

Pathologist testifies on youths' deaths

By Byron McCauley
GAZETTE STAFF

BENTON — Atlanta pathologist Dr. Joseph Burton testified for about three hours Thursday before a Saline County Grand Jury.

An exception was made to a gag order so several police investigators could hear Thursday's testimony.

The Grand Jury is looking into the August deaths of Don Henry, 16, and Kevin Ives, 17, who were hit by a train.

The jury also heard from Joelle Matthews, a former classmate of Henry and Ives. Matthews testified for about 20 minutes. It is not known why Matthews was called.

Wright testifies

Governor Bill Clinton's chief of staff, Betsey Wright, also appeared before the Grand Jury. Wright, who was in the jury room for about 80 minutes, said she was willing to co-operate "in whatever way I can. *** We had a very good

conversation."

Wright was subpoenaed last month to present the schedules of two out-of-state pathologists hired to investigate the state medical examiner's office. Wright did not appear at that time, and the pathologists left the state.

The Grand Jury wants to hear from the pathologists, but Wright said she did not know when they would return to Little Rock.

Dr. Burton, who conducted a second autopsy on the exhumed bodies of the boys, would not say if he presented any new evidence.

At one point, Crime Laboratory employe Wes Wimberly entered the jury room carrying a plastic bag containing what appeared to be clothing.

'We are optimistic'

In a handwritten prepared statement read to reporters after the session, Special Prosecutor Dan Harmon said, "We are optimistic that a thorough investigation will result."

State Police investigators who entered the jury room included Don Birdsong, L. D. Brown, Tom Craig, Barney Phillips, Dale Swesey and Lt. Doug Williams.

Saline County investigators included Chuck Tallent, Sheriff James Steed, Chief Deputy Ray Richmond, and Richard Carmen.

The investigators all were sworn in Thursday as witnesses and are bound by the gag order, Harmon said.

The Grand Jury will now meet every Monday of each month to review their investigation and to lend any assistance to investigators, Harmon said.

State police, sheriff join in train deaths inquiry

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — Arkansas State Police and the Saline county sheriff's office are sharing responsibility in the investigation of the deaths of two Bryant High School seniors.

"It is a cooperative investigation," Lt. Doug Williams of the state police said Friday. Williams said he was limited in what he could say about it because of a gag order.

Police and the Saline County grand jury are investigating the deaths of Larry Kevin Ives, 17, and Don George Henry, 16. The two boys were hit by a train about 4:25 a.m. Aug. 23, 1987.

The state medical examiner's office ruled the deaths an accident. But the grand jury ruled May 25 that the deaths were a probable homicide.

Police, special deputy prosecuting attorneys and the

grand jury met with Dr. Joe Burton Thursday. Burton is a Georgia medical examiner brought into the case in April. He conducted autopsies April 5. The grand jury issued its probable homicide ruling May 25, the day after Burton first testified to them.

Williams said state police investigators had drawn up a list of leads it shared with the sheriff's office Thursday, while waiting to meet with Burton. The sheriff's office suggested several other leads, he said. These were added to the list. Individual leads were then assigned to state police and sheriff's office investigators, he said.

Thursday was the first time Burton and police conferred. At the end of the day's session, the grand jury said it was satisfied with the cooperation it was receiving from authorities.

Around Arkansas

THE ARKANSAS STATE

Police and Saline County authorities have developed a plan for investigating the deaths of two Bryant teenagers who were struck by a train.

The plan was drafted Thursday while the 10 investigators waited for a Saline County grand jury to complete its proceedings, according to Sheriff James Steed.

Investigators from both agencies met for approximately three hours with the grand jury and Dr. Joe Burton, the Atlanta, Ga., pathologist who performed autopsies on the exhumed bodies of Don George Henry, 16, and Larry Kevin Ives, 17. The Aug. 23 deaths have been ruled probable homicides by the grand jury.

Burton's presentation to investigators was videotaped. After the pathologist's report, the investigators were secluded in a nearby room and brought before the panel individually in order to discuss the case with Burton. Those conversations were also videotaped.

Grand jury finally gets needed help

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — A Saline County grand jury announced Thursday it has the assistance it wants from Arkansas State Police and the governor's office in investigating the deaths of two Bryant High School seniors.

It also could be said that the state police and the governor's office are getting the assistance wanted from the grand jury.

Two weeks ago, this development seemed far away. It might be more important than the grand jury's "probable homicide" ruling.

Analysis

For the first time since multiple investigations began, everyone actively involved — state police, sheriff's deputies, special prosecutors, grand jurors and the medical examiner now being used — were in the same room.

Whether they all row together remains to be seen. But at least everybody's in the same boat and the boat's in the water.

That took time. In 10 weeks, it will be a year since Larry Kevin Ives, 17, and Don George Henry, 16, were hit by a train. They were lying motionless on railroad tracks near Alexander in Saline County.

The boys' parents always have suspected foul play. The state medical examiner has maintained it was an accident.

In the investigation's lengthening history, cooperation between the various investigative interests has been rare. The low point was reached when the grand jury issued a subpoena to Betsey Wright, Gov. Bill Clinton's chief of staff.

The governor's office had brought in two out-of-state experts to review the state medical examiner's office. The grand jury wanted to talk to these men. State officials could not or would not tell where the two men were.

A hearing was held the next morning. Ms. Wright did not honor the subpoena. The subpoena was not valid, as Ms. Wright's lawyer from the state attorney general's office successfully argued.

Circuit Judge John Cole, however, informed the attorney that the next subpoena would be valid.

The afternoon after that ruling, the grand jury ruled the deaths a probable homicide. The governor's office was left looking uncooperative in a murder investigation.

That day — Wednesday, May 25 — relations between the state and the grand jury hit rock-bottom. State officials previously had called the investigation a "vendetta."

But Thursday morning, Ms. Wright came to the grand jury without being subpoenaed. By every account, it was a pleasant and productive visit.

That afternoon, police received a three-hour briefing on what Joe Burton, an outside medical examiner, had found. Burton was brought back from Atlanta for that session.

