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Other Disputed Arson Cases

Louis Taylor and the Pioneer Hotel Fire (Arizona)

Louis Taylor was convicted of setting the 1970 Pioneer Hotel fire in Tucson, Arizona which took the lives of 29 people. On the night of the fire, 16-year-old Taylor came to the hotel to try to get into a Hughes Aircraft Christmas party. Soon after, police arrested Taylor and claimed that he had set the fire as a distraction so he could burglarize hotel rooms. Taylor, who is African-American, was convicted by an all-white jury and given a life sentence.

He has maintained his innocence for over 35 years, and new information has surfaced that raises serious doubts about his guilt. In particular, the fire science that was used by investigators in 1970 that led them to label the fire an arson has changed significantly. Using today's science, the expert trial testimony from both the prosecution and the defense attributing the fire to arson has been proven completely erroneous.

In addition, an investigation by *60 Minutes* in 2003 uncovered several failures by Tucson police, including possible suspects who were never investigated. One of those suspects, Donald Anthony, a known arsonist who is now in prison, was questioned by Tucson police about another fire five days before the hotel blaze. The investigation also revealed that there had been multiple intentional fires set in the hotel in the preceding months and that police failed to follow up on them during the hotel investigation.

Taylor is still in prison today and is currently being represented by the Arizona Justice Project. The Arizona Justice Project is now focusing on the flawed fire science at the heart of the case—flawed science very similar to what was used in other questionable arson cases in Texas and elsewhere.

Eric Jackson-Knight (New York)

Eric Jackson-Knight (aka Eric Knight and Eric Jackson) was convicted of setting fire to a Waldbaum's Supermarket in Sheepshead Bay, Brooklyn, in 1978. Six firefighters were killed in the blaze. The investigation was plagued by public disputes between fire marshals and police arson investigators. Police were eventually led to Jackson by an informant. Known to police as a petty criminal, Jackson was indicted in May 1979 on arson and murder charges. Police said he confessed to setting the fire with two accomplices and that they had been paid \$500 each. No other suspects were ever charged. Jackson was convicted and sentenced to the maximum of 25 years to life.

In 1988, his conviction was overturned after a judge ruled that prosecutors had withheld evidence from the defense, including statements by a police arson investigator stating that the fire could have been caused by an electrical accident. A new trial was ordered, but various legal challenges to the ruling delayed it for six years. During this time, Jackson was released from



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prison and arrested on several other charges, most of which were dismissed. In the summer of 1994, the retrial commenced. The defense maintained that Jackson's confession was coerced and that the fire was an accident resulting from faulty electrical wiring. He was acquitted on all counts. He served 10 years in prison before his acquittal. Jackson was represented during his appeal by William Hellerstein, now a professor at Brooklyn Law School and director of the Second Look Program, and during his retrial by attorney Robert Sullivan, who also represented the families of the firefighters killed in the fire in their civil suit against Walbaum's and New York City.

Karen Boes (Michigan)

Karen Boes was convicted of first-degree-murder for setting the fire that killed her teenage daughter, Robin, on July 30, 2002. She was sentenced to life in prison without parole. Investigators claimed that Boes sprinkled gasoline in the upstairs of the house and her daughter's bedroom and lit the fire. The prosecution also presented a witness who testified that Boes told her the day before the fire that she had violent feelings towards her daughter and that she hated her. Additionally, Boes allegedly made incriminating statements to an ATF agent during the investigation. Boes's defense attorney maintained that the alleged confession was coerced and that the fire was either an accident or suicide on the part of Robin Boes.

In 2004, Boes appealed her conviction. Her attorneys from the state Appellant Defenders Office argued that some of her statements were inadmissible because police had not advised her of her rights and that there was not enough evidence against her to warrant a murder conviction. Her appeal for a new trial was denied by the Michigan Court of Appeals. She still maintains her innocence and is currently represented by Marc Satawa of Kirsch & Satawa of Detroit.

Greg Brown and Darlene Buckner (Pennsylvania)

On February 14, 1995, the home of Greg Brown and his mother, Darlene Buckner, burned down in a fire that killed three Pittsburgh firefighters. City police initially did not believe the fire was arson, but federal agents came in and turned it into an arson investigation (posting signs, in the extremely poor neighborhood, announcing a \$15,000 reward for information). Brown and Buckner became suspects over the course of a year-long investigation conducted by Pittsburgh homicide detectives, ATF agents, and the Pittsburgh arson squad.

