

# Prosecutors await final test results

By LEE BROCKWAY  
Courier Staff Writer

Prosecutors were expected to receive an update today on tests being conducted by an out-of-state pathologist as part of an investigation into the deaths of two Saline County youths.

Dr. Joe Burton, a forensic pathologist from Atlanta, Ga., met briefly with Deputy Prosecutor Richard Garrett and Special Deputy Prosecutor Dan Harmon Thursday night and informed them he has not completed all of the additional tests they requested last month. Garrett said Burton asked that they meet later today to review the tests he has completed.

Burton expects to finish tests on some of the boys' clothing and pieces of material found at the scene within two weeks, Garrett said.

A Saline County Grand Jury is investigating the deaths of 17-year-old Larry Kevin Ives and Don George Henry, 16, both of Bryant. Ives and Henry were last seen alive about 12:30 a.m. Aug. 23, 1987, by Henry's father, Curtis. At 4:25 a.m., the boys were struck by a Union Pacific freight train as they were lying motionless in identical positions on a railroad track near the Shobe Road crossing outside Alexander.

Ives and Henry never moved or indicated they knew the train was approaching, according to the crew. They said a green tarp was covering the boys from their waists to their ankles. Saline County sheriff's deputies contend the tarp was an "optical illusion," but one of the crew members said he saw the material after the incident.

THE BENTON COURIER, Friday Evening, July 22, 1988

Burton performed autopsies on the exhumed bodies in April and presented his findings to the grand jury on May 24. The next day, the grand jury issued a preliminary statement that the boys' deaths should be ruled a "probable homicide." That statement directly conflicts with an accidental ruling made days after the boys died by State Medical Examiner Fahmy Malak.

Malak attributed the deaths to the boys being unconscious as a result of smoking a large amount of marijuana. He reportedly estimated the level at 20 marijuana cigarettes each.

Although Burton's findings have not been made public, prosecutors have said the pathologist found evidence that Ives and Henry sustained injuries by

something other than the train and had only smoked three to four marijuana cigarettes prior to their deaths.

Garrett also announced today that the grand jury is expected to reconvene before Aug. 30. He said a date has not been selected, but the session will be designed to inform the panel of Burton's findings.

Prosecutors said last week the grand jury believes those connected to the "drug business" have information about Ives and Henry's deaths.

"When we get to the bottom of

these deaths, we believe they will be somehow drug-related," Harmon said. "That is the one consistent thing in all the testimony we have heard, even in the rumors. I just believe that people related to the drug trade know something about these deaths."

Since the grand jury convened April 28, five witnesses have been arrested — two on drug charges, two on aggravated robbery charges and one on commitment for past fines.

The boys' parents are Curtis and Marvelle Henry and Larry and Linda Ives.



# Grand jury on teens' train deaths to hear from more than 20

Democrat State Desk

BENTON — A Saline County grand jury will meet at 9 a.m. Wednesday to continue its investigation of the deaths of two teen-agers struck by a train Aug. 23, 1987.

More than 20 subpoenas were issued Friday afternoon, said special Deputy Prosecuting Attorney Dan Harmon of Benton. Most subpoenas were for police and FBI officials, he said, declining further com-

ment.

Deputy Prosecuting Attorney Richard Garrett of Benton announced the session plans Friday. The grand jury had earlier announced it would not meet again until Aug. 30. Garrett would not explain why the grand jury changed plans.

Garrett did say, however, that the session did not result from any new findings by Dr. Joe Burton. Burton is an Atlanta medical examiner who is

conducting tests on the boys' remains.

Larry Kevin Ives, 17, and Don George Henry, 16, were lying motionless on Union Pacific railroad tracks about 4:25 a.m. when they were struck. Originally ruled an accident by Dr. Fahmy Malak, state medical examiner, the deaths were ruled probable homicide by the grand jury.

Subpoenas were being issued Friday afternoon by the

Saline County circuit clerk's office. Names were not released, pending serving of the subpoenas. Burton will not testify, Garrett said.

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***'He will need at least another week to 10 days to complete the tests he is engaged in now.'***

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Garrett and Harmon met

with Burton for about an hour Thursday night, Garrett said. They also met with Burton on Friday, while Burton was in Arkansas to testify in a civil case.

"He will need at least another week to 10 days to complete the tests he is engaged in now," Garrett said. The tests involve the boys' clothing and materials found at the site, Garrett said.



## Train deaths mystery to be topic of TV show

A film crew for the television show "Unsolved Mysteries" will be in Arkansas until Tuesday shooting a segment on the mysterious deaths of two Bryant teen-agers.

The segment for the NBC series will be based on the Aug. 23, 1987, deaths of Larry Kevin Ives, 17, and Don George Henry, 16. The two Bryant High School seniors were hit by a train while lying motionless on railroad tracks about 4:25 a.m.

