



Terence McCracken

On March 18, 1983, a masked man armed with a pistol entered Kelly's Deli in Collingdale, Pennsylvania, and forced the owner, her daughter and two customers into a walk-in cooler. When three more customers came in, the gunman herded them to a rear storeroom. A fourth customer, 71-year-old Charles Johnston, then entered the deli. The gunman fatally shot him and fled with cash taken from the register.

None of the surviving witnesses saw the gunman's face, but most said the man was wearing a dark knit hat, a red hooded sweatshirt and a bandana that covered his face, except for his eyes.

About an hour later, a police officer saw 18-year-old Terence McCracken standing on a street not far from the crime. McCracken was wearing a red hooded sweatshirt and a hat with a brim. He was questioned and said that earlier he had been working on a car with a friend. McCracken, who had no criminal record, agreed to go to a police station so police could take samples from his hands to test for gunshot residue.

Police questioned people on the street near the deli and one, Michael Aldridge, a high school classmate of McCracken, said he had seen someone enter and leave the deli, but could not identify him.

Three days later, after extensive police questioning, Aldridge said he recognized McCracken as the gunman. A search of McCracken's home turned up a dark knit cap resembling the cap described by deli customers. On March 21, 1983, McCracken was arrested and charged with murder and robbery.

On April 7, 1983, about three weeks after the shooting, police arrested John Turcotte, Jr., and William Verdekal in nearby Clifton Heights as they fled an armed robbery. A handgun was confiscated from Turcotte and ballistics tests showed the gun had fired the bullet that killed Johnston.

The Delaware County District Attorney's office then charged McCracken, Turcotte and Verdekal with murder, robbery and conspiracy. Turcotte and Verdekal were also charged with several other armed robberies in Delaware County.

McCracken went on trial alone in October 1983. The prosecution's key evidence was the testimony of Aldridge, who had given several statements that over time solidified his identification of McCracken. At trial, Aldridge said that he was close enough to the deli that when he saw McCracken, they exchanged a greeting before McCracken went inside.

A state crime lab analyst testified unequivocally that he found gunshot residue on McCracken.

Several of the customers testified to the clothing that the gunman wore—although some said there was white piping on the sleeves of his sweatshirt, and others said there was no piping. Police testified that when first questioned, McCracken was wearing a red sweatshirt with white piping.

State: Pennsylvania

County: Delaware

Most Serious Crime: Murder

Additional Convictions: Robbery, Conspiracy

Reported Crime Date: 1983

Convicted: 1983

Exonerated: 1995

Sentence: Life

Race: Caucasian

Sex: Male

Age: 18

Contributing Factors: False or Misleading Forensic Evidence, Perjury or False Accusation, Official Misconduct

Did DNA evidence contribute to the exoneration? No

:

Witnesses testified for McCracken that he was fixing a car with a friend at the time of the shooting. The defense argued that Turcotte was the gunman and had no connection to McCracken.

On October 25, 1983, the jury convicted McCracken of second degree murder, robbery, and conspiracy, and he was sentenced to life in prison.

The prosecution then dismissed the murder charges against Turcotte and Verdekal. Both men subsequently pleaded guilty to armed robbery charges stemming from robberies in Clifton Heights.

In 1986, the Philadelphia Inquirer published a series of articles about the case that raised questions about McCracken's guilt. The newspaper consulted gunshot residue experts and all agreed that the testimony of the crime lab analyst was wrong. At most, the experts agreed, the prosecution analyst had produced one finding that was negative and another that had characteristics similar to gunshot residue. In fact, the experts said the residue was just as likely to have come from McCracken's work on the car.

The Inquirer also interviewed Verdekal, who said that Turcotte was the gunman.

At the same time, Turcotte and Verdekal began making statements suggesting that Turcotte was in fact the gunman. In January 1987, the trial judge vacated McCracken's conviction and ordered a new trial after McCracken's attorney testified to interviews he conducted with Turcotte in which Turcotte admitted he was the shooter. McCracken was released on bond.

In one interview, according to attorney John G. McDougall, Turcotte said he was high on alcohol and drugs when he went into the deli and that he only intended to commit a robbery. McDougall quoted Turcotte as saying, "I remember the whole thing. It was like a dream. I was so stoned, but I can't remember the man's face. The gun went off accidentally."

In March 1988, however, the Superior Court of Pennsylvania reversed the new trial order, ruling that Turcotte's statements were cumulative to the defense at McCracken's trial and would not have convinced the jury to acquit him.

McDougall then brought another motion seeking a new trial based on statements from Aldridge that he had been pressured by police to identify McCracken. He said he did not know who the gunman was and that during his questioning, police brought in his probation officer who terminated his probation on the spot as an inducement to identify McCracken. Aldridge said detectives repeated McCracken's name and suggested that he was the gunman so often that he truly began to believe he had seen McCracken, though in fact he did not know who the gunman was.

The trial judge again granted McCracken a new trial and the state again appealed. In January 1993, the Superior Court again reversed the ruling and reinstated McCracken's conviction, ruling that Aldridge's recantation was not worthy of belief.

But in May 1995, the Pennsylvania Supreme Court reversed the Superior Court and vacated McCracken's conviction, finding that the statements of Turcotte and the recantation of Aldridge were sufficient to undermine the conviction.

In October 1995, McCracken went on a trial a second time before Delaware County Court Judge Frank Hazel, who heard the trial without a jury.

Aldridge testified that he had falsely identified McCracken and Verdekal testified that Turcotte committed the murder. Turcotte testified for the prosecution and denied killing Johnston.

The defense also presented testimony that the substance the prosecution called gunshot residue more likely came from McCracken working on a car on the day of the crime.

On October 16, 1995, Judge Hazel acquitted McCracken.

– *Maurice Possley*

Report an error or add more information about this case.



CONTACT US

We welcome new information from any source about the exoneration that are already on our list and about new cases that might be exoneration. And we will be happy to respond to inquiries about the Registry.

- + [Tell us about an exoneration that we may have missed](#)
- + [Correct an error or add information about an exoneration on our list](#)
- + [Other information about the Registry](#)

ABOUT THE REGISTRY

The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

Follow Us:  

Copyright 2012. All rights reserved.



Collections • Crime

Evidence Of Innocence: Doubt Cast On A Murder Case

0
 0
 0
 @

Ads by Google

By John Woestendiek, Inquirer Staff Writer

POSTED: April 20, 1986

On March 18, 1983, David Johnston, 71, left his home in Collingdale and walked down the street to Kelly's Deli to get his daily paper and his daily number. Seconds after he walked in - shortly before 1:40 p.m. - he was shot and killed by a masked robber.

On that same cool and drizzly day, in that same small Delaware County town, Terence McCracken Jr., 18, was sent home from school with an eye infection and spent the day hanging around his neighborhood.

He worked on a neighbor's car, greeted the mailman and, later, watched with friends as police tried to track down a murderer. They were looking for a man in a red sweatshirt, much like the one McCracken was wearing under his blue denim jacket.

Before the day ended, Terry McCracken, apparently by virtue of the red sweatshirt, became a murder suspect. Three days later, he was arrested. And six months after that, based mainly on the testimony of one eyewitness and a test for gunshot residue, he was convicted of Johnston's murder.

Today, there is compelling evidence that McCracken, who faces a mandatory life sentence, did not commit the crime.

A six-month investigation by The Inquirer has raised basic questions about McCracken's guilt, and about some of the evidence and testimony used to convict him.

That investigation produced statements from another man - supported by a lie-detector test - who said that he was involved in the crime and that McCracken was not.

In addition:

* At least three members of McCracken's family and two friends say they were with him either during or within two minutes of the time the crime was taking place at Kelly's Deli, seven-tenths of a mile from McCracken's home.

* A mailman had McCracken sign for a certified letter within minutes of - if not during - the robbery at Kelly's Deli, which began about 1:30 and lasted until about 1:38 p.m.

* A police scientist's conclusion, to which he testified in court, that gunshot residue was found on McCracken's hand was erroneous, according to a nationally known scientist who is credited with developing the test used to analyze residue on McCracken's hands.

* McCracken, in a polygraph test commissioned by The Inquirer, was determined to have given truthful answers when he said that he did not take part in the robbery or the killing, and that he had not fired a handgun - not that day, and not in his lifetime.

Moreover, The Inquirer's investigation indicates that it is mainly because of McCracken's conviction that the two men who, according to one of them, committed the crime have thus far gone unpunished.

*

Terry McCracken, who has been in jail for three years, was a senior at Academy Park High School when he was arrested March 21,

Ads by Google

Financial Times Offer

Subscribe To The FT & Save 25%.
Unlimited Access Online & Mobile

sub.ft.com

ONLINE MBAs ARE NOT CREATED EQUAL



LEARN MORE

WHERE WILL YOUR MBA TAKE YOU?
GO FURTHER WITH MBA@UNC >>

UNC KENAN-FLAGLER BUSINESS SCHOOL MBA@UNC

Find More Stories About

- Crime
- Gunshot Residue
- Residue

Know the dealYo

50% OFF
1-800-FLOWERS.COM
1-800-FLOWERS.COM®
Mother's Day Special

Get This Deal

Deal expires: 1d:08h:31m

1983. He had planned to tour the country after his graduation, then join the Army. He had been, up until then, in only minor trouble with the law.

Still, to many in the blue-collar community of Collingdale, the news of his arrest came as little surprise.

McCracken is the son of Terence "Screw" McCracken, a former member of the Warlocks motorcycle gang whose reputation was widely known among Delaware County law enforcement authorities and whose poorly kept home on Pusey Avenue in Collingdale, later condemned by the borough, was considered by many a thorn in the community's side.

Primarily because of that, Terry McCracken was considered, in the private parlance of Collingdale police, an "NFG." The "N" stands for no; the "G" stands for good.

But within just two weeks, questions would begin to surface. First, while McCracken was behind bars, a robbery strikingly similar to the one at Kelly's Deli occurred at a beverage outlet in nearby Glenolden.

The following week, another similar robbery took place in Clifton Heights, leading to the arrest of two furniture deliverymen.

McCracken had been in jail 17 days when those two men - William Vincent Verdekal and John Robert Turcotte - were arrested, minutes after the robbery of a Clifton Heights market on April 7, 1983.

The .38-caliber handgun police took from Turcotte that day was determined by ballistics tests to be the same gun that killed Johnston at Kelly's Deli in Collingdale.

When that fact - reported in the Delaware County Daily Times on April 15, 1983 - made its way to the 6-by-9-foot jail cell Terry McCracken was in, he said, it was as if a bad dream had ended.

"I thought for sure I would be out that weekend," he said in an interview last year at Delaware County Prison, where he had been held since his arrest and where, pending a decision on his appeal for a new trial, he is still awaiting formal sentencing.

"I can understand why they arrested me. At the beginning I think maybe even I would have arrested me. But I can't understand, when they found the gun, why they didn't let me go," he said. "I thought that would clear everything up."

It didn't turn out that way.

Instead, Verdekal and Turcotte were charged along with McCracken with the holdup and killing at Kelly's Deli, and investigators set out to show that the three men had conspired to commit the crime.

McCracken went to trial first and, after a mistrial, was convicted Oct. 25, 1983, of second-degree murder, robbery and conspiracy.

The charges against Verdekal were dropped during his trial when Delaware County Judge Robert A. Wright ruled that there was no evidence to firmly link Verdekal to McCracken. After that, the district attorney's office dropped the prosecution against Turcotte but reserved the right to try him later.

Both Verdekal and Turcotte were convicted of other robberies and sent to prison - Turcotte with the knowledge that the Kelly's Deli charges could be renewed against him at any time, Verdekal in a somewhat less vulnerable position.

Delaware County District Attorney John A. Reilly says he believes all three men were involved in the crime, and he still hopes to bring Verdekal and Turcotte to trial.

Yet Verdekal, in four interviews held over six months at three different prisons, said that he played a role in the crime and that McCracken did not.

Verdekal said he went into the store briefly before the holdup, then waited in his leased white Mercedes-Benz truck outside the delicatessen as Turcotte committed the holdup. Then, he said, he drove Turcotte from the scene of the crime.

And, he said, the first time he ever met Terry McCracken Jr. was when he and Turcotte joined him as inmates of Delaware County Prison.

Verdekal's statements were supported by a lie-detector test administered to him on behalf of The Inquirer by a former FBI polygrapher.

The deliveryman said he was coming forward with the information "in order for me to rest, in order for me to sleep at night, to have a clear conscience. I can't live with seeing a kid 18 years old getting life in prison for something I know he didn't do."

In addition to Verdekal's statements, The Inquirer investigation revealed that:

* Ten people - including Verdekal and five other prison inmates - say Turcotte told them that he robbed Kelly's Deli, and shot Johnston accidentally. All 10 say he blamed it on having consumed large quantities of drugs and liquor that day.

* Turcotte, in a letter sent to Verdekal in prison, wrote, "All I can really say is that I'm sorry. I know if I told you about the gun or anything about what happen . . . it never would have happen. All I can say is you know I've never in my life been as drunk as I was that day."

* Turcotte, two lawyers involved in the case say, was at one point willing to plead guilty to the Kelly's Deli killing. In exchange, he wanted assurances that he would not get the death penalty, nor more than one life sentence for all the crimes of which he was then accused. No such assurances were given.

* Verdekal, also while awaiting trial, was willing to testify that Turcotte was the triggerman in the Kelly's Deli case and to give police information about other unsolved crimes in exchange for a lenient sentence, according to Verdekal and his attorney, Luke McLaughlin 3d. The district attorney's office turned down that offer, too, saying, according to McLaughlin, that if the information Verdekal could supply did not implicate McCracken, they were not interested.

* Two key pieces of evidence either disappeared or were destroyed by the time of McCracken's trial - the substance identified as gunshot residue, which, according to the police scientist's report, was destroyed during testing, and a sketch of the gunman made by a customer in the delicatessen, which officials in the district attorney's office said was lost in the shuffle of pretrial paper work.

* There was disagreement among law enforcement officers investigating the Kelly's Deli case as to McCracken's involvement in it. One night, that disagreement almost led two investigators to come to blows. Some police officers involved in the investigation, though not willing to step forward publicly, say privately that they believe McCracken is innocent, and that Turcotte and Verdekal alone committed the crime.

* One of the customers in the store at the time of the holdup said in an interview that, although she never mentioned it to the authorities, she remembers thinking at a preliminary hearing attended by all three men that Turcotte more resembled the Kelly's Deli gunman than did McCracken. None of the customers or employees interviewed remember being shown pictures of Turcotte during the police investigation.

* Michael Aldridge, a former schoolmate of McCracken's and the only witness who identified him as being at the scene of the crime, originally told police that he did not recognize the man who fled the store. Three days later he told police it was McCracken. In subsequent court hearings, Aldridge further altered his account, and at one point he admitted on the witness stand that he had lied about certain aspects of his story to make it more believable.

Two acquaintances of Aldridge's say he has admitted in private conversations that he was not sure whom he saw fleeing the store, and that he identified the man as McCracken because police were insisting it was McCracken. Furthermore, Robert Brown, who was standing with Aldridge across the street from the deli at the time of the robbery, said in an interview that until police arrived, Aldridge gave no indication of having seen anything unusual at the store.

The Delaware County district attorney's office, informed of those findings, put little credence in them, and officials there said they remained convinced that McCracken is guilty, calling the case against him "among the strongest collection of circumstantial evidence against a defendant that we have ever had."

They discounted the statements from Verdekal and other prison inmates, saying that the veracity of jailhouse statements is questionable and that - though they had no proof of it - the inmates could have been threatened or intimidated by members of the Warlocks who are in prison.

March 18, 1983 was a dreary, cloudy Friday. Terry McCracken, as usual, slept as late as he could, then dragged himself out of bed to get ready for school. As he pulled on his clothes, his friend Tommy Akins drove up and honked his horn.

"I always picked him up in front of his house, and I always had to wait 10 or 15 minutes because he was usually still sleeping when I got there,"

Akins said. On the way to Academy Park High School, where McCracken was a senior and Akins a junior, Akins stopped at Kelly's. McCracken waited in the car while Akins ran in for his usual breakfast, a soda and cupcakes.

Because he'd missed the previous two days of school, McCracken checked in at the vice principal's office with a note from his stepmother. From there he was sent to the school nurse, Mary Panny, who, from across her desk, immediately saw that the eye infection that had kept him home had not cleared up. "You can't even keep them open," McCracken recalls her saying. The nurse

sent McCracken home.

"If you know anything about conjunctivitis, or pinkeye, you notice it right away," Panny said in an interview. "It's not just bloodshot eyes, there's a discharge."

McCracken said he walked home in the rain, not quite a mile, and went back to bed, where he remained until about 11:30 a.m.

Shortly after noon, McCracken went to the home of a neighbor, Andrew Leicht, who was working on his car in front of his house. McCracken, whose family's phone had been disconnected, needed to call school to make arrangements for his English teacher to pick up a term paper due that day.

"He had told us that this paper was real important and that, if we couldn't be in class, to call him and he'd make arrangements to pick it up," McCracken said. His topic was the U.S. Marines.