What made this happen may not be known because a gag order restricts comment. But the main stages seem obvious.

The most decisive event appears to be Cole's unconditional support of the grand jury in the hearing over Ms. Wright's subpoena. He reminded everyone that the law is king and under it the grand jury is boss.

Second is the grand jury's decision to meet at least one day a month while the case remains open. Cole handed the grand jury the big stick. The grand jury announced it will continue the investigation.

But coercion alone does not explain Thursday's happenings. What finally broke the log jam, it seems, was the grand jury's decision to share Burton's findings with police.

Granted, the grand jury threatened a contempt of court citation if the secret leaked. But sharing the only extant evidence — whatever it is — that a crime might have been committed was the first step across the line that kept everyone separated. No one but the grand jury could have taken that step.

For the first time, the state was treated like part of the investigation — not the enemy. The cooperation was reserved, hesitant and cautious, but cooperative nonetheless.

Video shows possibility of 2nd gun

By LEE BROCKWAY
Courier Staff Writer

A video tape of the scene where two Bryant teen-agers were struck by a train in August shows what appears to be a firearm that did not belong to the youths.

While viewing a video made at the scene by a KARK-TV cameraman, Linda Ives, mother of one of the victims, and a *Benton Courier* reporter noticed what appeared to be a rifle or shotgun lying in the bed of a railroad truck. When the object was highlighted Wednesday afternoon, television reporters said it was a single-barrel shotgun or rifle.

Some of the law enforcement officials and emergency personnel who were at the scene said they did not carry or see anyone else carrying a rifle or shotgun. Chief Deputy Ray Richmond of the Saline County Sheriff's Office said today the object is not a weapon. Richmond has not seen the raw video footage. Deputy Prosecutor Richard Garrett, who has seen the video once, said he did not notice the

object.

The boys, 16-year-old George Don Henry and Larry Kevin Ives, 17, were hit by a Union Pacific train in the pre-dawn hours of Aug. 23 near the Alexander crossing. The train crew said the boys were lying on their backs in identical positions. Neither youth appeared to move or indicate he was aware of the train, according to the crew.

Their deaths were ruled an accident by Dr. Fahmy Malak, state medical examiner. Malak's autopsy report says Henry and Ives were in a drug-induced sleep as a result of smoking a large amount of marijuana prior to being struck by the train.

Second autopsies performed by an Atlanta, Ga., pathologist have revealed the youths sustained injuries that were not consistent with those caused by the impact of the train, according to Garrett. Burton has said Ives and Henry had smoked only three or four marijuana cigarettes before they died.

A grand jury investigating the case has said the deaths should be ruled a "probable homicide."

The video tape shows what may be a weapon lying in the back of the railroad truck as Richmond, Saline County Coroner Sam Ballard and a Union Pacific investigator place one of the bodies into the vehicle. The object does not appear to be the .22-caliber rifle the boys were carrying because the barrel is not bent and what appears to be the stock is attached.

The rifle that belonged to Henry was found in several pieces, with the barrel bent and the stock unattached. Those pieces were placed in plastic bags by law enforcement officers.

Only three police officers at the scene would have had such a weapon in their possession at that time — Bryant Officer Danny Allen, Shannon Hills Officer Ron Daniels and State Trooper Wayne Lainhart, according to officials. Allen and Daniels said they did not take their weapons out of their patrol units while at the scene. Lainhart was unavailable for comment, but Richmond said he was certain the trooper did not remove his

shotgun from his vehicle.

When asked if anyone at the scene had been carrying a shotgun or rifle, Richmond said he did not see one. He said, "There's not another gun in there. It could have been a roller tape. I'd just have to look at it. There was never a gun there."

Sheriff's deputies are not allowed to carry such weapons while on patrol and the reserve deputies at the scene did not have rifles with them, according to Richmond.

A Union Pacific spokesman said it against company policy for employees to carry firearms while working.

Others who said they did not see a weapon at the scene other than Henry's rifle were Reserve Deputy Larry Davis, Saline Memorial Hospital paramedic Shirley Raper and Benton Fire Department paramedic Terry Mosley. Attempts to reach others involved in the initial investigation were unsuccessful.

The grand jury will convene Monday to hear an update on the investigation from the State Police.

Grand jury issues 5 subpoenas

By LYNDA HOLLENBECK
Courier Staff Writer

The Saline County Grand Jury that began an investigation into the deaths of two Bryant teen-agers on April 27 is in session again today.

Testifying before the 6-member panel at today's morning session were Investigator Richard Carman of the Saline County Sheriff's Office and State Police Investigator Barney Phillips.

Also slated as witnesses today are Sheriff Jim Steed and Sgt. Doug Williams of the State Police.

Immediately after the jury broke for lunch at 11:50 a.m., subpoenas were issued for five individuals whose names Special Deputy Prosecutor Dan Harmon and Deputy Prosecuting Attorney Richard Garrett would not reveal. The prosecutors hoped to locate the five in time to arrange for their appearance before the jury later today.

The panel does not plan to meet Tuesday, Garrett said.

In a recent preliminary report, the jury stated the deaths of Kevin Ives, 17, and Don Henry, 16, should be investigated as a "probable homicide."

That opinion conflicts with the ruling of the state medical examiner, Dr. Fahmy Malak, who said the boys' deaths were accidental. In Malak's findings, he concluded that the two teenagers had smoked a large quantity of marijuana cigarettes prior to their deaths. The boys were struck by a Union Pacific train during the early morning hours of Aug. 23 as they lay in identical positions on the tracks near the Alexander crossing.

The State Police and Saline County Sheriff's Office recently outlined a plan for an investigation into the deaths of the two youths.

