

On January 23, 1997, Paige TenBrook was strangled in the Pueblo West, Colorado apartment she shared with a friend, Su Jin Kim. Paige's estranged husband Scott had moved to Medford, Oregon in December, and he learned that Paige was seeing other men two weeks before her death. Although he was trying to pick-up women in Medford area bars, Scott angrily called Paige and threatened, "You're dead, bitch."

Scott was an insurance salesman, and he told friends Paige was worth more dead than alive. After her murder he collected a substantial life insurance death benefit. Just days before Paige's murder, Scott made a pass at Ellen Husel, and two weeks after the funeral began spending nights with her. He told her he was "almost a millionaire." In addition to insurance proceeds, property worth \$600,00 that Paige's father had given her was now his. In May, Scott bragged to Ellen's son Jacob Husel, that he had Paige killed. Jacob reported Scott's admission to the police. Jacob's contact with the Medford Police Department is recorded in a May 21, 1997, "Incident Report" that states in part,

"During conversation at Le Dolls [a Medford night spot] TenBrook told Husel that he'd paid a guy to have his wife killed. TenBrook said that this act was accomplished. Husel learned that TenBrook's wife had a \$130,000 life insurance bond on her. Also, she had wanted a divorce and was seeing someone else."

... I asked Husel if he would be willing to give me a taped statement. He said he would. I drove Husel to the Medford P.D. where he gave me a taped statement.

Fall Guy for Murder Of Woman That Husband Admits Committing - The Leonard Baldauf Story

By Leonard Baldauf¹

Husel's mother, Ellen called me. Ellen said that Husel told her everything TenBrook told him.

... TenBrook said that he and his wife Paige TenBrook were separated. She was seeing someone else. He felt a divorce was eminent. [sic]

Within the time that Ellen and TenBrook first dated Paige was found strangled to death in her bedroom in Colorado Springs, Colorado.

... Ellen said that TenBrook would talk about the case almost daily. She saw the newspaper clippings on the case.

Ellen said that TenBrook mentioned that Paige had a life insurance policy on her ... If she had divorced TenBrook he wouldn't have gotten anything. Since she died TenBrook [also] inherited the \$600,000. TenBrook mentioned that he was almost a millionaire. ...

On one occasion TenBrook was intoxicated and depressed. He made a statement, "Do you think God wants me dead?" "Why has God let me live?" "My wife was such a good person." "I am such a wicked, evil person!"

Ellen's not convinced that TenBrook

did pay to have Paige killed, but she's not convinced he didn't either."

Ellen also said that the prosecuting attorney on Paige's case [in Colorado] has called several times and talked with TenBrook on Ellen's home phone. It seems that the prosecuting attorney, Scott Dingle, and TenBrook are old friends.

Ellen said she thought to talk with Dingle about what she's heard. However, because of the bond between Dingle and TenBrook ... she doesn't know what to do." (Medford Police Department, Incident Report, Case No. 97-16156, May 21, 1997.)

In spite of Scott's admission that he had his wife killed for her life insurance and other assets he would have lost if they divorced, he was not prosecuted. As documented in Jacob and Ellen's statement to the Medford police, Scott and the prosecutor in Colorado Springs where Paige was murdered were "old friends," and they talked frequently. So instead, Leonard Baldauf was prosecuted for Paige's murder that he had nothing to do with, and he has been unjustly incarcerated since January 25, 1997.

Baldauf Met Paige in Pueblo

Baldauf is the founder of a craft brewing company that he and a chef formed in Tucson after Baldauf opened a brewery for a New Mexico restaurant. While they sought a location, Baldauf discovered an opportunity for a brewpub in Pueblo, Colorado, and began development work there as his partner monitored the availability of a site in Tucson. Baldauf was

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The child abuse hysteria wave in this country during the 1980s and 1990s produced a number of ill-advised investigations and wrongful convictions. (See page 3 of this issue of *Justice: Denied* for the Lorain, Ohio case of Nancy Smith and Joseph Allen). The granddaddy of all those cases was the Wenatchee, Washington "sex-ring" investigation that began in 1994.

