

Activities of 2 boys on Aug. 22 recalled

By LEE BROCKWAY
Courier Staff Writer

The day before 17-year-old Kevin Ives and Don Henry, 16, were struck by a train in the early morning hours of Aug. 23 was spent with their families and friends.

Both of the Bryant High School seniors worked in their yards beside their fathers during the day and planned where they would go and what they would do later that night.

On Aug. 22, Ives awoke about 5:30 a.m. to report to work at the construction job he had taken three weeks earlier. He had recently quit his job at a Safeway store on Geyer Springs Road in Little Rock. Ives reported to work, but was told he and the other construction crew members would not be working that day. He returned home and went back to bed.

After getting up about 1 p.m., he worked in the yard with his father. Larry Ives saw his son for the last time as he left for work between 3-3:30 p.m. Larry Ives works for the Union Pacific Railroad and had once ridden trains that crossed the tracks where his son was killed.

Henry spent that Saturday working on a boat trailer and running errands in Bryant with his father, Curtis. After working in the yard for awhile, they decided to take a break under a shade tree. They talked for some time and Henry asked if he could go out that night. His father gave his permission and the teen-ager left about 5 p.m. in his black Trans Am.

He met Ives at a commuter parking lot near Interstate 30 in Bryant.

During the late afternoon, the boys were seen by Henry's sister, Gayla Henry, at a friend's home. They later met a classmate at the commuter parking lot and drove to a video arcade in Bryant to shoot pool. The trio then went driving near an old bauxite pit outside Bryant.

The boys were seen later by the same friend, along with several others, at Hyman Park in Little Rock.

About 10:30 p.m. or 11 p.m., Ives and Henry visited at the park with a friend who said they did not drink any alcohol, but they "smoked several joints" while they were there.

About 30 minutes later, another friend talked with the youths about their plans to go spotlighting for deer later that night. He did not see them drink any alcohol or smoke any marijuana. However, he knew the boys had a bottle of whiskey in the car.

Henry and Ives talked with another friend at the park from 11:30 p.m. until 11:50 p.m. That friend also saw the whiskey bottle, but did not see either youth take a drink.

Returning to Bryant, the boys were seen shortly after midnight by three friends at the Roadrunner convenience store, near the commuter parking lot. Ives and Henry told how they had managed to persuade a man at a liquor store to buy them a fifth of whiskey. One of the boys said he thought he smelled alcohol on Henry, but did not get close enough to Ives to detect any alcohol.

Driving their own vehicles, the teen-agers left, traveling in the direction of Henry's house.

Arriving home, Henry woke up his father about 12:15 a.m. to tell him he and Ives were going to spotlight deer. Don Henry got a flashlight and wanted to take a shotgun, but his father suggested he take a .22-caliber rifle instead because the shotgun would make too much noise.

Curtis Henry, still in bed, did not see Ives or hear his son



Don Henry
leave for the last time.

EDITOR'S NOTE — The accounts of the activities of Ives



Kevin Ives
and Henry preceding their deaths were taken from sheriff's office interviews of family members and friends.

Hearing

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Courier photo by Philip Felton

During a review hearing this morning, Saline County Deputy Prosecutor Richard Garrett, right, and Coroner Sam Ballard go over photographs taken at the scene where Don Henry and Kevin Ives were hit by a train Aug. 23. Bryant police officer Roy Davis is in the background

2 trains were at scene

By LYNDA HOLLENBECK
Courier Staff Writer

A second train was at the Union Pacific crossing for a brief time after two Bryant teenagers were struck by another train in the early morning hours of Aug. 23.

While testifying today in a prosecutor's hearing at the Saline County Courthouse, Bryant Officer Danny Allen told Deputy Prosecutor Richard Garrett that the other train slowly left the impact site at the railroad crossing near Arkansas 111 approximately two or three minutes after his arrival.

Allen was one of the first people to arrive at the scene. He said he arrived momentarily after Deputies Cathy Carty and Pat Hawkins, two reserve deputies and a Shannon Hill officer had reached the impact site.

The presence of the second train came as a surprise to the families of the victims and to Garrett, according to Linda Ives, the mother of 17-year-old Kevin Ives, one of the victims.

Following Allen's testimony, Linda Ives said neither she nor her husband nor the family of the other victim had any knowledge of a second train.

The other victim was Don Henry, 16, son of Curtis and Marvelle Henry.

The engineer of the train that struck the boys approached Allen and addressed him as "Trooper," Allen said, because Bryant officers wear blue uniforms similar to those of State Police officers.

The engineer told Allen he had seen the two boys lying on the tracks with a tarpaulin covering them and a gun between them. He told Allen he had made every effort to stop the train, but could not avoid striking the boys.

No search of the area was made prior to the departure of the second train, Allen said. The trains were traveling in the same direction, on adjacent tracks.

Allen said he assisted Deputy Carty and railroad employees in

locating the bodies. He said he and other law enforcement officers looked for the tarpaulin along both sides of the tracks, but it was not found, he said.

"It seemed peculiar about the tarp covering the bodies," Allen said, but he did not notice anything "out of the ordinary" other than it was a "bad situation."

In response to questioning by Garrett, Allen described an event that occurred about 5 a.m. Aug. 17 on Shobe Road, about two miles away from the crossing where the boys were struck by the train.

While Allen had been on patrol that day, he said he saw a man walking down the road toward Ranchette Estates. Allen said he activated the emergency lights of his patrol unit and the man immediately fired a pistol at Allen's vehicle, shattering the lights.

Earlier that night, Bryant police had received a report that a man fitting the same description had jumped out of a vehicle on Arkansas 111 and pointed a gun at some other people. Allen could not say if this was the person who had shot at his car, but apparently believed there was reason to assume they were the same.

On the night before the boys' deaths, Bryant police had received a "suspicious person" report involving a man dressed in a green jumpsuit about five blocks from the railroad crossing where the boys were struck. The description of this person was similar to the man involved in the earlier incidents, Allen said.

The final witness to testify before the hearing broke for lunch was Matt Blevins, who was a friend of both boys.

Garrett read Blevins' statement that had been made to Saline County investigators in early September. In that statement, Blevins said he had been with both boys at three locations during that 24-hour period. He stated they gone riding for a time and had then gone to Bryant video to shoot pool for a brief time, but today said he had been mistaken about the time

the pool games had taken place.

Garrett questioned Blevins about the proprietors of Bryant Video. "They acted kind of weird," Blevins said, "but I wasn't afraid of them."

He testified that he had seen both boys on Geyer Springs Road and at Hyman Park and earlier that day had met them at a commuter parking lot in Bryant. Neither appeared intoxicated or distraught when he had last seen them about 11 p.m. He said they had smoked "one or two joints" and were "high."

He said Don Henry had been at his home earlier that day when he called Kevin Ives to make plans to go hunting, "to spotlight deer," and spend the night together.

Blevins said there had been many rumors circulating about the cause of the boys' deaths. He said he had heard "they were going out there to rip off a cocaine dealer," mentioned a marijuana field near the area and made another reference to cocaine dealers, but said he now believes the person who shot at Officer Allen possibly killed the boys. "If some guy's crazy enough to shoot at a cop, I believe he did it."