Investigators from both agencies met for approximately three hours with the grand jury and Dr. Joe Burton, the Atlanta, Ga., pathologist who performed autopsies on the exhumed bodies of the victims. Burton presented his findings

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Jury

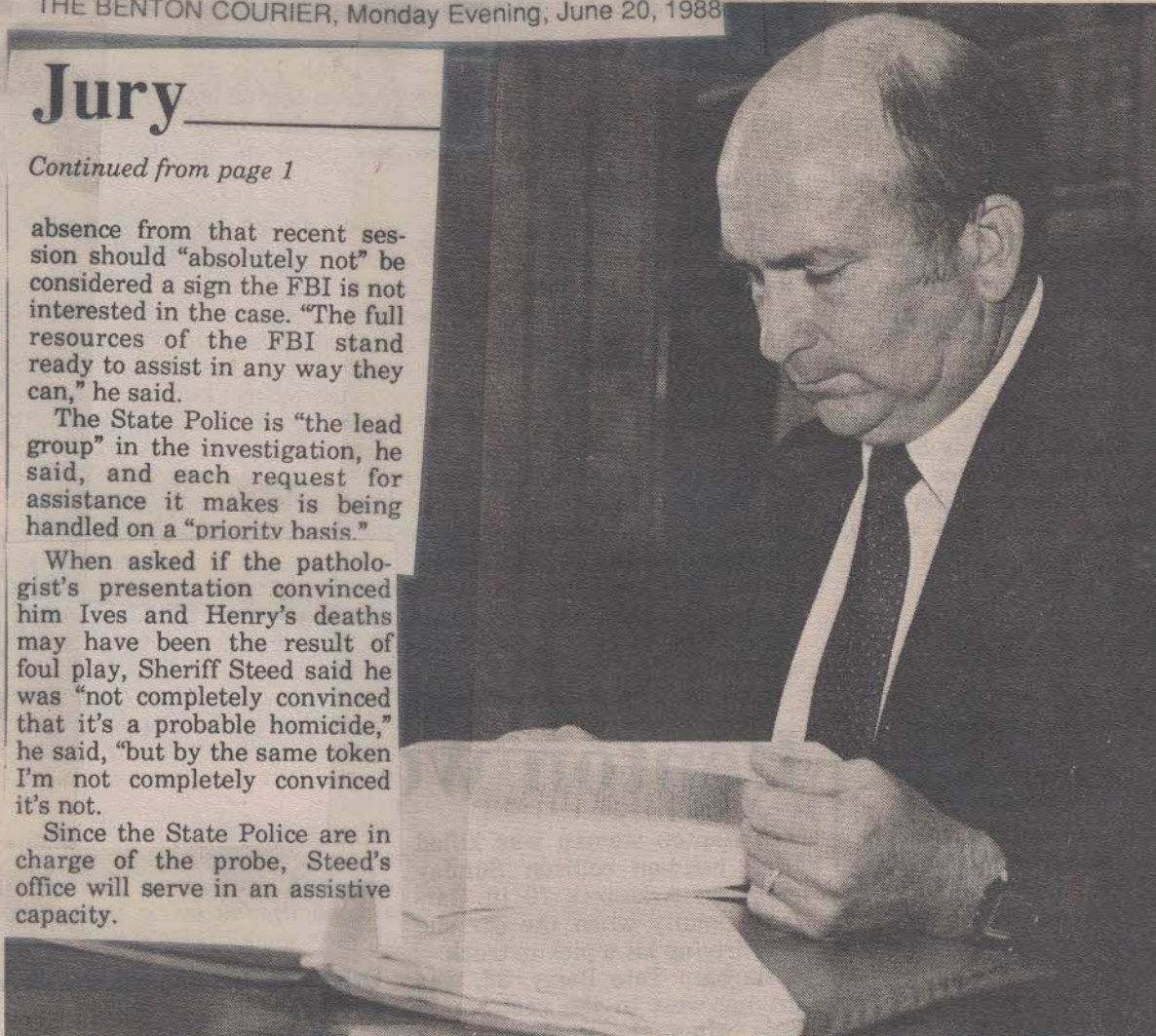
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absence from that recent session should "absolutely not" be considered a sign the FBI is not interested in the case. "The full resources of the FBI stand ready to assist in any way they can," he said.

The State Police is "the lead group" in the investigation, he said, and each request for assistance it makes is being handled on a "priority basis."

When asked if the pathologist's presentation convinced him Ives and Henry's deaths may have been the result of foul play, Sheriff Steed said he was "not completely convinced that it's a probable homicide," he said, "but by the same token I'm not completely convinced it's not."

Since the State Police are in charge of the probe, Steed's office will serve in an assistive capacity.



Courier photo by Phillip Fe

Investigator Barney Phillips goes over notes before testifying before the Saline County Grand Jury today.

to investigators as a means of assisting them in locating possible suspects in the deaths.

Burton, who has testified twice before the grand jury, disagreed with Malak as to the number of cigarettes the youths smoked before they died. At one point, Malak placed the figure as high as 20, while Burton contended the number was "three or four."

Burton has also found wounds that are not consistent with being hit by a train, according to Garrett.

Burton first appeared before the jury May 24, but his evidence could not be released to anyone because of a gag order. Circuit Judge John Cole of Sheridan recently granted an exception to the order in order

to allow the meeting between investigators and Burton to take place.

Burton's presentation to investigators was video-taped. After the pathologist's report, the investigators were secluded in a nearby room and brought before the panel individually in order to discuss the case with Burton. Those conversations were also video-taped.

Before leaving after his second appearance before the jury, Burton told a *Benton Courier* reporter he does not expect to make another appearance before the grand jury, but noted that he had not initially planned to make the second one.

Burton said the session with investigators "went very well,

very well." When asked investigators appeared to accept his theory as to what may have happened to the youths, the pathologist said, "They were very receptive having an open mind."

Citing the gag order, Burton declined to say if he presented any new evidence during his presentation or if he has additional tests to conduct.

The FBI did not send investigators to the session because it will rely upon the State Police to relay the information presented by Burton, according to Bill Baugh, assistant special agent for the FBI in Arkansas.

Baugh said the agency

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Grand jury not 'pleased' by police job

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — The Saline County grand jury investigating the deaths of two teens Monday began questioning its own witnesses, saying it was not "completely pleased" with the job done by police.

