

Steed's decision questioned

Editor,

I am a Saline County resident and I'm very opposed to Sheriff Steed's decision to be so contrary toward the murder investigation of Don Henry and Kevin Ives.

It has now been proven beyond doubt that a genuine homicide has happened. In Sheriff Steed's statement saying that it is only Dr. Malak's opinion against Dr. Burton's opinion and that both are experts, Mr. Steed must have forgotten that Dr. Burton had another top-rated expert, Dr. Anderson, working alongside him in determining his discovery.

Almost all the other experts in the U.S. vastly disagree with Dr. Malak's bizarre autopsy analysis and the only ones who didn't weren't asked. Almost the entire town of Benton disagrees with Dr. Malak on the basis of common sense. So if Sheriff Steed still believes Dr. Malak is possibly, even the least little bit right, then I sure have my doubts about him.

In my letter, I'm referring to the deaths of Don Henry and Kevin Ives as a murder and he can call it an accident, or suicide or whatever when he speaks of it.

To get on with my case about the murder, I question Sheriff Steed's statement about the money belonging to 53,000 people and he isn't sure if we all want our money spent on such matters. Now if two young schoolboys from our town have been taken into the woods and beaten, tortured and no telling what else before being hideously destroyed, then why would we not want to insure that the killer or killers are tracked down and caught to make sure that such a horrible thing does not happen again?

This murder is just as important, or perhaps even more, than anything Sheriff Steed may have had that money planned or reserved for. And this murder investigation is certainly going to nail a bunch of drug dealers for Sheriff Steed to catch.

So why is Sheriff Steed being so contrary toward this murder investigation? It has many people wondering if the sheriff's department may have something to do with this since they are reacting so odd toward it. It conjures up images of a particular movie made in this very town, in 1972, called "White Lightning."

In the beginning it started off with the town's policemen and sheriff taking two young boys that were caught bootlegging out in a canoe with their hands tied behind their backs. When they all reach the middle of the lake, then the sheriff shot holes in the canoe to cause the helpless boys to drown.

Sheriff Steed needs to let that money flow the right way and that is into the murder investigation that needs money anywhere it can get if. If he doesn't and continues to be so contrary toward the murder investigation, then I'm all for starting a campaign to oust both Sheriff Steed and Dr. Malak. Anyone who wishes to join my campaign, step forward and speak up.

Gary McLehane

THE BENTON COURIER, Friday Evening, September 16, 1988

Sheriff's priorities skewed

Editor,

It appears to me that if Sheriff Steed had done his job the night that Kevin Ives and Don Henry were murdered, he might have saved both the county and the boys' families a lot of money — not to mention mental anguish.

He must have forgotten that while he is busy hoarding "his" drug money for other purposes, there are murderers running loose.

I hope the good people of Saline County are tired of the games being played at their expense and will examine their high sheriff's attitude and priorities come Nov. 8. My only regret is that I do not live in Saline County and cannot enjoy the privilege of voting against him.

Name withheld

Another witness for grand jury faces drug rap

By LYNDA HOLLENBECK
Courier Staff Writer

Another person who has testified before the Saline County Grand Jury probing the 1987 deaths of two Bryant teen-agers has been arrested.

Marilyn Peters, 26, of 400 Vine St., Alexander, was charged Friday with six counts of delivery of a controlled substance. She is accused of distributing cocaine from January through March to another person who has not been charged, according to Special Deputy Prosecutor Dan Harmon.

Peters is the sixth grand jury witness to be arrested and the third whose charges are drug-related. She is incarcerated at the Garland County Jail, with bond set at \$100,000.

Earlier arrests involved: Tommy Lee Madison, 41, of Alexander, who was charged with eight counts of distributing a controlled substance — cocaine; Ken Cook, 32, of 7719 Callahan, Little Rock, three counts of delivery of a controlled substance — cocaine; Richard G. Sampley, 26, of Route 4, Alexander, aggravated robbery; James Callaway, 35, of Bryant, aggravated robbery; and Eugene Coney, 24, of Route 1, Alexander, commitment of past fines.

Madison pleaded guilty to one charge in a plea-bargaining agreement and was sentenced to 30 years in prison.

The grand jury was scheduled to meet at 2 p.m. today in an "organizational meeting," Depu-

ty Prosecutor Richard Garrett said.

"We will present some more evidence to them and see what they want to do," Garrett said.

Another session will probably be held this week, he added.

The grand jury is investigating the Aug. 23, 1987, deaths of Don Henry, 16, and Kevin Ives, 17, who were struck by a Union Pacific train as they lay motionless on a railroad crossing near Alexander. Members of the train crew testified that the boys were partially covered by a green tarpaulin and said neither showed any sign of awareness of the approaching freight train.

The deaths were ruled accidental by the state medical examiner's office, but the grand jury has classified the deaths as "definitely homicide."

That opinion was issued in a report that followed studies done of computer-enhanced photographs of the victims' injuries. Those photos were made by Dr. Fahmy Malak when he performed the original autopsies, but the computer enhancement came about through the efforts of Dr. Joe Burton, an Atlanta pathologist, who is assisting the grand jury in the probe. Burton performed second autopsies after the boys' bodies were exhumed.

Burton's findings indicate that Henry had been stabbed and that Ives had sustained a facial "pattern wound." The type of wound on Ives has not been made public.

Pathology report says 1 of Bryant teen-agers possibly struck by rifle

ASSOCIATED PRESS

One of two Bryant teen-agers found dead on a railroad track in Saline County may have been struck with the rifle they had taken for hunting, an Atlanta pathologist's final report says.

The Saline County grand jury Monday released a videotaped final report on an independent autopsy by Dr. Joe Burton, an Atlanta pathologist, concluding that Kevin Ives, 17, and Don Henry, 16, were murdered.

The boys' bodies were found Aug. 23, 1987, at a railroad crossing near Alexander. They were run over by a train.

The 16-member grand jury previously ruled that the deaths were homicides, based on preliminary results from Burton's autopsy.

Hit with rifle butt

In Burton's final report, taped Thursday at Atlanta, the pathologist contends that Ives was struck in the face with the butt of a gun, possibly the weapon the boys were using for night-hunting before their deaths.

Earlier, Burton reported finding a stab wound in Henry's back and a wound on Ives' cheek but had not speculated on the cause of the wounds.