Chip Clements, field producer for the show, said the incident was picked because "it's an intriguing case."

"There's a lot of different theories," Clements said. "I don't think the evidence shows that these boys laid themselves down in identical positions and laid motionless until a train ran over them. I think that sounds pretty absurd."

Dr. Fahmy Malak, the state medical examiner, had ruled the boys were asleep on the tracks while under the influence of marijuana and said their deaths were accidental.

A grand jury ruled June 20 that the boys' deaths probably were homicide.

Clements said he learned of the case after reading a blurb in *USA Today*. A scout for the show was in Arkansas about three weeks ago determining if the incident would fit into the theme of the show, he said.

Filming for the program, which began Friday, mostly has been done at night to recreate the known events

leading to the boys' deaths, Clements said. The program will be aired in October.

He said the show would focus on a "mystery man" who shot at a Saline County police officer six days before the boys were killed, and who was spotted the day of their deaths in the area where the bodies were found.

Although all the people involved in the investigation have been placed under a gag order by the grand jury, Clements said law enforcement officials and the boys' relatives had been "very cooperative" with the filming.

"We're interested in helping solve this case, not trying to jeopardize it," Clements said.

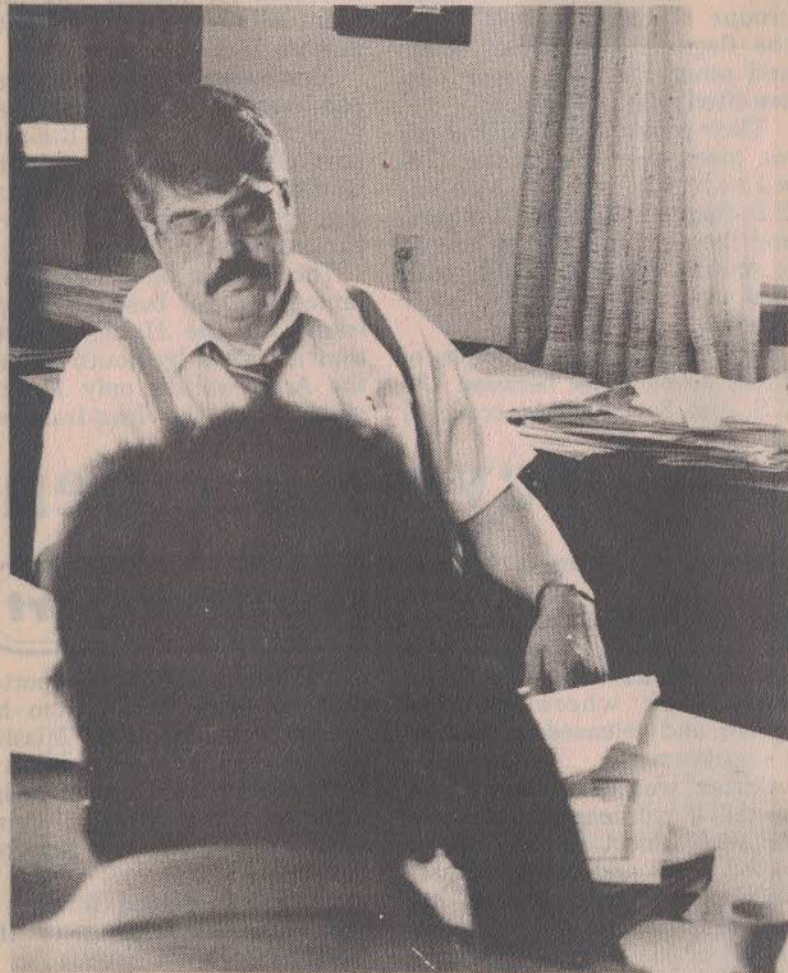
Kevin Ives' father, Larry Ives, said his family agreed to let "Unsolved Mysteries" do the show with the hope that it might "stir things up."

Ives said he thought the publicity the case had received has "helped keep the investigation going," and hoped the program might shed some light on the case.

Of the 24 cases that have been featured on the weekly program, eight have "gotten results," Clements said. "We have an audience of 20-30 million people — that's a vast resource."

"This mystery may not ever be solved," Ives said. "We're prepared to never find out what happened out there, but we're just as prepared to wait as long as it takes."





Courier photo by Elizabeth Otis

Deputy Prosecuting Attorney Richard Garrett of Benton gives an interview from his office on Saturday to the crew of the NBC television show "Unsolved Mysteries." The show is devoting a segment to the mystery surrounding the deaths of Don George Henry, 16, and Larry Kevin Ives, 17. The two Bryant High School seniors were hit by a train while lying motionless on railroad tracks about 4:25 a.m. on Aug. 23, 1987.