The grand jury is investigating the deaths of Larry Kevin Ives, 17, and Don George Henry, 16. The Bryant High School seniors were hit by a train on Aug. 23, 1987.

Shortly after they died, Dr. Fahmy Malak, the state medical examiner, said the teenagers' deaths were accidental. He said the teens were lying on the tracks in a marijuana-induced sleep when struck by the train.

However, experts on marijuana have disputed whether the drug could have put the two into such a deep sleep that they didn't react when the train approached. The train crew reported that the teenagers were motionless when hit.

The grand jury, which has met periodically since convening in April, has ruled the deaths a probable homicide.

Two of the seven people questioned Monday were the first witnesses who were not law enforcement or emergency officials, pathologists, parents or schoolmates of the two teenagers. Three more subpoenas were issued for the next session on July 18. Names were not released.

One witness was Tommy Lee Madison, 40, of Alexander, who was questioned for more than an hour in the afternoon. Madison guided ambulance driver Shirley Raper toward the location of the teenagers' bodies.

Madison was expected to testify before the grand jury once before, in late April, but was not called at that time.

He had been arrested April 25 by Pulaski County authorities and was being held there on unrelated charges of theft by receiving and possession of a controlled substance when

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Deputy Prosecuting Attorney Richard Garrett asked that Madison be moved to the Saline County Jail for possible questioning by the grand jury.

The grand jury also questioned Alexander resident Marilyn Peters. Dan Harmon, special deputy prosecuting attorney, did not disclose Ms. Peters' connection with this case. The grand jury also quizzed Freddie Pogue, a former boyfriend of Gayla Henry, Don Henry's sister.

Others questioned Monday morning included Saline County Sheriff James Steed Jr., sheriff's investigator Richard Carmen, Arkansas State Police investigator Barney Phillips and Lt. Doug Williams

of the state police.

"Although we are not thoroughly or completely pleased with the progress in the investigation, we realized that some of the investigators in the case are on vacation," said a statement by the grand jury read by Harmon. "And we will not meet again until our next regular meeting," the third Monday of each month.

"We have developed several new leads from testimony today which will be beneficial to police," the statement continued.

In its last meeting June 9, the grand jury said it was satisfied that police would investigate the matter.

Harmon, citing a gag order issued by Circuit Judge John Cole of Sheridan, would not say what changed the grand jury's mind.

Grand jury expands its witness list

By LEE BROCKWAY
Courier Staff Writer

For the first time since convening in April, a Saline County Grand Jury probing the deaths of two Bryant youths heard testimony Monday from persons not directly involved in the investigation.

After receiving testimony from seven witnesses, the grand jury issued a statement saying it is "not completely pleased" with the progress of the investigation.

"Although we are not completely or thoroughly pleased with the progress in the investigation, we realize that some of the investigators in the case are on vacation," said Special Deputy Prosecutor Dan Harmon.

The 16 jurors are investigating the deaths of Don Henry, 16, and Kevin Ives, 17. A Union Pacific train struck the boys shortly before dawn on Aug. 23, as they were lying on the tracks near the Shobe Road crossing outside Alexander. The train crew testified that the boys were motionless and gave no indication they were aware of the oncoming train.

Their deaths were ruled an accident by the state medical examiner, who attributed the deaths to the boys being in a drug-incubated sleep caused by smoking an excessive amount of marijuana.

The grand jury disagreed with the accidental ruling last month, saying the deaths should be ruled a probable homicide. That statement was made one day after an out-of-state pathologist presented his findings from autopsies on the exhumed bodies. His results have not been made public, but prosecutors have said injuries inconsistent with being struck by a train were found and that the boys had smoked three to four marijuana cigarettes before their deaths.

Testifying during Monday's session were Tommy Lee Madison of Alexander, Marilyn Peters of Alexander, Freddy Poe of Benton, and State Police and Saline County Sheriff's Office investigators.

Poe, who took the stand for 45 minutes, is the former boyfriend of Don Henry's sister, Gayla. Peters' testimony lasted 35

minutes. She is a self-employed businesswoman.

Madison, questioned for more than an hour, showed Saline

Memorial Hospital paramedic Shirley Raper to an alternate route to the boys' bodies.

Harmon refused to say what connection the three have with the investigation.

Madison was to have initially testified in April after he was arrested by the Pulaski County Sheriff's Office April 25 on charges of possession of a controlled substance and theft by receiving. He was transferred to the Saline County jail so he could testify, but prosecutors decided later not to call him to the stand.

Three additional subpoenas were issued Monday, but officials were unable to locate the individuals to serve them. Their names were not released. The subpoenas will be served before the next grand jury session on July 18, according to the prosecutor.

The jurors will subpoena "anyone connected with the boys, knew the boys or lived in Alexander," Harmon said. By questioning those people, the grand jury hopes to "speed up the process," he said.

The 16-member panel "developed several new leads from testimony today, which will hopefully will be beneficial to police," Harmon said. The information was developed by the prosecutors and witnesses who testified Monday, he said.

Harmon declined to say if investigators had presented any new information to the panel.

Also testifying Monday were Lt. Doug Williams of the State Police, State Police Investigator Barney Phillips, Saline County sheriff's investigator Richard Carman and Sheriff Jim Steed.

Grand Jury on deaths 'not completely pleased'

BENTON (AP) — A Saline County Grand Jury investigating the deaths of two Bryant teenagers issued a statement Monday that it is "not completely pleased" with the progress of the inquiry.

"Although we are not completely or thoroughly pleased with the progress in the investigation, we realize that some of the investigators in the case are on vacation," Special Deputy Prosecuting Attorney Dan Harmon said.

The Grand Jury is investigating the deaths of Don Henry, 16, and Kevin Ives, 17, who were struck by a train last summer while lying side by side on the tracks near a crossing outside Alexander.

Testifying Monday were Tommy Lee Madison of Alexander, Marilyn Peters of Alexander, Freddy Poe of Benton, and State Police and Saline County sheriff's office investigators.

Poe is the former boy friend of Don Henry's sister. Peters, a self-employed businesswoman, testified for 35 minutes.