Blevins said he owed Don Henry about \$20 for a marijuana purchase, but did not pay him the last time he saw him.

He said Don Henry had told him he was trying to "get money because he had lost his job the week before." Henry did not specify how he hoped to acquire the money, Blevins said.

Garrett asked Blevins if anyone had threatened him or made any implied threats concerning his testimony in the hearing. Blevins said there had been no threats.

Also testifying in today's morning session were: Benton Fire Department paramedic Terry Mosely; Saline County Coroner Sam Ballard; Trooper Darrell Wayne Lainhart; Shannon Hills Officer Ron Daniels; Reserve Deputy Bobby Heer; and Sharon

Liggans, Tammy Garrett, Lisa Griffis and Mike Harper, friends and classmates of Kevin Ives and Don Henry.

The hearings will continue Friday and Monday when Dr. Fahmy Malak, the medical examiner, is scheduled to testify. Malak is out of town this week and would not be available to testify either Thursday or Friday, according to Garrett.

In the autopsy report, Malak stated the boys were "unconscious and in deep sleep on the railroad tracks, under the psychedelic effects of marijuana" when they were struck by the train.

The families and medical experts have questioned the ability of marijuana to produce a loss of consciousness.

See HEARING, page 1

Thursday, February 18, 1988.

Terror on train tracks convinces prosecutor deaths not accidental

By Byron McCauley
GAZETTE STAFF

At 11:30 Monday night, Saline County Deputy Prosecuting Attorney Richard Garrett lay on the train tracks near the site where two Saline County youths were killed in August.

He was trying to get an idea of what took place the evening the youths were killed.

His reaction: Terror.

More importantly, though, he concluded it did not seem possible that the deaths were accidental, as ruled by the state medical examiner, Dr. Fahmy Malak. Dr. Malak has said Larry Ives, 17, of Benton and Don George Henry, 16, of Bryant, were in a drug-induced sleep when struck by a Union Pacific train August 24.

'It was terrifying'

"I watched the train come, I watched it blow its whistles, I felt the rails shake. *** It scared the devil out of me. It was terrifying. You could tell the train was coming up to a mile away," Garrett said.

Garrett, who was accompanied to the site west of Alexander by the youths' fathers, said Wednesday that based on what he observed, the boys couldn't have been conscious and he considered it "highly improbable *** two people passing out at the same time."

Garrett told a local television station foul play was "90 per cent" probable.

Dr. Malak's autopsy reports said the teen-agers were "unconscious and in deep sleep on the railroad tracks under the psychedelic influence" of marijuana.

On the tracks, Garrett said he heard the train's whistle blow twice — about a mile, then half a mile — from where the boys were.

Garrett said the train's crew said

neither boy moved as the train approached despite repeated soundings of its horn.

An investigative hearing requested February 12 by Garrett will begin today at 9 a.m. in Saline Circuit Court at Benton. Garrett has subpoenaed 42 prospective witnesses, he said.

Saline County Sheriff Jim Steed said Wednesday his office has never closed its investigation into the deaths. He said additional laboratory tests and opinions may be necessary if questions about Dr. Malak's tests are not answered satisfactorily. He said he will make a written request for the assistance of the State Police, which the boys' parents have said they repeatedly requested.

The parents have paid for the investigation's costs. An account has been established at the Benton State Bank in the name of Don Henry and Kevin Ives. Donations can be mailed to Benton State Bank, P.O. Box 9, Benton, AR 72015.

Train victims' parents slam Crime Lab at conference

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — The parents of two Saline County boys killed by a train last summer criticized the state Crime Laboratory at a Wednesday news conference, citing lack of cooperation in getting answers concerning the deaths.

The parents also said the sheriff's office did not search the scene as thoroughly as it should have, but was not to blame for the slow investigation into the deaths.

At the press conference, held at the Saline County sheriff's office, Saline County Sheriff James Steed said he would request Arkansas State Police assistance in the case.

Steed also said he was anxious to see whether the state medical examiner's findings hold up against questioning in an investigative hearing that begins today at the Saline County Courthouse.

Larry Kevin Ives, 17, of Benton and Don George Henry, 16, of Bryant were killed about 4:23 a.m. Aug. 23, 1987. The deaths were ruled accidental. Dr. Fahmy Malak, state medical examiner, ruled the boys were in a drug-induced sleep on the tracks when struck by a Union Pacific train.

The parents, concerned that the deaths were not thoroughly investigated, have hired a private investigator, consulted experts who have disputed Malak's findings and obtained a court order to get evidence from the Crime Laboratory.

They also have requested a grand jury investigation and gone to the news media. As a result, the deaths will be the subject of a prosecutor's hearing, a little-used, open investigation similar to a grand jury proceeding.

During the news confer-

At a glance

- Parents of two boys hit by a train in August 1987 say the Saline County sheriff's office has been helpful in their investigation of the deaths, but the state Crime Laboratory has not.

- Sheriff James Steed said he is anxious to see if the state medical examiner's findings in the case hold up in hearings that begin today.

- The medical examiner ruled the deaths were accidental and that the boys were in a deep drug-induced sleep. The parents dispute these findings.

ence, a statement by the parents was read by Larry Ives, Kevin's father.

The statement said:

"The problem we have encountered in the investigation of our sons' deaths have not been with the Saline County sheriff's department. The sheriff's department has been cooperative and helpful and has devoted a great deal of man hours to the investigation.

"It is unfortunate that the initial crime scene search did not uncover everything that it should have. However, the scene covered at least a half mile of railroad track and the surrounding woods and thickets.

"We have encountered problems getting the state Crime Lab to cooperate and felt that a court order was necessary to obtain information. The sheriff's office has never refused to cooperate. They were included in the court order simply to be certain that if anyone did refuse to cooperate, we would have everyone covered and not have to return to court for additional relief.

"We are pleased that progress is presently being made in the investigation and want

every possible lead followed and pursued, and have no other comment at this time."

Asked to respond to the parents' displeasure, Howard "Bear" Chandler, state Crime Laboratory director, said court orders are required before the Crime Laboratory can turn over any evidence.

Steed said his office's investigation has never been closed and will continue until no leads remain.

"Questions have been raised about Dr. Malak's conclusions and I am anxious to see how well they hold up on Monday," when Malak is set to testify, Steed said. "If the questions are not satisfactorily answered, additional lab tests and opinions may be necessary."

Linda Ives, Kevin's mother, said Wednesday the families decided against any further public comment and had decided to let Saline County Deputy Prosecuting Attorney Richard Garrett handle the case through the prosecutor's hearing.

The hearing will begin at 9 a.m. today in Saline County Circuit Court and is expected to continue into Friday and Monday. As of Wednesday, 42 subpoenas were issued and 40 were served.

Garrett has said he does not believe the deaths were accidental. He said Wednesday that he had not intended to make that belief public, but it appeared in the *Benton Courier* Tuesday.

Garrett said he has talked to the *Courier* reporter involved. He determined that while he had intended to keep his opinion off the record, he mistakenly made the comment publishable.

Testimony made public at hearing on deaths of 2 boys on train tracks

By James Scudder
GAZETTE STAFF

BENTON — Witnesses in a prosecutor's hearing Thursday on the deaths of two teen-aged boys who were run over by a train last summer revealed a number of things that previously haven't been made public.