"The rifle butt to the rifle that was found near the bodies of Don Henry and Larry Ives is shaped

almost exactly like his injury on the face," said Burton, who was accompanied on the videotape by the assistant medical examiner of Naples, Fla.

Criticizes Malak findings

The Florida physician, William Anderson, criticized the initial findings of Dr. Fahmy Malak, the Arkansas state medical examiner, who ruled the boys' deaths accidental. Malak said the boys had smoked several marijuana cigarettes and fell asleep on the tracks.

"Unfortunately, when the autopsy was performed these various wounds were not sampled sufficiently to allow us to be certain that there is a difference in the age of the wounds," Anderson said.

"Some of them certainly were present as a result of the train impact. Our major question is, were there other wounds on these bodies that were present earlier?"

The grand jury, meeting Monday for the first time in a month, indicated that it had received nearly 200 tips since the case was dramatized Thursday on NBC television's "Unsolved Mysteries" program. Similar teen deaths have been reported in New Jersey, Texas, North Carolina, Missouri and Delaware.

The panel is to meet again Friday.

editorial

opinion

Sheriff's race

At the general election polls three weeks from today, voters will choose the nation's new president and vice president. The most discussed political contest in Saline County, however, is a local one — and the name of one of the three candidates won't even appear on the ballot. Lewis Biggs has qualified as a write-in candidate.

Saline County Sheriff James Steed is seeking his sixth consecutive term in office. In 1986 he walked away an easy winner with 82 percent of the vote in a three-man contest. In the Democratic primary on March 8 this year, he again won the nomination in a three-man race, but this time with only a 56 percent majority.

Biggs, who has worked for the Cammack Village Police Department and Pulaski County Sheriff's Office and served as Alexander police chief, ran a distant third in the 1988 Saline County Democratic primary with 9 percent of the vote. He later made the decision to run as a write-in candidate.

Steed served the county well for many years. His sharp drop in popularity on Super Tuesday appeared to be directly related to criticism of his office's investigation into a tragedy that occurred in August 1987. Two Bryant teen-agers were struck by a Union Pacific train at the Shobe Road crossing near Alexander.

The initial reports were that the deaths were accidental, but after the teens' parents and others raised questions about the initial investigation and the ruling by the state medical examiner, a grand jury was convened to study the deaths. Jurors decided the deaths were "definitely homicide." Deputy Prosecutor Richard Garrett and Special Prosecutor Dan Harmon believe the deaths were drug-related.

Steed was scheduled to face Republican Bill Turpin on Nov. 8, but after Turpin dropped out of the race, the local Republican Party handpicked a former Saline County deputy, Larry Davis, as its candidate.

For the first time in a decade, the office of sheriff appears to be up for grabs. Steed is obviously the most experienced of the three. If re-elected, he will be the first Saline County sheriff to serve six consecutive terms in this century.

But if Steed wins Nov. 8, we doubt the victory will be overwhelming as has been his custom in previous elections.

We expect a lot of noise from all three candidates in the next three weeks. The sheriff's race has become the most heated race of all and definitely the one to watch.

JS

Pathologists cite foul play in case

By LYNDA HOLLENBECK
Courier Staff Writer

Out-of-state pathologists assisting a Saline County Grand Jury in a probe of the deaths of two Bryant teen-agers have ruled that foul play was definitely involved in the boys' deaths.

On Monday the grand jury viewed a videotaped presentation from Dr. Joe Burton of Atlanta and Dr. William Anderson.

Burton, chief medical examiner for North Metropolitan Atlanta and DeKalb County, Georgia, performed autopsies on the exhumed bodies of the 16-year-old Don Henry and 17-year-old Kevin Ives and has been conducting subsequent tissue and clothing tests at the request of the grand jury, Deputy Prosecutor Richard Garrett and Special Deputy Prosecutor Dan Harmon.

Anderson is deputy chief medical examiner for Naples, Fla. Previously, he worked as a medical examiner in the Atlanta area and serves as a consultant for Burton on many "complicated cases," Burton said in the taped statement.

Burton said two additional tests will be done and he expects results of those in 10-14 days. However, those results will not affect his or Anderson's opinions about the manner of death for the boys, Burton said. He did not specify the nature of the tests, but said he believes they are important to the case.

The tests will be done on the boys' clothing, Harmon said today, but he would not reveal their specific nature.

Burton said he has consulted with forensic experts and several other pathologists in two offices and noted that no one looking at the case believes the

boys could have died in any way other than through foul play.

Burton said he and Anderson have studied the case for "hours on end, days on end, weeks and months on end" and even attempted to play the role of "devil's advocate" in examining the evidence. Nothing leads Burton to believe the boys died accidentally, he said.

Two days after the boys died, Saline County investigators stated the boys' deaths were the result of an accident, but results of autopsies had not been received at that time. When state medical examiner Fahmy Malak issued an accidental death ruling for Ives and Henry in September 1987, he said the boys had smoked approximately 20 marijuana cigarettes.

Malak contended the marijuana resulted in a loss of consciousness that prevented either boy from responding to the Union Pacific freight train that passed over them as they lay motionless on a track near Alexander.

In the taped statement, Anderson disputed Malak's ruling by saying neither boy had enough marijuana in his system to prevent him from responding to the train.

"I think it's very unusual for two people to be laying so perfectly still on a railroad track unless they are under heavy influence of heavy, narcotic-type medication or drugs," Anderson said.

"The levels that we find of the marijuana are not sufficient to have caused this degree of impairment that they would not even hear a train whistle," Anderson said. "There's such a loud noise — even someone who was very sleepy, very close to

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being totally unconscious, would usually elicit some sort of a reflex response, from at least one of the two boys."

Members of the train crew said neither boy moved or showed any awareness of the approaching train. The crew testified in public hearings that the boys were partially covered by a green tarpaulin, but it has never been recovered. In a public hearing in February, the engineer testified that he pointed out the tarpaulin to a county investigator, but it was not picked up and apparently disappeared.

Anderson criticized the manner in which the original autopsy was done at the state Crime Laboratory. In reviewing the injuries, Anderson noted that a number resulted because of the impact of the train, but said the evidence shows other injuries were present before the boys were struck by the train.