The investigators concluded that Brown and Buckner set the fire using gasoline and old clothes, in order to collect on a renter's insurance policy for \$20,000 purchased during the previous year. Brown and Buckner said they went to a supermarket that night and came back to find the house on fire. A neighbor testifying for the prosecution said he saw Buckner and Brown in the area watching the fire, but doing nothing. The prosecution also brought forward two young men who had been in a juvenile detention center with Brown who claimed he bragged to them about setting the fire for insurance money. The defense argued that the fire was not arson,



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pointing to the trail of accelerant that led to a lawn mower and gas can that sat just inside the basement.

At their 1997 trial, Brown, who was 17 years old at the time of the fire, was found guilty of murder and arson and was sentenced to three consecutive life terms. Buckner was acquitted on the arson and murder charges and was found guilty of insurance fraud. She was sentenced to 3 years probation and fined \$5,000. Brown's case is currently being handled by the Innocence Institute at Point Park.

George Souliotes (California)

Modesto landlord George Souliotes was convicted of arson and triple homicide stemming from a 1997 fire that killed his tenant, Michelle Jones, and her two children, Daniel and Amanda. At the time of the fire, Souliotes was trying to evict the Jones family from the house. Investigators claimed that Souliotes set the fire to collect insurance money. Prosecutors sought the death penalty for Souliotes.

At trial, prosecutors based their case on a troubling eyewitness identification that placed Souliotes at the scene, and testimony from arson investigators. The arson investigators testified that medium petroleum distillates, a class of sometimes-flammable substances, were found on both Souliotes' shoes and a carpet in the home. In response, Souliotes' defense attorney brought forth 17 witnesses, many who testified that Souliotes had no financial motive to set the fire. The defense also presented its own arson expert who testified that the fire could have been an accident, possibly caused by a faulty stove. The trial ended in a hung jury.

At the second trial, in 1999, Souliotes was represented by the same trial attorney. The prosecution presented the same witnesses, but the defense counsel declined to present any witnesses at all. Souliotes was convicted and sentenced to life in prison.

Since his second trial, arson investigators have reanalyzed the data from the scene, and are now conclusively able to say that the medium petroleum distillate found on Souliotes's shoes is not the same substance that was found at the scene. Souliotes filed a state habeas corpus petition alleging ineffective assistance of counsel, a violation of his Vienna Convention rights, and newly discovered evidence. His petition was recently denied by the California Supreme Court. Souliotes is currently being represented by the Northern California Innocence Project and Orrick, Herrington & Sutcliffe LLP, San Francisco.



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Midland, Texas, Murder Conviction Currently Under Scrutiny for Faulty Arson Forensic Analysis

The Case of Garland Leon “Butch” Martin

On February 25, 1998, the home of Garland Leon “Butch” Martin and his common-law wife, Marcia Pool, burned down. Marcia Pool was killed in the blaze along with Michael Brady Stevens, her three-year-old son, and Kristen Rhea Martin, the 20-month-old daughter of Marcia Pool and Butch Martin. Martin was arrested and charged with murder and arson in the following months. He went to trial in April 1999.

The Fire

The relationship between Butch Martin and Marcia Pool was often turbulent. At times over their three years together, Martin was abusive to Pool, and on several occasions the couple split up and later reconciled. Mary Stephens, Pool’s mother, testified that on the day of the fire, her daughter had called her crying and asked that she pick her and the children up. Pool told her mother she was planning to leave Martin and that he had threatened to kill her if she did. Later that day, Pool and the children returned home. A few hours later, Martin left Pool and the children at the house to go with a friend to take measurements for a fence-building job. They were gone for approximately 30 minutes, and when they returned Martin’s house was on fire. Distraught, Martin ran to the house and attempted to push down the front door and get in through a window. His friend, with the help of police deputies, restrained him for safety. After the fire was put out, Martin was taken to a hospital in San Angelo. He was arrested for arson and murder in April 1998.

The Prosecution’s Theory

The prosecution’s theory was that Martin, angry that his wife was about to leave him, started a fire with a liquid accelerant near the back of the house in the master bedroom and then left, locking his wife and children inside. At trial, paramedics testified that they smelled an unusual odor, similar to charcoal lighter fluid, coming from Martin when they took him to the hospital. The prosecution also brought forward Dr. David Hoblit, the chief medical examiner of Lubbock County, and Dr. Harold Gill-King, a forensic anthropologist. Both testified to finding evidence of brain injuries caused by a blunt head trauma in Marcia Pool and Brady Martin. They believed that these injuries preceded and were not related to the fire, contributing to the theory that Martin knocked Marcia Pool and Brady Stephens unconscious before starting the fire. The autopsy of Kristen Martin revealed no injuries other than those caused by the fire.

