

COMMENTARY



BARBARA SHELLY

## Robinson trial must be fair

Many have been called. Few have made the first cut.

And so, as jury selection in the case of accused serial murderer John E. Robinson Sr. labors into its third week in Johnson County, a couple of questions seem pertinent.

Should this trial be taking place in the Kansas City area?

And is it happening too soon? Think what you want about the defendant. Robinson is accused of six homicides and heinous sex crimes, and has the history of a loathsome swindler. But he is charged with capital murder and should have a scrupulously fair trial. Justice isn't supposed to pick and choose.

If that strikes some as high-handed, consider the practical aspect. Robinson's trial will be long, expensive, gruesome and, for some, embarrassing. Better to be extra careful the first time than to risk an order for a retrial.

Few who lived here have forgotten the summer of 2000, when six bodies were found in barrels on Robinson's properties. Every day brought new allegations of sadomasochistic sex and audacious scams.

Could anyone have absorbed the impact of those news reports and not concluded Robinson was guilty of ghastly crimes? Not me.

Scores of Johnson County citizens questioned over the last two weeks have said the same thing. The best attorneys can hope for is a panel of citizens who know about the case, but who think they can be fair. In a death penalty case, that strikes me as a shaky proposition.

The judge, John Anderson, has said he will order the trial moved if he thinks an impartial jury can't be found. But he has refused Robinson's defense team's request for more preparation time.

On the face of it, that seems fair enough. Delays are hard on victims and witnesses. In a move widely regarded as scheming, Robinson created havoc by firing his original attorneys from the Kansas Death Penalty Defense Unit and hiring a novice trial attorney.

Anderson wisely requested assistance from Sean O'Brien and Patrick Berrigan, lawyers with vast experience in capital cases. They agreed to help, and began working in the summer of 2001 on testimony to be used in the penalty phase of a trial. Anderson set a trial date for Sept. 16 of this year.

But Robinson's handpicked attorney withdrew in February. That left Berrigan and O'Brien also in charge of the guilt and innocence phase of the trial. The attorneys hired six legal assistants to begin analyzing 18,500 pages of documents. By July, that number had expanded to 22,000 pages.

O'Brien and Berrigan said in motions that the volume of documents left little time to interview witnesses or explore Robinson's mental state.

In September, the attorneys asked to either be granted a delay or allowed to withdraw. Anderson denied both requests.

It's easy to understand the judge's frustration. He has delayed proceedings several times, and found Robinson the best attorneys in the business.

But the attorneys worried in a motion that their very presence "would only serve to sanitize the execution of John Robinson."

Berrigan and O'Brien will go to great lengths to keep a client off death row. It's what they do. But they are not known for tricks. If they say they aren't ready, they mean it.

To leave a comment for Barbara Shelly, call (816) 234-4800 and enter 4594, or send e-mail to bshelly@kcstar.com.

## Reviews Monday in FYI

From Friday: **Georgian State Dance Company** and **Brenda Angiel Dance Company**.



## Stephen Winn

There are clear links between Iraq and terrorism. **Opinion, B-7**

# Mediator for lawsuits chosen

By DAN MARGOLIES  
The Kansas City Star

A former Texas district judge has been chosen to mediate talks between the parties in the civil lawsuits spawned by Kansas City pharmacist Robert Courtney's drug-dilution scheme.

Susan S. Soussan, who has mediated thousands of lawsuits in the past two decades, was selected after Senior Jackson County Circuit Judge Lee Wells on Wednesday asked the parties to submit the law-

## Ex-judge to oversee Courtney talks

suits to mediation.

Soussan confirmed Friday that she had been asked to mediate, but she declined to discuss the cases. Soussan said she would meet with the parties on Monday.

Wells has postponed until Tuesday a hearing on summary judgment motions filed by defendants Eli Lilly and Co. and Bristol-Myers Squibb Co. The drug makers want the lawsuits thrown out.

The lawsuits, filed by hundreds of cancer patients and their families, allege that the drug companies knew or should have known that Courtney was diluting their drugs but did nothing to stop him. The companies have denied the allegations.