McCracken called his school from Leicht's house. School secretary Edith Chestnut remembers the call. It was about 12:30 p.m., she said. She paged English teacher Joseph Tortorelli over the public address system, spoke to him, then told McCracken that Tortorelli would drop by his house after school to pick up the report.

After the phone call, McCracken went back outside, where Leicht enlisted his help on his car.

"Terry didn't know a whole lot about cars," Leicht said in an interview. "I said, 'Why don't you give me a hand here and take off a few bolts, I'm in a rush.' He said 'all right' and he started undoing some bolts for me."

Leicht recalled that the intake manifold on his 1970 Chevelle was leaking and that he was working in the rain, rushing to install a temporary gasket he'd made out of cardboard so he could get to his job at a Radio Shack by 2 p.m.

At McCracken's trial, Leicht said he was with McCracken until shortly before 1 p.m. In the interview, he said he believed he was with McCracken until about 1:20 p.m., when he put his tools away and went inside to clean up for work, leaving his car running.

McCracken said that about 1:20, he left Leicht and went back to his own house. There, his father and stepmother were getting ready for a doctor's appointment. A friend from across the street, Vincent Cefaratti, was in the McCrackens' living room watching television. And McCracken's brother Daryl, 17, and his brother's girlfriend, Claire Montanero, were quarreling. The dispute was over who would go to the store for cigarettes. McCracken volunteered.

Shortly after 1:25, McCracken said, he was on his way back from Larry's, a small corner grocery two blocks from his home, when he saw his mailman, Robert

Vance.

Vance, in an interview, said that he told McCracken he had a certified letter for his father and that McCracken walked with him to his house. McCracken ran upstairs to tell his father he needed to sign for the letter. Terence McCracken Sr., who was in the bathroom, said he told his son to sign. "What the hell, we have the same name," he recalled in an interview.

No records are made of the times of delivery of certified letters, Vance said, but as he remembered it, the younger McCracken signed the receipt for the letter between 1 and 1:30 p.m.

McCracken, his brother and his parents, who were watching the clock because of the 2 p.m. doctor's appointment, said the mailman came at 1:30 p.m.

David Johnston, meanwhile, was well into his daily routine that Friday.

Johnston, retired from his job as a security guard at the Philadelphia Museum of Art, was a slightly built man with white hair, blue eyes and, neighbors recall, a meticulous appearance. After the death of his first wife, Johnston had remarried. About six years after that - in 1979 - he and his wife moved from Philadelphia to Collingdale "because they thought it would be safer in the suburbs," said his stepdaughter, Connie Youkon of Philadelphia.

There, they lived a quiet life, for the most part keeping to themselves, occasionally going out for dinner and a movie, as long as it didn't interfere with a Phillies game on television. Johnston watched those regularly.

And every day, he walked to Kelly's Deli. He bought a newspaper and he played his state lottery number - the same one every day, according to Kelly's Deli employee Delores Bright - 800, straight and in a box.

On March 18, Johnston, who had been suffering from ulcers, was walking a little more slowly than usual as headed down Sharon Street to Kelly's Deli. It was wet outside, and he'd only recently completed a long hospital stay.

It was shortly after 1:30 p.m.

On March 18, 1983 - like most every weekday morning - William V. Verdekal, 34, and John Robert Turcotte, 22, sat in a booth at Tony's Bar in Collingdale.

After going to a furniture warehouse in Bridgeport, N.J., and loading the day's deliveries into Verdekal's Mercedes-Benz truck, they generally went to Tony's to plan their delivery route.

That morning, though, Verdekal, an independent subcontractor, was calling customers to tell them his deliveries would be late because of the rain. "Nobody likes their furniture delivered in the rain," he said. Both men were drinking and had taken drugs that morning, Verdekal said in an interview late last year.

"Bob was drinking, and I know for a fact he was really gone on the meth, that and Jack Daniels in the bar," he said. "He came back and offered me some meth. I told him, 'No, I have some coke anyway.' "

Verdekal, who spent much of his late teens and 20s in prison for burglaries, had picked Turcotte up hitchhiking one day in late 1982 and offered him a job. It was sometime after the busy 1982 Christmas season, he said, that they began committing robberies. While Verdekal maintains that he was the gunman in only one robbery - "it was a show-of-faith type thing" - he acknowledged that, generally, the planning and the profits were shared.

That morning in Tony's Bar, Verdekal was wearing cowboy-type clothes; Turcotte was wearing jeans and a bandanna, Verdekal said.

"Right around that time, the kids were wearing bandannas around their leg, and also around their neck. . . . In Bob's particular case he wore it most of the time because of the haircut he had. Sometimes he would just pull it down and wear it around his neck. I remember a time he said to me, 'Why not

dress the way the kids dress here, they would never know,' which made sense, you know. Dress like a college kid and they'll think a college kid did it,

dress in a suit, and they think a businessman did it. That was a diversion kind of thing."

Verdekal said he and Turcotte would steal clothing from various bars to wear during robberies. In his truck that day were a variety of jackets and sweaters, including a red sweatshirt, stolen earlier, he said, off a coat

hook at Tony's. Also in the truck, Verdekal said, was a loaded .38-caliber revolver, which had been stolen in a house burglary and had been used in at least one previous robbery.

When they left the bar that day, Verdekal said, "I know he (Turcotte) was really stoned, and I was feeling pretty good myself." About 1:20 p.m., Verdekal said, he parked his truck across the street from Kelly's Deli and

went inside.

Verdekal does not admit planning the Kelly's Deli robbery, or even

discussing it beforehand. Nor does he admit that, when he walked into Kelly's that day, it was to "case" the store for a robbery, though the Delaware County district attorney's office, and others involved in the investigation, believe that to be the case.

At 1:23 p.m., Verdekal purchased a lottery ticket at Kelly's. While he was in the store, Edith Chestnut, the school secretary who had talked to Terry McCracken on the phone about an hour earlier, walked in. She knew Verdekal. Her brother is married to one of Verdekal's sisters.

They talked briefly, walked outside together and went their separate ways.

Verdekal said he returned to his truck. He said Turcotte checked the .38- caliber revolver, slid it in into his pants, and got out of the truck. "He said, 'I'm going for cigarettes' . . . but I know he's going to rob the place at this point," Verdekal recounted.

Verdekal said he started the truck and drove a half block down the road. He parked, he said, but left the truck running. He sat there nervously as the windshield wipers slapped back and forth. The rain started coming down heavier, he remembered.

It was about 1:30 p.m.

Situated on Collingdale's main drag - MacDade Boulevard - Kelly's Deli was a small, family-operated store that did business mainly in lunchmeat and lottery tickets. By 1:30 p.m. that Friday, the lunchtime rush was waning and only two customers were inside.

Robert Murphy, a cashier for SEPTA, recalls that he stopped at Kelly's amid a heavy rain on his drive to the MacDade Mall. He parked in front of the store and went in for cigarettes. There was no line at the lottery machine, he said, so he decided to try his luck. Marie Fawns, whose mother, store owner Anna Dannelly, was in a back room, sold Murphy his lottery ticket.

The other customer, Catherine Laurie, was at the deli counter, where Delores Bright was filling her lunchmeat order.

It was then that the gunman entered.

"When he came in the store, I thought he was kidding," Bright said in an interview. "Kids used to do that all the time - walk in and say, 'This is a stickup.' And this guy had a sort of kidding look on his face - what you could see of his face."

The gunman's speech was later described by witnesses as slow and lethargic, perhaps slightly muffled by the bandanna that covered his face from the nose down. He wore blue jeans and boots, and the hood on his red sweatshirt was pulled over his head. Under the hood, he wore a dark-colored knit ski cap that covered most of his forehead. Virtually all that was visible were his hands and eyes. Two customers later described the gunman's eyes as "deep-set," but none noticed their color and none noticed any unusual redness or any discharge around them.

"This is a holdup. I'm not kidding, Lady," he said, waving his gun. "Everybody in the back."

As he herded Fawns, Bright, Murphy and Laurie toward the back of the store, he spotted Dannelly in the back room. "You too, Lady," he said. "I see you."

Fawns warned her mother, "Mom, he's got a gun. Do what he wants."

All five went inside the store's walk-in refrigerator, and Murphy, the victim of four previous robberies, quickly took steps to secure the door should the gunman try to enter.

The gunman returned to the front of the store and went to the cash register, only to be interrupted - five times - by more customers - first an elderly woman, then an employee from a local lumberyard, then a park guard, then Eugene Schoffield, the owner of a nearby tire store. The gunman could not put them in the refrigerator, which was being held shut by those already inside. So he ordered the first four to lie on the floor in the back room.

The fifth was David Johnston.

"We heard a shot and a man screaming, and I guess maybe another 15, 20, 30 seconds went by and it was all quiet," Richard P. Duffield, the lumberyard employee, later said in court.

Johnston was on the floor dying when yet another customer, Dudley Denison, approached Kelly's. He, like Duffield, his co-worker at Collingdale Millwork, was stopping for a sandwich to go.

Denison, in an interview, said he was reaching for the doorknob when the door to Kelly's opened and he came face to face with the masked gunman and his revolver. He put his hands in the air and backed up until he was in a parking lot on the side of the store. He placed his hands against the building.

The gunman ran behind him and along the side of the store, turning around once to point the gun at Denison. As soon as he was out of sight, Denison looked into the store, then ran to nearby Brennan's Bar.

"Somebody's been shot down at Kelly's," Harry Rudolph, a patron at Brennan's, remembers Denison saying. Rudolph ran to the delicatessen, and Denison followed, after telling the bartender to call police.

Police received that call at 1:39 p.m., less than a minute after getting another call from a woman who had heard the gunshot while standing on the street.

The shooting apparently occurred at 1:37 or 1:38.

At 1:40 p.m. - as a white Mercedes-Benz truck was winding its way toward Interstate 95 - police arrived at Kelly's.

According to the driver of that truck, William Verdekal, John Robert Turcotte had not mentioned anything about his gun going off, and would not until the following Monday. At that time he said only, "I scored big. . . . I've got some money."

As paramedics arrived and tried in vain to save the life of David Johnston - the single bullet had been fired at point-blank range into his upper back and had exited through his neck - Verdekal's truck merged into the sparse, early afternoon traffic on Interstate 95. Turcotte, according to Verdekal, was counting money and talking about buying a car as they headed north to make their scheduled deliveries.

"Damn," Verdekal says he remembers Turcotte saying. "I have, like, \$900 here."

Andrew Leicht's homemade cardboard gasket was doing the job. His Chevelle was still idling in front of his house when Leicht, cleaned up for work, glanced at a wall clock and came out his door. It was 1:40 p.m., he said, and Terry McCracken was

standing on his front porch.

At most, this was three minutes after the shooting at Kelly's - seven-tenths of a mile away.

"I had looked at the clock right at the door, and I remember thinking, 'It's 20 till 2, I better get a move on.' I went outside, went toward the street, looked up and Terry was leaning up against his door," Leicht said in an interview.

"I said, 'Terry, I'll be home tonight about 8 o'clock, maybe a couple of minutes later; save some beer for me.' "

McCracken said he had walked out on his porch after a quarrel with his brother Daryl. The issue was the certified letter McCracken had signed for: It was a citation for Daryl.

"Terry came down to the kitchen and told me that my dad wanted to see me

because I had another ticket, so I went up and he threw it over to me and said, 'You got another citation,' " Daryl McCracken recalled. He said that the citation was for underage drinking or violating curfew, and that he was angry because Terry had given the citation to his father.

Cefaratti, the neighbor who was at the McCracken home at the time, said in an interview last year that shortly after 1:30 p.m., he overheard the quarrel as he watched television in the McCrackens' living room. He said he could not remember what he was watching.

Cefaratti lived until his death in November across the street at the home of Florence Orsini, who said she also saw McCracken on his front porch just after 1:40 p.m.

Orsini had heard police being summoned to Kelly's Deli on her police scanner. About two or three minutes later - after calling her son in nearby Glenolden, who was planning to visit her - she looked out her door and saw McCracken standing on his porch, she said in an interview.

McCracken's father said he and his wife left their home about 1:45, telling Terry to clean up the house. Cefaratti said he left at that time as well. Across the street, Orsini's son James arrived. James Orsini and Cefaratti then told McCracken about the robbery that had just taken place, they recalled.

When, shortly after, McCracken heard a siren and saw a police car speeding down a nearby street, he walked over to see what was happening.

On the way, McCracken said, he approached a member of the local school district security force, which was helping in the search for a suspect. McCracken said that the officer, whom he knew, told him that his clothes resembled those of the gunman and advised him to go home and change so he wouldn't be mistaken for the robber.

As he walked back home, Cefaratti and James Orsini, who had been listening to the scanner, came out of the Orsini home. "They've got the guy who did it on Cherry Street," Orsini said he told McCracken.

That was less than a block away, and McCracken went to the area with his brother, Cefaratti and Orsini. McCracken had not bothered to change clothes. "I figured since they had caught the guy, why should I bother to change?" he said.

Under his blue denim jacket, and over two other shirts, McCracken was wearing a red sweatshirt with a "Puma" insignia on it. It drew the attention of one of the out-of-town police officers at the scene, where it turned out that the person police had stopped had simply been walking his dog.

That officer called McCracken over and searched him.

During the search, Collingdale Police Officer James Clifton approached. Clifton had been the first to arrive at Kelly's after the robbery and had broadcast the original description of the gunman.

In court later, Clifton noted that McCracken lived only about 35 feet from Cherry Street, and he said he didn't question McCracken at that time "because of how long it had been since the crime. . . . Besides, I know Terry McCracken."

According to McCracken, Clifton told the officer who had stopped him, "I know him, he's OK." McCracken went back home.

The description of the gunman, at that point, was that of a white male, 5 feet 9 or 5 feet, 10 inches tall, wearing blue jeans, boots, a dark knit ski cap and a red jacket or sweatshirt.

Authorities say it was the similarity between that description and what McCracken was seen wearing that day - blue jeans and boots, a black felt hat with a brim, and among his other shirts and jackets, a red sweatshirt - that led police to return to his home later that afternoon.

McCracken agreed to accompany police to the station for questioning, and at 4:45 p.m. he agreed to let police take samples from his hands for a gunshot-residue test. It was then that he made a statement that would later be used against him.

McCracken attributes the question he asked to simple curiosity, but prosecutors would later portray it in a far more ominous way. After asking how the test worked, McCracken asked what would happen if the person receiving the test had washed his hands. The residue would still probably show up, he was told. What, he then asked, if the person had rubbed alcohol on his hands?

Those remarks were noted by the detective administering the test, and the samples he took were sealed for later analysis at a state police laboratory.

Police then obtained warrants - one allowing them to photograph and fingerprint McCracken, another to search his house and take his clothing. A little after 7 p.m., McCracken was taken home so he could change into new clothes.

"When I got back to my house, the cops and CID were there already and searching," McCracken said. "I went up to my room. Someone was standing on my bed and ripping down all my United States Marine Corps, Army, Navy and Air Force posters and

my flags."

In the search, police found one round of .38-caliber ammunition - the same caliber, but a different brand from the one that killed Johnston - and a box of Remington .380 automatic-pistol ammunition, which is incompatible with the revolver that killed Johnston. Both were found in the bedroom of Terence McCracken Sr., who was at work in Lansdowne, loading trucks, at the time.

Police also took the clothes McCracken was wearing - a red sweatshirt, blue velour shirt, red plaid flannel shirt, blue denim jacket, blue jeans, black felt hat, boots, a beige cloth that was in his trouser pocket, a grey silk tie that was on the living room floor and three socks.

One of his socks had a hole in it, he explained, so he wore a sock from another pair underneath. He'd been using the cloth to dab at the discharge

from his eye, he said, and he, his brother and a friend had been using the tie to blindfold each other as part of a game they were playing.

The detectives, after McCracken ran and got it, also took a receipt from Certified Letter No. 743583 - the letter McCracken said he signed for at 1:30 p.m. that day. They left without arresting him.

On Monday, though, they were back. "I thought they came to apologize for the inconvenience on Friday," McCracken said. But this time, they had come with a warrant for his arrest on charges of murdering David Johnston and robbing Kelly's Deli.

The arrest came after Michael Aldridge, McCracken's former schoolmate, amended his first statement to police after three days of questioning. Now he told them the person he saw running from the store was Terry McCracken.

As McCracken was being taken into the police station to be booked, he would say something else that would be used against him in court.

On a desk at the police station, McCracken saw some sketches - sketches that, although they were of a masked man, looked nothing like him, he said. He had been asking officers why he had been arrested, and as he passed the desk, he said, "Is that supposed to be me?"

"No," McCracken said he was told. "We have an eyewitness."

"I know," McCracken said. "Michael Aldridge, right?"

Prosecutors would later say that the only way McCracken could have known that was if he knew Aldridge had seen him fleeing the store.

According to McCracken, though, he had been told over the weekend - by a cousin of the delicatessen owner and other Collingdale residents - that Michael Aldridge had seen the gunman and was being questioned by police. Several other Collingdale residents, including one whose house Aldridge visited during those three days of questioning, said in interviews that Aldridge, while not discussing details, did tell friends at the time that he was being questioned at length by police.