THE BENTON COURIER, Monday Evening, July 25, 1988

## Case to be featured on 'Unsolved Mysteries'

BENTON (AP) — The deaths last August of two Bryant teen-agers who were run over by a train may be featured on NBC-TV's "Unsolved Mysteries" program.

A crew from the show will be in the state until Tuesday shooting segments for possible use on the series in October, according to Chip Clements, field producer for the program.

The deaths of Larry Kevin Ives, 17, and Don George Henry, 16, are the subject of a Saline County grand jury investigation. The boys' parents have disagreed with the finding by Dr. Fahmy Malak, state medical examiner, that the boys were in a

deep, marijuana-induced sleep when struck by the train. The grand jury has said the deaths were probably homicide.

"It's an intriguing case," Clements said. Taping will focus on a "mystery man" who shot at a Saline County law officer six days before the boys were killed and who was spotted the day of their deaths in the area where their bodies were found.

According to Clements, the shows' audience of 20 million to 30 million people is a great resource from which officials involved in cases featured on the show can sometimes obtain results.



## Benton police officers to testify Wednesday

By LYNDA HOLLENBECK  
Courier Staff Writer

Benton Police Chief Rick Elmendorf and several local police officers will be testifying Wednesday before the Saline County Grand Jury investigating the deaths of two Bryant teen-agers.

In addition to Elmendorf, witnesses subpoenaed for Wednesday include Lt. Bob Holladay, Detective Sgt. James Smyth, Lt. Jim Berry, Officer Wayne Bean, Officer Glenn Perciful, Sgt. Dan Garner, Sgt. Roger Gaither and Reserve Officer Rick Holland, all of the Benton Police Department.

Also slated to testify is Curtis McCormack, the former police chief, who is now director of public safety.

Another witness will be Barbara Firtleaman, an inmate of Garland County Jail.

The grand jury is probing the Aug. 23 deaths of Kevin Ives,

17, and Don Henry, 16, who were struck by a Union Pacific train as they lay in identical positions on a railroad track near the Shobe Road crossing. Members of the train crew have stated they boys were partially covered with a green tarpaulin and showed no signs of awareness of the approaching train.

Dr. Fahmy Malak, state medical examiner, ruled the deaths accidental, but that ruling has been disputed by other medical experts, including Dr. Joe Burton, a forensic pathologist from Atlanta, Ga.

Burton performed autopsies on the exhumed bodies of the victims and reportedly found injuries inconsistent with those caused by the train. Details of his findings have not been made public, however.

After Burton testified at length before the grand jury, the

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## Jury

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16-member panel issued a report in which it stated the boys' deaths should be considered a "probable homicide."

Burton returned to the state last week to testify in an unrelated case in another city. While he was in Arkansas, Burton met briefly with Deputy Prosecutor Richard Garrett and Special Deputy Prosecutor Dan Harmon. The pathologist has not completed all tests of the victims' clothing and other mater-

ial found at the scene, but expects to have the results of those tests soon, Garrett said.

Prosecutors will not say why Benton police officers have been subpoenaed for testimony. That agency has never been involved in the investigation of the boys' deaths. Saline County Sheriff's Office conducted the initial investigation, but the State Police and FBI recently became involved at the request of the grand jury.

Numerous witnesses have been called to testify since the

jury began its deliberations April 27.

Garrett and Harmon believe the boys' deaths are related to drugs. Harmon said the "one consistent thing" coming out of testimony links the deaths to the "drug business" in Saline County.

Since the grand jury was impaneled, five witnesses have been arrested. Two of the arrests were for drug violations, two for aggravated robbery and one for commitment for past fines.



# Garland County inmate testifies

By LYNDA HOLLENBECK  
Courier Staff Writer

Barbara Firtleaman, an inmate of the Garland County Jail, appeared today before the Saline County Grand Jury investigating the deaths of two Bryant teen-agers.

Firtleaman was arrested Dec. 31, 1987, on a charge of criminal solicitation to commit capital murder. She is also being held on a detainer from the federal marshal's office for delivery of a controlled substance, according to a spokesman for the Garland County Sheriff's Office.

Firtleaman's testimony before the grand jury took less than 20 minutes. As she was leaving the courtroom, she declined to answer reporters' questions about her relationship to the investigation.

Benton Police Chief Rick Elmendorf was also a witness at the morning session. After testifying for approximately five minutes, he came out of the courtroom and returned shortly for less than a minute.

The third witness today was Tommy Lee Madison, the Alexander resident who recently pleaded guilty to one count of delivery of a controlled substance — cocaine — in exchange for a 30-year prison sentence. Madison, who has testified two

## Probe

*Continued from page 1*

other times, had been charged with eight counts of delivery of a controlled substance.

His testimony today was also brief.