Among them, that:

★ Larry Kevin Ives and Don George Henry each had a quarter-ounce of marijuana and had smoked several "joints" with friends the night before they were killed. They were struck by a Union Pacific Railroad train while lying motionless side-by-side on the railroad track about 4:25 a.m. August 23 in extreme eastern Pulaski County.

★ Shortly after 5 a.m. August 17, six days before the boys were killed, a Bryant police officer had

Quotes

Some statements by witnesses:

★ **James Stephen Shroyer**, the train engineer: "I felt from the onset that something was wrong. *** There's no way in the most remote way that I can believe that either of these individuals knew what was happening. *** There was no mus-

(See QUOTES on Page 13A.)

tried to stop a man walking on Shobe Road about two miles from where the boys were killed, and when the officer turned on his blue flashing light, the man turned and fired a gun at him before running into the woods.

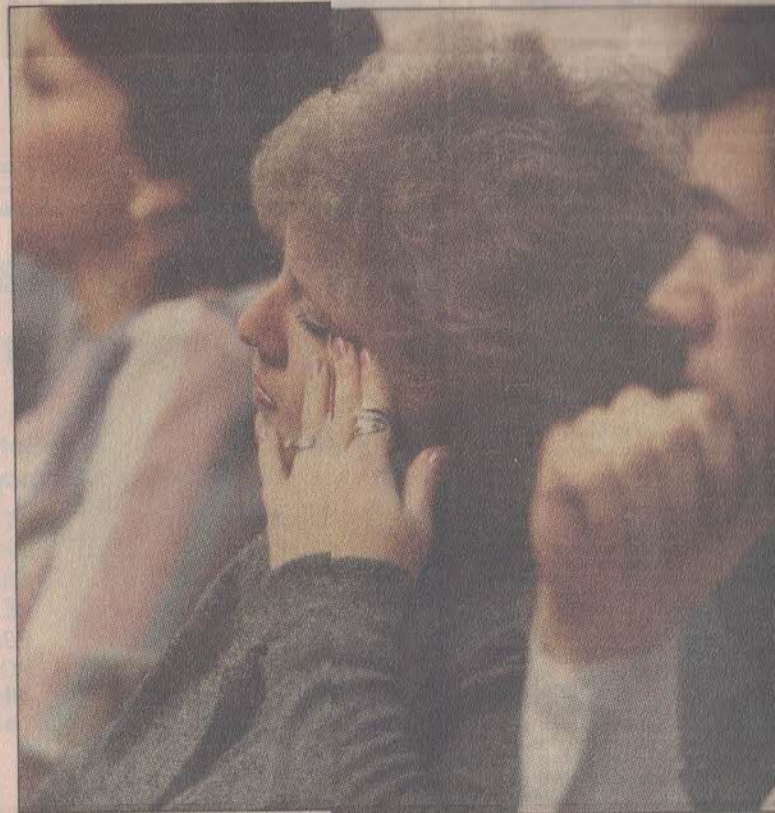
★ About 12:30 a.m. August 23,

the day the boys were killed, a man fitting the same description reportedly was seen about five blocks from the Alexander railroad crossing, also close to the accident scene, Patrolman Danny Allen of the Bryant Police Department said.

★ Earlier in the summer, Don Henry had told one of his friends that he had been shot at one time while on the railroad tracks by a man in a white pickup, and Henry had said, "There's a guy that said if he caught you walking around up there, he'd chase you off the land"

★ Student acquaintances and friends of Ives and Henry had heard rumors that marijuana was grown in the area where they were struck by the train and that they might have been looking for a mar-

(See TESTIMONY on Page 13A.)



—Staff Photo by Art

Linda and Larry Ives at the hearing Thursday.



—Staff Photo by Art Meripol

Coroner Sam Ballard (left) examines photos; prosecutor Richard Garrett is at right.

Quotes

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ijuana patch the night they were killed.

★ The conductor on the train told "three or four different people" the location of a tarpaulin that he said partially covered the boys when the train hit them and that he later spotted near the foot of a railroad trestle near the accident scene. The tarp was never found, and a sheriff's spokesman said Chuck Tallent, an investigator who allegedly was told about it, didn't remember the conductor saying anything to him.

★ A number of pieces of particle board were found beside the track cle reaction."

★ **Sam Ballard**, Saline County

coroner: "Any time you have a scene of this nature, there are things that can be missed, and that's unfortunate, *** but when we left we were confident we had everything we needed. *** Unfortunately, in situations like this, you look and look and look and miss the obvious."

★ **Jerry Tomlin**, the train conductor: "I told three or four different people where the tarp was. I think one of them [Chuck Tallent, a sheriff's investigator] is sitting right behind you."

★ **Terry Mosely**, Benton Fire Department paramedic: "I thought it was kind of strange for two kids to be out on the tracks at that time of the morning."

★ **Darrell Lanehart**, a state trooper: "I observed numerous pieces of particle board *** near the scene of impact. I speculated

that the children were lying on the particle board, because the other items, like the flashlight and scope, were found near the particle board."

★ **Kelli Smith**, who had dated Kevin Ives: "He was a casual smoker [of marijuana] and drinker. We'd do something about twice during the week, and we'd see each other on weekends. He was always talking about stuff he looked forward to."

Parent's reactions to the hearing, which lasted from 9 a.m. to 4:30 p.m.:

★ **George Henry**, who did not testify, father of Don Henry: "We're well pleased so far [with the hearing], with some things that are coming out."

★ **Larry Ives**, who didn't testify, father of Kevin Ives: "I think we're beginning to get some questions answered."



Arkansas Democrat/Clay K. Carson

HEARING BEGINS — Deputy Prosecuting Attorney Richard Garrett (standing) talks with parents of two boys hit by a train last year. Their deaths are the sub-

ject of an investigative hearing that began Thursday. The parents are (from left) Curtis and Marvelle Henry and Linda and Larry Ives.

Engineer: 'Something wrong'

Teens' deaths suspicious 'from the onset'

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — The engineer of the train that struck two Saline County youths Aug. 23, 1987, testified Thursday that the official explanation of their deaths only increased his suspicions.

"I felt from the onset that something very wrong was occurring," said James S. Stroyer, the engineer.

Stroyer was one of 28 witnesses called on the first day of a prosecutor's hearing into the deaths of Larry Kevin Ives, 17, and Don George Henry, 16.

Saline County Deputy Prosecuting Attorney Richard Garrett called the special hearing after the boys' parents told the news media they were dissatisfied with the ruling in the teens' deaths and wanted a grand jury investigation.

Three members of the train crew are the only known witnesses who saw the boys lying on the tracks before the train struck. The incident occurred about 4:25 a.m. that day, near

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Arkansas 111 in Alexander.

State Medical Examiner Fahmy Malak ruled Aug. 24 that the boys were in a deep drug-induced sleep at the time of death.

"That only increased my belief something was wrong," Stroyer said. "Two people who are intoxicated just don't lay down exactly alike."

Parents Curtis and Marvelle Henry and Larry and Linda Ives were present throughout the hearing.

"We're satisfied with how it's going, and we are appreciative," Ives said.