"So when the cops said they had someone that knows me and went to school with me and can put me at the scene of the crime, I couldn't believe it, but I knew it had to be Michael Aldridge," McCracken said last week.

William Verdekal and John Robert Turcotte made all their scheduled deliveries that Friday after the robbery at Kelly's Deli.

It was not until Saturday, Verdekal said, that he learned that a shooting had taken place. When Turcotte came to his home on Monday, Verdekal confronted him with an article in Saturday's Inquirer headlined, "Fleeing Robber Kills Man, 71."

"When he came in the house, I said, 'You know what happened, don't you?' He said, 'What do you mean?' I said, 'You know what happened. How come you didn't tell me you fired that gun?' He said, 'I don't remember.' I said, 'You better read this,' and that's when he read it. I mean that kid sat there and he looked like he was dead himself. . . . And I'd be willing to bet, him being so stoned, that he really didn't remember it."

On March 28, 10 days after the killing at Kelly's Deli in Collingdale - while Terry McCracken was locked in his jail cell - a masked gunman entered Koban's Beverages Inc., in Glenolden, a town that adjoins Collingdale, about 1 p.m. He forced the owner and an employee into a walk-in refrigerator, rifled through the cash register and left with about \$400. Witnesses saw a white Mercedes-Benz truck leave the store.

Ten days after that, on April 7, a masked gunman robbed the Westbrook Market in nearby Clifton Heights. This time, unbeknownst to the robber, he was being watched. A sign painter had seen him pull a bandanna up over his face before he went into the store. The painter called police and, as the robber fled, ran after him, losing him for a minute, then spotting him in a white truck.

Seconds later, police stopped the truck, a white Mercedes-Benz.

Clifton Heights Police Chief Ronald Berry approached the driver's side of the truck, pointed his gun up at the window and said, "Don't move."

Myron Blankley, then the police chief of nearby Aldan, ran to the other side of the truck, his gun drawn.

About that time, a third police officer arrived - Sgt. John Hewlings from Collingdale. He climbed up on the truck bumper and pointed his weapon at the windshield.

The two men inside the truck were ordered out and frisked. Verdekal's cowboy hat fell off as he was pushed into the side of a squad car.

A .38-caliber revolver was taken from Turcotte, who told officers, "I'm just a guy with a gun trying to make a living."

Verdekal and Turcotte were taken to Clifton Heights police headquarters and their truck was impounded.

A further search of the truck by state police four days later would reveal a lottery ticket that the state Lottery Commission would confirm had been purchased at Kelly's Deli at 1:23 p.m. March 18, plus assorted items of clothing, including two knit caps - one brown, one blue - a box full of cash and a newspaper folded over to the article headlined, "Fleeing Robber Kills Man, 71."

A ballistics test performed on that gun would reveal it was the same .38- caliber revolver used to kill David Johnston at Kelly's Deli in Collingdale.

"I start this journal on my (19th) birthday which I am celebrating in Delaware County Prison," McCracken wrote April 18, 1983, on a yellow legal pad - one of three he would fill with words while spending 22 hours a day in his jail cell.

"I am in here for a murder I did not commit," he wrote. "The police believe that I did do it, and contrary to popular belief it is not innocent until proven guilty, you must prove yourself innocent. While no matter what I have as evidence I can not prove myself innocent until trial and trial can take up till 6 months to come."

McCracken, who on Friday celebrated a fourth birthday in prison - he turned 22 - is one of seven children, the eldest son of Screw McCracken, the former Warlock who now drives a truck for a living.

When he was 9, McCracken's mother killed herself in a hotel room. The next year, his father got out of the Warlocks. "I guess for Terry growing up it was pretty unstable," his father said in an interview. "I was strict; I just wasn't there enough."

As a teenager, Terry McCracken got into his share of mischief - most of the time with his younger brother Daryl.

When McCracken was 16, he and his brother broke into a school cafeteria. As his brother served as lookout, McCracken took a 25-gallon barrel full of cookies and crackers. He was caught rolling it across the schoolyard. Daryl got away.

Shortly after that, McCracken was caught with his hand inside a soda machine. He had managed to steal four sodas.

His third brush with the law came the same year. Daryl was serving as a lookout as Terry looked through boxes behind a beverage store for beers. Daryl got away. Terry was convicted of criminal trespassing and sent to the Juvenile Detention Center in Lima for two days.

"Terry was the good one," said his father, now living in Upper Darby. "Daryl was the one who was continually getting in trouble. Terry had three or four little things, but he always had this sense about him that he never went overboard."

The home in which the McCrackens lived on the south side of Collingdale was, most neighbors agreed, an eyesore. In 1984, after McCracken's arrest, the house - where local teenagers frequently gathered to drink or just hang out - would be condemned by local health department officials, and, later, destroyed in a fire.

Most of McCracken's jailhouse diary is filled with memories of his neighborhood, along with details about his friends and his family, plans for the future, when he slept and what he ate in jail, who wrote him a letter and who paid him a visit.

"I have also learned that they finally found the real killer, but they still keep me," he wrote in April 1983. "My lawyer, John McDougall, tells me now they suspect me in a conspiracy. If this makes sense then I am a rather big moron."

In the hours after their April 7 arrest, John Robert Turcotte and William Verdekal were not cooperating with authorities at Clifton Heights police headquarters.

Verdekal, who had declined to talk with the arresting officers, was shackled to a chair in the hallway, where he was on the phone trying to reach his attorney, he recalled in an interview.

Turcotte was in a holding cell, where he had removed the brown sweater he was wearing - and had worn during the Westbrook market robbery, according to Verdekal - and had torn it up and tried to flush it down the toilet.

"He was being rowdy with them (the police)," Verdekal said. "When I first saw him was after he'd been pushing parts of the sweater down the commode. He was shackled feet and hands to the bars."

Later, after seizing the sweater for evidence, officers attempted to question Turcotte. Turcotte noticed that one of the officers had a Collingdale Police armpatch on his uniform.

According to police, he made this remark: "You're not going to pin that Collingdale murder on me."

That statement, the similarities in appearance between Turcotte and McCracken, and the similarities between Turcotte's gun and the one described by witnesses at the Kelly's Deli robbery, initially led investigators to

suspect that Verdekal and Turcotte may have had a role in the Collingdale crime.

In the following week, on April 11, ballistics tests would show that Turcotte's gun had killed Johnston, and other incriminating items - such as the lottery ticket purchased at Kelly's minutes before the killing - would be found in Verdekal's truck.

By then, Detective John Slowik of the Delaware County Criminal Investigations Division (CID) had gone to Bridgeport, N.J., to interview employees at Better Homes Delivery Inc., the warehouse out of which Verdekal and Turcotte worked.

Theorizing that McCracken might have worked with the two men, Slowik on April 8 asked managers of the warehouse about Verdekal's helpers. Because Verdekal was an independent subcontractor, the warehouse had no records of who worked for him. But they told the detective of a shabbily dressed young man, 18 or 19 years old, about 5 feet, 9 inches tall with sandy hair, Slowik would later testify. No one knew him by name.

Five days later, Slowik and another CID detective went to the warehouse with two photographs, both of Terry McCracken. The detectives took statements

from the manager and assistant manager, both of whom said the picture resembled the young man whom they had never met or talked to but had seen working there.

With that, McCracken on April 27 was also charged with conspiracy to commit the Kelly's Deli murder and robbery, along with Verdekal and Turcotte.

In the weeks after their arrest, Turcotte and Verdekal were charged with other robberies. Verdekal was charged in April with the March robbery at Koban's Beverages in Glenolden. In May, Turcotte was charged with the robberies of two Delaware County gas stations in February - a Sunoco Station in Middletown Township and a BP station in Concord Township.

At the latter robbery, on Feb. 25, 1983, a shot was fired into the floor of the gas station and tests on the recovered slug showed it was fired from the same gun that was later used at Kelly's - the first indication that the two men, in addition to having the gun after the Kelly's killing, also might have had it before.

By then, Verdekal was in touch with his attorney, Luke McLaughlin 3d of Norristown. He had met McLaughlin months earlier while making a delivery to his home, and the two had gotten together at Verdekal's request to discuss Verdekal's delivery business.

"His wife called me after he was arrested, and I went to talk to him down at Delaware County Prison," McLaughlin said in a recent interview. "We talked and we decided that it would be in his best interests to approach the district attorney and talk about a possible arrangement, whereby he would cooperate with the police in exchange for consideration at time of sentencing."

McLaughlin said he went to Delaware County in search of a deal. He spoke to John McKenna, head of the CID, then to a top official in the district attorney's office, he said.

"I was very circumspect, and I had to be vague to protect my client, but I told them that I believed we could help them. We believed that John Robert Turcotte had been pulling these robberies, and we believed he may have been the one who pulled the robbery at Kelly's delicatessen."

McLaughlin said he was told "unless Bill Verdekal was prepared to indicate that Terry McCracken was the triggerman at the Kelly's delicatessen robbery, that they didn't even want to talk to us."

McLaughlin said he later told authorities that his client was willing to take a polygraph test to support his statements, but "nothing ever came of it. They never reopened discussions or negotiations, although I went to the D.A.'s office on multiple occasions."

Verdekal admits that his prime goal at that point was saving himself, but he said that during the summer of 1983, as McCracken's trial drew near, he

went as far as he could to help him.

"I had told my attorney Terry's not the one who did this. But there were no deals to be made," Verdekal said. "And you're not going to jump out, when they're asking for first-degree and the death penalty, and say, 'I'm the one who did it.' Nobody in their right mind would do that."

McLaughlin said that until McCracken's trial, he continued to seek a deal for Verdekal. Amid continued rejections from the district attorney's office, he said, he went to a state police detective, Thomas Ansel, who also requested that a polygraph test be administered to Verdekal. That request, too, was turned down by the district attorney's office.

Officials in the district attorney's office said they were not willing to give a lie-detector test to Verdekal because they did not believe he was telling the truth about his own involvement in the Kelly's Deli killing, and they were not willing to offer a deal because they felt he was the mastermind behind it.

According to sources close to the investigation, Ansel almost came to blows with McKenna one night at a Delaware County tavern. Ansel had been investigating a string of robberies he believed Turcotte and Verdekal had committed. Although Ansel declined to discuss the Kelly's case with *The Inquirer*, law enforcement sources said it was Ansel's belief that Verdekal and Turcotte were solely responsible for the killing and robbery. It was a shouting match over that point - whether McCracken should remain charged with the crime - that almost led Ansel and McKenna to blows, the sources said.

Two police sources close to the investigation said in interviews that they did not believe that McCracken was involved in the Kelly's Deli killing and robbery. Both, however, declined to be identified, saying they feared public comment would strain their working relationships with the CID.

Verdekal's attorney, McLaughlin, showed no such hesitation, however.

"From everything that I have seen, everything I have reviewed in the records and my conversations with various people, including Verdekal and Turcotte, I am as sure as I can be that Terry McCracken was not involved in the situation," McLaughlin said.

Ads by Google

Premium Golf Club Rental

Golf Clubs Suited to Your Game Wide Variety of Prem. Club Rentals!

www.ClubHub.com

FEATURED ARTICLES



Less is more with Michael Mosley's 5:2 diet



Young cancer patient's good news: 'Total remission!'



Free soft pretzels Friday

More:

Carnival Cruise prices down 20%

Toomey says he won't take new shot at gun bill

Karen Heller: A T-shirt celebrates Philly's rudeness

Pilot had passenger detained for not flushing toilet

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired 'Unstoppable'

Collections • Robbery

A Conviction For Murder, Then New Cracks In The Case

Ads by Google

visit
MYRTLE BEACH
SOUTH CAROLINA

**Summer
Vacation
Deals**

Find:

Free Nights
Accommodations
Discounts
Stay & Dine
Packages
Much More!

SAVE NOW »

By John Woestendiek, Inquirer Staff Writer

POSTED: April 21, 1986

On Oct. 18, 1983 - a Tuesday exactly seven months after David Johnston was killed during a holdup at Kelly's Deli in Collingdale - Terry McCracken went to trial for murder.

His jurors in the Delaware County courtroom would hear six days of testimony.

They would hear from an eyewitness, who, though his testimony fluctuated, said he saw McCracken enter Kelly's Deli at the time of the March 18, 1983, robbery and flee the store less than 10 minutes later.

They would hear from a police scientist, who testified that tests had shown gunshot residue on one of McCracken's hands hours after Johnston, a 71-year-old retired security guard, was killed by a masked gunman at Kelly's.

They would hear from customers and employees of the small, family owned delicatessen on MacDade Boulevard, several of whom, although they differed in the details of their descriptions, said that the gunman's clothing resembled what they were later shown of McCracken's.

And when the testimony was over, after just two hours of deliberations, they would pronounce McCracken - the 19-year-old son of Terence "Screw" McCracken, a one-time member of the Warlocks motorcycle gang - guilty of second-degree murder.

Today, as Terry McCracken, now 22, awaits formal sentencing to life in prison, an Inquirer investigation has uncovered evidence that suggests he did not commit the crime.

That evidence indicates that two other men were instead involved in the Kelly's Deli robbery - William Vincent Verdekal and John Robert Turcotte, who were arrested for a similar robbery 17 days after McCracken was jailed and who were found with the gun that killed Johnston.

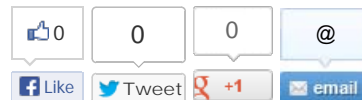
Verdekal and Turcotte were charged, along with McCracken, with the holdup and killing at Kelly's. But after McCracken's conviction - and to a large extent because of it - the charges against them were dismissed.

Verdekal has since said in interviews with The Inquirer - and in statements supported by a polygraph test - that he waited outside the store in his truck as Turcotte committed the killing and that McCracken, whom he did not even know at the time, was not involved in the crime.

That information, and other findings that have come to light in a six-month Inquirer investigation, did not surface at the trial of Terry McCracken 2 1/2 years ago.

As the trial started, McCracken, dressed in a suit and his hair neatly combed, sat with John McDougall, the attorney his father had hired for him. McDougall had represented his father, and other Warlocks, in the past. Sitting across from the defendant was the assistant district attorney assigned to prosecute the case, Howard J. "Bud" Gallagher.

The trial, before Judge Robert A. Wright in Delaware County Court,



Ads by Google

Subscribe to the FT
today and save 25% ▶

We live in FINANCIAL TIMES®

WHERE WILL YOUR MBA
TAKE YOU?

GO FURTHER
WITH
MBA@UNC >>

UNC
KEenan-Flagler
BUSINESS SCHOOL

MBA@UNC

We Recommend

Trial of woman accused of World War II vet murder postponed

February 16, 2013

7th defendant pleads in murder of Korean businessman

June 8, 2010

Find More Stories About

[Robbery](#)
[Testimony](#)

had originally begun Oct. 12, but a mistrial was declared after Michael Aldridge, the eyewitness, used the word Warlocks in his testimony. Wright ruled that the word was prejudicial, and a new jury had to be chosen.

Gallagher began by calling witnesses who had been in Kelly's Deli when the gunman entered, or had arrived at the store just before he fled.

They described the gunman as between 5 feet, 9 inches and 5 feet, 11 inches tall, 150 to 160 pounds. Most remembered a dark ski cap. Some said it was green, some said it was black, some said dark blue.

The bandanna the robber wore over his face was variously described as light-colored, off-white, beige, red, paisley, blue and dark-colored. Some said the red hooded sweatshirt had no piping, others said it did.

McCracken's red hooded sweatshirt had white piping and a "Puma" insignia; none of the witnesses recalled the insignia.

The most specific description came from Robert Murphy, a SEPTA employee and five-time robbery victim. Murphy, one of two customers in the store when the robber entered, said the gunman wore a red hooded sweatshirt that was missing its drawstring, that he wore boots and that he carried the gun in his left hand.

Although it was not mentioned in court, Murphy had sketched for police a drawing of the masked gunman, he said in a recent interview.

Officials in the district attorney's office said in an interview that the drawing - which both they and Murphy say resembled McCracken - was lost sometime before the trial.

After Murphy's testimony, Catherine Laurie, the other customer, took the stand and told of a calm gunman with deep-set eyes. From the eyes, she said, he looked like John Hinckley. Laurie said she had never been shown any clothing by police.

Asked, "Other than the eyes being deep-set, did you make any other observation about the eyes?" she answered, "No." There was no mention from her - or any other witness - of the pinkeye that had led a school nurse to send McCracken home from school the morning of the murder.

Laurie was not asked in court whether McCracken resembled the gunman, nor did she offer her opinion - though by then she did have one.

It was at a pretrial hearing, Laurie said, attended by all three suspects, that she first saw John Robert Turcotte, who, like Terry McCracken, was about 5-foot-9 and 160 pounds, with sandy hair and a beard. "It's funny," she said in an interview, "but I remember thinking to myself that he looked more like the robber."

"It was the shape of his face and everything. . . . I said to myself, 'He looks more like the guy with the gun than McCracken.' " With the exception of her husband, she said, "I never mentioned that to anyone."