Madison showed Saline Memorial Hospital paramedic Shirley Raper an alternate route to the train tracks the night of the boys' deaths.

Harmon refused to say what connection the three have to the investigation.

Witnesses slated to testify Friday

By LEE BROCKWAY
Courier Staff Writer

A Saline County Grand Jury investigating the 1987 deaths of two Bryant youths will convene at 9 a.m. Friday to hear testimony from at least three witnesses.

Deputy prosecutors would not identify the witnesses earlier today until subpoenas were served. They would also not comment on why the grand jury decided to reconvene Friday after it said Monday it would not meet again until July 18.

At least one other session will be held prior to July 18, according to Special Prosecutor Dan Harmon. He said the 16 jurors will convene July 15, at which time at least one witness will testify — Benton Police Detective Robert German.

German was served a subpoenaed Wednesday. He has not been involved in the investigation, but Harmon declined to say why German was subpoenaed.

Today's is the detective's last day with the police department. German is planning to attend law school in Indiana soon, according to Police Chief Rick Elmendorf.

Ives and Henry died Aug. 23. They were lying on a railroad track outside Alexander when a Union Pacific train hit them at 4:25 a.m. The train crew did not see either boy move or act as if

they were aware of the train.

State Medical Examiner Fahmy Malak concluded the boys were in a deep, drug-induced sleep when they died. His autopsy report said Ives and Henry had smoked a high amount of marijuana, causing them to lose consciousness while lying on the tracks.

His ruling has been challenged by the grand jury, which issued a report May 25 stating the deaths should be ruled a probable homicide.

Dr. Joe Burton, a pathologist from Atlanta, Ga., performed second autopsies on the exhumed bodies in April. Prosecutors have said Burton discovered injuries that were not consistent with being struck by a train. They also said the pathologist concluded approximately three or four marijuana cigarettes were smoked by the boys before they died.

On Monday, the grand jury heard testimony from three people not directly involved in the investigation. They were Tommy Lee Madison of Alexander, Marilyn Peters of Alexander, and Freddy Poe of Benton. Prosecutors have not revealed why the three were called to testify.

Poe is the former boyfriend of Gayla Henry, the sister of Don Henry and Madison had guided a Saline Memorial Hospital ambulance driver to an alternate route to the bodies.

Witnesses testify in probe today

By **LYNDA HOLLENBECK**
Courier Staff Writer

Four witnesses testified in today's morning session of the Saline County Grand jury investigating the August deaths of two Bryant teen-agers.

Presenting testimony to the 16-member panel were James Callaway, owner of Callaway Motors on Arkansas 5; Ken Cook, an employee of Callaway Motors; Judy McKenzie of Mayflower; and Ronnie Goodwin, an inmate of the Jefferson County Jail.

Goodwin and Cook were scheduled for further testimony in the afternoon session. Other witnesses planning to testify today are Benton resident Rick Sampley, who is jailed in Little Rock for robbery and theft of property charges, and Rob German, who has been a detective for the Benton Police Department.

German had been told to be at the courthouse when the grand jury convened at 9 a.m., but Special Deputy Prosecutor Dan Harmon told German he could leave and return for testimony later today.

Today is German's final day

in Benton. He is moving to enter Valparaiso University School of Law in Valparaiso, Ind.

Initially, German had been scheduled for testimony July 15, Harmon said Thursday.

German has not been involved in the investigation and Harmon would not say why German was subpoenaed.

The jury took a lunch break at 12:10 p.m. and planned to reconvene at 1:30 p.m.

The jury is probing the deaths of Kevin Ives, 17, and Don Henry, 16, who were struck by a Union Pacific train at 4:25 a.m. Aug. 23. Members of the train crew testified in investigative hearing in February that neither boy moved or showed any awareness of the approaching train. The crew also said the boys were lying in identical positions and were partially covered with a green tarpaulin.

State Medical Examiner Fahmy Malak, who performed autopsies on the victims' bodies, ruled the deaths accidental. He said the two had been in a deep, drug-induced sleep resulting from smoking a large number of

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marijuana cigarettes.

His ruling has been challenged by the grand jury, which stated in a preliminary report that the deaths should be ruled a probable homicide. That report was issued May 25.

Dr. Joe Burton, a forensic pathologist from Atlanta, Ga., performed autopsies on the exhumed bodies in April. Prosecutors have said Burton discovered injuries that were not consistent with those caused by the impact of the train. The number of marijuana cigarettes smoked before the victims died was also disputed, with Burton contending the number was three or four.

On Monday, the grand jury heard testimony from three people not directly involved in the investigation.

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Witness arrested at inquiry

*Drug charges follow
train deaths testimony*

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — A witness was arrested on drug charges Friday afternoon during a session of the grand jury investigating the mysterious deaths of two Bryant High School seniors.

Tommy Lee Madison, 40, of Alexander was arrested on eight counts of cocaine trafficking. The arrest came minutes after Madison testified a second time before the Saline County grand jury.

Deputy Prosecuting Attorney Richard Garrett and Special Deputy Prosecuting Attorney Dan Harmon, both of Benton, also announced a three-day grand jury session to last July 13-15. Two Benton police officers and a Pulaski County sheriff's deputy have been subpoenaed, among others.

The grand jury is investigating the deaths of Larry Kevin Ives, 17, and Don George Henry, 16. The teen-agers were laying motionless on railroad tracks when struck by a train about 4:25 a.m. Aug. 23, 1987, near Alexander.

Dr. Fahmy Malak, the state medical examiner, ruled the deaths an accident. The boys were asleep while under the influence of marijuana, he ruled.

But the grand jury ruled the deaths probable homicide after hearing testimony from Georgia pathologist Joe Burton.

The grand jury's investigation has apparently gone into direct questioning of suspects. Until Monday, when it expressed dissatisfaction with the investigation by law authorities, the grand jury had confined itself to determining if a crime had been committed and to monitoring police progress.

