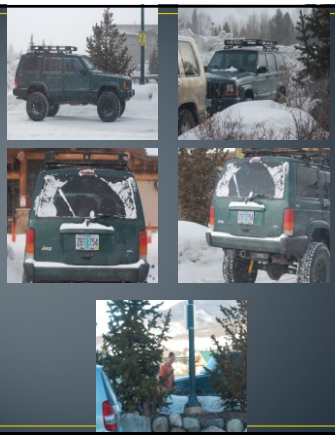




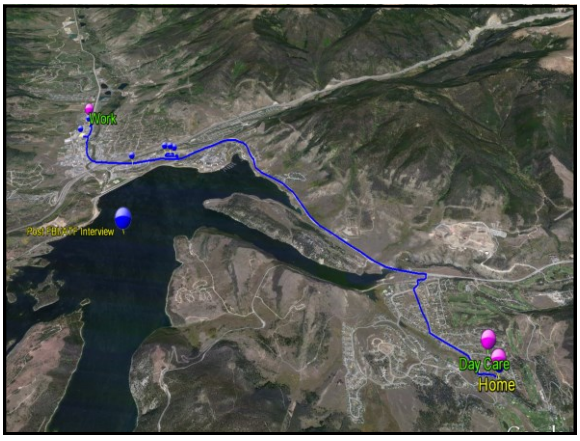

ABC Pawn

DESIGN
BIG HORN
ACE
SOLUTIONS



Work
Normal route
Day Care
Google earth

# Visit by FBI, ATF and BPD




| | | |
|---|---|---|
| 19 | A | Yeah. I mean….and…I mean he said that you'd stopped talking to them which I |
| 20 | | completely understand and would do myself as well. But I mean if that is the case |
| 21 | | of…that they're going to try and charge you with murder, I think that it would |
| 22 | | probably behoove you to talk to a lawyer and talk to them. |
| 23 | | |
| 24 | B | Yeah, if that's what they said then yeah, I should probably definitely talk to |
| 25 | | somebody. |
| 26 | | |
| 27 | A | I mean…..yeah. Like I don't even….I mean I don't know what to say, you know. |
| 28 | | Like….I wish that you would talk to people more often anyway. And…. |
| 29 | | |
| 30 | B | That's the thing, there's nothing to talk about. I don't…I don't know anything. I |
| 31 | | don't…. |
| 32 | | |
| 33 | A | Yeah. But I mean it doesn't matter if you know anything or not, but it's a…a |
| 34 | | pretty big fucking deal in your life. And like you know….. |
| 35 | | |
| 36 | B | Yeah. |
| 37 | | |
| 38 | A | I…I mean…. |
| 39 | | |
| 40 | B | But why would I….. |
| 41 | | |
| 42 | A | just the…. |
| 43 | | |
| 44 | B | why would I…why would I make everybody else get stressed out? You know. |
| 45 | | |
| 1 | A | Because it would be nice to know where you are on things and how you're doing |
| 2 | | with things than the way that you are in just not talking about thing or dealing |
| 3 | | with them. You know? |
| 4 | | |
| 5 | B | Yeah. I can understand that. But you know….. |
| 6 | | |
| 7 | A | I mean… |
| 8 | | |
| 9 | B | I….I….I don't know. I don't see any reason to get everybody stressed out. |

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## The Courtroom

### Trial Issues

Jury Questionnaires
Voir Dire Issues

- Age of Case
- Use of Resources
- Nature/Character of Defendant
- Circumstantial Evidence
- Role of the Police
- Loss of Evidence/Recollection

## The Courtroom

### Trial Issues/Voir Dire

- No Body Cases
- No Physical Evidence
- Sloppy Original Investigation
- No New Evidence
- Unsympathetic Victim

## The Courtroom

Opening Statement
Presentation of Evidence
Past Recollection Recorded
Anticipating Defenses
Third Party Culpability

# The Courtroom

## Trial Issues

Know Your Opponent
Building for Jury Instructions
Closing Argument
Miscellaneous

## Be Creative – Cold Cases are Different

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