Also testifying on the opening day of the trial was Michael Aldridge, 20, a vocational-school student who lived in the neighborhood. By then, in statements to police and testimony at pretrial hearings, Aldridge had contradicted himself several times.

On the day of the robbery, about 3:15 p.m., Aldridge - the only witness who would identify McCracken as being at the scene of the crime - gave police this statement:

"I was on my way to Tire Kingdom (Tire World) and I saw The Boss (Eugene Schoffield) walk into this store (Kelly's). The next thing I noticed . . . was a guy with a red sweatshirt with a hood come out with a black hat. Wearing a black hat. It was a fitting type hat. A white guy. A little bigger than me. I think he was 19 or 25. He didn't have anything on his face at the time."

Question - Did you notice any hair on his face?

Answer - No.

Q. - Is there anything you could add?

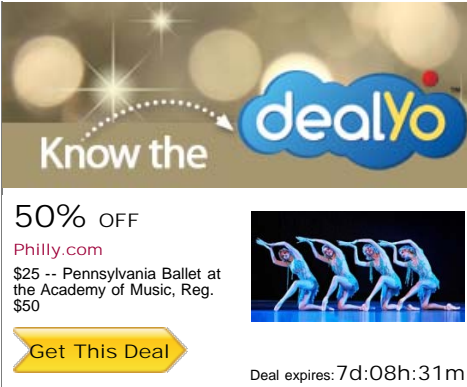
A. - He ran to the back of the store. He was running in a running motion.

At no point did he mention, as all of the witnesses in the store had mentioned, that the gunman was wearing a mask.

Three days later, on Monday, March 21, however, Aldridge told police it was Terry McCracken, whom he knew from school, he saw fleeing the store. He said he was on his way from - not to - Tire World, going to Kelly's Deli, and was about six houses away when he saw McCracken almost collide with a customer headed into the store and run to the back of the building with his hand concealed in the pocket of his sweatshirt, which he now specified had white trim.

This time, Aldridge said specifically that the gunman did not have a mask over his face when he saw him flee the store and almost run into the customer. The customer, Dudley Denison, said the gunman was wearing a mask.

Aldridge, in his second statement, said that he was going to Kelly's to get iced tea for Robert Brown, an employee at Tire World, and that he arrived before the police or paramedics.



Know the dealYo

50% OFF
Philly.com
\$25 -- Pennsylvania Ballet at the Academy of Music, Reg. \$50

Get This Deal

Deal expires: 7d:08h:31m

On March 24, at an arraignment for McCracken, Aldridge gave basically the same story, but he said that he was standing in the middle of traffic and that, by the time he had a clear view, he could not see the gunman's face.

". . . I didn't really look at the face when I first - when he first came out. . . . A red-like jacket and blue dungarees, that's all I noticed right then. . . . So then when the traffic was clear, I started to walk. And I looked up, and I seen Terry running to the back of the store . . . Terry McCracken."

McCracken's attorney, in an attempt to discredit Aldridge's testimony, argued at that hearing that, from the angle at which Aldridge was approaching the store, it was unlikely that he could have seen the fleeing gunman's face.

On April 8, Aldridge gave police a third statement, and a fourth account of what he had seen.

"Okay, Mike, why are you here today?" a detective asked him, according to that statement.

"To tell the truth of my story." Aldridge replied. In this statement, Aldridge said he was near Tire World when he saw McCracken - before the robbery - walking down the sidewalk toward Kelly's on the other side of MacDade Boulevard. He said they waved at each other, but didn't exchange words. He said he saw McCracken pull the hood of his sweatshirt over his head.

Aldridge told detectives he then went to Tire World, across the street and half a block away from Kelly's, and was standing out front, talking to Robert Brown, when he saw McCracken run out of the delicatessen. He said he went to the store after he saw ambulances arrive to see what had happened.

A month later, at McCracken's preliminary hearing, Aldridge repeated that account. But this time, he said that as McCracken was going into Kelly's, they called to each other from across the street, asking, "What's up?"

On Oct. 18, at McCracken's trial, McCracken's attorney sought to point out the discrepancies, and Aldridge said on the witness stand that he had lied about certain details in his earlier statements to police because he was scared:

Question - You weren't too afraid or scared to make up a story putting it (his vantage point) closer to Kelly's Deli to identify him, were you?

Answer - No sir.

Q. - . . . But you were afraid to say he was across the street?

A. - I thought it sounded better.

Q. - . . . So you decided what was right to say and what was not right to say.

A. - Yes.

Q. - And with him being charged with first-degree murder, you made up a story to what you would say to the world.

Since McCracken's conviction, additional doubts have been raised about the veracity of Aldridge's statements to police and his testimony in court.

"I don't think there's any way he saw anything," said Robert Brown, the man Aldridge said he was standing with when he saw McCracken run from the store.

"Mike came up and we was talking, and five to 10 minutes passed, then all of a sudden I hear the cops start shooting toward Kelly's and Mike said, 'I'm going to go see what happened.' I remember saying, 'Make sure the boss (Schoffield) is all right,' because he had just had a heart operation."

Although Aldridge testified that after seeing McCracken walking toward the store he watched the store for 15 minutes while talking to Brown, Brown said in an interview that Aldridge did not seem to be paying particular attention to Kelly's and did not indicate that he had seen anything unusual occur until after he saw that police had arrived.

Jody Hageman, a resident of Collingdale who described himself as a close friend of Aldridge's and whose house Aldridge visited during the three days after the Kelly's Deli killing, said, "Mike never told me he lied."

"He came over and said he'd been at CID (Delaware County Criminal Investigation Division) headquarters all night long," Hageman said in an interview, "but when I would try and bring up what happened, Mike would shuck the question or say, 'I'm not at liberty to say.' "

Two acquaintances of Aldridge's said in interviews that Aldridge admitted to them that he was unsure whether the person he saw fleeing the store was McCracken.

One of them, James Lannen of Secane, Delaware County, said, "He said that the cops had stuff on him, and that they thought it was McCracken and he just

went along with them." It could not be determined what, if any, charges were pending against Aldridge at the time.

Glenn Severa of Collingdale, a close friend of McCracken's, said Aldridge made a similar comment to him: "He said, 'I'm really not sure if it was Terry or not, but we ain't gonna talk about that.' "

Aldridge did not return phone calls, but his father, Frank Aldridge, said on behalf of his son, "Michael never changed his story. They were just twisting his words around. He was sure then and he is sure now."

He said his son was afraid because of the reputation of McCracken's father. He added, "I really don't want to go into it any further; anything I say would just start stirring the whole thing up again."

In an interview in September, William H. Ryan, first assistant district attorney of Delaware County, said Aldridge "didn't want to get too heavily involved, he didn't want to show what he knew. . . . Again, I'm theorizing. So he says what comes to his mind in

order to get the hell out. In the beginning he's vague or not forthcoming on the details for the same reasons he doesn't tell us who did it, and he's not real careful about choosing his words.

"But what motive does he have to lie?"

*

On the second day of McCracken's trial, prosecutor Gallagher presented evidence concerning residue removed from McCracken's hands the day of the robbery.

Robert E. Saunders, a criminalist for the state police at Lima, testified that an analysis he had conducted showed that while there were no powder burns on McCracken's hands, there were particles that contained lead. He identified those particles as gunshot residue.

Defense attorney McDougall objected to that conclusion, and later he would call his own expert, University of Pennsylvania chemist Gregory Farrington, who had been allowed to conduct his own tests on the samples, in Saunders' presence, and had found no particles containing lead.

In court, though, Farrington found himself at a disadvantage.

"The problem in the testimony was quite simple," he said in a recent interview. "Saunders stated unequivocally that lead was there. My difficulty was that I haven't done 200 analyses like he did and wasn't considered to have his expertise. On the other hand, I did not find lead."

The problem became more complex when Saunders testified that the incriminating particles he had found might have been destroyed in his testing.

"The whole thing is strange, and I don't think justice is working in this case," Farrington said. "I've always felt kind of personally responsible, but then when I think about it, I realize there wasn't anything more I could do because they were saying maybe the sample was destroyed in the tests. But it's bothered me ever since."

Most of the jurors said that, although they were confused by the lengthy and complex gunshot-residue testimony, they felt it was the most incriminating evidence presented against McCracken. And Saunders, several jurors said, appeared more learned, more experienced and more confident than Farrington.

"The scientist from the state police was very convincing," one juror said. "It was like, absolutely, positively, without a doubt, in his many years of experience, this was gunshot residue. At one point, I specifically remember, he was asked directly, 'Could it be anything else?' He said, 'No.' "

But according to the scientist who developed the test Saunders used, Saunders was wrong.

"I conclude that the criminalist Saunders was definitely not justified in testifying that gunshot residue was found on the hand of Terence McCracken," scientist Peter F. Jones wrote in a report for *The Inquirer*. Jones was retained by *The Inquirer* to review Saunders' written report and courtroom testimony.

There are two accepted methods of detecting gunshot residue on a person's hands. The one used by Saunders, the newer and more conclusive of the two, makes use of a scanning electron microscope capable of X-ray analysis. It is used to detect the chemical elements that are in bullets and cartridge primers - lead, antimony, barium and copper - as well as their amounts, shapes and sizes.

Jones is credited with developing that technique.

Saunders, in outlining his background and expertise in court, cited the work done by Jones and his colleagues and said that his knowledge was derived in part from reading their published work. Additionally, he was trained in the method at the McCrone Institute in Chicago, whose instruction is also based on the work and reports of Jones and his colleagues.

Jones said that in his opinion, Saunders severely overstated what his test had found. Under the courtroom guidelines established by Jones and his colleagues for the U.S. Department of Justice, only particles containing barium or antimony, in addition to lead, can be considered gunshot residue, or "unique" to gunshot residue. Saunders found neither of those elements, according to his test report and testimony.

Less conclusive samples, which show certain elements of a certain shape that probably resulted from the firing of a gun, are considered "typical of" gunshot residue.

Finally, a sample is termed "consistent with" gunshot residue when it possibly was from a gunshot, but was equally likely to have come from occupational or environmental sources.

Two lead-containing particles were found on McCracken's hands. One of those also contained iron. According to Jones, the lead particle without iron should have been said to be "consistent with" gunshot residue.

The second particle, because there are so many environmental sources of iron, was not even strong enough to be considered "consistent with" gunshot residue, Jones said.

Saunders five times in his testimony stated unequivocally - and incorrectly, Jones said - that the particles he found were gunshot residue.

Jones said that Saunders twice incorrectly stated in court that there are no sources other than gunshot residue for similar lead particles.

And four times, Jones said, Saunders wrongly stated that the lead particles on McCracken's hand could not have resulted from working on an automobile.

Less than 40 minutes before the shooting, McCracken was working on a car engine with a friend and neighbor, Andrew Leicht, according to interviews with Leicht and his court testimony.

"Saunders incorrectly says that one could not get similar lead particles

from batteries, auto exhaust, or from working on an automobile. . . . All of these sources can give lead particles," Jones said.

"Our report (for the Justice Department), which he repeatedly cites, clearly says that the particles that he found on the discs used to sample McCracken's hands are not unique to gunshot residue," Jones concluded.

On the third day of McCracken's trial, the prosecution concluded its case, presenting testimony it contended showed that McCracken knew William Vincent Verdekal, then 34, and John Robert Turcotte, then 22, before the killing.

But that link was fragile and would continue to erode.

Originally, detectives had interviewed two employees of Better Home Deliveries, the furniture warehouse out of which Verdekal worked as an independent deliveryman. The terminal manager, Michael Laterza, and assistant manager, John Pine, both said that the photographs of McCracken that detectives showed resembled a young man who had worked there.

Pine said he had seen the person about three or four times, while Laterza said he had seen him "maybe once."

Detectives also went to the Collingdale home of Verdekal's stepfather, Ralph Baylis, who by then had become familiar with McCracken's name through news accounts. He told them that he thought McCracken worked with Verdekal and that he once got a ride home from McCracken.

Continuing the efforts to link the three men, a detective on June 2, 1983,

went to the home of Kenneth Thomson, also a subcontractor for Better Home Deliveries, who at the time was dating Verdekal's sister Sara.

Thomson said he was shown three pictures. He identified Verdekal, whom he knew, and Turcotte, whom he knew. He was then shown a photograph of McCracken, not unlike the ones he had seen in newspaper accounts of the Kelly's Deli case. Thomson correctly told the detective that the photo was of Terry McCracken and said, in addition, that it looked like a person who had once worked with Verdekal.

Two months later, Thomson, who by then had married Sara Verdekal, accompanied her on a visit to her brother in prison. Inside the jail, Verdekal pointed McCracken out to Thomson.

"At that point, I realized I probably made a mistake," Thomson said in an interview, blaming it on his assumption - based on what he had read in the newspapers and what detectives had told him - that the three men conspired to commit the crime.

"It never really entered my mind until it was put into my mind that he (McCracken) was one of the ones working with Bill," he said. "When they (detectives) are showing pictures and saying, 'This guy worked for Bill,' if they're telling me that, I believe them, even though I wasn't sure I'd seen him there," Thomson said. "It seemed like they were steering me into answering the way they wanted me to."

Detectives, at the insistence of the defense attorney, arranged a lineup for Thomson, Laterza and Pine before the trial. At that lineup, neither Pine nor Laterza could pick out McCracken, and Thomson told detectives that his earlier identification had been a mistake. He was never called to testify at the trial.

At the trial, Pine testified that the photos he had been shown of McCracken looked like the person he had seen in the warehouse. But, seeing McCracken in the courtroom, he could not identify him as that person.

Laterza, who was called to the stand but was dismissed by the prosecution without explanation before being asked whether he could identify McCracken, said in an interview, "If I remember right, I didn't remember McCracken at all. I couldn't pick him out of the lineup. So many people worked there I couldn't say who was who."

Verdekal said he had two other helpers who resembled McCracken, both in the color of their hair and the way they dressed. He said he believed that Pine was mistaking McCracken for one of them.

The statement of Ralph Baylis, Verdekal's stepfather, collapsed shortly after he took the witness stand.

Baylis had been questioned by police after the arrest of Verdekal and Turcotte.

"They wanted me to identify him (McCracken)," Baylis said in an interview. "They said somebody had seen him come out of the store. They tried to confuse me. After they told me about the robbery and all, I assumed he was the one who worked for Billy."

Baylis, in his statement to police, was quoted as saying that McCracken worked for Verdekal and that McCracken had once given him a ride home from King of Prussia. When he saw McCracken in court, though, he realized he was not the man he had been thinking of, Baylis said.

"So I told the judge the truth: I don't know the fellow."

McCracken's defense - that he was at home, seven-tenths of a mile from Kelly's Deli, when the killing occurred at 1:37 or 1:38 p.m. - primarily consisted of alibis from friends, neighbors and family.

In two days of defense testimony, McCracken's attorney, John McDougall, also raised the possibility that Turcotte, not McCracken, committed the killing.

"Would a young man whose intention in the morning was to go to school . . . are you going to be asked to believe that somewhere, maybe 1:25 or 1:30, he said, 'Oh heck, nothing else to do, let me run down to Kelly's and rob the place?'"

McDougall pointed out that Turcotte - who had been arrested with the gun that killed Johnston and who was charged with

robbing other places in much the same manner that Kelly's was robbed - bore a resemblance to McCracken.

"It's the defense contention," he concluded, "John Robert Turcotte is the robber and the killer and that he should be tried for those crimes."

On Oct. 25, 1983, the jury was excused at 2 p.m., and, after a lunch break, deliberations began.

Seven of the 12 jurors agreed to interviews under the condition that their names not be printed. Most said they found the testimony of state police criminalist Saunders convincing, and that witness Aldridge, despite his contradictions, also impressed them.

"It's hard to put into words," one juror said of Aldridge, "but he was very believable. . . . It seemed to be in line with human nature that he would be upset and confused and scared. And when he said, 'I talked it over with my father and now I'm going to tell the truth,' it was very moving. I thought at the time that I was the only one who believed him. I felt sympathy for him, rather than, 'this kid's a liar.' But it turned out all the other jurors felt the same thing I did."

The jurors said they were not particularly impressed by the testimony of family and friends. One friend from across the street, Vincent Cefaratti, said he was with McCracken until after 1:30 p.m.. Another, Andrew Leicht, said that McCracken was helping him work on his car until about 1 p.m. and that he saw McCracken again before he left for work at 1:40 p.m. The jury said they both appeared nervous and inconsistent. And while mailman Robert Vance, who testified McCracken signed for a certified letter sometime between 1 and 1:30 p.m., seemed credible, they added, they still felt McCracken had time to commit the crime.

Despite the word Warlock having led to an earlier mistrial in McCracken's case - and the judge's warning that any mention was considered prejudicial - two jurors said they were aware that the trial had some sort of a connection to motorcycle gangs.

One juror said that during the trial there were "murmurings that the family were Pagans or something," referring to another notorious motorcycle gang. "I wasn't aware of being consciously influenced by that, but . . . I know people can be subconsciously influenced. That was not discussed, but it was something that was kind of murmured."