The first of the cases, brought by ovarian cancer patient Georgia Hayes, is scheduled to go to trial Oct. 7.

On Friday, Wells said he made the mediation request because "it never hurts."

"Sometimes you can have dramatic results," he said. "The parties could have opted out and they didn't, so that means they were willing to give it a try."

Wells said he wanted to suggest mediation because most of the discovery in the Hayes case had been completed.

"It sounds like it's way, way too

See TALKS, B-2

# Trash lands artist in court

Student project arouses suspicion

By KEVIN HOFFMANN  
The Kansas City Star

He is embarrassed, apologetic and now headed to court.

Kansas City police on Friday charged Frank Heath, a 20-year-old Kansas City art student, with seven counts of violating a city ordinance that prohibits stirring up the public by leaving an imitation explosive device.

Heath turned himself in to authorities Friday afternoon and faces a December court date. Each count carries a maximum fine of \$500 and/or six months in jail.

Heath is charged with leaving suspicious packages in front of seven homes, most in the Brookside and West Plaza area. The packages weren't bombs, just trash that homeowners had put out weeks earlier. Heath apparently used the items as an art project in which he tried to take discarded items and show them in a new perspective, through mixed-media art.

Anne Canfield, director of communications at the Kansas City Art Institute did not identify Heath, but acknowledged that a student's art project had led to the incidents Thursday afternoon and evening.

"He's embarrassed and feels bad that this happened," Canfield said. "The student is just so apologetic."

Police, firefighters, bomb squad crews, and hazardous material

See TRASH, B-2

# University presidency candidates evaluated

By LYNN FRANEY  
The Kansas City Star

COLUMBIA — The committee searching for a new president of the University of Missouri system evaluated 15 candidates Friday in a closed meeting after a meeting of the governing Board of Curators.

Curator Paul Steele, who leads the committee searching for a replacement for President Manuel Pacheco, refused to divulge the candidates' names.

University system spokesman David Russell said that the committee met from 1 to 5 p.m., but did not tell him whether it whittled the list.

Rumors have the committee considering state Attorney General Jay Nixon and former Gov. Roger Wilson — but Steele would not comment.

Steele, of Chillicothe, cautioned members of the committee not to reveal candidates' names, citing their right to confidentiality.

The committee comprises the nine curators, who are appointed by the governor; the student representative to the curators; Kent King, Missouri's education commissioner; and Jack McCausland, the UM Alumni Alliance chairman.

To the public and media, Steele added: "Allow us the opportunity and the privilege to bring the very best candidate to serve the university (system). We are working hard to do this."

The committee expects to begin interviewing after it shrinks the candidate pool, Steele said. The list would be shortened again after those interviews.

A consulting committee composed of top professors from the four campuses then will examine the final handful of candidates be-

See SEARCH, B-2

## Here's looking at you, too



KEITH MYERS/The Kansas City Star

The face of legendary reggae artist Bob Marley came to life under the careful hand of Pembroke Hill senior Eddie Fonner on Friday at the school's street painting festival. Students in grades 2 through 12 used the campus parking lot at 5121 State Line Road as their canvas during the daylong celebration of art.

# First man is released from sexual predator program

By DAWN BORMANN  
and TONY RIZZO  
The Kansas City Star

A former Olathe resident has become the first man in Kansas to be released completely from the state's sexual predator program.

A Johnson County judge said Friday that he would sign an order freeing Jerry P. Inman, who has been living in another state without supervision for two years.

Inman, 53, has been on conditional release since August 2000, but he has been required to see a counselor who has made regular reports to the

court.

The counselor recommended Inman's discharge, and prosecutors did not object during a brief hearing Friday in Johnson County District Court.

Inman was not present, but his attorney, Darrell Smith, said that Inman was "elated."

"He's ready and eager to go on with his life," Smith said. "He's pleased that this stage of his life is finally over."

Inman was convicted in 1994 of sex crimes involving three teen-age girls. In 1996, he was committed to the predator program after a jury

found that he had a mental condition that made him likely to commit more crimes.

In 1999, he became the first participant to graduate into transitional release from the program's maximum security hospital setting in Larned, Kan.