The final witness before the jury took a lunch break was Benton Police Detective Sgt. James Smyth, who testified for approximately 25 minutes. He also was called back into the courtroom a second time but came out in less than a minute.

Several FBI agents had been subpoenaed to appear before the panel today, but they left after conferring with Special Deputy Prosecutor Dan Harmon. One of the agents said they would not be presenting testimony today.

Other witnesses scheduled today are: Lt. Jim Berry, Sgt. Dan Garner, Officer Glenn Perciful, Sgt. Roger Gaither and Reserve Officer Rick Holland, all of the Benton Police Department; and Curtis McCormack, the former Benton police chief, who is now director of public safety.

Subpoenas had also been issued for Benton Police Lt. Bob Holladay and Officer Wayne Bean. However, Holladay is out of state on a vacation and Bean is attending National Guard

camp, according to Elmendorf.

The grand jury is probing the Aug. 23 deaths of Kevin Ives, 17, and Don Henry, 16, who were struck by a Union Pacific train at 4:25 a.m. as they lay in identical positions on a railroad track near the Shobe Road crossing.

Dr. Fahmy Malak, state medical examiner, ruled the deaths accidental, but that ruling was questioned by the boys' families and has been disputed by several medical experts, including Dr. Joe Burton, a forensic pathologist from Atlanta, Ga.

Burton performed autopsies on the exhumed bodies of the victims and reportedly found injuries inconsistent with those caused by the train. Details of his findings have not been made public.

After Burton presented lengthy testimony before the grand jury, the panel issued a report in which it stated the boys' deaths should be considered a "probable homicide."

Burton was to perform various tests on the victims' clothing and other fabric found at the scene, but those tests had not been completed last week when he returned to the state to testify in an unrelated case in another city.

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# Show on dead teens may shake 'something loose'

BY BECKI MOORE  
Democrat Media Writer

The field producer of NBC's "Unsolved Mysteries" said he "hopes to shake something loose in the case" of two Bryant teen-agers whose bodies were found on the Union Pacific tracks nearly a year ago.

Chip Clements on Monday wrapped up five days of filming a segment for the show on the case of Don Henry, 16, and Kevin Ives, 17, who were run over by a train as they lay motionless across the tracks near Bryant Aug. 23, 1987.

Clements said he hopes the show produces some results. "Otherwise," he said in a telephone interview before heading back to Los Angeles, "there would be no point in doing it."

"Eight cases have been solved and nine fugitives were brought to justice" since "Unsolved Mysteries" began last year as a limited series of specials, said Stewart Schwartz, coordinating producer of "Unsolved Mysteries."

Beginning in October, the show will run as a regular weekly series of 60-minute programs, hosted by actor Robert

## Murder-solicitation suspect set to testify

Democrat State Desk

BENTON — A defendant in a solicitation-to-commit-murder case and eight Benton law enforcement personnel are among those slated to testify today to a Saline County grand jury investigating the deaths of two youths.

The grand jury is investigating the deaths of Larry Kevin Ives, 17, and Don George Henry, 16. The two were struck by a Union Pacific train about 4:25 a.m. Aug. 23, 1987, while lying motionless on railroad tracks near Alexander.

Dr. Fahmy Malak, state medical examiner, ruled shortly after the deaths that the boys were in a deep marijuana-induced sleep when they were hit. The grand jury,

however, has ruled the deaths probable homicide.

Barbara Firtleaman, 50, of Bismarck (Hot Spring County), one of those subpoenaed, goes to trial Aug. 2 in Garland County Circuit Court. She is charged with criminal solicitation to commit capital murder.

Between Oct. 21 and Dec. 4, 1987, Ms. Firtleaman allegedly tried to arrange the death of her son-in-law, Charles Samuel Smith of Clark County, Prosecuting Attorney Carl Crow Jr. of Hot Springs said. She was arrested Dec. 31, 1987. She is also accused of delivery of a controlled substance in McAllen, Texas, Crow said.

Dan Harmon of Benton, special deputy prosecuting at-

torney in the grand jury investigation, would not comment on why Ms. Firtleaman was subpoenaed. He also did not comment on why Benton police were being subpoenaed. He did say that the grand jury will probably meet again before Aug. 30, when it is next meeting is scheduled.

Ms. Firtleaman is in the Garland County Jail.

Other subpoenas served by Tuesday afternoon were for Curtis McCormack, Benton public safety director and former police chief; Benton Police Chief Rick Elmendorf; Benton Police Lt. Jim Berry; Sgt. James Smyth; officers Glenn Perciful, Dan Garner and Roger Gaither; and reserve officer Rick Holland.

sense who is quick to point out that there are facts and there are rumors concerning the case and never let us stray from that," he said.