"Unfortunately, when the autopsy was performed, these various clues were not sampled sufficiently to allow us to be certain that there is a difference in the age of some of the wounds," Anderson said. But he noted that there was "definite swelling in the soft tissue around the eyes and the left cheek area" of Kevin Ives. The swelling would not have resulted if death had been instantaneous, Anderson said, and it indicates that something was placed on the boy's head prior to his being struck by the train.

A back wound on Henry appears to be a stab wound, Anderson said.

Anderson also mentioned the condition of the lungs of both victims. "The lungs had filled with fluid and cells had infiltrated the tissues of the lungs as a response to the injury process," Anderson said. While noting that the train passing over the boys would have caused instantaneous death, he added that "for a time period prior to the fatal injuries ... there was time for bodily reactions to take place. That means that there was a trauma-stress situation that occurred well before the impact of the train."

He also mentioned that Henry's shirt was found some distance away from his body and pointed out that a tear on the shirt is consistent with the stab

wound, further substantiating his belief that some of Henry's injuries occurred prior to those that were caused by the train.

Burton mentioned Ives' facial injuries. "On his left cheek there is an injury that we call a pattern abrasion," he said. The injury measures four inches in length and one inch in width.

The butt of the rifle belonging to Henry, which was at the scene, closely resembles the pattern of Ives' injury, Burton said. This leads him to believe that Ives was struck on the cheek with that weapon or a similar one. There is no possibility that the impact of the train could have caused the gun to be thrown on Ives' face in such a way to produce the geometric pattern of his injury, Burton said.

No protruding objects on the train could have caused Ives' facial injuries, Burton said in the earlier videotape.

He believes a large knife was used to injure Henry.

During the February hearings, members of the train crew testified that one of the victims was not wearing a shirt. A shirt was on Ives' body when it was recovered.

The grand jury plans to be in session at 9 a.m. Friday. Harmon said witnesses will be called, but he did not reveal the names of any.

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Murder signs clear in deaths, examiners say

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — The signs of murder were clearly visible upon the bodies of Larry Kevin Ives and Don George Henry, two out-of-state medical examiners have concluded.

Ives, 17, and Henry, 16, were struck by a train on Aug. 23, 1987. Dr. Joe Burton of Marietta, Ga., and Dr. William Anderson of Naples, Fla., filed their final report Monday to the grand jury investigating the deaths. The report disputes every aspect of the conclusions reached by Dr. Fahmy Malak, the Arkansas state medical examiner.

Malak told a reporter Tuesday he would be "happy to talk to you" about these findings if two things were provided — a copy of Burton and Anderson's findings and written confirmation that a gag order on the case was lifted.

Special Deputy Prosecuting Attorney Dan Harmon of Benton requested Tuesday that the gag order be lifted. Circuit Judge John Cole of Sheridan, however, denied the request.

Cole said the order prohibits nothing not already prohibited by law. Grand jury proceedings are supposed to be secret, he said.

Harmon said Monday he would request lifting of the gag order because, "The grand jury feels it is being used as a shield to hide behind." He did not elaborate. Benton police, the Saline County sheriff's office and Malak have cited the gag order when asked for comments.

Malak ruled the boys' injuries were caused by the Union Pacific freight train which struck them about 4:25 a.m. on Aug. 23, 1987. Anderson and Burton said Ives was struck in the face — apparently with a gun butt — and Henry was

stabbed before the train arrived.

Malak ruled the deaths were accidental. Burton, chief medical examiner for North Metropolitan Atlanta and DeKalb County, Ga., said everyone he has consulted, including members of his own office, feels the deaths involved foul play.

Anderson, deputy chief medical examiner for Naples, worked previously as a medical examiner in the Atlanta area and serves as a consultant for Burton on many complicated cases, Burton said.

'The grand jury feels it is being used as a shield to hide behind.'

Malak ruled the boys were in a deep sleep while under the influence of marijuana. Even if someone were "very close to being unconscious," Anderson said, a train "would usually at least elicit some sort of a reflex response from at least one of the two boys."

"The fact that in the face of a very loud train whistle there was virtually no type of movement, even reflex action, indicates there was more involved than just over-medication or the small amount of marijuana which was found."

The original autopsy did not produce sufficient samples to determine when the boys were attacked, Anderson said. But it was certain the boys were at least seriously injured before the train struck, he added.

"On Larry Ives, there is definite swelling in the soft tissues around the eye and the left cheek area, which is very easily seen in looking at these pictures," Anderson said, referring to pictures Malak's office provided. Ives was struck in

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the left cheek in the injury attributed to a gun butt.

This swelling, Anderson said, indicates there was injury prior to the train's arrival. The massive injuries from the train would have instantly stopped all living processes — including swelling.

Anderson also mentioned that Henry's shirt was found some distance away from his body and that a tear on the shirt is consistent with the stab wound.

Malak, at an open hearing in February, testified he suspected the deaths were suicide but ruled them accidental for the boys' families' sake.

"Nothing in my investigation, nothing in the material I have been sent or the discussions I have had with people involved in this case allows me to even consider the possibility that we are dealing with a suicide pact," Burton said.

"The fact that there was injury prior to the time of impact with the train is further verified by what we found in the (Malak's) autopsy report, and by actually looking at the (Malak's) microscopic slides ourselves," Anderson said. "The lungs had filled with fluid. When we looked at this under the microscope, we saw there were cells infiltrating, coming into the tissues, of the lung as a response to an injury process."

'The fact that in the face of a very loud train whistle there was virtually no type of movement ... indicates there was more involved than just the small amount of marijuana found.'

"People who have none of the processes going on and who are run over by a train or subjected to similar, severe instantaneous death-causing trauma do not show these changes," Anderson said.

Transcript of testimony by Burton on train deaths

Here is a transcript of the videotaped testimony presented Monday to the Saline County grand jury investigating the August 1987 deaths of two youths:

Hello, I am Dr. Joseph Burton. I am speaking to you today from the tri-county medical examiner's office in metropolitan Atlanta, Georgia. It's Thursday, October 13, 1988.

As you know, members of the grand jury, special prosecutors Richard Garrett and Dan Harmon, I have been working on the case concerning the deaths of Don Henry and (Larry) Kevin Ives since April of this year. This investigation, which I have been involved in, has involved exhumation of the bodies, re-autopsies of the bodies, evaluation of all of the evidence which police investigators, the grand jury and special prosecutors have supplied to me concerning the deaths of these two boys.

As I have indicated to you previously, I have had other pathologists working on this case with me as well as a total of seven specially trained medical/legal forensic investigators.