Asked what he meant by "murmured," the juror said, "I heard somebody say something to the effect that the family was involved with motorcycle gangs." He was unable to elaborate.

Another juror said that going into the trial, he was familiar with the reputation of Screw McCracken and the Warlocks. He also said he knew that John McDougall "is a Warlock lawyer." He and other jurors said the issue of motorcycle gangs did not arise in their deliberations, however.

From the beginning of those deliberations, jurors said, there was no disagreement over whether McCracken was guilty, only over the degree of murder.

At 4:44 p.m. - after less than two hours of deliberation - the jury returned to the courtroom with its verdict.

The jury foreman was asked for the verdict on the charge of first-degree murder, which can result in either the death penalty or life in prison.

"Not guilty," the foreman said.

Cheers and cries of glee erupted from the family and supporters of McCracken in the courtroom. The judge called for order, and the foreman was asked for a verdict on the charge of second-degree murder, which carries a mandatory life sentence.

"Guilty," he said.

As some members of the crowd moaned, McCracken whispered "oh no," and put his head in his hands.

That night, McCracken was back at Delaware County Prison, and so was his attorney, John McDougall, who, shocked by a verdict he said he had not expected, put in a request to see inmate William Verdekal.

"Terry's attorney came to visit me the night that Terry got convicted," Verdekal said. "Here's a grown man in his 50s or 60s, and he's standing there crying, asking me to help. I mean real tears are rolling down his cheeks. I'm sure it wasn't any play to make me feel anything."

Since then, as McCracken has waited in Delaware County Prison, McDougall has submitted a series of motions and amended motions for a new trial.

He has said that Verdekal made comments that implicated him and exculpated McCracken. He has asserted that Aldridge was promised a reward for his testimony. He has said that he found five prison inmates who said Turcotte had admitted to them that he committed the killing. And, finally, in desperation, he has taken the stand himself during a hearing and has testified that Turcotte confessed to him.

According to McDougall - as well as Verdekal, his attorney, McCracken, McCracken's father and others - Turcotte, at a point at which he faced charges in connection with three other robberies, was willing to plead guilty to the Kelly's Deli killing in exchange for not receiving more than a life sentence.

"Bob (Turcotte) was calling a lot of people from prison," said David Grenfel, a brother-in-law of Verdekal's. "He tried to help. He told me everything and he called McDougall and told him everything. He called McCracken's father and said he was going to come forward, but the district attorney's office wouldn't let him."

Said Screw McCracken, "I've talked to Turcotte on the phone two or three times. He told me the whole thing was a fog and he can't even remember the guy's face. He said he was so messed up all he remembers is the gun going off. Turcotte told me himself it was him."

Verdekal has said in interviews that both he and Turcotte had been drinking and taking drugs on the day of the murder. Turcotte declined to be interviewed.

Both McDougall and Luke McLaughlin 3d, Verdekal's attorney, say Turcotte had stated that he would plead guilty to second-degree murder, make a statement about the killing and attest to it in a polygraph, provided he did not receive more than one life sentence for all the crimes with which he was charged.

Said McLaughlin: "It's my understanding that the D.A.'s response to that was that only if he pleaded guilty to murder one would they even talk to him.

"Why, when Turcotte was willing to plead guilty and clear the whole thing up, did they hang the death penalty over his head, then end up not pressing the charges against him anyway?" McLaughlin asked. "If he's willing to do a life sentence, isn't that indication enough that he really did it?"

"It is almost as if everything that was done - not letting Turcotte plead, refusing the polygraph examinations that were offered, not pressing him so that they can still hang this charge over his head - all that seems to be an attempt to hide the truth, as opposed to get to it."

The Kelly's Deli charges against Turcotte were "not pressed," or dismissed by the district attorney's office with prejudice, meaning that Turcotte can still be charged with and tried for the crime without creating double jeopardy.

Verdekal's legal situation is less clear. He was granted a demurrer by Judge Robert A. Wright, the same judge who had heard McCracken's case. Wright ruled during Verdekal's trial in February 1984 that with no testimony linking Verdekal to McCracken, there was insufficient evidence to let the case go to a jury. Normally, Verdekal could not be charged with the same crime again.

But the district attorney's office is appealing the demurrer in hopes of being able to prosecute Verdekal at a later date. State Superior Court has upheld the demurrer, ruling that it was appropriately granted. That decision is now being appealed in state Supreme Court.

Verdekal was sentenced to five to 10 years in prison for a March 28, 1983, robbery at Koban's Beverages Inc., in Glenolden. In October 1985, he was sentenced for the April 7 robbery at the Westbrook Market in Clifton Heights - the one that led to the arrest of him and Turcotte. He received six to 15 years for that, and was ordered to serve that term consecutively with the other sentence, making his total sentence 11 to 25 years.

It was after the Westbrook Market robbery that Verdekal and Turcotte became suspects in the Kelly's Deli killing. Detectives found in Verdekal's truck a lottery ticket purchased at Kelly's minutes before the killing, knit caps similar to the one the robber at Kelly's was described as wearing, a newspaper folded over to an article about the killing and, on Turcotte, the gun used to kill Johnston.

Turcotte agreed on Jan. 11, 1984, to plead guilty to four counts of robbery involving holdups at two gas stations and the Westbrook Market robbery. Each carried an eight-to-20-year sentence. He also pleaded guilty to one count of conspiracy in the Westbrook case, carrying a five-to-10-year sentence. While that could have meant a minimum of 37 years in prison, all the sentences were made concurrent, meaning Turcotte will have to serve one 8-to-20-year sentence and will be eligible for parole in 1991.

It was after that sentencing, McCracken's father said last month, that he talked to Turcotte a third time on the telephone.

"I talked to him right after he got sentenced. He said, 'Look, I gave it my best shot. This ain't easy. I'd be stupid to turn it down.' I had to agree with him. What do you do - say, 'No, I don't want eight to 20, give me life?' "

Turcotte did not respond to four letters sent to the state prison in Huntingdon requesting interviews. The public defender who represented him, Stephen Leach, denied that Turcotte ever officially offered to plead guilty to the killing. The district attorney's office also said it received no such offer through either Leach or Turcotte.

"Turcotte never approached us, nor did his attorney," said Ryan, the first assistant district attorney, in September. "That was all from John (McDougall). He was definitely talking to Turcotte out at the prison when he was visiting McCracken. John McDougall" McCracken's attorney, "could not ethically represent Turcotte's interest."

But, when Howard Gallagher, McCracken's prosecutor, was put on the stand April 11, 1984, during a hearing seeking a new trial, he said that the district attorney's office did discuss the possibility of such an offer with Turcotte's attorney prior to McCracken's trial.

"I spoke to Mr. Leach about that, but I told him that the office was taking that under advisement," Gallagher said. "We were considering it, but I specifically cautioned him that there was not an offer on behalf of the district attorney's office."

McDougall - I told you, did I not, that Turcotte was going to come in, plead guilty to murder and the robberies in return for a stipulated low sentence and no consecutive time for the robberies, is that not so?

Gallagher - Yes.

McDougall - . . . A plea to murder and all the robberies in return for the one life sentence, was that not proffered from me? . . .

McDougall - And did you relate that to your supervisors?

Gallagher - Yes, I did.

McDougall - Was that rejected?

On the stand, Gallagher also disclosed, under questioning, that Michael Aldridge had asked for a reward. "His exact words, as I recall them were, 'What about my reward?' I responded, I said, 'What reward?' He said, 'Captain McKenna (John McKenna, head of the Delaware County Criminal Investigation Division) promised me a reward.' "

In an interview, officials of the district attorney's office denied that a reward - though one was discussed - was promised.

As the post-trial hearings continued, McDougall continued to present new evidence. At one of those, he called Verdekal to the stand for the first time. Verdekal testified that he had never seen Terry McCracken before his arrest in April, and that McCracken had never worked for him or Turcotte.

Verdekal said at the hearing that he had information about the crime that "would have proven that Terence McCracken had nothing to do with it at all," and that Turcotte had committed the crime.

When pressed as to the source of his knowledge, Verdekal said Turcotte had told him so in prison. Verdekal did not, at that point, admit to a role in the crime. Verdekal, in interviews, said he was less than truthful at that hearing.

McDougall also presented five Delaware County Prison inmates who testified that Turcotte had admitted to them that he killed Johnston.

One of them, Raymond Davis, 25, testified that Turcotte had told him that McCracken was innocent and that it was he who had killed Johnston. "He told me he was surprised by the door opening. He said he turned around and there was an old man standing there and he fired the gun."

Another, David J. Sirulnik, said that while playing cards with him in prison, Turcotte said, "Isn't it a shame the person who is going to do the time on the murder charge is McCracken. . . . Those fools in Media have got the wrong man."

Later at the hearing, McDougall took the stand himself.

He testified that Turcotte had confessed to him that he was the one who shot Johnston during the robbery. "I remember the whole thing," McDougall quoted him as saying. "It was like a dream. I was so stoned, I can't remember the guy's face. The gun went off accidentally."

Officials in the Delaware County district attorney's office say that William Verdekal was lying. So, they say, were the inmates who said Turcotte admitted committing the crime. And they say they believe the reason is the Warlock connection.

Said Assistant District Attorney Dennis McAndrew, who is now fighting McCracken's motion for a new trial, "They were all prison people that he (Turcotte) had made these statements to, with the exception of John McDougall, who of course had represented bikers in the past. I say that not

because I disbelieve, or any of us disbelieve John McDougall, but I say that

because the perception of a person in prison . . . under those circumstances becomes one of fear - 'What will he tell the other bikers and what will they do to me in prison?'"

Both Terry McCracken and William Verdekal passed polygraph examinations commissioned by The Inquirer.

The tests were administered by William B. Anderson, chairman of the

criminal justice department at West Chester State College. Anderson is a former career agent in the FBI and past executive director of the Pennsylvania

Crime Commission. While working for the FBI, he conducted hundreds of polygraph examinations.

On June 20, 1985, Anderson interviewed and tested McCracken at Delaware County Prison, asking six questions:

- * "Did you have a gun in your hand March 18, 1983?"
- * "Are you the man who held up Kelly's Deli March 1983?"
- * "Did you shoot that old man in Kelly's Deli?"
- * "Have you ever shot a person with a gun?"
- * "Have you ever shot a handgun?"
- * "Did you ever know or work for Bill Verdekal prior to March 1983?"

To each question, McCracken answered "no;" and, in each case, Anderson said, there was no evidence of any attempted deception. "It is my opinion McCracken was truthful when he denied the murder of March 18, 1983," Anderson concluded.

On July 22, 1985, Anderson interviewed and tested Verdekal at the State Correctional Institution at Rockview, near State College, Pa. Verdekal, Anderson noted in his report to The Inquirer, appeared eager to take the test.

"When questioned, he gave his motive for coming forward as 'justice and honor,'" Anderson said. He said Verdekal told him he "had nightmares when he reflected on the consequences to McCracken of this wrongful conviction.

"I've spent half my life in prison and know what it's like," Anderson quoted Verdekal as saying.

Verdekal was asked seven questions:

- * "On the Kelly's Deli robbery day, did Turcotte wear a red sweatshirt with a hood and blue jeans?" Verdekal answered "yes."
- * "Did Turcotte have the gun when he came out of Kelly's Deli that day?" Verdekal answered "yes."
- * "Did Turcotte tell you the gun went off during the Kelly's Deli robbery?" Verdekal answered "yes." (Verdekal, in interviews with The Inquirer, maintained that he was not told about the gun being fired until the Monday after the robbery. Anderson pointed out that this question - unlike the previous two, which specifically pertained to the day of the robbery - did not contain a time element.)

* "Before the Kelly's Deli robbery did you ever meet or know Terry McCracken Jr.?" Verdekal answered "no."

* "Did Terry McCracken have any part in the Kelly's Deli robbery?" Verdekal answered "no."

* "Did Turcotte do the actual Kelly's Deli robbery?" Verdekal answered "yes."

* "Did you go in Kelly's Deli during the robbery?" Verdekal answered "no."

Anderson said that except for one question - the final one - Verdekal gave no indication of deception and that, in his opinion, Verdekal was telling the truth when he answered each of the others.

Anderson said the one indication of deception - when Verdekal answered "no" to whether he went into Kelly's during the robbery - could relate to the fact that Verdekal went into the store before the robbery. Verdekal says he went in for a lottery ticket; investigators believe he was checking out the store as a robbery target.

In conjunction with the polygraphs, urine samples were taken from both men, analyses of which showed the presence of no drugs that would affect test results. In addition, both men received psychological evaluations that showed they were rational at the time of testing and sufficiently intelligent to properly comprehend the questions' meaning and results.

The Delaware County district attorney's office, after being told of the polygraph results, said the tests alone proved nothing.

"We would never hold anyone or let anyone go on the basis of a polygraph," said District Attorney John A. Reilly. "It's just a tool."

"Polygraphs are far from infallible," said Ryan. "The fact he (Anderson) got the results he did is not disquieting to us. It's not unusual."

Despite the reservations about polygraph tests expressed by Reilly and Ryan, the Delaware County district attorney's office did use them in their investigation of the Kelly's Deli killing.

Michael Aldridge, the witness who originally told police he did not know the man he saw running from Kelly's Deli after the shooting, was given a polygraph test during subsequent questioning by investigators. Officials in the district attorney's office said the test was used because John McKenna, head of the CID, "did not feel he (Aldridge) was being truthful."

McKenna, in an interview, said Aldridge passed all the questions except "do you know who did this? He failed that." McKenna said Aldridge responded "no" to that question.

When Aldridge was told he had failed that question - after the test - he said "McCracken did it," according to McKenna.

Asked whether Aldridge was given another test to confirm whether that statement was truthful, McKenna said, "After he clarified the answer, what would be the reason to go back and do it again? . . . There was only one question he failed on. Once he explains to you why he failed that, there's no reason to go back. He's clarified it."

"We are convinced beyond a reasonable doubt that Terry McCracken did it," Ryan said in the September interview. "We're convinced that Verdekal was running the show, with McCracken, Turcotte, and perhaps others we don't know about. But Verdekal was running a robbery ring here using young punks to help him out."

Of the actual shooting, Ryan said, "Our theory is that perhaps - we don't know - perhaps this guy (Johnston) gave him (McCracken) some grief and he panicked and shot the guy because he was scared."

Ryan said the prosecution's theory was that McCracken met Verdekal before the robbery, was given the gun, committed the robbery and killing, and then, before returning home, returned the gun and the money to Verdekal.

He added, "The investigation was done as a good investigation is supposed to be done. . . . We don't have any axes to grind. We drop cases against people we know committed crimes but we don't have sufficient evidence to convict them. We would have no reason to nail Terry McCracken just because his father is a stupid Warlock or an ex-Warlock. What do we care?"

Both Ryan and McKenna speculated that he may have committed the crime to impress his father.

"My father taught me a lot," McCracken said in an interview in a visiting room at Delaware County Prison. "I know he looks big and mean, but he's very smart. One thing he taught me was to always leave a person a man's way out. Like if you're arguing and a fight's about to start, always give the other person a chance to back down and still feel like a man."

"I don't think it's because of him that I'm in here," McCracken added. As he spoke, a mouse scurried out of an adjoining bathroom, along the bottom of the visiting room wall. McCracken glanced at it casually and continued.

"I guess the name McCracken was a hindrance. But I think that at first they honestly thought it was me. Then I think when they caught the other guys, they just didn't want to back down and look bad. But still I think things will get worked out."

"I don't want him to get his hopes up so much," Screw McCracken said in an interview. "His hopes go up and down like a roller coaster. He knows he didn't do anything. He knows he shouldn't be there. And he still has this innocent hope that everything's gonna come out. He doesn't know it's probably going to take years of pounding to get everything to come out."

"It just doesn't make any sense. He was at home when this happened, and, I mean, who the hell is going to walk up the street, wave to a friend, and walk in and hold up a place in their own neighborhood - and then follow the cops around while they investigate?"

"Everybody tries to tell me that he's in there because of me, that they wanted me, and this is the closest they could come to getting me, but I don't think that's it. I think it's the gunshot test. If it's proven that Terry didn't do this, what happens to their gunshot tests? If their gun tests are proven unreliable, how many people are in jail from this guy coming out and saying, 'Yeah, I'm positive.' "

Terry McCracken is still awaiting a ruling on his motion for a new trial. At least one more hearing is expected to be held before

Judge Wright makes his decision - either to grant McCracken a new trial, or formally sentence him to the mandatory penalty of life in state prison.

"I try not to think about state prison," McCracken said. "I made it a point in my life that I won't be going to state prison. I plan to get out, and the first thing I plan to do is visit all my friends.

"All my friends now are getting into adult lives. Before, we were all kids. Now, they're getting married and having kids and getting jobs and all these things, and I can't touch any of it.

"You don't know what freedom means till you lose it."

Ads by Google

2013 Best Skin Tighteners

An Unbiased Review List of The Top Performing Skin Tighteners In 2013

www.SkinCareSearch.com/FaceLifting

FEATURED ARTICLES



Less is more with Michael Mosley's 5:2 diet



Young cancer patient's good news: 'Total remission!'