About 100 people packed the Saline County Circuit Courtroom where the hearing took place from 9 a.m. to 4:30 p.m. Garrett named 30 witnesses he planned to call Thursday and excused the rest, but no one left.

The hearings will resume at 8:30 a.m. today and start again Monday.

"Something was just not right," Stroyer testified. "The boys were completely relaxed. They made no attempt to move. They were side by side in exactly the same position. Everything was just too uniform."

The train's light was on its brightest setting, Stroyer said, and its horn had been blowing and could be heard two miles away.

By the time the train crew realized that two people were on the tracks, he said, the boys still had at least two or three seconds to react, but never budged. The train was traveling about 50 miles an hour.

The boys were on the tracks with their heads inside one rail and legs dangling over the other, the crew testified. One boy didn't have a shirt on, but both were covered by a tarp from their waist to their feet, crew members said.

When he recognized what was on the tracks, Stroyer said, he pulled the emergency brake "and laid on it, blowing the horn" continuously.

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It would not be possible for two conscious people to lie still on the tracks through it all, he said.

When the train came to a halt, brakeman Danny Delmar and conductor Jerry Tomlin got out. Carrying walkie-talkies, they went to the back of the train to see if there was anything they could do.

Brakeman James Stihnett was in the second engine and never saw the boys on the tracks. He got out to assist. Stroyer stayed in the engine to request help by radio.

Tomlin, the train's conductor, said he found the tarp under a trestle near the boys' bodies. He reported its location to officers from the Saline County sheriff's office, but it was never found.

Ives said the missing tarp is one of the reasons the parents are not satisfied with the crime scene search.

Chief Deputy Ray Richmond of the Saline County sheriff's office was on the scene that night.

"We found no tarp. That's all I can tell you," he said. No more than 15 minutes would have passed before they would have gone over the spot Tomlin described, he said.

The train crew did not testify until after 2 p.m. Thursday. Most of the day was taken up by Bryant High School students and other acquaintances of the boys.

Most of the students' testimony concerned the activities of the two the night before — mostly driving around and talking with other teen-agers.

The students also testified to rumors they'd heard. One of the rumors most mentioned was that the boys went to the area to find a marijuana patch and were killed.

Investigator Jeff Ramsey of the sheriff's office testified he searched an area a half-mile square surrounding the death site. He said he found no trace of a marijuana field.

Dewayne Biggs, a friend of both boys who was with them until within five hours of their deaths, said Ives and Henry told him "they were going spotlighting" — an illegal form of deerhunting.

Biggs said this struck him as odd, "not like something they'd do."

At a glance

- A prosecutor's investigation began Thursday in the Aug. 23, 1987, deaths of Larry Kevin Ives and Don George Henry, two Saline County boys struck by a train.

- The train's crew testified the two boys were motionless as the train came upon them. They testified that this seemed very unnatural.

- Parents of the boys expressed satisfaction with the investigation so far. It will resume at 8:30 a.m. today and continue Monday.

- Twenty-eight of 42 witnesses subpoenaed testified Thursday. Three more witnesses will be subpoenaed. Deputy Prosecuting Attorney Richard Garrett said the hearing should not go beyond Monday.

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Voices

Deaths still pose threat

A Voices letter from
LINDA MILLER
Alexander

I was relieved to read the paper recently and find that finally, someone is questioning the investigation of the two boys in Alexander that were killed on Aug. 23, 1987. I have felt all along that the results did not make any sense.

But I am also concerned about the teen-agers in Bryant. They have never accepted these deaths. I have two teen-agers, and I have heard them and their friends talk. They are still having problems dealing with not only those two deaths, but several others in our area over the past two years.

These kids are hurting. They are having nightmares. They are having problems with depression. There have been several suicide at-

tempts. They have problems with concentration.

The Bryant School District has not seemed to notice these problems or, if they have, they have not done anything to get help for these children. I don't understand why. These kids are hurting and it is a very real pain.

I believe they need to have professional counselors to talk to these teen-agers, to help them to get these feelings out in the open so they can begin to let go and to heal.

A Voices letter from
JOSEPH C. GREEN
Mayflower

Regarding the article on Rep. Travis Dowd: If taxes on his business were three years overdue, why was it not taken over by the state and sold for back taxes? Any other business would probably have

been.

His most recent Code of Ethics statements list him as president of this company, only now he says he turned the company over to his wife so he will be clean, no conflict.

Now, being a member of the House Revenue and Taxation Committee, he should know all there is to know about taxes and who has to pay them. I'm sure he knows how to pass bills on how to make the average person pay them.

If he doesn't own or is not president of the business, how does he get a small business loan to rebuild after a suspicious fire?

It sounds like someone is not telling the exact truth here. This is why we need a strong ethics law. Get after them and make them pass one. Make them tell the truth.

Incident recalled by crew of train

By LYNDA HOLLENBECK
Courier Staff Writer

The engineer of the train that struck two Bryant teen-agers as they lay across an Alexander railroad crossing Aug. 23 said in a prosecutor's hearing Thursday he believed from the very beginning that "something was not quite right with it."

James Shroyer, who has been an employee of Union Pacific Railroad Co. since 1971 and an engineer since 1973, said, "There was no muscle reaction whatsoever" from either boy before they were struck by the train.

Shroyer said the autopsy ruling of the state medical examiner elevated his anxiety over the deaths of Don Henry, 16, and Kevin Ives, 17.

"After the decision came along that indicated intoxication, it increased my concern," Shroyer said. "Two people don't lie down alike when they're intoxicated."

Dr. Fahmy Malak, the medical examiner, said Henry and Ives were "unconscious and in deep sleep on the railroad tracks, under the psychedelic effects of marijuana" when the train ran over them. Forensic pathologists in other states have disputed Malak's ruling and contend marijuana will not produce a loss of consciousness.

The victims' parents, Curtis and Marvelle Henry and Larry and Linda Ives, also believe Malak's ruling is incorrect.

"The young men were on the tracks, side by side, absolutely identical," Shroyer said. "Their legs were over the east rail, their heads were in a straight-up position and they had a piece of material that looked like a tarp covering them from their ankles to the waist."

With obvious difficulty, Shroyer described the incident. "I never took my eyes off the two children" from the time they were observed on the tracks.

He recalled saying, "Oh, my God," said he started to stand while pulling the automatic brake into emergency position and then grabbed the horn. He

we had impact. It was extremely traumatic for me at that moment."

Shroyer testified he then brought the train to a quick stop, causing the brakes to lock up. There were 75 cars on the train, which was traveling at a speed of 50 mph.

"It appeared their eyes were closed," Shroyer said. "They were in a completely relaxed state ... there was absolute uniformity."

The tarpaulin covering the boys appeared to have "blown back and had folded back over toward the engine," he said. He described the covering as "very faded and green in color, very worn ... it was definitely there."

Investigators from the Saline County Sheriff's Office have persistently disputed the railroad employees' contention that a tarpaulin had been covering the boys. They have referred to it as an "optical illusion."

Conductor Jerry Tomlin testified he was also certain the tarpaulin had been over the boys. He said he observed it as the train approached them and then located it following the impact.

Deputy Prosecutor Richard Garrett asked if Tomlin had pointed out the tarpaulin's location to any law enforcement officers or medical personnel at the scene. Tomlin said he had told "at least three or four." Then he added, "I think one of them's sitting right behind you."