I have mentioned to you previously a Dr. William Anderson who has been quite interested in this case and has been working very closely with me on it. Dr. Anderson is here with me today.

He is presently the deputy chief medical examiner in Naples, Florida. He has been a medical examiner in the Atlanta area for years previous to this, and he has been a consultant with my office and consultant for many of our complicated cases. Dr. Anderson is going to give you his opinions and thoughts about this case today also.

I'm going to start by telling you that at this point there are still several things that assistant prosecutor Dan Harmon has asked us to do as far as tests that we have not completed.

As I told you previously in the first videotape that I sent to you, I have tried not to undertake any tests that would cost the state of Arkansas any additional funds where I did not know what the value of the results would be to you.

I think at this time there are at least two other items of evidence that further tests should be done on, and I'm going to have that done. Hopefully, we'll have results of this within the next 10 to 14 days.

The results of these tests will in no way affect my opinion nor do I think it will affect Dr. Anderson's opinion about the manner of death of Don Henry and Larry Ives.

Right now, I'm going to let Dr. Bill Anderson speak to you and tell you what he has found in his investigation in these deaths, his review of the evidence he has seen, which is the bulk of the information and the evidence which has been supplied to me. This is Dr. William Anderson.

ANDERSON: I have reviewed the information available regarding the scene, position of the bodies, as well as the autopsy, the autopsy report, all the microscopic slides which were available to us and all the physical evidence which has been delivered to Dr. Burton's office, which we have both reviewed.

My initial comments will be first of the actual scene of the incident. I think it is very unusual for two people to be laying so perfectly still on a railroad track unless they are under heavy influence of heavy, narcotic-type medication or drugs.

The levels that we find of the marijuana are not sufficient to have caused this degree of impairment, that they would not even hear a train whistle, that such a loud noise — even in someone who was very sleepy, very close to being totally unconscious — would usually at least elicit some sort of a reflex response from at least one of the two boys.

The fact that in the face of a very loud train whistle there was virtually no type of move-

ment, even reflex action, indicates there was more involved than just overmedication or the small amount of marijuana which was found.

In review of the injuries, there were of course a number of injuries cause by the impact with the train. Unfortunately, when the autopsy was performed, these various wounds were not sampled sufficiently to allow us to be certain that there is a difference in the age of the wounds. Some of them certainly were present as a result of the train impact. Our major question is, were there other wounds on these bodies that were present earlier.

On Larry Ives, there is definite swelling in the soft tissues around the eye and the left cheek area, which is very easily seen in looking at these pictures. The extensive wound to the head is most likely and almost certainly from the train. With this severe of an injury, all life processes would stop, and therefore had there been no previous injury we would not see this swelling of the soft tissues.

This indicates that there was injury prior to the second injury. Something occurred; force was placed upon this boy's head area which caused injury, but in a time frame that allowed enough time to pass before the injury that we see in the train injury.

Therefore, we can conclude that this was not the same time frame, that one injury, the injury that caused the swelling, definitely occurred prior to the impact of the train.

In the other (Henry's) autopsy, there is a wound in the back not previously described in the first autopsy, which upon careful examination and some photographic enhancement, allowed us to conclude that this was, in all probability, a stab wound and not related to anything the train did to this boy.

The fact that there was injury prior to the time of impact with the train is further verified by what we found in the autopsy report, and by actually looking at the microscopic slides ourselves.

The lungs had filled with fluid. When we looked at this under the microscope, we saw there were cells infiltrating, coming into the tissues, of the lung as a response to an injury process.

This, as was the case with the swelling we saw in the facial area, is an indication that for a time period prior to the fatal injuries which we knew were instantaneous — the train injuries would have caused instantaneous death — that there was time for bodily reactions to take place. That means that there was a trauma-stress situation that occurred well before the impact with the train.

People who have none of the processes going on and who are run over by a train or subjected to similar, severe instantaneous death-causing trauma do not show these changes. Therefore we know there were changes going on in the body, related to stress and, in all probability, prior injury, that resulted in the changes that we're seeing in the autopsy.

The fact that the shirt that the stab-wound victim was wearing was found not closely in a spatial relationship to the body and it showed a wound or a tear that was most consistent with the stab wound simply adds to our opinion that this is a stab wound in this case.

BURTON: Dr. Anderson and I, as I have said, have considered this case for hours on end, days on end, weeks and months on end.

We have tried to play the devil's advocate, and asked ourselves if we are trying to read too much into this case. We have utilized, as I said, the opinions of investigators and two other offices with which we are associated.

There is no one who has looked at this case that is involved with our end of the investigation who does not feel at this time that the deaths of Larry Ives and Don Henry are the result of foul play.

To state a little bit clearer what Dr. Anderson was talking about, about the injury on Larry Kevin Ives: If you have access to the

photographs of Larry Kevin Ives, you will see that on his left cheek there is an injury that we call a patterned abrasion.

I have outlined it in red here. It has a particular geometric pattern to it. It's a little over 4 inches in length, a little over an inch in width.

The rifle butt to the rifle that was found near the bodies of Don Henry and Larry Ives is shaped almost exactly like this injury on the face and the measurement of this butt plate of this rifle is about 4 inches in length and a little over an inch in width.

There is no way that I or Dr. Anderson can imagine that, at some point during the train overrunning the bodies of these boys and overrunning the rifle, that this rifle could have been thrown up into the air or the boys thrown against the butt-plate of the rifle, leaving such a geometric injury. There is virtually no possibility of that occurring.

I do not know that this butt plate or one like it or a rifle butt caused the injury to this boy's face, but utilizing a little bit of common sense, we have a boy lying on a train track with an injury.

The injury matches geometrically and in its appearance with something that is present at the scene, and other evidence as Dr. Anderson has spoken to you about tells us that this boy's injury probably occurred before his death.

The injury on the back of Don Henry: Granted that in the photographs taken by Dr. (Fahmy) Malak (Arkansas medical examiner), it does not necessarily appear to be that of a stab wound. It could be a laceration.

I had the photograph taken to a separate laboratory in Miami, Florida, where under computer enhancement it was enlarged.

The details of this injury are completely consistent with the stab wound from something such as a large knife. As I stated to you previously, there is wound track beneath the skin that enters in the body approximately 5 inches in depth, again consistent with this being a penetrating injury from something.