Fire Marshall Dale Little stated that his investigation showed that the fire started in the back of the house in the master bedroom near the backdoor. He testified that he found a pour



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pattern, indicating the presence of a flammable liquid, in these areas. He added that he had found a residue of charcoal lighter fluid near a wall in the master bedroom. Samples from these areas were sent to Armstrong Laboratories where Director John Corn said they tested positive for Norpar and deparaffinated kerosene (DPK). Based on Armstrong's results, Little testified that he believed the cause of the fire was arson and that the liquid poured in the house was lamp oil.

The Defense's Theory

Butch Martin's attorneys maintained that the fire was a tragic accident that took place while Martin was out of the house. Several witnesses, who had been in close contact with Martin immediately before and after the fire, testified that they smelled no unusual odor, such as lighter fluid, on him or his clothes. Also, Dr. Lloyd White, forensic pathologist and medical examiner for Nueces County, testified that the brain injuries found on Brady and Marcia were a common finding in deaths associated with fire (as a result of carbon monoxide poisoning). He maintained that there was nothing unusual about them that would lead anyone to conclude the injuries were caused by blunt trauma.

The defense challenged prosecution experts Little and Corn. Even when presented with 268 patents for common household items that contain Norpar (including spot remover, deodorant, linoleum and pesticides), Corn insisted that he could think of no products that contain Norpar other than lamp oil. The defense brought forward Doug Byron of Forensic and Scientific Testing of Atlanta, who disputed the findings of Corn and Armstrong Labs. He said that he was not surprised that samples tested positive for Norpar and DPK because they were common ingredients in numerous household products. He added that the presence of ignitable fluids like Norpar and DPK did not mean they were used to accelerate a fire.

Additionally, Carter Roberts, a certified fire investigator, testified about his own inspection of the house and review of Little's findings. He stated that there was not enough evidence to determine whether what Little found was a pour pattern. He disputed Little's conclusion that the fire started in the bedroom and believed that it started instead on the back porch. Finally, Roberts criticized the fire investigators for discounting and then discarding an extension cord that was used to connect a refrigerator on the back porch to an outlet inside the house. He concluded that Little was looking for arson from the outset and immediately abandoned any search for an accidental cause, disregarding a fundamental tenant of fire investigation.

Both sides presented a complicated chain of events at trial. Ultimately, Butch Martin was convicted on three counts of capital murder and sentenced to three concurrent life sentences.

Post-Conviction Litigation

Butch Martin's direct appeal was denied by the Texas Court of Appeals in December 2000. He filed for a post-conviction writ of habeas corpus in October 2002.



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His attorneys consulted various experts, including John Lentini and Gerald Hurst, about the arson evidence. These experts disputed whether or not the original tests did correctly prove the presence of Norpar. Even among those who thought Norpar was present, they disputed its source as lamp oil. In Gerald Hurst's 2002 affidavit, he noted "while it is true the Norpar can be used as lamp oil, it is equally true that most lamp oils are not Norpar." Hurst also disputed Little's claim that because he found isoparaffins in the master bedroom residue, its source was charcoal lighter fluid, to the exclusion of any other products. Hurst maintained that the primary use of isoparaffins is *not* for charcoal lighter fluid and provided a list of over 25 common household items that contain the same isoparaffins. He concluded that nothing resembling a satisfactory fire report was generated by authorities in the case.

Martin's attorneys sought to overturn his conviction based on several claims of ineffective assistance of counsel, including:

- Counsel failed to challenge the results of the Armstrong testing that pointed to the presence of Norpar and DPK. Trial counsel disputed their significance, but failed to ever challenge their actual presence.
- Counsel failed to seek an expert chemist to take and analyze the defense's own samples.
- Counsel never had the state's samples retested.
- Counsel failed to support an alternate theory of the fire as accidental or non-conclusive.

Martin's case is currently being litigated by attorneys David Botsford and Walter Long and the West Texas Innocence Project. Based on careful analysis of the original investigation, they have argued that the case against Butch Martin is not "overwhelming, but rests upon an unstable pillar of forensic chemistry." They are petitioning the court for an opportunity to have John Lentini reexamine everything given to John Corn of Armstrong Labs, including his raw data, lab notes and spectrograms that he used to make his original determinations. If Lentini is able to demonstrate that the substances are either not ignitable liquids or that they have a harmless relation to fire-starting, they hope that the court will agree to overturn Martin's conviction and exonerate or retry him. Currently, his writ of habeas corpus is still pending.