A gag order is in effect on grand jury witnesses. The grand jury did not disclose why it wanted to hear from witnesses appearing Friday. The grand jury heard testimony from:

- Ronnie Goodwin, currently an inmate at the Jefferson County Jail charged with probation violation.

- Robert German, a Benton police detective. German was not an investigator on the case.

- Judy McKenzie of Mayflower, Goodwin's mother.

- James Callaway, owner of Callaway Motors north of Benton.

- Ken Cook, an employee of Callaway motors.

- Richard Sampley, currently incarcerated in the Pulaski County Jail.

- Barney Phillips, an Arkansas State Police investigator assigned to the case.

The grand jury has issued subpoenas for: Kirk Lane, a Pulaski County sheriff's deputy and a former Benton police officer; Sgt. James Smvth, in-

Drug charges filed against Jury witness

BENTON (AP) — A witness was arrested on drug charges moments after testifying before a Saline County Grand Jury investigating the deaths of two Bryant teenagers.

The appearance of Tommy Lee Madison, 40, of Alexander before the Grand Jury Friday was the second time during the week he was called before the 16-member Jury investigating the deaths of Don Henry, 16, and Kevin Ives, 17. Just after he was excused Friday afternoon he was arrested on eight counts of cocaine trafficking.

Madison was charged with distributing cocaine on eight occasions between January 1 and March 1.

Madison was at the scene where the boys' bodies were found in the early morning hours of August 23. They had been struck by a train as they lay motionless on tracks near Alexander, according to the train crew. Madison guided ambulance driver Shirley Raper along a wooded track, trying to get closer to the tracks.

Deputy Prosecuting Attorney Richard Garrett said the charges against Madison were based on information gained by Garrett's investigation in April. Madison was placed in the Saline County Jail and bond was set at \$50,000.

Witness in probe arrested Friday on drug charges

By LEE BROCKWAY
Courier Staff Writer

Eight drug charges were filed against an Alexander man Friday afternoon only minutes after he testified before a Saline County Grand Jury probing the deaths of two Bryant teen-agers.

Tommy Lee Madison, 41, was charged with eight counts of distributing a controlled substance, cocaine, after he testified for approximately five minutes before the jury for the second time in a week. Upon completing his testimony, Madison was escorted to the Saline County Detention Facility by Special Prosecutor Dan Harmon.

He is currently incarcerated at the facility on a \$500,000 bond.

The charges "came about from information we developed independently" from the grand jury probe, said Deputy Prosecutor Richard Garrett.

He said there will "probably" be additional charges filed in the investigation involving Madison, but declined to elaborate.

Madison had also testified Monday from more than an hour.

When emergency officials arrived at the railroad tracks outside Alexander where Don Henry, 16, and Kevin Ives, 17, were struck by a train in the pre-dawn hours of Aug. 23, Madison attempted to show an

ambulance driver a shorter route to the boys' bodies. The attempt was unsuccessful. Madison said earlier the emergency vehicles' sirens brought him to the area that day.

Also Friday afternoon, the 16 jurors heard testimony from Richard Sampley, an inmate in the Pulaski County Jail; former Benton police detective Robert German; and State Police Investigator Barney Phillips. During the morning session, witnesses included James Callaway, owner of Callaway Motors in Bryant; Ken Cook, an employee of Callaway Motors; Ronnie Goodwin, an inmate in the Jefferson County Jail; and Judy McKenzie of Mayflower, Goodwin's mother.

The panel will meet again July 13-15, at which time witnesses will include Sgt. James Smyth and Lt. Bob Holladay, both of the Benton Police Department, and Pulaski County sheriff's deputy Kirk Lane, a former Benton Police officer. German, Smyth, Holladay and Lane did not participate in the investigation and prosecutors have declined to say why the four have been subpoenaed.

State Medical Examiner Fahmy Malak ruled Henry and Ives were in a deep, drug-induced sleep when they died. His autopsy report said the boys had smoked a large amount of mari-

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juana, causing them to lose consciousness while lying on the tracks.

Forensic pathologist Joe Burton of Atlanta, Ga., performed second autopsies in April. Prosecutors have said Burton discovered injuries that were not consistent with being struck by a train. Burton also ruled the teen-agers had smoked three or four marijuana cigarettes before their deaths, according to prosecutors.

A preliminary report issued by the jury May 25 says the deaths should be ruled a probable homicide.

The State Police, aided by the FBI and Saline County Sheriff's Office, is conducting the investigation.

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2nd witness in probe arrested

By LYNDA HOLLENBECK
Courier Staff Writer

Another witness who has testified before the Saline County Grand Jury has been arrested.

Ken Cook, 32, of 7719 Callahan, Little Rock, was arrested today on three counts of delivery of a controlled substance.

Cook, who is a former employee of Callaway Motors on Arkansas 5, was jailed at the Saline County Detention Facility following his arrest at the prosecuting attorney's office. Bond is

set at \$50,000.

According to the arrest warrant, Cook is accused of delivering an unspecified quantity of cocaine to Tommy Lee Madison, 41, of Alexander. The deliveries occurred sometime between January and March, the warrant states.

Eight drug charges were filed against Madison Friday afternoon only minutes after he appeared before the grand jury probing the August deaths of two Bryant teen-agers. Madison

was charged with eight counts of distributing a controlled substance — cocaine — after testifying for approximately five minutes before the jury for the second time in a week.

Upon completing his testimony, Madison was escorted to the detention facility by Special Prosecutor Dan Harmon. He remains incarcerated on a \$500,000 bond.

Other witnesses Friday

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Arrest

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included: James Callaway, owner of Callaway Motors; Ronnie Goodwin, an inmate in the Jefferson County Jail; Mayflower resident Judy McKenzie, who is Goodwin's mother; Richard Sampley, an inmate of the Pulaski County Jail; former Benton police detective Robert German; and State Police Investigator Barney Phillips.

When emergency officials arrived at the railroad tracks outside Alexander where Don Henry, 16, and Kevin Ives, 17, were struck by a train in the pre-dawn hours of Aug. 23, Madison unsuccessfully attempted to show a Saline Memorial Hospital ambulance driver an alternate route to the boys' bodies. Earlier, Madison

said sirens from the emergency vehicles brought him to the area that day.