The conductor was apparently referring to Investigator Chuck Tallent, who was in charge of the investigation into the boys' deaths.

Railroad personnel testified a rifle found at the scene had been beside one of the boys, not between them as county investigators have previously stated.

Several employees of Saline Memorial Hospital were called as witnesses today. Testimony came from George Moore, ambulance supervisor; Stansel Harvey, associate administrator; Billy Heath, an emergency medical technician; and Shirley Raper, a paramedic. Heath and Raper went to the scene

made of the incident and the difficulty the victims' families had in obtaining it was the focus of Garrett's questioning of all SMH employees.

Moore, who had previously told private investigator Ray Love the hospital had no report of the incident, said the confusion was due to a misunderstanding. He said when the ambulance personnel do not administer treatment, the report of the run is placed in a "no pickup file" in his office. He contended he thought Love was requesting a report of treatment administered and claimed he told the investigator that all medical records were filed in the hospital's Medical Records Department.

He said there had been no names on the report in his office, that he had not understood which incident the investigator was referring to and that he had been unaware that a detailed report had actually been made.

Garrett asked Moore if he had not told the investigator no report had been prepared since the ambulance personnel didn't do anything at the scene. "No, I don't recall that," Moore said.

Garrett then asked if it could be possible that he had made that statement to Love in the event the investigator should testify in the hearing. Moore replied, "I can't honestly say; I don't remember. I can say there was a medical record. Once I realized who they were speaking of, the record was produced."

The record in question was released from the Medical Records Department some time after the family had obtained a second court order.

Garrett asked Moore, Heath and Raper if anyone had attempted to influence their testimony or had made any reference, either direct or indirect, to any personal notes that might have some bearing on the investigation. Moore and Heath denied that anyone had done so and Raper replied, "Not really."

The prosecutor asked Harvey if he had ever told any hospital employees that personal notes were not part of the medical records. "Our concern is for the official copy of the report," Harvey replied. Harvey said he had no objections himself to employees making personal



Courier photo by Phillip Felton

Deputy Prosecuting Attorney Richard Garrett confers with Saline County Investigator Chuck Tallent in the second day of a prosecutor's investigation called to probe the Aug. 23 deaths of Kevin Ives, 17, and Don Henry, 16. Garrett and Tallent were discussing a point in the testimony of Billy Heath, an emergency medical technician at Saline Memorial Hospital.

Hearing

Continued from page 1

notes to use in compiling the official report, but said they will not be included in the medical records.

In the report of the incident, Raper had noted that the color of the blood at the scene was darker than she had expected, leading her to question how long the boys had been dead.

After persistent questioning, Heath admitted to Garrett that the color of the blood and the absence of what would have been a larger amount of blood normally found at a trauma site would have been consistent with the boys being dead prior to being struck by the train. In response to earlier questions, Heath had said he could "not tell you if they were alive or what."

Raper described her attempt to drive the ambulance out a secondary road. While she was doing so, she was startled by the lights of a pickup truck, occupied by three people, that appeared from a perpendicular direction to the ambulance.

Raper said she stopped the ambulance, got out and walked a short distance to check the path, which was becoming increasingly more narrow and extremely wooded. A bystander had been with her in the ambulance. When Raper returned to the ambulance, the pickup truck had disappeared and she did not know how it left the scene. "As the crow flies," she said, her location at that point was not

far from the impact site.

Referring to her concern about the blood at the scene, Raper said, "It hit me in the face." She also was concerned about the color of the victims, whom she described as "colorless, almost dummy-like."

Garrett asked Raper why she had never mentioned the pickup truck to county investigators and Raper said she was never interviewed by them. "No one asked me for anything till last week," she said, referring to a conference initiated by *The Benton Courier* to speak with Heath, Raper, Harvey and Kim Reed, director of medical records.

"I figured SO (the sheriff's office) was checking close," Raper said. "I had no reason to mention it... it was a real heart-breaking thing."

None of the medical personnel at the scene touched either victim to assess body temperature, they said in response to questioning from Garrett.

In Thursday's testimony, Dwayne Biggs, a friend of the two victims, said he had seen both of the victims about 11:15 p.m. at a ballpark off Geyer Springs Road in Little Rock. They had been in Don Henry's car and Kevin Ives reportedly took a pistol from the vehicle to show Biggs.

Biggs said both had been "laughing and grinning, like they were up to something" when they told him of plans to go hunting near the railroad tracks later that night. No other

witnesses testified they had seen the pistol.

The existence of the pistol came as an apparent surprise to the families of the victims and to Garrett.

Mike Seamon, another friend who had spent some time with the boys at the ballpark, said each boy had had approximately a "quarter bag" of marijuana with them. He said nine people, including Ives and Henry, had shared a total of five marijuana cigarettes while they were there.

All of the students testifying in Thursday's hearings said they had never seen anyone lose consciousness after smoking marijuana and that they had never heard of this happening to anyone. All also stated that both of the boys had not appeared intoxicated and were in control of their faculties.

Also during Thursday's hearing, Bryant Officer Danny Allen revealed that a second train had been at the crossing for a brief time after the boys were struck. It slowly left the impact site a short time after Allen's arrival.

During a break Thursday, Garrett said he is planning to recommend that tests be done on clothing the boys were wearing, a gun, flashlight, rolling papers and any other items found at the scene. Garrett said he wants the tests done somewhere other than the state Crime Lab.

Chief Deputy Ray Richmond said he did not believe the clothing or any of the other items had been tested.

New details revealed in deaths

By James Scudder
GAZETTE STAFF

BENTON — Information not known by the police until long after the fact came to light Friday about the deaths of two teen-aged boys who were run over by a train last year.

A paramedic for Saline Memorial Hospital said at a prosecutor's hearing that she arrived near the scene less than an hour after the boys were run over.

She tried to move her ambulance to the death scene by driving down a narrow road through a wooded area and had seen a pickup truck, with lights on, parked perpendicular to the ambulance beside the road, she said.

Shirley Raper, the paramedic, said a black man she couldn't identify had offered to show her the road and had ridden with her. After the road became impassable, she had stopped the ambulance when she saw the pickup and its lights. She said she left the black man in the ambulance and walked ahead to investigate the terrain and found that she could see the train on the tracks where the boys had been struck.

According to what Raper told *The Benton Courier* days later, the black man apparently left the ambulance and talked to two, perhaps three, persons who were in the pickup. Raper testified Friday that when she returned to the ambulance, she delivered the black man back to the area where the police and other vehicles were parked

and never asked him his name. She said she wouldn't be able to recognize him now.

Ray Richmond, chief deputy for the Saline County sheriff's office, said during a break in the hearing that he had learned about that incident "when she put it in the paper." Raper didn't explain why she didn't report the incident to officers at the scene.

Lying motionless

Deputy Prosecuting Attorney Richard Garrett is conducting the hearing into the deaths of the two boys — Larry Kevin Ives and Don George Henry, who were struck by a Union Pacific Railroad train while lying motionless side-by-side between the rails of the railroad track about 4:25 a.m. August 23 near Alexander in extreme western Pulaski County.