During transitional release, he lived in a duplex and worked on the hospital grounds.

He also was the first to progress to conditional release in 2000.

There are 69 men now in the program. Six have come from Johnson County and 16 from Wyandotte County.

Three others besides Inman have advanced to transitional release, said Brenda Hagerman, legal counsel for Larned State Security Hospital.

"It's a gradual release back into a community," Hagerman said. "It's very rare for someone to be discharged straight out of that type of intense programming."

The program was established in 1994 and has twice been the subject of U.S. Supreme Court decisions.

Inman is the first man to graduate from the program.

Others have been released early after legal battles.

# P.S.

## Selling papers for charity

More than 1,200 volunteers, including some area celebrities, sold copies of *The Kansas City Star* on Friday as part of the Board of Public Utilities Checkered Flag Charities Day.

The money raised will benefit Rotary youth camps for disabled and disadvantaged children as well as other children's charities. The copies of the paper included a special section devoted to Kansas Speedway and NASCAR.

Organizers were still counting how much money was raised. "It was a beautiful day," said Susan Cantrell, *The Star's* vice president of promotions and group publishing. "We had a lot of support from the community."

—James Hart/The Star



DELORES JOHNSON/The Kansas City Star

## Squeeze play

It was a tight fit, but 5-year-old Matthew Pavlu of Overland Park discovered he could fit inside a football-shaped toy box at a preview Friday of the Community Disability Network's 16th annual Giant Toy Garage Sale. The sale will be from 8 a.m. to 4 p.m. today at Faith Lutheran Church, 4805 W. 67th St., Prairie Village. Admission is free.

## Muslim council dinner

"American Muslims: Part of America" is the theme of the American Muslim Council's annual dinner, planned for 5:30 p.m. Sunday.

The event will be at the Community Center Auditorium in Building D at St. Joseph Health Center, Interstate 435 and State Line Road. Tickets are \$20; children and students, \$10.

Highlights of the dinner include a keynote address from Eric Vick-

ers, executive director of the council's national headquarters. Jackson County Executive Kathryn Shields will receive the Distinguished Community Service award.

The dinner is sponsored by the council's Heartland Chapter, which includes much of Missouri and Kansas. For more information, call Mahnaz Shabbir at (816) 213-2536.

—John Collar/The Star

## Animal vigil planned

People for Animal Rights is hoping more than vegetarians come to a vigil planned tonight at Mill Creek Park on the County Club Plaza.

The all-volunteer educational and activist group is holding a candlelight vigil at 7:30 p.m. for the 10 billion animals raised on factory

farms that are killed each year.

Live music begins at 4 p.m., and at 6 and 6:20 p.m. representatives of the Kansas City Food Circle and Farm Sanctuary will speak about how factory farms are affecting family farms, animals and the environment.

—Summer Harlow/The Star

# TALKS: Mediator for Courtney lawsuits picked

Continued from B-1

late, but they've been doing such intensive discovery on this that I really didn't think they were ready to talk turkey until they got that done," Wells said.

Grant Davis, one of the plaintiffs' attorneys, said that if Monday's mediation session proves unsuccessful, the plaintiffs are ready to go forward with jury selection on Thursday.

Soussan, who practices in Houston, handles arbitration and mediation exclusively. She was appointed to the Harris County, Texas, civil district court in 1994 by Gov. Ann Richards to fill a vacancy, but lost her seat later that year during a Republican sweep of the Texas judiciary.

Among the thousands of cases she has mediated, one of the most noteworthy was a \$480 million settlement from Exxon Corp.'s insur-

ers, led by Lloyd's of London, to pay for the cleanup of the 1989 Exxon Valdez oil spill.

More recently, Soussan has served as a mediator in hundreds of fen-phen lawsuits filed in Harris County. The suits were settled on confidential terms.

Although the plaintiffs haven't specified damages in the civil suits against Lilly and Squibb, collectively they could amount to billions of dollars. The defendants have main-

tained that they had no way of knowing Courtney was improperly diluting drugs.

Courtney in February pleaded guilty to 20 counts of tampering with chemotherapy drugs and faces up to 30 years in prison. He is scheduled to be sentenced in December.

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