The shirt that is found that has a definite cut in it with blood around it that was not on the body or associated in its immediate area with the body when it was discovered adds to the credibility of assuming that this is indeed a stab wound, and not something that occurred by the train overrunning these bodies.

In summary, it is my opinion, the opinion of Dr. Anderson, and my office, that the deaths of Don Henry and Larry Ives, within reasonable forensic medical probability, is the result of foul play. They were either incapacitated, knocked unconscious, possibly even killed, their bodies placed on the track and the train overran their bodies.

Nothing in my investigation, nothing in the material I have been sent or the discussions I have had with people involved in this case allows me to even consider the possibility that we are dealing with a suicide pact, and based on the forensic evidence I have spoken to you about and Dr. Anderson has spoke to you about, I do not feel that the death of these boys is by accident.

At this point, this is considered to be a final report to you. I will forward on the results of these two additional tests that I intend to give to you. If in any way they add to the information that is essential in considering the probable manner of death of these two boys, then I will again forward an additional report to you and possibly meet with you either by videotape or in person.

Again it was my pleasure to be asked to examine and look into the deaths of these two boys. I will be available at any time in the future to answer questions that the grand jury police, special prosecutors or others might have concerning the deaths of Don Henry and Larry Ives. Dr. Anderson also will be available to carry on, with any ongoing investigation that is necessary, into their deaths. Thank you.

Steed, foreman of grand jury discuss fund

By LYNDA HOLLENBECK
Courier Staff Writer

Saline County Sheriff James Steed plans to meet today with Carl Allen, foreman of a Saline County grand jury investigating the 1987 deaths of two Bryant teen-agers.

In that meeting, the two will discuss the grand jury's recent recommendation to finance the investigation from the county sheriff's office drug enforcement fund.

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

When the grand jury first made known its desire to pay for the investigation out of the sheriff's office drug enforcement fund, Steed was not in favor of the plan. However, he said then his feelings were "subject to review."

Today the sheriff indicated the request will probably be honored. "I've kinda contended all along I need to know how much they wanted," he said.

He does not plan to "hand over the account's checkbook" to the grand jury, but said "maybe we can work it out if someone will show me exactly how much it is they want."

Steed said he and Allen will "sit down and discuss the dollar

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amount and see how much they need."

He does not expect the grand jury to request more than \$6,000. The fund presently has "about \$16,000," according to the sheriff.

"I'll see how much they need and probably help pay their outstanding bills," Steed said.

He does not know when additional funds will become available to add to the fund. "I have some other things planned and don't want to run short," he added.

The grand jury has concluded that the boys' deaths were the result of foul play. That opinion conflicts with state medical examiner Fahmy Malak's accidental ruling in the case.

The 16-member panel made the recommendation to fund the investigation from the drug enforcement fund after releasing a videotaped statement from Dr. Joe Burton, an Atlanta forensic pathologist who has disagreed with Malak's findings.

Steed was among a group of individuals who viewed the presentation from Burton. After the showing, the sheriff said he did not see a great deal of value in Burton's videotape since it was being released publicly.

"From an investigator's standpoint, anything you're going to show to the public is not going to have that much value," Steed said.

"You've got Malak's opinion on one hand, and you've got Burton's on the other hand," Steed said. "Both of them are

supposed to be experts."

Burton, who is considered "one of the country's most distinguished medical examiners" by the National Law Enforcement Institute Inc., was instrumental in helping investigators solve the Atlanta child murders. Wayne B. Williams was convicted in 1982 of two of the 28 deaths.

Burton also was a consultant to Florida authorities during the 1978 strangulation murders of two Florida State University sorority sisters. Theodore R. Bundy, who was suspected of killing several other young women, was convicted of the two students' deaths after bite marks found on one of the victims matched impressions from Bundy's teeth.

Burton performed autopsies on the exhumed bodies of the victims and has recently obtained results from tissue tests and tests of the victims' clothing. He has concluded that one was stabbed and the other was beaten with what appears to be the butt of a rifle before they were struck by the train.

After viewing the presentation from Burton, Steed said the deaths "could possibly be homicide."

Two days after the boys died, investigators in his office said no foul play had occurred. The autopsy report from Malak had not been completed at that time.

Malak has been a controversial figure in recent months. His ruling in the deaths of Ives and Henry is only one of several opinions that have recently come into question.

\$8,000 from drug account earmarked for grand jury

Democrat State Desk

BENTON — Saline County Sheriff James Steed Jr. provided \$8,000 Friday to the grand jury investigating the Aug. 23, 1987, murder of Larry Kevin Ives, 17, and Don George Henry, 16.

The money came from the sheriff's drug enforcement fund. Steed had said earlier that he was not going to provide money from that source. But he met Friday with jury foreman Carl Allen of Benton and arranged what Steed called a "gentleman's agreement."

As the proposal was first made, Steed said, the grand jury wanted him to pay its expenses. Steed said he refused such an open-ended agreement.

"I wasn't about to sign a blank check for them," Steed

said. "I asked Mr. Allen how much he thought they needed to get to the end of the year. He said \$8,000. That was reasonable."

Steed, an incumbent Democrat, has been criticized by opponents for withholding the money until now. Asked if the compromise was politically motivated, Steed replied, "If that was what I wanted to do, I would have called a press conference. I'd have had a picture of me handing the check to Mr. Allen and shaking his hand."

There was no announcement of the agreement. Steed's comments came in response to reports that an agreement had been reached. Steed said that he gave the check out to County Judge Parker Johnston for payment of grand jury expenses.

Saline County gets money from sheriff for grand jury

By Byron McCauley
GAZETTE STAFF

BENTON — Saline County Sheriff James Steed gave almost half of his drug enforcement fund Friday to help pay a grand jury's expenses, and for the group to continue its investigation of the deaths of two teen-agers.

Steed said he gave the jury \$8,000, about half of the \$16,618.22 in the drug fund. Steed, who had been reportedly opposed to giving money to the jury, said there had been a communications mixup between him and the jury. He said he had been waiting for a member of the jury or attorneys involved to specifically tell him how much money was needed.

They never asked

"My first reaction was that they wanted my checkbook, and I was not in favor of that," Steed said. "During this whole thing nobody has called me. The grand jury didn't come to me and say 'hey, we need this much money.'"