J. Stephen Shroyer, the train engineer, testified Thursday that he could see the boys clearly as the train approached them and, although he applied the emergency brakes, it was impossible to stop.

Shroyer said he was certain the boys were covered from the waist down with what appeared to be a green tarpaulin. The train's conductor, Jerry Tomlin, said the same thing. Tomlin said he saw the tarp beneath the trestle after the accident and told "three or four" officers where it was. It never has been found and none of the officers remembered Tomlin telling them that.

The boys' parents — Larry and Linda Ives and Curtis and Marvelle Henry — have been unhappy with the conclusion of Dr. Fahmy Malak, the state medical examiner, who said the boys were "unconscious and in deep sleep on the railroad tracks under the psychedelic influence" of marijuana when the train struck and killed them.

After two experts in toxicology or pharmacology questioned Dr. Malak's conclusion, saying it was highly unlikely that marijuana in any amount could make a person comatose, Garrett called the prosecutor's hearing to determine whether further investigation was needed.

In other testimony Friday, Kathy Carty, one of the first sheriff's deputies at the scene, said, "My initial response then, and still is, what most people have testified to. *** I do not believe we had two young men lie down side by side while this happened to them."

She continued, "I believe all of us had to say we find it hard to believe that we had two boys who just lay down to commit suicide."

Would hide in bushes

Charles Beck Jr., a teen-ager, said he and Don Henry had gone "spotlighting" for deer in the area near the tracks "so many times" he couldn't remember. He testified that a train often would come by when the two were near the railroad track and they would "hide in the bushes" because they were afraid the engineer would see their flashlight and report them.

unusual for Don not to hide in the bushes" if he had heard the approaching freight train August 23.

Beck and his father, Charles Beck Sr., said they had visited the site a week after the boys were killed and had found a gold necklace between the rails but had left it there. A cousin of Don Henry testified that he had visited the site about two hours after the Becks were there, had found a necklace and had turned it over to an uncle who passed it on to Curtis Henry.

The Becks testified that the necklace they saw was unmarred and broken only at the clasp. Paul Merritt, the cousin, said the necklace he found was severely marred and had specks of blood on it.

Deputy Richmond said in his testimony that the point at which the train struck the boys was near the end of a 62-foot trestle and that the boys actually were lying on the trestle a few feet from the end of it.

One body was found 44 feet and the other 1,037 feet from the point of impact, he said.

"We had a freak accident," Richmond said. "I don't understand why it happened. The investigator didn't understand why it happened. I haven't decided it was an accident. We've investigated the case, and will continue to."

Gary Dallas, supervisor of the drug section of the state Crime Laboratory, said he had examined two bags of marijuana that had been found on the boys and each contained 1.9 grams of marijuana. That would have been enough marijuana to roll about seven to eight cigarettes, he said.

Dallas said other tests showed that the marijuana had not been "laced" with any other drug.



—Staff Photos by Steve
LAURA LARUE
Had dated Don Henry



J. Stephen Shroyer, the train engineer, with parents of Don Henry, Curtis and Marvelle Henry, during break.

Blood on teens unusual, paramedics say

BY MAX PARKER
Democrat State Desk

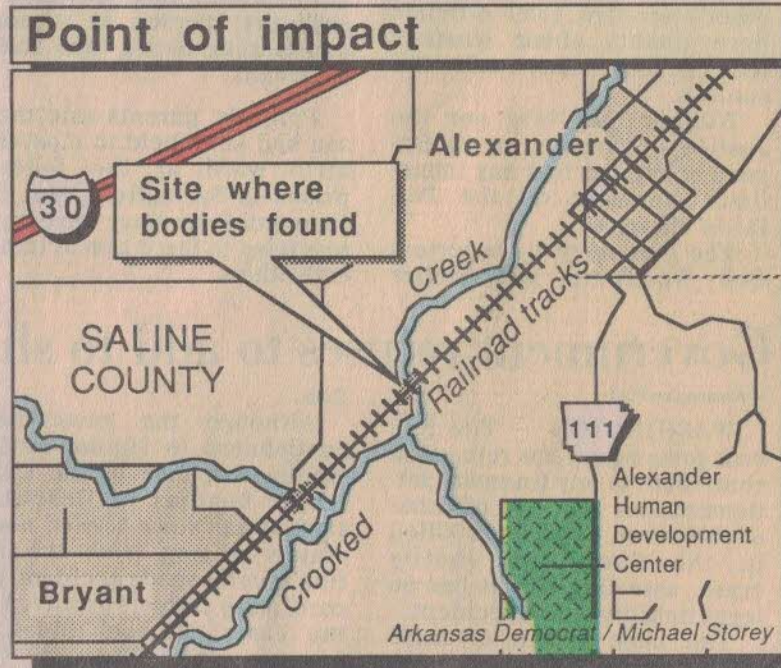
BENTON — Two ambulance workers sent to the scene where two Saline County youths were struck by a train last summer said Friday the color of the blood there made them wonder if the boys were alive when hit.

"The blood at the scene was darker in color than I thought it should appear," said Billy Heath, an emergency medical technician at Saline Memorial Hospital. Heath, along with Shirley Raper, responded to the call for an ambulance.

"I wouldn't say whether they were dead and placed there, or killed when the train hit them. All I'm saying is the blood was darker, but not why it was darker."

Heath's statements came on the second day of a prosecutor's hearing into the Aug. 23, 1987, deaths of Larry Kevin Ives, 17, of Benton and Don George Henry, 16, of Bryant.

Fahmy Malak, state medical examiner, ruled Aug. 24, 1987,



that the boys were in a deep marijuana-induced sleep at the time of death. The deaths were ruled an accident. The parents of the boys dissatis-

fied with the ruling, recently asked for a further investigation into the deaths.

Thirteen witnesses testified Friday, mostly law enforce-

ment officers and medical personnel. Richard Garrett, deputy prosecuting attorney, heard testimony Thursday from 28 witnesses.

Malak, along with a state Crime Laboratory toxicologist, is scheduled to testify when the hearing resumes at 9 a.m. Monday.

In an Aug. 23, 1987, report, Heath and Ms. Raper said:

"Blood from the bodies and on the body parts we observed was a dark color in nature. Due to our training, this would indicate a lack of oxygen present in the blood and could pose a question as to how long the victims had been down/dead."

"It was just a note of interest, something that hit me in the face," Ms. Raper said. She said that while she had never worked a train accident, she had seen about 25 cases where large amounts of blood were present.

Heath also was asked to describe what he thought the
See HEARING, Page 12A

Hearing

• Continued from Page One

blood would look like if the boys had been dead before being hit by the train near Arkansas 111 at Alexander.

"The blood would be quite dark, very dark, and there probably wouldn't be very much blood out of the body," Heath said, adding that he noticed the darker blood primarily at the impact site between the two iron rails.

"I cannot tell you if they were alive or what, when the train hit them," Heath said.

Ms. Raper said she also thought the color of the boys' blood was unusual.

"Ordinarily, there is some color at some point or at some place," she said. "The blood appeared darker in nature than expected."

Ms. Raper offered an opinion on what caused the darkness of the blood.

"A lack of oxygen," she said. "That's just about the only reason I know of. But, I'm not an expert, I'm just a paramedic."