Free soft pretzels Friday

More:

Carnival Cruise prices down 20%

Toomey says he won't take new shot at gun bill

Karen Heller: A T-shirt celebrates Philly's rudeness

Pilot had passenger detained for not flushing toilet

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired 'Unstoppable'

Collections • Gunshot Residue

Experts: Mccracken Gunshot-residue Test Results Flawed

Ads by Google



- From The Royal Mint
- Privy Struck Rim
- Exclusively at Merit



By John Woestendiek, Inquirer Staff Writer

POSTED: May 06, 1986

When Robert Saunders, a retired chemist turned state police scientist, took the witness stand at the murder trial of Terry McCracken in October 1983, he impressed the jury with his wit, his wisdom and his down-home charm.

He made them smile when he remarked that it was because of his wife's complaints about him "getting underfoot" that he had gone back to work - first as a college science teacher and then, in 1976, as a criminalist at the Pennsylvania State Police laboratory in Lima.

And he persuaded them, most members of that jury say, that his laboratory testing had shown that McCracken, on trial for a March 18, 1983, killing in Collingdale, Delaware County, had fired a gun that day.

But Saunders made mistakes in his testimony, according to six experts interviewed by The Inquirer, including the California scientist who helped develop the test Saunders used and a supervisor at the FBI crime laboratory in Washington.

And those mistakes played a large role in the conviction of McCracken, at age 19, for a murder he may not have committed.

McCracken, now 22, has been in Delaware County Prison for more than three years, where he is awaiting Delaware County Judge Robert A. Wright's decision on whether to grant his motion for a new trial or formally sentence him to the mandatory penalty of life in prison. Wright has scheduled a hearing for May 16 on McCracken's motion for a new trial.

In telephone interviews last week, five gunshot-residue experts from across the country said that, based on Saunders' description of what he found in his laboratory analysis, there was no scientific basis for the conclusion he made in court.

Their opinions echoed those of Peter F. Jones, a California scientist who,

because he helped develop the test that was used on McCracken's hands, was retained by The Inquirer to review Saunders' report and testimony.

Saunders conducted his analysis using the latest technology for detecting gunshot residue - a method so recently developed, in fact, that in Delaware County, Philadelphia and even Pennsylvania, there probably are few, if any, scientists familiar enough with it to rebut Saunders' findings in court.

"Saunders can and does go virtually unchallenged," said George Fassnacht, a former CIA agent and firearms expert who now works as a private consultant in Philadelphia. "His method is used by very few laboratories, and very few people around here are acquainted with it."

Saunders testified in court that, although he did not find antimony or barium in the samples taken from McCracken's hands, he did locate two spherically shaped lead particles that - based on their size and shape, he said - he identified as gunshot residue.

"That's a most dubious conclusion. . . . It's pretty flimsy," said Vincent

0 Likes | 0 Tweets | 0 +1 | @ | email

Ads by Google



We Recommend

A Conviction For Murder, Then New Cracks In The Case

April 21, 1986

Judge Receives Final Brief In Mccracken Retrial Request

December 11, 1986

Testimony Is Faulted In Deli Slaying

July 10, 1986

D.a. Urges Reversal Of Mccracken Retrial Order

September 17, 1987

Find More Stories About

[Gunshot Residue](#)

P. Guinn, a chemistry professor at the University of California at Irvine and developer of one of the three methods of gunshot-residue testing in use today.

"We wouldn't go along with it," said John W. Kilty, chief of the elemental-analysis unit of the FBI crime laboratory. Kilty said that without the presence of barium and antimony - two elements contained in cartridge primer - an absolute determination could not be made.

DECLINED COMMENT

Saunders and his supervisor at the state police crime lab in Lima, Delaware County, declined to comment on the McCracken case or on gunshot-residue testing in general and referred questions to the state police public-information office in Harrisburg.

A spokesman there said Wednesday that state police now perform all gunshot-residue tests at their crime laboratory in Harrisburg and that they no longer use the method that Saunders employed in Lima.

Saunders' tests, which were conducted with a scanning electron microscope and an X-ray device, were ceased in September when the apparatus broke down.

"We have not repaired it because it's a very expensive proposition," the state police spokesman said.

The spokesman said that he was unable to comment on Saunders' findings in the McCracken case and that he could not supply figures on how many analyses for gunshot residue Saunders had performed or had testified about.

The Delaware County district attorney's office has said that it stands by Saunders' conclusions.

Saunders, 71, who received a doctorate in physical organic chemistry at the Illinois Institute of Technology in 1943, testified in court in 1983 that he had conducted about 250 gunshot-residue tests at the Lima crime lab.

Saunders retired in 1970 from Hercules Inc., a chemical company where he had worked as a research chemist and research supervisor. In 1976, he went to work at the Lima crime lab, which was originally established by Delaware and Chester Counties but was taken over by the state police in October 1982.

McCracken was convicted of second-degree murder on Oct. 25, 1983. Jurors have said in interviews that their verdict was based mainly on Saunders' testimony, a witness' identification of McCracken at the crime scene and the similarity between McCracken's clothing and the clothing that the gunman was described as wearing.

An Inquirer investigation has since raised doubts about McCracken's guilt and about some of the evidence used to convict him.

TOOK TEST VOLUNTARILY

It was about three hours after David Johnston, 71, was shot during a holdup at Kelly's Deli in Collingdale that McCracken, because of similarities between his clothing and the gunman's, was taken to police headquarters in Collingdale.

There, McCracken volunteered to submit to the gunshot-residue test. A detective, using a kit that contained corks coated with adhesive, took samples

from McCracken's hands and sent those samples to the state police crime laboratory in Lima.

Three days later, McCracken was charged with the robbery and killing after a witness - who originally told police that he did not recognize the man he saw fleeing Kelly's Deli after the holdup - changed his story and said the man was McCracken.

Four days after that, on March 25, 1983, Saunders issued his report on the samples taken from McCracken's hands. In that one-page report, he said he had found lead-containing particles "characteristic of gunshot residue" on the sample taken from McCracken's left hand. He also noted in the report that the samples had been destroyed during the testing.

But seven months later, when the case came to trial, Saunders would drop his use of a key word - characteristic. He would state repeatedly, and without qualification, that he had found gunshot residue. He would say that there were no other sources for the particles he found on the sample. And he would say in court that the sample might, or might not, have been destroyed during testing.

*

In the 1930s, the first test aimed at determining whether a person had recently fired a gun came into use.

It was called the paraffin, or dermal-nitrate, test. Melted wax was

applied to the palm and back of a suspect's hands and, upon hardening, removed. A chemical solution that reacted to gunpowder was then applied to the wax mold; if it turned blue, the test was considered positive.

In the early 1960s, the paraffin test was discredited because of the high number of "false positives" uncovered in testing. Today, though still used by some police departments for interrogative purposes, paraffin tests are considered obsolete.

"It was quite subjective - you might as well have flipped a coin - and it was eventually found to be so totally unreliable it was dropped," said Guinn of the University of California. "For a while there was no satisfactory test."

In the mid-1960s, research by Guinn and his associates led to a new method of testing, called nuclear activation analysis, still



Know the dealYo

50% OFF
1-800-FLOWERS.COM
1-800-FLOWERS.COM®
Mother's Day Special

Get This Deal

Deal expires: 1d:08h:31m

the most widely used technique. Under that method, and a subsequently developed method - flameless atomic absorption spectrophotometry - tests are conducted on samples that have been removed from a person's hands with cotton swabs soaked in a chemical solution.

Analyses of those samples are then conducted to detect not gunpowder, but the elements contained in cartridge primer - mainly lead, barium and antimony - certain thresholds of which can lead to the conclusion that a sample is "consistent with" gunshot residue.

While more reliable than the paraffin test, the newer methods were not considered foolproof, and with them, it was still not possible to say whether the substance being analyzed was definitely gunshot residue.

In 1977, research was completed on another method of detecting gunshot residue that makes use of a scanning electron microscope to locate particles and an X-ray device to analyze them more closely.

This was the method that Saunders used.

NEWER METHOD

Developed by Aerospace Corp. under a contract with the U.S. Justice Department, the newer method, according to its developers, made it possible to conclude that particles are "unique to" gunshot residue, or are gunshot residue.

The key to making that conclusive a determination - and some scientists dispute whether it should ever be made - is finding both the right elements, including lead, antimony and barium, and the right shapes and sizes of particles.

Saunders, at McCracken's trial, testified that he had found neither barium nor antimony, but was basing his conclusion that gunshot residue was present on the spherical shapes of two lead particles he said he found on the sample.

In cases in which neither antimony or barium are detected, scientists, chemists and forensic experts interviewed by The Inquirer said, such a definitive conclusion should not be made:

* Guinn, of the University of California: "Unless there is barium and antimony, there is not a strong indication of gunshot residue."

* Kilty, of the FBI: "Shapes alone are not enough, not in my opinion. If antimony and barium are not present, we consider the test inconclusive."

* Ray Cooper, criminalist and lab supervisor at the Utah State Crime Laboratory in Salt Lake City: "If you find lead, barium and antimony, and it's in the right clusters and it's of spherical shape, then it's considered unique to gunshot residue. If all you find is lead, to make a statement like that, you're kind of sticking your neck out."

* I.C. Stone, chief of the physical-evidence section of the Southwestern Institute of Forensic Sciences in Dallas: "It's very questionable. It shouldn't be too hard to find someone to come in and impeach the devil out of that guy."

* John Brown, staff member of McCrone Associates, a microanalytical consulting firm in Chicago affiliated with the McCrone Institute, where Saunders received his training in gunshot-residue detection: "That's certainly not something I would stake my life on. . . . You're on dangerous ground if you try to identify something as gunshot residue strictly by its morphology (size and shape). Give me enough time and I can find particles

from another source that look almost just like gunshot residue."

* Jones, a developer of the scanning electron microscope method of testing and a private consultant: "Saunders was just wrong. . . . He was definitely not justified in testifying that gunshot residue was found on the hand of Terence McCracken."

Jones, in a report for The Inquirer, said that one of the particles that Saunders found could have been said to be "consistent with" or "characteristic of" gunshot residue, but that the second, because it also

contained iron, should not have been considered consistent with gunshot residue.

Jones said his review of Saunders' testimony showed that Saunders five times incorrectly referred to the particles as being gunshot residue. Two other times, Jones said, Saunders incorrectly stated that there are no sources other than gunshot residue for similar lead particles. Jones said other sources include paint, gasoline and the flints of cigarette lighters.

And four times, Jones said, Saunders incorrectly stated that the lead particles on McCracken's hands could not have resulted from working on an automobile.

McCracken was working on a friend's car engine less than four hours before the test was administered to him, according to court testimony and interviews.

In addition, McCracken truthfully stated in a lie-detector test, according to the former FBI polygraph expert who administered the test for The Inquirer, that he had not fired a handgun on March 18, 1983, or ever in his life.

McCracken was in Delaware County Prison awaiting trial when his attorney, John McDougall, received permission from the court to have his own tests conducted on Saunders' samples.

Earlier, McDougall had sought to prevent Saunders' findings from being introduced in court because, according to Saunders' report, the evidence had been destroyed in testing. That, McDougall argued, was the equivalent of McCracken's not being able to confront his accuser.

But at a suppression hearing, McDougall said, Saunders testified that the evidence had not been destroyed and that he had made the notation on his report simply as a matter of routine.

Upon hearing that the evidence still existed, McDougall hired Gregory Farrington, a University of Pennsylvania chemist, to conduct his own tests. Farrington's tests were conducted July 22, 1983, in Saunders' presence.

Farrington, a chemist with little experience in detecting gunshot residue, found no lead particles in the samples. As Saunders watched, Farrington analyzed several particles that he concluded were inconsistent with gunshot residue, according to court testimony.

GRAINS OF SAND

But it was not until the trial that Saunders revealed that the particles Farrington had been concentrating on in his laboratory were grains of sand that he had earlier placed on the samples as markers.

"I did find major particles on the surface that weren't consistent with gunshot residue to any extent," Farrington said in an interview. "Saunders never admitted he planted them there as markers until later."

Jones, the scientist retained by The Inquirer, said the methods employed by Farrington in his tests would have been insufficient to detect the existence of small particles of lead, anyway.

But, Jones added, Saunders had several opportunities to assist Farrington in finding the lead particles in question and took no action.

"Saunders could have helped Farrington in his search for lead particles, but instead said nothing," Jones said. "I wonder why he did not help him. If they found the lead particles, it presumably would just corroborate his results."

"Perhaps he was worried that he himself could not find the lead particles again and therefore chose to be silent."

At McCracken's trial, Saunders indicated that the incriminating particles he said he had found could have been destroyed in testing, either before or during Farrington's tests.

"That's ridiculous," McDougall said in an interview Thursday. "The very reason Saunders was there was to make sure nothing happened to the evidence. Farrington may not have been experienced with gunshot residue, but he is experienced with a scanning electron microscope and in detecting chemicals on a surface, and he found no lead on the samples."

Farrington, in an interview, said he thought that Saunders' experience and personality - as opposed to the facts presented - swayed the jury into believing gunshot residue had been found.

"I can tell you he is not one who likes to be second-guessed," Farrington said. "He is always right, and that's because there is nobody else around here who has done the type of testing he does. His word is it, and that's it."

McDougall has already challenged the gunshot-residue test on a variety of grounds, saying that McCracken was "subtly coerced" into submitting to it, questioning the test's reliability and objecting to prosecutors' not giving him access before the trial to notes that he said Saunders had made about the test.

In an interview last week, McDougall said that because the McCracken family probably cannot afford to retain Jones, he may ask him to appear at a hearing for McCracken free of charge.

But, the attorney added, the court could prevent him from introducing new testimony about the gunshot test on the grounds that McDougall has previously challenged its reliability and that Jones' findings might not fit the legal definition of after-discovered evidence.

"If Jones is simply stating that he disagrees, we could not use him," McDougall said. "However, if Jones, as the originator of the test involved, is of a view that Saunders improperly used the test, or could not have a valid basis for his conclusions, we may have an after-discovered evidence situation."

Dennis McAndrews, the assistant district attorney in charge of the McCracken case, said: "To me, the test that Dr. Saunders ran was a very viable one. Here we found two particles of residue of the exact type that you find from gunshot residue and find virtually nowhere else in nature."

Gunshot-residue tests - which are used most often to confirm suspected suicides committed with handguns - do not prove that a person fired a gun, Guinn, of the University of California, said. Handling a gun after it was fired, or being close by when it was fired, can also result in residue being left on the skin.

"None of the methods answers the whole question," Guinn said. "Using both could make it quantitative, and we've been working on ways to run the tests in conjunction with each other, using both nuclear activation and the scanning electron microscope."

"The tests are merely corroborative. They are just one piece of a lot of pieces of evidence that all have to fit together. Nobody is ever convicted of murder on the basis of just this one test."

Ads by Google

Financial Times Offer

Subscribe To The FT & Save 25%. Unlimited Access Online & Mobile

sub.ft.com

FEATURED ARTICLES





Less is more with Michael Mosley's 5:2 diet



Young cancer patient's good news: 'Total remission!'



Free soft pretzels Friday

More:

Carnival Cruise prices down 20%

Toomey says he won't take new shot at gun bill

Karen Heller: A T-shirt celebrates Philly's rudeness

Pilot had passenger detained for not flushing toilet

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired 'Unstoppable'

Collections • Delaware County

Mccracken Seeking New Testimony On Gunshot Test

Ads by Google

By John Woestendiek, Inquirer Staff Writer

POSTED: May 17, 1986

The attorney for Terence McCracken Jr. said yesterday that he planned to call to court a California scientist who would testify that a state police scientist lacked scientific basis for concluding that he had found gunshot residue on one of McCracken's hands.

After a hearing yesterday on McCracken's motion for a new trial, the attorney, John McDougall, said he would file a motion early next week arguing that the conclusion of state police scientist Robert Saunders "lacked a reasonable degree of scientific accuracy."

McDougall said he would prove that argument through the testimony of Peter Jones, a California scientist who was one of the developers of the method of gunshot-residue testing that the state police scientist used.

The district attorney's office said it would argue that testimony from Jones could have been obtained before McCracken's trial and thus cannot not be introduced at such a proceeding.

Delaware County Common Pleas Court Judge Robert A. Wright took no action yesterday and said the hearing would continue at a date to be determined.

McCracken, 22, was convicted in October 1983 of the slaying of David Johnston, 71, during a robbery at Kelly's Deli in Collingdale on March 18, 1983. McCracken contends he is innocent.

McCracken was first questioned by police on the day of the killing after they noticed that his clothing was similar to what witnesses in the delicatessen had described the gunman as wearing. At the police station, he agreed to undergo a gunshot-residue test, and samples taken from his hands were sent to the state police lab in Lima, Delaware County, for analysis.

McCracken was arrested three days later after a witness, who originally told police he had not recognized the man he saw fleeing from the delicatessen, changed his story and said it was McCracken.