It resulted in the arrest of forty-four adults in 1994 and 1995 on 29,726 charges of sexually abusing 60 children.

Before the media reported the lurid allegations all over the world, Wenatchee was a sleepy central Washington city best known as the 'Apple Capital of the World.'

Guilty jury verdicts and plea bargains piled up until 19 people had been convicted of child rape and other charges. Some of those defendants were sentenced to decades in prison.

\$20 Million Wenatchee "Sex-Ring" Suit Back On Track

By JD Staff

However a strange anomaly became apparent as the cases wound their way through the pre-trial and trial process: At the same time those 19 defendants were successfully being prosecuted — nine defendants were either acquitted or the charges against them were dropped. That was happening even though the "evidence" against the defendants who were convicted and those who weren't was virtually identical - often involving the same prosecution witnesses.

There was, however, one starkly visible denominator between the defendants walking out the courtroom's backdoor to prison, and those who were walking out the front door to freedom. The convicted defendants

all relied on a public defender, while those who were winning their case through acquittal or dismissal had retained an attorney.

It wasn't that the private defense lawyers were the second coming of Gerry Spence - but what they did that the public defenders didn't, was put the prosecution's evidence and witnesses to a veracity test. The prosecution's evidence was simply unable to prevail when even minimally challenged.

The truth eventually seeped out that the "sex-ring" cases weren't based on any event identifiable as having actually occurred - much less 29,726 events. It also became known that the lead investigator - Wenatchee police detective Bob Perez - was the foster father of the girls who supposedly provided him with the initial allegations of abuse that snowballed into the investigation of an elaborate

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surveying bar owners in Pueblo when a woman asked what he was doing. Her name was Paige TenBrook. She invited him to join her and Su Jin Kim at a country-western dance club.

Paige told Baldauf that her marriage had been over for months, and her husband was soon moving out. She began visiting Baldauf at his “bill paying” job as a bartender in nearby Florence, and soon initiated an intimate relationship.

Baldauf was staying 30 miles from Pueblo in Florence. To pay his bills as he continued development on the brewpub, Baldauf used a personnel agency to be hired by McDonnell-Douglas to work on its Delta III rockets in Pueblo.

In Medford, Scott heard of Paige’s activities from a Pueblo friend, and on January 8 began threatening her, calling as many as 30 times over the next few days. Paige was afraid of Scott and what he might do. She was nervous about being watched, so she asked Baldauf to begin parking down the street. On January 15, Scott left her a message in a resigned tone, asking her to show a friend coming into town some property.

On January 17, one of the Delta rockets exploded shortly after liftoff. That postponed Baldauf’s start at McDonnell-Douglas and the personnel agency offered him a few days of temporary construction work. He dismantled concrete forms for 8 hours on the 23rd, then stopped by Paige’s office before she left work. He went ahead to her apartment while she drove the receptionist home. Paige arrived, then talked on the phone to her sister and mother in Georgia as Baldauf made dinner. Paige’s fearful glance out the window when they hugged prompted Baldauf to offer her a .22 caliber pistol for her peace of mind. He left around 9:30 p.m. After arriving he found the pistol but no cartridges for it. He had stored a shotgun in his friend Rob Frickey’s gun safe, so he went on to Frickey’s home in Canon City. Frickey was asleep, so his son Bean retrieved the shotgun. Baldauf told him of Paige’s worries.

Paige’s Body Found By Baldauf

Baldauf returned at approximately 11:45 p.m. to find Paige dead with a belt around her neck. His immediate reaction was to call 911, but he found there was no dial tone. He then shifted his focus to the killer, who could still have been in the apartment or nearby. Baldauf headed for the neighbors to use their phone, but saw an SUV enter the lot and park. Thinking someone might have come to pick-up the killer, Baldauf hung back to watch the vehicle. He was in suspense for 30-40 minutes, uncertain whether to risk losing sight of it to call police. Eventually, its doors opened... and

Kim emerged with her date. Her appearance broke the tension, leaving Baldauf drained. He started after her, then stopped. His next action he finds difficult to explain: instead of apprising Kim of the situation, he turned away. Two blocks down the road, he started to go into a convenience store, then changed his mind. Kim could handle it – he wanted no part of it. In a daze, he drove to the house in Canon City where he was staying.