The grand jury for eight months has been investigating the deaths

of two Bryant youths, Kevin Ives, 17, and Don Henry, 16, who were struck by a Union Pacific train Aug. 23, 1987.

The state medical examiner ruled that the boys were in a marijuana-induced sleep when the train hit them, but two out-of-state pathologists conducted further tests and contend that the boys probably were murdered.

The jury has spent more than \$11,000 conducting the investigation. It depleted the Circuit Court's jury and witness fund. The court had borne most of the costs. Steed's \$8,000 check was made out to Saline County, he said.

The amount of the check was determined in a 30-minute meeting Friday afternoon between Steed, jury foreman Carl Allen, and special prosecuting attorney Dan Harmon.

When asked by a reporter, Steed, a Democrat, said that his donation was not a political move. He is seeking re-election in November against Republican candidate Larry Davis and Davis criticized Steed last week at a press conference.

Steed splits drug fund with grand jury probe

By LYNDA HOLLENBECK
Courier Staff Writer

Saline County Sheriff James Steed will relinquish \$8,000 from a drug enforcement fund to the Saline County Grand Jury investigating the 1987 deaths of two Bryant teen-agers.

Steed met Friday afternoon with Special Deputy Prosecutor Dan Harmon and Carl Allen, foreman of the grand jury that is probing the deaths of Don Henry, 16, and Kevin Ives, 17.

In that session, Steed agreed to provide approximately half of the money the fund now contains, Allen said today.

"He (Steed) seemed interested in helping the grand jury on the expenses of the investigation," Allen said. "He told us he had about \$16,000 in the drug enforcement fund and he would be willing to share some of it."

According to Allen, the sheriff, Allen and Harmon "mutually agreed on half of it."

Steed was planning to take care of the arrangements for transferring the funds to the grand jury account, Allen said.

"I was very pleased," said Allen, who noted he had

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expected Steed to offer no more than \$5,000 or \$6,000.

The grand jury's expenses to date amount to "somewhere between \$11,000 and \$12,000," Allen said.

Earlier, Steed had indicated he would not provide the grand jury any of the money in the account, but he announced Friday that he planned to meet with Allen to discuss the possibility of relinquishing some of the funds.

Steed was not in the sheriff's office today and could not be reached for comment.

Efforts to reach Harmon or Deputy Prosecutor Richard Garrett today were not successful because both were involved in out-of-town trials.

Allen said the grand jury will meet either Wednesday or Friday. Witnesses will be called and an all-day session is anticipated.

Ives and Henry were struck by a Union Pacific train at 4:25

a.m. on Aug. 23, 1987, as they lay motionless on a track near the Shobe Road crossing. Neither showed any awareness of the approaching freight train, according to members of the train crew.

Out-of-state pathologists assisting the grand jury have determined that both victims had sustained injuries that occurred before those caused by the impact of the train. One boy was stabbed in the back and the other had sustained a facial beating believed to have been inflicted with the butt of a rifle, according to Dr. Joe Burton of Atlanta and Dr. William Anderson of Naples, Fla.

State Medical Examiner Fahmy Malak ruled the deaths accidental, and county investigators said there was no reason to suspect foul play two days after the boys died.

Burton performed second autopsies after the victims' bodies were exhumed. Anderson has been assisting him with various tissue and clothing tests.

Quorum Court sought to order grand jury funds from Steed

By **LYNDA HOLLENBECK**
Courier Staff Writer

Saline County Sheriff Jim Steed's decision to provide money from a drug enforcement fund to a Saline County grand jury investigating the 1987 deaths of two Bryant teen-agers was apparently not done without pressure from the county Quorum Court.

After meeting Friday afternoon with Carl Allen, grand jury foreman, and Special Deputy Prosecutor Dan Harmon, Steed agreed to give the grand jury \$8,000 from his office's drug enforcement fund, which presently contains approximately \$16,000. Earlier, Steed had stated publicly he would not take money from the fund for the probe and that he would not be a "sugar-daddy" for the grand jury. However, he said then his decision was "subject to review."

A Quorum Court member said today the court planned to ask that money be taken from the sheriff's office budget to provide funds for the grand jury probe of the deaths of Kevin Ives, 17, and Don Henry, 16.

According to JP Doyle Webb, at a recent meeting of the Saline County Quorum Court, justices of the peace unanimously rejected an ordinance that would have offered additional funding from the county general fund to the grand jury.

"This was not done because we did not believe the grand jury was doing a good job," Webb said. "As a matter of fact, we applaud their efforts and their accomplishments."

Webb said the action was taken because the JPs were offended when the sheriff initially rejected the grand jury's request to provide money for the investigation from the sheriff's office drug enforcement fund. That request was made after the grand jury issued a report stating the deaths were "definitely homicide."

County investigators had initially said the deaths did not result from foul play and the state medical examiner later issued an accidental death ruling. The boys were struck by a Union Pacific train at 4:25 a.m. Aug. 23, 1987, as they lay on a

track near the Shobe Road crossing. Out-of-state pathologists have ruled that one was stabbed in the back and the other had sustained a facial beating prior to receiving the injuries inflicted by the impact of the train.

"We were shocked and abhorred the fact that the sheriff had said that he was not going to be the 'sugar-daddy' for the grand jury," Webb said today.

Webb also said the court members were offended by Steed's attitude toward the parents of Kevin Ives and Don Henry "when he told Mrs. Ives that he didn't care."

Webb was referring to an incident that occurred several months ago in the sheriff's office. In the presence of a reporter, Steed responded to a complaint from Linda Ives, mother of Kevin Ives, by saying, "Lady, I don't care."

Linda Ives had complained to Steed when she learned the sheriff's office had submitted the victims' clothing to the state Crime Laboratory after the

parents had complained about that office's manner of handling autopsy results.

"We did not feel this was the proper way for an elected official to handle such an important matter," Webb said.

"As a quorum court member, I pled with the other members to vote against the ordinance that would have removed money from the county general fund for grand jury expenses," Webb said. "At our next meeting, I planned to present an ordinance transferring \$6,000 out of the sheriff's budget to fund the grand jury, since if he was not going to cooperate willingly, we would have to intentionally take those funds."

Webb said after he and other JPs had reviewed the budget for the sheriff's office and had noted that "he was over-budgeted on some things, I had even contemplated transferring the funds (for the grand jury) from his salary. I believe that he got wind of this."