The grand jury will meet again July 13-15, at which time witnesses will include Sgt. James Smyth and Lt. Bob Holladay, both of the Benton Police Department, and Pulaski County sheriff's deputy Kirk Lane, who is a former Benton police officer. German, Smyth, Holladay and Lane did not participate in the investigation and prosecutors have declined to say why the four have been subpoenaed.

State Medical Examiner Fahmy Malak ruled Henry and Ives were in a deep, drug-induced sleep when they died. In his findings, Malak said the boys had smoked a large amount of

marijuana, causing them to lose consciousness while lying on the tracks.

Forensic pathologist Joe Burton of Atlanta, Ga., performed autopsies on the victims' exhumed bodies in April. Prosecutors have said Burton discovered injuries inconsistent with those caused by the impact of the train and that he believes the teen-agers smoked only three or four marijuana cigarettes prior to their deaths, according to prosecutors.

A preliminary report issued by the jury May 25 says the deaths should be ruled a probable homicide.

The State Police, aided by the FBI and Saline County Sheriff's Office, is conducting the investigation.

2nd witness at grand jury is arrested

Charges similar to initial arrest

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — A second witness who testified Friday before a Saline County grand jury investigating the deaths of two Bryant teen-agers was arrested Tuesday on drug charges.

About 11 a.m. Tuesday, Ken Cook, 32, of 7719 Callahan St., Little Rock, was arrested on three counts of delivery of cocaine. He allegedly delivered the cocaine to Tommy Lee Madison of Alexander.

Madison, 41, was arrested Friday afternoon on eight counts of cocaine trafficking. He was arrested minutes after testifying to the grand jury.

Cook is a former employee of Callaway Motors, a car dealership in northern Saline County. James Callaway, the dealership's owner, also testified to the grand jury Friday.

The grand jury is investigating the mysterious deaths of two Bryant teen-agers hit by a train in August 1987. The grand jury has ruled the deaths of Larry Kevin Ives, 17, and Don George Henry, 16, as probable homicide.

Arkansas State Police investigators and Dan Harmon of Benton, special deputy prosecuting attorney, questioned Richard Sampley of Little Rock for over an hour Tuesday afternoon. Sampley is an inmate in the Pulaski County Jail, where he is being held on a robbery charge.

Neither Harmon nor Deputy Prosecuting Attorney Richard Garrett would comment on whether Sampley's arrest was imminent. No charges had been filed by Tuesday afternoon. Sampley also testified to the grand jury Friday.

Ives and Henry were struck by a train about 4:25 a.m. Aug. 23, 1987. When rescue crews arrived, Madison was at the scene.

He showed an ambulance driver a back road she could use to get closer to the scene, and identified himself as chief of the Alexander Volunteer Fire Department. No such department exists.

Cook and Madison were in the Saline County Jail on Tuesday. Bond was set at \$50,000 for each.

The grand jury will meet again July 13-15.

Harmon: Gag order still on

By LYNDA HOLLENBECK
Courier Staff Writer

A gag order imposed on prosecutors, witnesses, law enforcement officers and others involved in a Saline County grand jury investigation remains in effect.

According to Special Deputy Prosecutor Dan Harmon, representatives of the television program "Unsolved Mysteries" plan to be in Saline County today to conduct research for a segment focusing on the 1987 deaths of Kevin Ives, 17, and Don Henry, 16.

Harmon reminded anyone contacted by the show's representatives to adhere to the gag order.

"I feel like it would be detrimental to the investigation at this time for people to reveal testimony given to the grand jury," Harmon said.

"I realize a lot of information was made public before the gag order was imposed," he added. "However, it would be very hard for anyone to remember what was publicized before the order and what has been testified to since it's been in effect."

Harmon said the investigation is showing "some progress now" and he does not want it jeopardized.

Additional subpoenas for witnesses to appear before the grand jury July 13-15 will be issued Thursday or Friday, he said. Names of witnesses are not revealed until the subpoenas are served.

Two witnesses who appeared before the 16-member panel Friday have been arrested. Tommy Lee Madison, 41, of Alexander was arrested Friday and Ken Cook, 32, of Little Rock was arrested Tuesday morning.

Both are charged with delivery of a controlled substance (cocaine) and remain jailed at the Saline County Detention Facility. Madison faces eight counts and Cook is charged with three counts. Bond is \$50,000 for Cook and \$500,000 for Madison.

According to the arrest warrant, Cook is accused of delivering an unspecified quantity of cocaine to Madison. The deliveries occurred sometime between January and March, the warrant states.

A previous story detailing Cook's arrest identified him as a former employee of Callway Motors on Arkansas 5. However, the owner, James Callaway, said today that Cook has never worked at his business. According to Callaway, he and Cook had previously been employees together in another business.

Callaway was also a grand jury witness Friday.

When emergency officials arrived at the railroad tracks near Shobe Road, where Henry and Ives were struck by a train in the pre-dawn hours of Aug. 23, Madison unsuccessfully attempted to show a Saline Memorial Hospital ambulance driver an alternate route to the boys' bodies. Earlier, Madison had said sirens from the emergency vehicles brought him to the area that day.

Also testifying before the grand jury Friday were: Ronnie Goodwin, an inmate of the Jefferson County Jail; Mayflower resident Judy McKenzie, who is Goodwin's mother; Richard Sampley, an inmate of the Pula-

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ski County Jail; former Benton police detective Robert German; and State Police Investigator Barney Phillips.

Witnesses previously subpoenaed to appear July 13-15 will include Sgt. James Smyth and Lt. Bob Holladay, both of the Benton Police Department, and Pulaski County sheriff's deputy Kirk Lane, who is a former Benton police officer. German, Smyth, Holladay and Lane did not participate in the investigation and prosecutors have declined to say why the four have been subpoenaed.

State Medical Examiner Fahmy Malak's ruling in the deaths has been a focal point of the

investigation. Malak ruled Henry and Ives were in a deep, drug-induced sleep when they died. In his findings, he also said the boys had smoked a large amount of marijuana.