A last-minute problem with Union Pacific officials in Omaha, Neb., kept the crew from filming a segment which would have shown the sequence of events as seen by crewmen on the train as it approached the bodies the night the two teen-agers died.

Clements said the problem was strictly one of negotiations and time. The film crew asked for a train for 10 hours, expecting Union Pacific to negotiate for less time, but the railroad refused altogether.

The train segment may be shot in Fayetteville if time allows, but Clements felt most likely a California location would be more accessible.

Clements and his crew had nothing but compliments for the Bryant Police Department and Bryant city officials. "My crew was favorably impressed with everyone we met in Arkansas," he said.

Stack, at 7 p.m. Wednesdays. An air date for the program that includes the Bryant story has not been set.

Clements, who lives in Los Angeles, said he alerted pro-

ducers about the Henry-Ives incident after seeing a "very small news story" in *USA Today* that "just stuck with him."

"It made me curious," he ex-

plained. "I felt it would make a very interesting story."

Clements said he has a lot of respect for Curtis Henry, father of one of the boys. "He is a brave man with good common



## Investigation attracts TV show crew to area

By ELIZABETH OTTS  
Courier Staff Writer

The circumstances surrounding the deaths of Don George Henry, 16, and Larry Kevin Ives, 17, has been a mystery since the two Bryant High School seniors were run over by a Union-Pacific train on Aug. 23, 1987.

Authorities' attempts to unravel the tangle of events in this case have attracted the attention of the nation as a whole, not just the immediate community. The NBC television show "Unsolved Mysteries" has also been caught up in the mystery.

A crew from the show was in Saline County July 22-26 to interview residents and film footage of the people and places involved in the case. The show is scheduled for airing this fall.

The show's field producer, Chip Clemments, said he learned of the case after reading a short article in *USA Today*. A scout for the show was in Arkansas about three weeks ago determining if the incident would fit into the theme of the show, he said.

Clemments said the incident was picked for the show because "it's an intriguing mystery ... there are several interesting possibilities (as to the outcome of the case) ... it's a story with a real question as to what happened to these two."

"There's a lot of different theories," Clemments said. "I don't think the evidence shows that these boys laid themselves down in identical positions and laid motionless until a train ran over them. I think that sounds pretty absurd."

Filming for the program was mostly done at night to recreate the known events before the boy's deaths, Clemments said.

A session was taped Saturday with Deputy Prosecuting Attorney Richard Garrett at his office on Military Road in Benton. A local script reader was there, Shirley Coppock of Tull, to help the crew for the day. The actual interview was closed, but it was an unrehearsed "off-the-cuff" discussion of case information, Clemments said.

Saturday night taping focused

See MYSTERY, page 2

Dottie Polsgrove, a Bryant High School physical science teacher who taught Don Henry and Kevin Ives, prepares for an interview during taping of an episode of "Unsolved Mysteries" which is focusing on the teen-agers deaths.



Courier photo by Elizabeth Otts

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# Mystery

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on police reports of a "mystery man" in green coveralls who shot at Bryant Police Officer Danny Allen six days before the boys died and who was spotted the day before their deaths in the area where their bodies were found. Interviews were done with Allen and Bryant Police Chief James Hipps.

A scene was to be shot using a Union-Pacific engine, but the railroad did not wish to be involved with the project. Clemments said the scene would be shot in another location, possibly in Los Angeles where the production company, Cosgrove-Meurer Productions Inc., is based.

Sunday filming was done on Geyer Springs Road in Little Rock where the boys were seen on the night of their death. Two Little Rock actors were hired to play the parts of the boys.

The parents of both boys were also interviewed at their homes and the Ives allowed their son's car to be used in the filming.

On Monday, three friends and a teacher of the boys were interviewed at Bryant High School

by Director Michael Scott.

Dottie Polsgrove, a physical science teacher, was interviewed first. The friends, Phillip Pike, a senior at Little Rock Christian, and David Russell and John Holland, both juniors at Bryant High School, were interviewed as a group.

According to Clemments, the show's audience of 20 million to 30 million people is a great resource from which officials involved in cases featured on the show can sometimes obtain results.

Of the 24 cases that have been featured on the weekly program, eight have "gotten results," Clemments said.

The deaths of Ives and Henry are the subject of a Saline County grand jury investigation. The boys' parents have disagreed with the finding by Dr. Fahmy Malak, state medical examiner, that the boys were in a deep, marijuana-induced sleep when struck by the train and that their deaths were accidental.

The grand jury ruled on June 20 that the deaths were probable homicide. Although the grand jury has placed the people involved under a gag order,

Clemments said relatives and law enforcement officers have been very cooperative in the filming.

Clemments said he was "not here to discover new evidence, just to state the story as it is in the press." He said he doesn't want "to jeopardize" the case.