Ms. Raper said the tissue she viewed was "almost devoid of color."

"It was just colorless, almost dummy-like," she said.

Ms. Raper also revealed two pieces of information omitted

from her written report.

While searching for a place to drive the ambulance to the impact site, Ms. Raper said she picked up a man who directed her to a single-lane road leading into a wooded area.

"He was a black male, average height I guess," she said. "I didn't really look at him."

About quarter mile through the wooded area, Ms. Raper said she saw headlights from a pickup truck.

"The truck came from off to the side," she said. "I don't know where it came from."

Ms. Raper said she thought there were three people in the truck, but couldn't tell their color or sex. She never approached the vehicle.

Because the road was getting narrow, Ms. Raper said she left the ambulance and walked around a curve in the road. The man who directed her stayed in the ambulance, she said, and she never asked his name.

When she returned to ambulance, Ms. Raper said the truck was gone.

"I didn't hear them leave," she said. "They just weren't there. It's real strange."

Ms. Raper never revealed this information to police, even when she eventually returned to the scene.

"I was never interviewed by

anyone from the sheriff's office," she said. "No one has ever asked me for anything until last week."

Ray Richmond, chief deputy with the sheriff's office, said the first time he heard about Ms. Raper's sightings was last week after she talked to reporters.

Richmond and two other officers all agreed the scene was investigated like any other death.

"My initial response then, and my personal opinion now, is that I felt it was a very strange situation and I do not believe we had two young men lay side by side on the train tracks," said Cathy Carty, a Saline County deputy. "None of us in our minds could accept that happening."

Gary Dallas, with the drug section of the state Crime Laboratory, said two plastic bags with 1.9 grams of leafy vegetable material submitted to the lab tested positive for marijuana. The bags were found on the boys.

Although the lab has the capacity to do so, Dallas said it doesn't perform tests on bodies to determine the percentage of tetrahydrocannabinol, the active ingredient in marijuana, that might be present. He said only tests are done to determine that THC is present.

Quotes

Quotes of interest from Friday's testimony in the prosecutor's hearing into the Aug. 23, 1987, deaths of Larry Kevin Ives, 17, of Benton and Don George Henry, 16, of Bryant:

• "This was a very odd situation from what I understand. A very traumatic situation," said George Moore, ambulance supervisor at Saline Memorial Hospital.

• "During a trauma scene, generally you have a bright red blood," said Billy Heath, one of the two medical technicians at the scene that night. "This was not the case. It was darker colored."

• "The amount of blood (at the scene) couldn't be determined because of (the) rock bed," Heath said. "It could filter through and may not be much at all."

• "People said they really didn't believe it was an accident," said Timothy Holloway, 17, of Mabelvale, who had worked with Kevin Ives.

• "It was kind of upsetting, it was nerve-racking," Holloway said, recalling how he felt during his visit to the accident scene. "The whole mound shook (as a train got closer)."

• "I didn't understand why two boys would be on the tracks, but I didn't make any conclusion," said Pat Hawkins, a deputy with the Saline County sheriff's office.

• "I secured the scene for several reasons," said Cathy Carty, a sheriff's deputy. "Mainly because it was a traumatic sight and I didn't want an innocent bystander walking up on it. I have personally blocked a lot of it out of my mind."



—Staff Photo by Gene Prescott

Irv Newcomb (right) appears at news conference with H. D. Masters (left) and Don R. Beavers.

Union officials defend railroad workers

By Scott Morris
GAZETTE STAFF

Drug and alcohol abuse among railroad workers is no worse than among other segments of society, Don R. Beavers, state legislative director of the United Transportation Union, said Monday.

"We just do not have a major drug and alcohol problem among railroad workers in the state of Arkansas," Beavers said.

Beavers spoke at a news conference at the union's headquarters at North Little Rock in reaction to recently publicized comments about on-the-job drug and alcohol abuse among railroad workers. He was joined by H. D. Masters of St. Louis, the union vice president, and Irv Newcomb of St. Louis, the union general chairman.

Union officials objected to a statement last week by Lou Meyers, an employee assistant counselor with Union Pacific Railroad, who was quoted in the *Arkansas Gazette* as saying, "A crew didn't

used to climb on board if they didn't have a quart of whiskey in their grip."

Meyers was quoted as saying the problem had declined in recent years.

Statement 'misleading'

Beavers said Meyers' statement was "misleading to the point of asininity. *** Never have we witnessed the first train crew that continually carried a bottle of whiskey on a train."

"That was a hip shot and he shouldn't have taken it," Newcomb said. He said he had delivered a formal complaint to Meyers' superior earlier Monday. "I'm sure *** that the matter will be corrected to our satisfaction."

He said he "didn't ask for a pound of flesh." Any disciplinary action against Meyers would be up to the railroad, he said.

Messages were left Monday afternoon on Meyers' office answering machine but had not been returned Monday night. His super-

could not be reached.

Operation Redblock, which helps workers with drug and alcohol problems rather than firing them, "is a proven tool that has arrested this sickness in the railroad industry," Beavers said. Redblock is a railroad term that means bringing a train to a full stop.

Malak comment 'degrading'

The union officials said a statement by Dr. Fahmy Malak, the state medical examiner, that the crew on the train that August 29 struck two youths who died in Saline County should have been tested for drugs and alcohol was "degrading." Dr. Malak said if the crew lied about not being under the influence of a drug, the deaths would be a homicide.

Beavers said the union supported Union Pacific's "rigidly enforced" policy against on-the-job drug and alcohol use. "Had the carrier suspected any impairment, an investigation would have occurred," he said.

Beavers said Dr. Malak's statement, made last week during a public inquiry into the deaths, had "prompted just an eruption of protest among the rail workers and train crew members."

"You've just got to understand that the most terrible thing that can happen to a person during their career is to be involved in an accident where a life is lost," Beavers said. "We're extremely disappointed that Dr. Malak made that statement. We think there's absolutely no foundation whatsoever for it."

Dr. Malak, who has said the teen-agers were unconscious under the "psychedelic influence" of marijuana, said Monday that drug and alcohol tests of the train crew should be part of "a proper investigation."

"The rule of thumb is, always be suspicious," Dr. Malak said, adding he was not implying "any particular person" was guilty of drug use.

New questions layer over old in boys' deaths

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — After six months' investigation and two days of open hearings, one factor still dominates the case of Kevin Ives and Don Henry — the strange manner of their deaths.

"Why two boys would lay on a railroad track — side by side in a position less than comfortable without flinching or moving a muscle as a train approached — is still a mystery," said Richard Garrett.

Garrett, deputy prosecutor for Saline County, heads a prosecutor's investigation into the deaths. He issued over 40 subpoenas, conducted hearings all day Thursday and Friday, and doesn't expect to conclude until Monday.

'Why two boys would lay on a railroad track — side by side in a position less than comfortable without flinching or moving a muscle as a train approached — is still a mystery.'

Garrett said Saturday he expects the mystery of the boy's Aug. 23 deaths probably won't be solved Monday. But investigation will continue.

Ives, 17, of Benton, and Henry, 16, of Bryant, were lying on a railroad track about 4:25 that night when a Union Pacific train ran over them. Train engineers said neither boy made any attempt to get out of the way.