Seventeen days after McCracken was jailed, two furniture deliverymen, William V. Verdekai and John Robert Turcotte, were arrested after another Delaware County robbery and found with the gun that ballistics tests later showed had killed Johnston.

All three men were initially charged with the killing, and with robbery and conspiracy. Only McCracken was convicted.

Verdekai, in interviews with The Inquirer, has since said that he waited outside the delicatessen in his truck as Turcotte committed the killing, and that McCracken was not involved. Verdekai, who said he did not know McCracken until joining him in jail, passed a lie-detector test administered by a former FBI polygrapher on behalf of The Inquirer. McCracken also passed a lie- detector test.

The Inquirer, as part of its investigation, also retained Jones - the California scientist whom McDougall now hopes to bring to court - to review the scientific testimony in the McCracken case.

Jones, in a report for The Inquirer, concluded that Saunders, because he had not found two key elements contained in gunshot residue, was not justified in concluding in court that McCracken had

0 0 0 @

f Like t Tweet g +1 email

Ads by Google

Subscribe to the FT today and save 25% ▶

We live in FINANCIAL TIMES®

WHERE WILL YOUR MBA TAKE YOU?

GO FURTHER WITH MBA@UNC >>

UNC KEenan-Flagler BUSINESS SCHOOL MBA@UNC

We Recommend

Beyond the court, defensive stance

December 28, 2007

2d man charged in S. Jersey death

October 10, 2011

Find More Stories About

- Delaware County
- Gunshot Residue
- Delicatessen

Know the dealYo

gunshot residue on his hands.

Five other scientists interviewed by The Inquirer agreed that - based on the state police scientist's description of the particles he had found - he wrongly characterized his findings in court.

During yesterday's hearing, Wright noted that he had received letters from citizens about the case but said that his decision on whether to grant a new trial to McCracken would be based solely on what is presented in court.

"Judges, in performing their duties, cannot listen to the loudest voice on the street corner or elsewhere," he said. "We cannot pay heed to the person carrying the largest sign or the largest flag."

McCracken, convicted of second-degree murder in the case and sentenced to life in prison, has been in the Delaware County Prison for three years and two months.

At yesterday's hearing, McDougall presented his arguments in support of a new trial. Those arguments centered on whether certain evidence used in court against McCracken had been improperly seized and therefore should have been suppressed, whether what was presented in court was sufficient to support the jury's guilty verdict, and whether certain evidence discovered after the trial was significant enough to merit a new trial.

Ads by Google

2013 Best Skin Tighteners

An Unbiased Review List of The Top Performing Skin Tighteners In 2013

www.SkinCareSearch.com/FaceLifting

50% OFF

Philly.com

\$25 -- Pennsylvania Ballet at the Academy of Music, Reg. \$50



Get This Deal

Deal expires: 7d:08h:30m

FEATURED ARTICLES



Less is more with Michael Mosley's 5:2 diet



Young cancer patient's good news: 'Total remission!'



Free soft pretzels Friday

More:

Carnival Cruise prices down 20%

Toomey says he won't take new shot at gun bill

Karen Heller: A T-shirt celebrates Philly's rudeness

Pilot had passenger detained for not flushing toilet

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired 'Unstoppable'

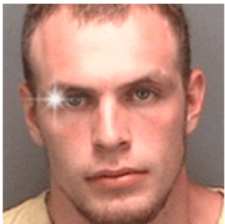


Collections • Delicatessen

The Joy Of Freedom

Ads by Google

Have a Police Record?



**These days,
EVERYTHING
(even speeding
tickets) is posted
online and
ANYONE can view
it. Want to see
what's in your
criminal record?**

[Click here
to check
INSTANTLY!](#)

Special to the Daily News by Mark Ludak

POSTED: January 28, 1987

Terence McCracken Jr. greets his girlfriend, Maria Tumolo, outside the Delaware County Courthouse in Media yesterday. He was freed on \$60,000 bail yesterday. Last week he won a new trial after serving 45 months in jail for a killing he says he did not commit. McCracken, 22, was convicted in October 1983 of second-degree murder in the death of a customer shot in a 1983 holdup of a Collingdale delicatessen. McCracken was granted a new trial on the basis of statements that another man confessed to the crime in talks with McCracken's lawyer and prison inmates. A series of articles in the Inquirer called public attention to McCracken's case.

Ads by Google

Mother's Day Gift Ideas

Create and Send Mother's Day Cards, Share Ideas or Give in Mom's Honor.

www.stjude.org

Ads by Google

Financial Times Offer

Subscribe To The FT & Save 25%.
Unlimited Access Online & Mobile
sub.ft.com

Crime Scene Technician

Learn Crime Scene Investigation. Free
Certificate Info

EducationConnection.com

We Recommend

A Conviction For Murder, Then New Cracks In The Case

April 21, 1986

Polygraph Backs Mccracken Case

May 11, 1991

Again, Mccracken Faces Sentencing In '83 Killing

April 12, 1990

Judge Indefinitely Postpones Mccracken Sentencing

April 13, 1990

Find More Stories About

[Delicatessen](#)



Know the **DealYo**

55% OFF
Philly.com
\$99 -- Charming Jersey Shore Spring Escape, Save 55%



Deal expires: 1d:08h:31m

FEATURED ARTICLES



Less is more with Michael Mosley's 5:2 diet



Young cancer patient's good news: 'Total remission!'



Free soft pretzels Friday

More:

Carnival Cruise prices down 20%

Toomey says he won't take new shot at gun bill

Karen Heller: A T-shirt celebrates Philly's rudeness

Pilot had passenger detained for not flushing toilet

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired 'Unstoppable'

Collections • Jury Trial

D.a. Urges Reversal Of Mccracken Retrial Order

Ads by Google

By John Woestendiek, Inquirer Staff Writer

POSTED: September 17, 1987

The Delaware County District Attorney's Office yesterday urged a Superior Court panel to overturn an order granting a new murder trial to Terence McCracken Jr., arguing that statements from two other men - one of whom is said to have confessed to the slaying - were "untrustworthy and unreliable."

McCracken in January was granted a new trial by Delaware County Common Pleas Court Judge Robert A. Wright after spending almost four years in prison for a slaying he says he did not commit. He is free on bail.

The District Attorney's Office is appealing Wright's order in an attempt to reinstate the second-degree-murder conviction of McCracken, 22, who was arrested and jailed April 21, 1983, three days after a masked gunman killed David Johnston, a 71-year-old customer, during a robbery at Kelly's Deli in Collingdale.

In arguments yesterday before a three-judge Superior Court panel, Assistant District Attorney Dennis C. McAndrews argued that Wright erred in granting McCracken a new trial because the evidence on which the order was based - namely another man's alleged confession to McCracken's attorney, John McDougall - was not reliable.

"It's not his (McDougall's) reliability we're talking about, but the reliability of Mr. Turcotte," McAndrews said.

McDougall, in a hearing after McCracken's conviction, testified that John Robert Turcotte had confessed to him in a telephone conversation: "I remember the whole thing. It was like a dream. I was so stoned, but I can't remember the man's face. The gun went off accidentally," McDougall quoted Turcotte as saying.

Weeks after McCracken's arrest, police responding to a nearby robbery apprehended William V. Verdekal and Turcotte, who was in possession of the gun that killed Johnston. They were also charged with the robbery and killing.

In a jury trial before Wright, McCracken was convicted, primarily on the testimony of one eyewitness and a state police scientist who said tests he conducted the day of the crime showed gunshot residue on McCracken's hand.

Later, Wright dismissed the charges against Verdekal, citing the lack of a link between Verdekal and McCracken. Charges against Turcotte were dropped by the District Attorney's Office. Both men were later sentenced to prison for other robberies.

Both men, after McCracken's conviction and while they were still charged in the Kelly's Deli killing, made statements that Turcotte, not McCracken, committed the crime - Verdekal in court and Turcotte over the telephone, according to McDougall.

That evidence and more - including an expert's testimony that the state police scientist erred in his conclusion - were presented to Wright, who on Jan. 16 ordered a new trial for McCracken. Wright, however, said that his decision was based only on the reported confession to McDougall and that the other evidence, since it was available before trial, did not qualify as "after-discovered" evidence.



Ads by Google

Financial Times Offer
Subscribe To The FT & Save 25%.
Unlimited Access Online & Mobile
sub.ft.com

See Your Arrest Record

1) Enter Name - Search For Free. 2) Get Arrest Records Instantly!

InstantCheckMate.com

ONLINE
MBAs
ARE NOT
CREATED
EQUAL



LEARN MORE

We Recommend

New trial halted in Main Line restaurant killing

September 1, 2011

Find More Stories About

Jury Trial

52% OFF
Philly.com
\$29 -- See Top Philly Attractions on a Segway Tour, Reg. \$60

Wright also ruled that McDougall, since he may have to be a witness in the case, would have to remove himself as McCracken's attorney. McDougall is appealing that part of Wright's order before the Superior Court panel.

Get This Deal

Deal expires:8d:08h:31m

Should Superior Court overturn Wright's order, McCracken's conviction would be reinstated and he would again face sentencing to the mandatory term of life in prison. In Pennsylvania, inmates serving life terms are not eligible for parole.

A decision from the panel - made up of Judges J. Sydney Hoffman, Peter Paul Olszewski and Stephen J. McEwen Jr., a former Delaware County district attorney - is expected to take at least a month and, either way, is expected to be appealed to state Supreme Court.

McCracken, son of a former member of the Warlocks motorcycle gang, was the subject of a series of Inquirer articles last year in which Verdekal, in interviews with the newspaper, said that Turcotte committed the robbery and killing as he waited outside the store in his delivery truck.

Both Verdekal and McCracken passed lie-detector tests commissioned by the newspaper. The series also raised questions about the veracity of the only eyewitness, and reported that the state police scientist had erred in his testimony, according to one of the inventors of the gunshot-residue test. The articles also reported that Turcotte, who declined requests for interviews, had told 10 people, including McCracken's attorney, that he had shot Johnston.

The District Attorney's Office, which has said it plans to retry McCracken if it cannot get Wright's order overturned, argued yesterday that the statement Turcotte made to McCracken's attorney was not a ground for a new trial because it "failed miserably" to meet the standards of after-discovered evidence and would not, if it had been available at the trial, have changed the jury's verdict.

McAndrews said that, to have legal credence, the statement would have to have been made to an authority whose interest would have been averse to Turcotte's. He also speculated that the statements of both men could have been prompted by their fear of "violence" in prison. "The state correctional system housed several members of the Warlock motorcycle gang, and the defendant's father had been a Warlock," he told the panel.

McCracken is now working as a stock boy for a Philadelphia equipment company and, as a condition of his bail, is reporting three times a week to the county bail office.

Ads by Google

Gold Bullion 1% Over Cost

Free Shipping For New Clients Min \$1500 Order - Since 1986

www.MeritGold.com

FEATURED ARTICLES



Less is more with Michael Mosley's 5:2 diet



Young cancer patient's good news: 'Total remission!'



Free soft pretzels Friday

More:

Carnival Cruise prices down 20%

Toomey says he won't take new shot at gun bill

Karen Heller: A T-shirt celebrates Philly's rudeness

Pilot had passenger detained for not flushing toilet

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired 'Unstoppable'

Collections • Collingdale

Polygraph Backs Mccracken Case

Ads by Google

By Mark Fazlollah, Inquirer Staff Writer

POSTED: May 11, 1991

The admitted accomplice in a 1983 slaying that sent Terence McCracken Jr. to jail has passed two police lie detector tests in which he said McCracken was innocent, the prosecutor in the case acknowledged yesterday.

Assistant Delaware County District Attorney Dennis McAndrews, however, said his office had not changed its position that McCracken killed David Johnston during a March 18, 1983, holdup of a Collingdale delicatessen.

"I do not believe a lie detector," McAndrews said, responding to question about the tests that state police gave last month to William Verdekal at Rockview Prison in Western Pennsylvania.

Verdekal called state police five weeks ago and submitted to polygraph tests April 4. The two tests were administered at the prison by state police experts.

"Frankly, I don't anticipate it's going to alter our actions. I don't want to leave you with the impression that we are going to do anything other than continue in the present posture," said McAndrews.

In October 1986, a Delaware County jury found McCracken guilty of second-degree murder, which carries a mandatory life sentence. He currently is free on bond pending an appeal for a new trial.

In hearings after McCracken's trial, Verdekal has admitted that he and John Robert Turcotte robbed Kelly's Deli in Collingdale.

He testified that Turcotte accidentally shot Johnson during the robbery. He also has testified that McCracken was not involved and that neither he nor Turcotte knew McCracken before the murder.

State police Maj. George March said Verdekal, who still has two years to

serve on his prison sentence for an unrelated robbery, agreed to talk to state troopers after news reports that Turcotte was about to be freed from Huntingdon prison in central Pennsylvania.

Turcotte was convicted in the same unrelated robbery but was never tried for the Kelly's Deli robbery or murder. He was released from prison in mid-April after serving an eight-year sentence and is now living in Florida.

McCracken, Verdekal and Turcotte were all charged with the murder but were tried separately. After McCracken's conviction, prosecutors dropped murder charges against Turcotte and Verdekal, and they were sent to prison on the unrelated robbery charge.

McCracken's attorney, John McDougall, said yesterday that he had demanded that McAndrews provide him with copies of Verdekal's lie detector test.

McDougall also called for Pennsylvania Attorney General Ernie Preate Jr. to take over the investigation of the 1983 killing from Delaware County District Attorney William H. Ryan Jr. because Ryan had failed to stop Turcotte's release from prison.

"He's not doing his job as a prosecutor," McDougall said of Ryan. "There is a ton of evidence that is being totally ignored. . . . There's a dead man up there and the right man could be prosecuted."

Like 0 | Tweet 0 | +1 0 | email @

Ads by Google

Subscribe to the FT today and save 25% ▶

We live in FINANCIAL TIMES®

WHERE WILL YOUR MBA TAKE YOU?

GO FURTHER WITH MBA@UNC >>

UNC KEenan-Flagler BUSINESS SCHOOL MBA@UNC

We Recommend

Paranoia, mental issues eyed in Montco triple killing

March 10, 2011

Find More Stories About

Collingdale

Know the dealYo

52% OFF

Philly.com
\$29 -- See Top Philly Attractions on a Segway Tour, Reg. \$60

DRINKING TOO MUCH?

Clinically Proven Private At Home Program

GET STARTED

LAST CALL THE PROGRAM by AVANTCARE

Ryan has said that his office would not attempt to prosecute Turcotte further because he was convinced McCracken was the triggerman.

Only days after Johnston's slaying, police picked up Turcotte after a Delaware County convenience-store robbery. Turcotte was carrying the gun that was used to kill Johnston, according to authorities.

McCracken, a high school senior at the time of the Johnston killing, was arrested after police saw him dressed in clothes similar to those the killer was described as wearing.

McCracken, who served four years in prison before his release on bond, said his arrest was the result of mistaken identity. Both he and Turcotte are 5-foot-8, have blond hair and blue eyes, and are about the same weight. McCracken is 26; Turcotte is 30.

The Inquirer reported in a 1986 series that members of McCracken's family, friends and a mailman delivering a registered letter to his home were with McCracken within minutes of, if not during, the robbery. Two police officers involved in the case said they were convinced McCracken is innocent. The former prosecuting attorney also said he had doubts about McCracken's guilt.

Last year, the prosecution's star witness recanted his testimony. Delaware County Court Judge Robert A. Wright is deliberating whether the recanting warrants another trial for McCracken.

Get This Deal

Deal expires: 8d:08h:31m

Ads by Google

Public Arrest Records

1) Search a Name/State for Free. 2) Access Arrest Records Instantly.

InstantCheckmate.com

FEATURED ARTICLES



Less is more with Michael Mosley's 5:2 diet



Young cancer patient's good news: 'Total remission!'



Free soft pretzels Friday

More:

Carnival Cruise prices down 20%

Toomey says he won't take new shot at gun bill

Karen Heller: A T-shirt celebrates Philly's rudeness

Pilot had passenger detained for not flushing toilet

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired 'Unstoppable'

Ex-trooper: Mccracken Clues Ignored Says D.a. Snubbed Evidence Showing Innocence

Ads by Google



- From The Royal Mint
- Privy Struck Rim
- Exclusively at Merit



By Mark Fazlollah, INQUIRER STAFF WRITER

POSTED: April 07, 1992

Delaware County District Attorney William H. Ryan Jr. ignored critical evidence that pointed to the innocence of Terence McCracken Jr. in the 1983 slaying of a Collingdale delicatessen patron, a former police investigator involved in the case said yesterday.

Ronald Goryl, who worked with the State Police for 25 years until his retirement in July, said in an interview at his home in Aston that he was "100 percent convinced" that McCracken was not involved in the March 1983 slaying of David Johnston, 71, during a robbery at the deli.

McCracken "was no more in the deli and pulled the trigger than I did," said Goryl, who spent the last 16 years as a State Police investigator and became involved in the McCracken case through a related robbery investigation.

Ryan refused to discuss the case yesterday but blasted Goryl.

"Ron Goryl didn't know what he was taking about when he was with the State Police, and he doesn't know what he's talking about now. I'm not going to say any more than that," Ryan said.