He said the following people were especially helpful to him: Bryant Chief of Police James Hipps, Bryant Police Officer Danny Allen, Bryant Mayor Dean Boswell, Bryant High School Principal Danny Spandoni and Don Henry's father, Curtis Henry, who Clemments described as being "like a member of the crew."

Kevin Ives' father, Larry Ives, said his family agreed to the show with the hope that it might "stir things up."

Ives said the publicity the case had received has "helped keep the investigation going," and hoped the program might shed some light on the case.

"This mystery may not ever be solved...We're prepared to never find out what happened out there, but we're just as prepared to wait as long as it takes," Ives said.

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# Media may see pathologist's videotape on teens' deaths

BY DOUG THOMPSON  
Democrat Benton Bureau

BENTON — A Saline County grand jury, investigating the deaths of two teen-agers struck by a train last summer, announced Wednesday it will view a pathologist's videotaped report Aug. 8, and a portion of that tape may be shown to news media.

The grand jury is investigating the deaths of Larry Kevin Ives, 17, and Don George Henry, 16, who were struck as they lay motionless on Union Pacific railroad tracks near

Alexander about 4:25 a.m. Aug. 23, 1987.

The grand jury entered its fourth month of the investigation Wednesday, questioning Benton police officers and a Hot Spring County woman, who is charged with trying to hire someone to kill her son-in-law.

Dr. Fahmy Malak, state medical examiner, ruled shortly after the teen-agers' deaths that the youths were in a marijuana-induced sleep when they were struck by the train. He said the deaths were

accidental. The grand jury, which began its investigation April 27, has since declared the deaths probable homicides.

Grand jury witnesses and prosecutors are under a gag order that forbids comment to the media.

The grand jury's announcement on the possible release of part of Dr. Joe Burton's videotaped testimony came from Dan Harmon, special deputy prosecuting attorney.

Burton, the Atlanta, Ga., medical examiner, has testi-

fied previously on the deaths.

Harmon, in reading from a prepared statement, said the grand jury did not approve of release of information to NBC's "Unsolved Mysteries" television program. Producers of the show are considering making an episode based on the teens' deaths.

"Airing the program would not be of any benefit," Harmon read.

The grand jury has "compiled a list of specific areas" for the Arkansas State Police to investigate, Harmon said.

He did not elaborate.

Eight current and former members of the Benton Police Department testified before the grand jury. They include Chief Rick Elmendorf and former Chief Curtis McCormack, now the city public safety director.

Harmon would not reveal why the officers were questioned. FBI agents were also subpoenaed but didn't testify after a conference with Harmon.

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## Inquiry

• Continued from Arkansas Page

Barbara Firtleaman, 50, of Bismarck (Hot Spring County) was subpoenaed. Ms. Firtleaman goes to trial Aug. 2 in Garland County Circuit Court. She is charged with criminal solicitation to commit capital murder.

Between Oct. 21 and Dec. 4, 1987, Ms. Firtleaman allegedly tried to arrange the death of her son-in-law, Charles Samuel Smith of Clark County. She was arrested Dec. 31, 1987. She is also accused of delivery of a controlled substance in McAllen, Texas, according to Prosecuting Attorney Carl Crow Jr. of Hot Springs.

Harmon would not comment on why Ms. Firtleaman was subpoenaed. Ms. Firtleaman is in the Garland County Jail. Saline County sheriff's deputies brought her to the grand jury Wednesday morning.

Tommy Lee Madison of Alexander testified for a third time Wednesday. Madison has pleaded guilty to cocaine trafficking charges, which were filed from information gathered in the murder investigation. Madison was reportedly at the scene the night the boys died.



# Harmon: Grand jury has 'lots of suspects' in case

By LYNDA HOLLENBECK  
Courier Staff Writer

The Saline County Grand Jury investigating the deaths of two Bryant teen-agers has "lots of suspects," but no specific one, according to Special Deputy Prosecutor Dan Harmon.

Harmon also released a statement Wednesday in which the grand jury said it would "not approve the release of any information to the 'Unsolved Mysteries' people and does not feel the airing of the program will be of any benefit to the investigation."

Representatives of "Unsolved Mysteries," a television program, were recently in the local area to video-tape conversations with families of the victims and others who were acquainted with Kevin Ives, 17, and Don Henry, 16. A segment of the program, tentatively scheduled for early October, will focus on the Aug. 23 deaths of the boys.

Ives and Henry were struck by a Union Pacific train at 4:25 a.m. as they lay motionless in identical positions on a railroad track near the Shobe Road crossing. Members of the train crew have stated they were partially covered with a green tarpaulin and showed no signs of awareness of the approaching train.

State Medical Examiner Fahmy Malak ruled the deaths accidental, but the grand jury considers the cause of their deaths to be "probable homicide."