Webb said he believes the funds could have been legally taken from the sheriff's salary.

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The Quorum Court members support the efforts of the grand jury, Webb said, and he added that he applauds the sheriff "for what he's doing now." However, Webb contends Steed should have taken that action several months ago "just as he should have cooperated with the grand jury investigation."

Webb said he believes that "if he (Steed) had conducted a proper investigation in the first place, a grand jury investigation would not have been necessary."

The first ordinance to appropriate funding from the county general funds was scheduled for presentation in September, but Webb, who was the sponsor, withdrew the ordinance after reading a *Benton Courier* story quoting Steed as saying he would not be willing to use the money in the drug enforcement fund for that purpose.

In October, Oris Marie Reed introduced the identical ordinance, but also voted against it after she learned more about the situation, Webb said.

The plan to take the money from the drug enforcement fund was initially discussed by County Judge Parker Johnston and Circuit Judge John Cole following a hearing in which Cole approved exhuming the boys' bodies for second autopsies.

Johnston said today he never discussed the situation personally with Steed.

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Steed criticizes Malak's efforts in death probe

By LYNDA HOLLENBECK
Courier Staff Writer

Saline County Sheriff James Steed publicly criticized the state medical examiner today following an appearance before the county grand jury investigating the 1987 deaths of two Bryant teen-agers.

Before today, Steed has refrained from any criticism of Dr. Fahmy Malak. Steed has, instead, consistently referred to Malak as an "expert" whose opinion he fully accepted.

After Steed came out of the courtroom where the grand jury was in session, he read a prepared statement to reporters.

In that statement, the sheriff said he has found it "very difficult to understand why Dr. Fahmy Malak of the state Crime Lab would exhibit so little regard for a thorough investigation of the forensic evidence presented to him by the Saline County Sheriff's Department. His lack of thoroughness has caused the families prolonged anxiety and considerable frustration for the investigation teams of my office, the Arkansas State Police and the FBI."

Steed apologized for the "many complications his (Malak's) report has caused so many people."

The grand jury is probing the Aug. 23 deaths of Don Henry, 16, and Kevin Ives, 17, who were struck by a Union Pacific train at 4:25 a.m. as they lay motionless on a railroad track near the Shobe Road crossing. Two days after they died, Saline County investigators said there was no sign of foul play, and Malak later issued an accidental death ruling.

Steed said he is not surprised at additional evidence presented by Dr. Joe Burton, the Atlanta forensic pathologist who has been assisting the grand jury on the case. Noting that Burton's work has opened up new avenues of investigation, Steed commended Burton on "a job well done."

After mentioning that he (Steed) is the father of two teen-aged boys, the sheriff said he could understand the feelings of the parents. He also noted that Burton has sympathy for the families because Burton's 17-year-old son was murdered last year and the killer remains at large.

Steed referred to a public announcement he made earlier when he said the case was closed based on Malak's findings. "I must confess to a little white lie. At the time, we were spending so much time talking to the press that we felt as long as it was front page/prime time news, the killer would go underground with the heat of the exposure."

According to Steed, his office never stopped investigating the deaths of Henry and Ives, but "continued to build a case file, which we have turned over to the grand jury."

When contacted for a response to Steed's criticism,



Sheriff James Steed

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Malak told a reporter, "I am not a politician. I have no comment."

Steed said he has "tried very hard not to let the grand jury investigation into the deaths of two Saline County youths become a political issue in this election."

Steed faces Republican candidate Larry Davis in the Nov. 8 general election. In an Oct. 11 news conference, Linda Ives, mother of Kevin Ives, publicly voiced her support for Davis and criticized Steed. Calling herself and her family "victims," Ives charged that politics had been a "major stumbling block" in the investigation of her son's death and said she was "tired of the political games and deals that are played and made in the Saline County Sheriff's Office."

Today Steed said he has refrained from answering questions and attacks by his opponent on several occasions "because of the sensitive nature of the investigation" and because he did not want to "jeopardize the successful conclusion of this case."

He criticized a Saline County Quorum Court member, who is active in Davis' campaign, for allegedly creating "a political football by using taxpayers' money to create a campaign issue that didn't exist."

Steed was apparently referring to Justice of the Peace Doyle Webb for stating publicly that Steed's decision to release money from a drug enforcement fund to the grand jury was done because of pressure from the Quorum Court.

When the grand jury initially announced that Steed should provide money from the fund, he did not favor the plan. However, Steed met on Friday with Special Deputy Prosecutor Dan Harmon and Carl Allen, the grand jury foreman, and agreed to release \$8,000 to pay for expenses of the investigation.

The Quorum Court was planning to consider an ordinance that would have appropriated money for the investigation from

the sheriff's office budget, perhaps even the sheriff's salary, Webb said Tuesday.

In that Oct. 11 conference, Davis predicted that a drug raid would be forthcoming from the sheriff's office. Steed criticized Davis for that act because he contends Davis knew "fully well it would jeopardize the successful completion of an investigation, months in the planning stage, and place the lives of police officers from Benton Police Department, Arkansas State Police, federal Drug Enforcement Agency and the Saline County Sheriff's Department at increased risk."

He called Davis' statement "totally unprofessional and dangerous."

When the grand jury was dismissed today, Harmon released copies of a letter Burton wrote to the grand jury, Deputy Prosecutor Richard Garrett and Harmon.

In that letter, dated Oct. 18, Burton also criticized Malak for taking "a posture in the case which is somewhat unprofessional." However, Burton said he feels that Malak's "initial autopsies were thorough and that his initial opinions were not unfounded."

In the letter, Burton noted that he had "never criticized unfairly Dr. Malak, Dr. Malak's report or his office."

Burton, assisted by consulting pathologists, determined that Henry had been stabbed in the back and Ives had sustained a facial beating prior to receiving multiple injuries caused by the impact of the train. Malak's photographs of the victims were

enhanced through a microscopic scanning process to determine those findings, Burton said in a previously released videotaped statement.

Burton noted that some investigators within Arkansas have allegedly accused him of assisting in the case for "possibly financial or political reasons," which he stated emphatically have never caused him to consider or give an opinion in any case.

Burton, who was instrumental in helping investigators solve the Atlanta child murders and the slaying of two sorority sisters at a Florida university, said he was "somewhat hurt" by allegations that he had given of his time and opinions for reasons that were not completely professional.