McCracken was convicted in 1983 of killing Johnston. He was released on bond after serving four years in prison. A Delaware County judge this year granted him a new trial after the prosecution's key witness recanted his testimony placing McCracken at the scene of the killing.

Ryan, who is appealing the judge's ruling, has been fighting to return McCracken to prison to serve a mandatory life sentence for second-degree murder. Ryan has said it is unclear when the appeals court might decide whether McCracken will get a new trial.

Goryl said he became involved in the McCracken case two weeks after Johnston was killed because he was assigned to investigate a Clifton Heights robbery.

The State Police crime lab quickly determined that the .38-caliber revolver found on the man charged with the Clifton Heights robbery - John Robert Turcotte - was the same one used to kill Johnston.

Goryl said Turcotte also had a lottery ticket that was purchased at the Collingdale deli the same day as the murder.

By the time of Turcotte's arrest, McCracken had already been charged with Johnston's slaying.

Based on Goryl's evidence, the District Attorney's Office also charged Turcotte and his partner in the Clifton Heights robbery, William Verdekai, with Johnston's murder. The charges against them were dropped, however, when they pleaded guilty to the Clifton Heights robbery.

The District Attorney's Office cited a lack of evidence in dropping the charges.

"They charged both Verdekai and Turcotte with the homicide, only to drop it later," Goryl recalled. "We (State Police) went in and said,

0 Likes 0 Tweets +1 Email

Ads by Google

Financial Times Offer
Subscribe To The FT & Save 25%.
Unlimited Access Online & Mobile
sub.ft.com

Oklahoma State Parks
Complete info on camping, lodging & activities in Oklahoma state parks.
www.TravelOK.com

We Recommend

Experts: Mccracken Gunshot-residue Test Results Flawed

May 6, 1986

Delayed Results From Crime Lab Put Darby Drug Trials On Hold

July 21, 1991

A Hotshot In Ballistics Has All The Answers For Police Howard Montgomery Can Solve Crimes Just By Looking At Bullets Or Gunshot Wounds.

November 27, 1995

A Conviction For Murder, Then New Cracks In The Case

April 21, 1986

Find More Stories About

"Why are you dropping the charges?', and we were told very adamantly to stay out of the investigation. It wasn't a State Police matter."

McCracken then was tried alone, convicted and sent to prison.

Goryl said that for seven years after the killing, he had gathered extensive evidence showing Turcotte was the real killer but that the District Attorney's Office had ignored the evidence.

Goryl said he was speaking out publicly for the first time because he wanted "to get it off my chest." He said he had not made any public comment when he was in the State Police because his commanding officer ordered him not to.

He said he personally tried to block Turcotte's release from prison last April and in the process turned up more evidence that he said demonstrated McCracken's innocence.

Three days before the parole hearing that would lead to Turcotte's release, Goryl arranged a polygraph test for Verdekal.

"I drove up to Rockview (where Verdekal was imprisoned), myself and another trooper who was a polygraph expert, and we met with Verdekal and we interviewed him pretty much the whole day," he said. "He agreed to take a polygraph examination. He did, and he passed.

Goryl said Verdekal admitted that he had driven the getaway car when he and Turcotte robbed the Collingdale deli. Goryl quoted Verdekal as saying Turcotte admitted shooting "an elderly gentleman with a cane" during the holdup.

"The end results (of the polygraph test) were that he was being 100 percent truthful. I submitted the report," Goryl said.

Goryl said that the results of the polygraph exam had been sent to Ryan's office but that no one there had contacted him about the information.

He said he had sought the polygraph test in an effort to block Turcotte's release.

But that effort failed, and a state parole board allowed Turcotte to leave prison after he completed his minimum sentence for the Clifton Heights robbery.

Goryl said McCracken's arrest was a clear case of mistaken identity.

McCracken, a high school senior at the time of the Johnston killing, was arrested after police saw him dressed in clothes similar to those the killer was described as wearing.

Both McCracken and Turcotte are 5-foot-8, have blond hair and blue eyes, and are about the same weight and age.

The Inquirer reported in a 1986 series that members of McCracken's family, friends and a mail carrier delivering a registered letter to McCracken's home were all with McCracken within minutes of, if not during, the robbery. Two police officers involved in the case said they were convinced that McCracken is innocent. The former prosecuting attorney also said he had doubts about McCracken's guilt.


Ads by Google

Golfsmith - Official Site


Buy Golf Equipment for Less. Free Shipping on Orders Over \$75!

www.Golfsmith.com

Crime Lab
Collingdale



55% OFF
Philly.com
\$99 -- Charming Jersey Shore Spring Escape, Save 55%



Get This Deal

Deal expires: 1d:08h:31m

FEATURED ARTICLES



Less is more with Michael Mosley's 5:2 diet

More:



Young cancer patient's good news: "Total remission!"



Free soft pretzels Friday



Carnival Cruise prices down 20%

ger detained for not flushing

Toomey says he won't take new

Karen Heller: A T-shirt celebrates Philly's
rudeness

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired
'Unstoppable'

Cleared In 1983 Slaying, He Gets A Chance To Start Over 4 Years In Prison. 8 More In Limbo. At Long Last, Freedom.

0
0
0
@

Like
Tweet
+1
email

Ads by Google

Ads by Google



- From The Royal Mint
- Privy Struck Rim
- Exclusively at Merit



By John Woestendiek and Angela Paik, FOR THE INQUIRER
POSTED: October 22, 1995

Terence McCracken Jr. was driving his 1977 Plymouth Volare on an interstate highway in Ohio one day last summer when he was stopped by a state trooper for a possible traffic violation.

On the shoulder of the highway, the trooper asked him to step out of his car. He then searched it, and invited McCracken into his cruiser. He got on his radio to run a routine check on the motorist, who, unbeknownst to the trooper, was an accused murderer free on bail.

As they sat there silently, a crackly voice on the radio advised the officer that there was a pending charge against McCracken and asked him to stand by.

"Is there something you want to tell me?" the trooper asked.

*

Terry McCracken spent nearly four years in prison for a crime that he has steadfastly said he did not commit.

He spent eight years more under a cloud, trying to hide his past, hesitant to plan a future, and going through the ups and downs of watching the order he was granted for a new trial get overturned, reinstated and, finally, upheld in a lengthy appeals process.

On Monday, that new trial ended when Delaware County Judge Frank T. Hazel found him not guilty of all charges in connection with the 1983 killing of a 71-year-old man during a robbery at a Collingdale delicatessen.

Finally, McCracken, 31, was free, something he had not truly been since he was an 18-year-old high school senior.

"For those eight years, it was like any week I could have gone back to prison," McCracken said in an interview Wednesday. ". . . It was like walking down a sidewalk where you know one of the blocks is going to slip out at any second, and you're going to fall into a bottomless pit.

"So each time I started down a path in life, I decided, 'Wait, wait, you can't make plans, you can't be happy, because that's just going to make it worse if you have to go back.' "

It began with a red sweatshirt. On March 18, 1983, Terry McCracken was wearing just such a shirt. So was the gunman who entered Kelly's Deli on MacDade Boulevard in Collingdale that day and, during a robbery, shot customer David Johnston.

Sent home from school that morning with pinkeye, McCracken has contended that he went back to bed, helped a friend work on his car, then watched with friends as police cars passed through his neighborhood, searching for suspects in the early-afternoon robbery at the deli, about seven-tenths of a mile from McCracken's home.

At one corner, a police officer spotted his red sweatshirt under a blue denim jacket, called him over, patted him down, and sent him on his

Financial Times Offer

Subscribe To The FT & Save 25%.
Unlimited Access Online & Mobile

sub.ft.com



We Recommend

Technology Giving Police Edge On Crime Gadgets Are Making Quicker Work Of Crime-fighting. Where Human Eyes Might Fail, Electronic Ones Step In.

April 28, 1996

Chesco Escapee Known For His Slippery Past

January 11, 1990

Car Of Slain Carjack Victim Found In N.j.

February 19, 1993

Move For New Trial Denied Mckellar

April 26, 1992

Find More Stories About

[Bottomless Pit](#)

way.

Later that day, police came back and knocked on his door.

Based on the similarity between McCracken and the description of the gunman - both were about 5 feet, 9 inches tall, had sandy hair, and wore blue jeans, boots, and a red sweatshirt - police asked him to come to the police station, where he agreed to have a gunshot-residue test performed on his hands. When he returned home, officers were searching his room.

Other officers, meanwhile, were interviewing an acquaintance of McCracken's, Michael Aldridge, who had been standing down the street when the crime took place. At first, Aldridge told police he saw nothing. But after three days of questioning, he told police - as they were insisting, he now says - that the man he saw was Terry McCracken.

Given all that, McCracken acknowledged in a prison interview 10 years ago, his arrest was understandable. "I can understand why they arrested me," he said then. "At the beginning, I think maybe even I would have arrested me . . ."

But what happened next made much less sense.

Two weeks after McCracken's arrest and jailing, two furniture delivery men, William Verdekal and John Robert Turcotte, were arrested moments after another Delaware County robbery. In their truck, police found a lottery ticket purchased from Kelly's Deli minutes before the robbery, a two-week-old Inquirer folded to a story about the robbery and killing, and, in the possession of Turcotte - who wore blue jeans, was about 5 feet, 9 inches tall, and had sandy hair - a .38-caliber handgun.

After testing, it was determined to be the gun that killed Johnston.

The charges against McCracken were not dropped. Instead, the two delivery men were charged along with McCracken in the killing and robbery.

McCracken went to trial first. Jurors were most swayed, they said in interviews later, by the eyewitness testimony of Aldridge, by a state police scientist's insistence that McCracken had gunshot residue on his hands, and by the similarities - both in appearance and clothing - between McCracken and the description of the robber.

They deliberated less than two hours.

They found McCracken guilty of second-degree murder, punishable by a mandatory, no-possibility-of-parole sentence of life in prison.

Free on bail, awaiting the outcome of his appeals, McCracken looked for a job last summer. At Harley-Davidson of Lancaster, he was filling out the application when he came to the question: "Have you been convicted of a crime in the last three years?"

McCracken wrote "no"; it had been 10 years, technically, since his conviction. During his job interview - and once he was hired - he kept his past a secret from his employer.

He had been working there for about a year when word came, on May 22, that the state Supreme Court had upheld the second order for a new trial. McCracken was thrilled with the decision, not so thrilled that it would all be in the newspaper the next day.

That afternoon, he went to his boss.

"There's something I need to tell you," he said.

Hours after McCracken's conviction in 1983, his attorney, John McDougall, visited William Verdekal in prison, begging him - crying, even, according to Verdekal's account - to come forward with the truth.

It was the first of many steps McDougall would take, and many motions he would file, to get McCracken a new trial. He asserted that Aldridge was promised a reward for his testimony. He found five prison inmates who said Turcotte admitted to them he committed the killing. He brought Verdekal before a judge, but all Verdekal would say was that McCracken was not involved in the crime; he wouldn't acknowledge that he was. McDougall even took the stand

himself during one hearing and testified that Turcotte confessed to him.

Both Turcotte and Verdekal, though not convicted in the Kelly's Deli case, were convicted of other robberies and sent to prison.

In 1986, The Inquirer raised additional questions about the case. Verdekal, in a series of prison interviews, said that Turcotte committed the crime and he drove the getaway car, and that McCracken - whom neither man knew at the time - was not involved. Verdekal and McCracken passed lie-detector tests commissioned by the newspaper.

The articles reported that - according to the scientist who developed the method of testing that was used - a state police expert had no scientific basis to conclude, as he did in court, that McCracken had gunshot residue on his hands. The chemicals found on McCracken's hands could have come from working on a car, the scientist said.

The Inquirer stories reported that three members of McCracken's family, two friends, and a mailman delivering a registered letter to his home were with McCracken within minutes of - if not during - the robbery, and raised questions about the veracity of Aldridge's testimony. Two friends said Aldridge told them he didn't see McCracken, but stated he did at the insistence of police officers.

Collingdale



Know the dealYo

55% OFF
Philly.com
\$99 -- Charming Jersey Shore Spring Escape, Save 55%

Get This Deal

Deal expires: 1d:08h:30m

In January 1987, Delaware County Judge Robert A. Wright granted McCracken a new trial, and later McCracken was released on bail. The District Attorney's Office appealed, and, in March 1988, Pennsylvania Superior Court reinstated the conviction.

In March 1990, the state Supreme Court upheld the Superior Court ruling.

That same month, Michael Aldridge, imprisoned in New Jersey, called McDougall and recanted his identification of McCracken, saying detectives had threatened to charge him with the crime and insisted McCracken was the gunman.

"I was 18 years old. I was scared to death. They were telling me that I'm not going home if I don't do this," he said.

In January 1992, Wright, based on Aldridge's recantation, ordered a new trial for McCracken again. Again, the District Attorney's Office appealed, and, in January 1993, the state Superior Court again overturned the order for a new trial. McDougall again appealed to the state Supreme Court, which, in May of this year, overturned Superior Court, upholding the order for a new trial.

While all that was going on, McCracken worked a variety of jobs in Delaware County - roofing, asbestos removal, drywalling, painting - none of which he held for too long.

"If a friend came by and said, 'Let's take a trip somewhere,' " McCracken said, he'd go along, even if it meant losing a job. "I thought, 'I should do this, because this could be the last time I get to do this.' I didn't see a future." In 1992, McCracken, with permission from the courts, moved to Arizona, where he worked in asbestos removal and graduated from Motorcycle Mechanics Institute.

In June 1994, he returned to Pennsylvania, landed the job at Lancaster Harley-Davidson, and continued waiting for the courts to rule.

In a Lancaster-area bar, Terry McCracken approached Connie Pyle - a 27- year-old graduate student in psychology at Millersville University - and struck up a conversation.

She was a little wary, but they seemed to hit it off.

"Ask me any question you want," McCracken said that night about three months ago.

What she said next was intended as a joke: "Have you ever been in jail?"

"Well," McCracken said. "This is going to be a long story."

The judge at McCracken's second trial, which began Sept. 27, was no stranger to McCracken and his family.

Frank T. Hazel was the judge who set McCracken's bail after the new trial was granted in 1987. He also was Delaware County's district attorney from 1976 to 1981, and he spearheaded the office's investigation of the Warlocks, the notorious motorcycle gang to which McCracken's father once belonged. As a judge, Hazel convicted McCracken of driving under the influence while free on bail in 1989.

Before the trial began, Hazel gave McCracken the chance to ask for another judge. McCracken, at the advice of McDougall, declined, and passed on the opportunity to have a jury hear the case.

"Juries are just so unpredictable," McDougall said in explanation.

The trial - in terms of evidence presented - was not much different from the first. There were the descriptions of the perpetrator and his clothing, and the testimony of the prosecution's expert on gunshot residue.

But the recantation by Aldridge, the testimony of Verdekai, and the passage of 12 years made it difficult for the prosecution to build a case.

"If every convicted murderer got a second bite of the apple 12 years later," District Attorney William Ryan said after the verdict, "we wouldn't have very many murderers in jail."

Ryan also reiterated his belief that Aldridge and other witnesses had been threatened to testify in McCracken's favor.

Aldridge admitted he had received threats from McCracken's brother and others but said they did not make him change his story.

Aldridge, after testifying, sat through the remaining days of the trial and, upon hearing the verdict, was nearly as emotional as McCracken. He cried and shook McCracken's hand before he left.

In rendering his verdict, Hazel offered no explanation. In an interview last week, however, he said he struggled over the verdict. "I think maybe some people think it was easier than it was." He would not go so far as to say he believed McCracken did not commit the murder - only that he wasn't proven guilty.

Ryan, meanwhile, held firm to his belief in McCracken's guilt, and said there were no plans to prosecute Turcotte - out of prison and living in Florida - who testified during the trial that he didn't commit the crime.

McDougall said he was researching a civil suit.

"I think their investigation was sloppy in this matter," McDougall said. "It was negligent." He said he hoped to collect damages for the nearly four years McCracken spent in jail, and for the "eight years of hell waiting for the phone to ring." There is also the matter of legal fees, unpaid since 1983, which McDougall said exceed \$200,000.

McCracken - though he can now make them - has no immediate plans for the future.

"I'm happy where I am now, and doing what I'm doing," he said. "I wake up and see the river, and I feel good. I go to work and come home tired, and I still feel good. And I can't believe that everyone else always had this feeling - being able to do whatever

you want to."

Ads by Google

Arrest Records: 2 Secrets

1) Enter Name and State. 2) Access Full Background Checks Instantly.

InstantCheckmate.com

FEATURED ARTICLES



Less is more with Michael Mosley's 5:2 diet



Young cancer patient's good news: 'Total remission!'



Free soft pretzels Friday

More:

Carnival Cruise prices down 20%

Toomey says he won't take new shot at gun bill

Karen Heller: A T-shirt celebrates Philly's rudeness

Pilot had passenger detained for not flushing toilet

Classic soaps 'Children,' 'One Life' reborn online

Pennsylvania man lived the drama that inspired 'Unstoppable'