In making his statement Wednesday, Harmon said the grand jury has "completed a list of specific areas to be investigated by the State Police" before its next session. The panel plans to reconvene at 9 a.m. Aug. 8.

Testifying before the jury Wednesday were Benton Police Chief Rick Elmendorf, several police officers, a former detective and the former chief, Curtis McCormack, who is now director of public safety.

Harmon would not shed any light on the police department's link to the investigation. That agency was never involved in the investigation since the youths died outside the Benton city limits. Saline County Sheriff's Office conducted the initial probe and was joined by the State Police and the FBI at the request of the grand jury.

In addition to Elmendorf and McCormack, police department personnel testifying Wednesday were Sgt. James Smyth, Sgt. Dan Garner, Sgt. Roger Gaither, Lt. Jim Berry, Reserve Officer Rick Holland, Officer Glen Perciful, and Gail Burkes, secretary of the Criminal Investigation Division. Also testifying was Frank Snodgrass, a former detective, who now works for the U.S. Postal Service.

Additional subpoenas had been issued for Benton Police Lt. Bob Holladay and Officer Wayne Bean. However, Holladay is out of state on a vacation and Bean is attending National Guard camp, Elmendorf said.

Another witness Wednesday was Tommy Lee Madison, the Alexander resident who recently pleaded guilty to one count of delivery of a controlled substance — cocaine — in exchange for a 30-year prison sentence. Madison, who has testified two other times, had been charged with eight counts of delivery of a controlled substance.

Barbara Firtleaman, an inmate of the Garland County Jail, also testified Wednesday. Firtleaman was arrested Dec. 31, 1987, on a charge of criminal solicitation to commit capital murder, and is also being held on a detainer from the federal marshal's office for delivery of a controlled substance, according to a spokesman for the Garland County Sheriff's Office.

Harmon would not say why Firtleaman was called to testify.

Several FBI agents had also been subpoenaed to appear before the panel Wednesday, but left the courthouse after conferring with Harmon.

Dr. Joe Burton, an Atlanta forensic pathologist who performed autopsies of the exhumed bodies of the victims, reportedly discovered injuries inconsistent with those caused by the impact of the train. Harmon said Burton plans to make a video tape concerning his findings for the grand jury before it meets again on Aug. 8. That tape will be released to the public, Harmon said.

Both Harmon and Deputy Prosecutor Richard Garrett have said they believe the boys' deaths are related to the "drug business" in Saline County.

Since the grand jury was impaneled April 27, five witnesses have been arrested. Two of the arrests were for drug violations, two for aggravated robbery and one for commitment for past fines.



## Woman gives testimony to grand jury

BENTON — A defendant in a solicitation-to-commit-murder case testified Wednesday before a Saline County Grand Jury that is investigating the deaths of two Bryant youths.

Barbara Firtleaman, 50, of Bismarck (Hot Spring County) testified for about 15 minutes. She is being held in the Garland County Jail.

Firtleaman was arrested Dec. 31 after she allegedly tried to arrange to have her son-in-law, Charles Samuel Smith of Clark County, killed. Special Prosecuting Attorney Dan Harmon would not say why Firtleaman was subpoenaed.

In addition to Firtleaman, eight Benton law enforcement officials testified Wednesday.

FBI official Bill Baugh met briefly with Harmon during a recess, but did not testify.

Wednesday's session marked three months of sporadic grand jury meetings. What started out as an investigation to find out how

Don Henry, 16, and Kevin Ives, 17, died last summer has perhaps evolved into a drug investigation.

Harmon has said that the jury thinks the deaths are "somehow drug-related." Several convicted drug felons have testified before the jury. Tommy Lee Madison, now serving 30 years in prison on a cocaine charge, testified for the fourth time Wednesday.

The Benton Police officers who testified were: Curtis McCormack, Benton public safety director and former police chief; Rick Elmen-dorf, police chief; Lt. Jim Berry; Sgt. James Smyth; officers Glenn Perciful, Dan Garner and Roger Gathier, and reserve officer Rick Holland.

Harmon said the jury will meet again August 8.



## Sampley receives 12-year sentence

Richard Glenn Sampley, 25, of Willow Street, Alexander, has received a 12-year prison sentence for the June 28, 1987, robbery of a convenience store in Little Rock.

Sampley, who is also charged with aggravated robbery in connection with a Saline County incident, was sentenced Tuesday by Pulaski Circuit Judge John Langston. He was convicted of the charge July 11, but sentencing had been delayed.

Sampley drove a stolen car to the 7-Eleven store at Rodney Parham Road and Green Mountain Drive, beat a clerk over the head, took money, drove to Saline County and burned the car, according to the report of the incident.