"I think that my conclusions are based on solid forensic facts and evidence, that my opinions are not just mine but are those of others and unless someone can explain adequately the questionable circumstances and the forensic facts which I have brought to light, by some other logical and reasonable hypothesis, then to criticize my opinions in such a way is totally unfair and unjust," Burton said.

Burton said he will "take this case with me for the rest of my career. It will be a case, that until all questions are answered, will always be there in my mind. I have taken the case on vacation, I have taken the case to sleep and still I have questions which I cannot answer."

The grand jury met for about two hours today and scheduled another session for Nov. 18.

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Malak said key to inquiry progress

Burton says too much faith placed in medical examiners

BY DOUG THOMPSON
Democrat Benton Bureau

ATLANTA — The investigation into the murders of Larry Kevin Ives and Don George Henry cannot progress fully until Dr. Fahmy Malak, Arkansas' medical examiner, admits he may have made a mistake, Dr. Joseph Burton said Wednesday.

"Law enforcement depends on their medical examiners too much," Burton, chief medical examiner for metropolitan Atlanta, said in a telephone interview Wednesday. "If their medical examiner says a death is an accident, that is what they will believe. And that is what has happened here.

"But whatever forensic evidence there is, it is beside the main point," said Burton, who was asked by a Saline County grand jury to investigate the Aug. 23 deaths of the boys. "If there were no injuries not caused by the train, the fact that these boys laid motionless on the tracks is enough to suspect homicide. It should be investigated as such.

"There was also the shirt which had a cut in it like a stab wound that apparently wasn't on the boy (Henry) when the train hit," Burton said. "That is extremely important."

Malak ruled that the deaths

of Ives, 17, and Henry, 16, were accidental. The grand jury has ruled them homicide.

There is no doubt either in his mind or in those of other medical examiners he has consulted, Burton said, that the deaths resulted from foul play.

"I saw what I thought was sufficient evidence on the first day," Burton said. "But I've spent six months doing the tests, conferring with others, and making sure."

"If anything, my videotaped statements to the grand jury were understated," Burton said. He added he did not intend for those videotapes or a letter he wrote to the grand jury to be made public, but said he could see why they were made public.

He said that the case has been far more politicized than any murder investigation should be.

"This case has been thrown around like a baseball in a baseball game, with everybody hoping the other guy will make

an error with it," Burton said. He praised the grand jury for trying to rise above that.

Malak's autopsy was thorough, Burton said, but his deductions from the results shows he "already believed he was looking at a train accident, and evaluated the findings from that point of view."

It is not an attack on Malak to say that he may have made a mistake, Burton said.

"But I don't know how he could walk into an American Association (of Medical Examiners) meeting and tell his

peers that there is no possibility he may have made a mistake in ruling these deaths an accident," Burton said.

Burton also expressed disappointment at having his background checked by the Arkansas Sheriffs Association, whose members had earlier expressed support for Malak.

"If they had read all my reports and attacked my findings, that would have been one thing," Burton said. "But instead they tried to find something in my background. It's illogical."

Sheriff critical of Malak report on teen-agers

BY DOUG THOMPSON
Democrat Benton Bureau

BENTON — Fourteen months after the deaths of two local teen-agers and two weeks before the Nov. 8 general election, Saline County Sheriff James Steed Jr. criticized the findings of Dr. Fahmy Malak, state medical examiner.

Also Wednesday, it was revealed that the Arkansas Sheriffs Association, which had announced its support of Malak, had checked into the background of an Atlanta pathologist whose findings in the deaths of Larry Kevin Ives, 17, and Don George Henry, 16, contradicted Malak's.

As late as Oct. 11, when his Republican opponent criticized the sheriff's handling of the case, Steed had said his office had to abide by Malak's opinion.

Steed on Wednesday denied any connection between his change of opinion and the election. He instead cited new evidence provided Oct. 17 by Dr. Joseph Burton.

Burton is the Atlanta medical examiner consulted by a Saline County grand jury investigating the Aug. 23, 1987, deaths of the Bryant High School seniors.

Steed released his state-
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ment after meeting with the grand jury — at his request — Wednesday morning. The grand jury then released a letter from Burton.

"It has been alleged by some investigators within your state that possibly financial or political reasons might account for my conclusions in the case," Burton's letter said.

Burton said in a telephone interview Wednesday that an "Arkansas law enforcement agency" had checked into his background after he performed second autopsies on the boys in April.

Burton declined to name the agency. But Cary Gaines, director of the Arkansas Sheriffs Association, confirmed Wednesday his association had "looked into Burton's credentials. We made calls to people we knew in Georgia. In my judgment, his credibility is not that great."

Asked what he found, Gaines gave only the names and telephone numbers of four out-of-state law enforcement and judicial system professionals. None could be reached by telephone Wednesday for comment.

Steed's statement commended Burton on "a job well done" and condemned Malak's original ruling of accidental death as "his bizarre report."

Asked for a response, Malak said, "I am not going to get into mudslinging. And as I have told you hundreds of times, I am not going to comment."

"This sounds like what he said in February, before the Democratic primary," Linda Ives, parent of one of the victims, said of Steed's statement. Ives has publicly endorsed

Steed's opponent, Republican candidate Larry Davis.

In February, Steed said that, while his office still accepted Malak's ruling, he would investigate the death fully.

Curtis Henry, father of the other victim, also seemed unimpressed with the sheriff's comments.

"Sounds like he had enough sense to get off the boat before it completely sank," Henry said.

Larry Ives and Don Henry were struck by a Union Pacific train about 4:25 a.m. Aug. 23, 1987. Sheriff's investigators announced they had ruled out foul play before Malak ruled the deaths accidental.

Steed also said his office had never closed the investigation, but told the media it had because "we felt as long as it was front page/prime time news, the killer would go underground with the heat of the exposure."

The boys' parents refused to accept Malak's ruling, which stated that the boys were in a deep sleep induced by smoking large amounts of marijuana. After hiring a private investigator and obtaining, by court order, Malak's reports and tissue samples, the parents called for a grand jury investigation in February.

After a prosecutor's investigation by Deputy Prosecuting Attorney Richard Garrett, a grand jury was empaneled in April. The grand jury investigation consulted Burton, chief medical examiner for metropolitan Atlanta.

Burton determined that Ives had been bashed in the face, probably with a rifle butt, and that Henry was stabbed in the back.