Dr. Fahmy Malak, the state medical examiner, ruled the boys were asleep on the tracks, under the influence of marijuana.

At a glance

- After extensive investigation, the deaths of two Bryant High School students remains a mystery.
- Open hearings into the deaths of Kevin Ives, 17, and Don Henry, 16, will end Monday.
- While not solving the case, the hearings have uncovered some new evidence and posed new questions. One witness testified the death scene was more accessible than authorities first believed.
- The boys died while lying motionless in an isolated area on a railroad track near Arkansas 111 near Alexander.

But whether marijuana can cause anyone to fall into a stupor has been disputed by experts contacted by the boys' parents. The parents — Curtis and Marvelle Henry and Larry and Linda Ives — publicly requested a grand jury investigation to try to come up with another answer.

On Feb. 11, Garrett responded by calling a prosecutor's investigation, a proceeding similar to a grand jury, but open to the public.

Probably the most important testimony so far, Garrett said, was from Saline Memorial Hospital paramedic Shirley Raper.

Ms. Raper said Friday she saw three people in the woods in a truck when she was driving her ambulance along a dirt

track, trying to get closer to the scene.

Garrett said investigators would like to talk to the people in the vehicle and to the unidentified man who showed Ms. Raper the trail. But the real significance of the testimony, he said, was that it shows the site was more accessible than first believed.

"If she was where we think she was, that road forks, and the other fork will take you even closer to the scene than she was," Garrett said.

"It hasn't been in the testimony, but there is also a road from another direction."

Investigators had already learned there are several ways to get to that spot on the railroad tracks, Garrett said.

"The creek bed there is the easiest way, but it is not the only way," he said. "There's a big field to the north, a half-mile from the highway (Arkansas 111)," for instance. He said it could be crossed out of the view of any houses.

A Bryant policeman was shot at Aug. 17, testimony showed. A man with the same physical description as the officer's assailant was seen five blocks from the site the night the boys were killed.

"All that is, is a question that has been raised," Garrett said. "Whether it directly affects this is not known at this time."

"They thought they had him surrounded the night he fired on the officer. He probably lives in that area and managed to get back into his house."

Another puzzler is the tarp which three train crew members say they saw covering the boys.

"No one can explain what happened," Garrett said. "The sheriff's office was at the scene. They searched and later came back and searched it again. The second time, they were looking just for the tarp."

Testimony from Malak to be Monday

BENTON (AP) — Dr. Fahmy Malak, the state medical examiner, will testify Monday when a hearing resumes on the deaths of two Saline County youths run over by a train.

A paramedic who was at the scene of the August 23 incident said Friday he noted the blood on the victims was darker than usual.

"The blood at the scene was darker in color than I thought it should appear," Billy Heath, an emergency medical technician with Saline Memorial Hospital, said. Heath, along with Shirley Raper, responded to a call for an ambulance.

"I wouldn't say whether they were dead and placed there, or killed when the train hit them. All I'm saying is the blood was darker, but not why it was darker."

Heath made the comments on the second day of a prosecutor's hearing into the deaths of Larry Kevin Ives, 17 of Benton, and Don George Henry, 16, of Bryant.

Dr. Malak ruled August 24 that the two teen-agers were in a deep marijuana-induced sleep at the time of their deaths.

Malak to tell how decision was reached

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — State Medical Examiner Dr. Fahmy Malak will testify today in the last day of open hearings investigating the deaths of two Saline County youths under a train.

Malak ruled that Kevin Ives, 17, of Benton and Don Henry, 16, of Bryant were in a deep sleep induced by marijuana when hit by a train Aug. 23, 1987. The boys' parents disputed that finding.

Since hearings began, students have testified the boys did use the drug regularly. But if or how much it contributed to their deaths is a matter of debate.

"All the so-called experts — with the exception of Dr. Malak — say that you can't achieve a state of unconsciousness from smoking marijuana," said Richard Garrett, deputy prosecuting attorney in Saline County, who is conducting the hearings.

"All the literature I've read says it takes a lot less marijuana to get you high when you start using it for the first time than after you've become a regular users," Garrett said. "These boys appear to have been more than casual users."

"I don't want to leave the impression these boys were dopers, but at least on weekends they made recreational use of marijuana," Garrett said.

"These boys were typical teen-agers," he said. "All I've heard tells me they were good kids. They were never in trouble with the law, and got along well with their peers. And they certainly enjoyed activities other than going to a secluded area and smoking drugs."

There is no evidence of suicide, Garrett said, "but nothing has been ruled out as a possibility."

Monday, "we will find out what Malak based his ruling on. As a rule, they test to see if marijuana was used, not how much. They did try to determine how much was in the blood this time, though," Garrett said.

"The question is, can you correlate the amount indicated in blood tests with the degree of intoxication," Garrett said. "That's difficult to say. The reason is — from the literature I've read and letters I've received — the active agent in marijuana is fat soluble instead of water soluble. Blood is a water medium."

"There probably is a test" to determine the level of intoxication, Garrett said. "But it

may require brain tissue. I'm not sure, but it might require tissue from a certain area of the brain."

Garrett said he doesn't know if such tissue still exists "in the certain conditions required" to run a test. "That's something we'll find out."

Experts contacted by the boys' parents who have disputed Malak's findings will not be present, Garrett said. "Documents will be introduced. There will probably not be testimony from any experts. They have written me letters."

Hearings just part of investigation, prosecutor says

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — The investigation into the deaths of Kevin Ives and Don Henry will not end when open hearings on the case close today, Richard Garrett, Saline County deputy prosecutor, said Saturday.

The two Saline County youths were believed killed by a train Aug. 23, 1987, but mysterious circumstances have caused authorities to look further into the case. Garrett called a prosecutor's hearing, which will continue today.

Garrett said he will review the evidence before announcing any conclusions, probably by the middle of the week. "So far, it has enabled us to get several leads the sheriff's office was unaware of," Garrett said of the hearing.

"It will be up to the sheriff's office to follow any leads, and they are doing that right now," Garrett said. "They're not waiting until this is over to start.

"I don't know how you'd judge whether it is a success or not," Garrett said when asked to evaluate the hearings so far. "It has developed new information. It has raised questions. But it certainly hasn't been a cure-all. It has not solved the question of what took place.

"What it (the hearing) has done is develop guidelines by which we will proceed," Garrett said. "I'd rather not comment on how we will proceed, but by the middle of next

week, we'll have a game plan on how to go forward.

"This investigation brought everybody to one spot at one time," he said. "We will do in three days what would take a month to do, questioning these people individually."

Garrett called the investigation after the boy's parents publicly requested a grand jury. The prosecuting attorney's office had not been involved, Garrett said, because no charges had been filed.

"So far, it has enabled us to get several leads the sheriff's office was unaware of."

"In this particular case, they (the media) can claim the entire credit," Garrett said. "I had no idea the problem (of parent dissatisfaction with the investigation) existed until it came out in the paper."

Garrett was asked if he'd ever call a prosecutor's investigation again. "It would depend on the circumstances," he said.

"Though it's unusual to have a full-scale public investigation, it not a tool prosecutors never use," he said. "It's one that ought to be used more often. It allows subpoenas to be issued during the investigation of a case."