After testifying before the Saline County Grand Jury investigating the deaths of two Bryant teen-agers, Sampley was charged with the Oct. 17, 1987, robbery of Juanita Reeves at her

home at Route 4, Benton. He and James Callaway, 35, of Bryant are accused of robbing Reeves after following her home from a Baseline Road liquor store where she is employed.

Sampley, Callaway and three other witnesses have been arrested since the 16-member panel began probing the deaths of Kevin Ives, 17, and Don Henry, 16. The boys were struck by a Union-Pacific train at 4:25 a.m. Aug. 23 as they lay motionless on a railroad track near the Shobe Road crossing.

Ken Cook, 32, of Little Rock, and Tommy Lee Madison, 43, of Alexander have been charged with delivery of cocaine. Madison, who had faced eight charges, recently pleaded guilty to one count in exchange for a 30-year prison sentence.

Also arrested after testifying was Eugene Coney, 24, of Route 1, Alexander, who is charged with failure to pay past fines.

## Shots fired at truck, crewman

Five shots were fired at a Woodland Hills Fire Department truck as firefighters were responding to a woods fire near South Alexander Road.

The incident occurred about 10:30 p.m. Tuesday, according to a report from the Saline County Sheriff's Office.

A shot was also fired at a firefighter who was riding a motorcycle to the fire. The name of the fireman, who was not injured, was not noted in the report.

Deputies Burkie Hollenberger and Bud McNeil and Bryant Officers Danny Allen and Ron Daniels searched the area, but no suspect was located.



## Robber sentenced

Drove stolen car to store, beat clerk over the head, took money, burned car

By George Bentley  
GAZETTE STAFF

Richard Glenn Sampley, 25, of Benton was sentenced Tuesday to 12 years for the June 28, 1987, robbery of the 7-Eleven store at Rodney Parham Road and Green Mountain Drive.

Circuit Judge John Langston had convicted Sampley July 11 but delayed sentencing to receive a pre-sentence report. The report said Sampley drove a stolen

car to the store, beat the clerk over the head, took money, drove back to Benton and burned the car.

Sampley, also charged with aggravated robbery in Saline Circuit Court, was subpoenaed last month by the Saline grand jury investigating the deaths of two teen-agers whose bodies were found on a railroad track. The nature of his testimony was not disclosed.

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### CIRCUIT COURT ROUNDUP

### ARKANSAS DEMOCRAT

## Witness in Bryant case sentenced for robbery

Richard Glenn Sampley of Benton, who testified before a Saline County grand jury investigating two Bryant teen-agers' deaths, was sentenced Tuesday to 12 years in prison for a 1987 Little Rock convenience store robbery.

Pulaski County Circuit Judge John Langston found Sampley, 25, guilty July 11 in a non-jury trial.

Police said Sampley robbed the 7-Eleven store at Green Mountain Drive and Rodney Parham Road on June 28, 1987, after driving to the establishment from Saline County in a stolen car he later burned.

## Two officers at Benton suspended

GAZETTE BENTON BUREAU

BENTON — A Benton police lieutenant has been suspended with pay and a detective reassigned as the result of an internal investigation.

Police Chief Rick Elmendorf said Tuesday that Lt. Bob Holladay was suspended Monday. The detective, Sgt. James Smyth, was "temporarily" transferred July 25 to the department's records and training division, Elmendorf said.

"It's strictly an administrative action," Elmendorf said. "It's not intended to be disciplinary."

The chief declined to elaborate on the scope of the investigation, which he said began about a month ago. Elmendorf said he and the State Police are conducting the investigation.

"At this time I felt it was proper Lieutenant Holladay be suspended with pay until the investigation is completed," Elmendorf said.

No action has been taken or is anticipated regarding any other officer, Elmendorf said.



THE BENTON COURIER, Friday Evening, August 5, 1988-

## Grand jury session canceled

The Saline County Grand Jury investigating the deaths of two Bryant teen-agers will not meet Monday as scheduled.

That session, announced at the panel's last session on July 27, has been canceled. The reason for the cancellation has not been announced.

Efforts to reach Special Deputy Prosecutor Dan Harmon or

Deputy Prosecuting Attorney Richard Garrett were not successful.

The jury is probing the Aug. 23 deaths of Kevin Ives, 17, and Don Henry, 16, who were struck by a Union-Pacific train as they lay on a railroad track near the Shobe Road crossing. Members of the train crew said the youths were partially covered with a green tarpaulin and that neither moved or showed any signs of the approaching train.

The state medical examiner's accidental ruling was disputed by the victims' families and other medical experts, and Dr. Joe Burton, a forensic pathologist from Atlanta, Ga., reportedly discovered injuries that were inconsistent with those caused by the train. After Burton testified before the grand jury, the panel issued a report stating the deaths should be investigated as a probable homicide.