Forensic pathologist Joe Burton of Atlanta, Ga., who performed autopsies on the victims' exhumed bodies in April, did not concur with Malak's ruling. Prosecutors have said Burton discovered injuries inconsistent with those caused by the impact of the train and that he believes the teen-agers smoked only three or four marijuana cigarettes prior to their deaths.

A preliminary report issued by the jury May 25 says the deaths should be ruled a probable homicide.

Another witness in Grand Jury probe of deaths arrested on drug counts

BENTON (AP) — A second witness who testified before the Saline County Grand Jury investigating the deaths of two Bryant teen-agers was arrested on drug charges Tuesday.

Ken Cook of Little Rock was charged with three counts of delivery of a controlled substance, according to Special Deputy Prosecuting Attorney Dan Harmon.

Cook, 32, who testified Friday

before the Jury, was jailed at the Saline County Detention Facility in lieu of \$50,000 bond.

Harmon said the arrest warrant accused Cook of delivering an unspecified quantity of cocaine to Tommy Lee Madison, 41, of Alexander, between January and March.

Shortly after testifying before the Grand Jury, Madison was arrested Friday and charged with

eight counts of distributing cocaine. He remained in jail Tuesday on \$500,000 bond.

Authorities have not said there is a connection between the Grand Jury investigation and the drug charges.

The Grand Jury is investigating the deaths of Kevin Ives, 17, and Don Henry, 16. The boys were run over by a train early August 23 as they lay motionless on tracks at a

crossing near Alexander.

Dr. Fahmy Malak, the state medical examiner, ruled Henry and Ives were in a deep, marijuana-induced sleep when they died. Deputy Prosecuting Attorney Richard Garrett and the boys' parents challenged Malak's findings.

3rd probe witness jailed

By LYNDA HOLLENBECK
Courier Staff Writer

A third person who has testified before the Saline County Grand Jury has been arrested.

Saline County resident Richard G. Sampley, currently an inmate of the Pulaski County Jail, has been charged with aggravated robbery in connection with an Oct. 17, 1987, incident.

Sampley, 26, is accused of robbing Juanita Reeves at her home at Route 4, Benton, after following her to that location from the Baseline Road liquor store where she is employed, the warrant states.

Sampley will be held without bond. At the present time, he

remains jailed in Pulaski County on other charges.

Arrested previously was Ken Cook, 32, of 7719 Callahan, Little Rock, who was charged with three counts of delivery of a controlled substance. The deliveries occurred sometime between January and March, according to the arrest warrant.

The warrant states that Cook is accused of delivering an unspecified quantity of cocaine to Tommy Lee Madison, 41, of Alexander, who was charged Friday with eight counts of a delivery of a controlled substance.

Cook remains jailed at the Saline County Detention Facility on \$50,000 bond. Madison is

no longer incarcerated there, but information concerning his release or transfer was unavailable at press time. His bond was set at \$500,000.

The three arrests stem from the grand jury investigation probing the Aug. 23 deaths of Kevin Ives, 17, and Don Henry, 16. The jury's next scheduled sessions are July 13-15, at which time witnesses will include Sgt. James Smyth and Lt. Bob Holladay, both of the Benton Police Department, and Pulaski County sheriff's deputy Kirk Lane, a former Benton police officer.

Witnesses at the panel's last

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session were: Sampley; Madison; Cook; James Callaway, owner of Callaway Motors; Ronnie Goodwin, an inmate of the Jefferson County Jail; Mayflower resident Judy McKenzie, who is Goodwin's mother; former Benton police detective Robert German; and State Police Investigator Barney Phillips.

German, Smyth, Holladay and Lane did not participate in the investigation and prosecutors have not indicated why the four were subpoenaed.

When emergency officials arrived at the railroad tracks outside Alexander where the victims were struck by a train in the pre-dawn hours, Madison unsuccessfully attempted to show a Saline Memorial Hospital ambulance driver an alternate route to the boys' bodies.

Earlier, Madison said sirens from the emergency vehicles brought him to the area that day.

State Medical Examiner Fahmy Malak ruled Henry and Ives were in a deep, drug-induced sleep when they died. In his findings, Malak said the boys had smoked a large amount of marijuana.

Forensic pathologist Joe Burton of Atlanta, Ga., performed autopsies on the victims' exhumed bodies in April. Prosecutors have said Burton discovered injuries inconsistent with those caused by the impact of the train and that he believes the teen-agers smoked only three or four marijuana cigarettes prior to their deaths.

A preliminary report issued by the jury May 25 says the deaths should be ruled a probable homicide.

3rd person charged by grand jury

GAZETTE STAFF AND AP

BENTON — A third person who testified before a Saline County grand jury has been arrested.

Richard G. Sampley, an inmate of the Pulaski County Jail, has been charged with aggravated robbery in an Oct. 17, 1987, incident. Sampley, 26, is accused of robbing Juanita Reeves at her home near Benton after following her home from the liquor store where she is employed, the warrant said.

Sampley remains jailed in Pulaski County on other charges.

Sampley has been a witness before the grand jury that is investi-

gating the deaths of two teenagers on train tracks in August. Two other persons who have testified before the jury also have been arrested on other charges recently.

Special Prosecuting Attorney Dan Harmon said Thursday that the arrests don't have anything to do with the investigation of the youths' deaths, but that information about the other crimes did surface when the persons were questioned.

"Naturally anytime they (the grand jury) uncovers any kind of criminal activity during testimony they can't ignore it. It wouldn't be

logical," Harmon said.

The grand jury didn't issue indictments, but it did notify law enforcement officials.

Another witness, Ken Cook, 32, of Little Rock, was charged this week with three counts of delivery of a controlled substance. The deliveries occurred sometime between January and March, according to the arrest warrant.

Cook is accused of delivering an unspecified quantity of cocaine to Tommy Lee Madison, 41, of Alexander. Madison was charged Friday with eight counts of delivery of a controlled substance.