Baldauf explains: “It wasn’t like me at all, but that’s how I reacted. On another day I would have done differently. I was stunned by finding Paige dead. I was overtired — I’d been up over 20 hours, and had put in a full day of strenuous physical labor in an unfamiliar job. When I saw Kim, the adrenaline quit and I just crashed. The whole thing was repellent — I just wanted someone else to deal with it. Subconsciously, I was also probably avoiding Kim. I knew she was resentful of the time Paige had been spending with me instead of her.

I wasn’t thinking things over, just reacting: CALL 911! The phones dead – get out! Find another phone! Waiting – that SUV isn’t right – watch it! Then I saw Kim, and just felt wiped out, sick. Someone else was there now, let her handle it.”

Baldauf himself says he would not have predicted his reaction. His actions were not heroic, or what he should have done in retrospect, but neither do they justify a murder conviction. [JD note: See p. 10 of this issue for the explanation of two forensic psychologists of why Ronald Dalton did inexplicable things after his wife choked to death on dry cereal that contributed to his wrongful conviction of murdering her.]

When he got home it occurred to Baldauf that he, too, may have been – and still might be – a target. It was the middle of the night and he was alone. He was new to the area with no family near, and his only close friend was Frickey. He needed to be near friends and family, but that was in Tucson. Early the next morning he headed to Tucson. During the 12-hour drive, Baldauf, who has battled depression much of his life, became severely depressed. That night he commiserated with a friend, Jo Verduzdo, and described finding Paige.

Baldauf’s Arrest

Meanwhile, Kim told police that Baldauf had killed Paige. She had no basis to say that except for her dislike of him. From that point, the police never seriously investigated anyone else. Police looking for Baldauf woke Frickey at 3 a.m. on January 25. Hours later, Baldauf called Frickey (who has hearing damage) to tell him about Paige. Frickey said the police were looking for him. Several hours after the call, Frickey called the police,

claiming Baldauf confessed killing Paige. However, he later told coworkers Baldauf had confessed at his home. Police did not immediately disclose the contradictory statements, which cast serious doubt on Frickey’s credibility until well after the preliminary hearing in which Baldauf was charged with first-degree murder based on Frickey’s testimony. That evening, Tucson police arrested Baldauf.

After he was in custody, Baldauf freely answered questions for over an hour. He was willing to talk about the night of Paige’s murder, but asked to have a lawyer present. The lawyer he called advised him to end the interview.

The police began releasing information they knew to be false to the media to poison public opinion. They said Baldauf had fled out a back door; he had prior felonies; he was living out of his car; he was stalking, not dating, Paige; he wanted to negotiate with the prosecutor; and that he had only a business relationship with Paige – all false.

Four months after Baldauf’s arrest, Medford police informed investigator Teschner in Colorado Springs of the statement by the Husels that Scott admitted hiring Paige’s killer with the motive of collecting her life insurance money and other assets. Teschner’s follow-up after learning that critical information consisted of interviewing the Husels, which he began by stating that Scott was already cleared of wrongdoing.

The Colorado Bureau of Investigation (CBI) did not conduct a DNA analysis of evidence related to Paige’s murder until just three weeks before Baldauf’s trial. His attorneys had the lab report suppressed on the basis the CBI waited too long, leaving no time to find defense experts. They told Baldauf the evidence could only hurt, because a spot of blood on Paige’s sleeve had been proved his. Baldauf explained that the blood was merely from a finger he’d gouged on a nail at work. The spot of blood probably got on her sleeve when he touched the sleeve. His attorneys, however, wanted to avoid the entire issue, in spite of the obvious implications: if his finger was leaving blood traces, why was there no blood on Paige’s neck, on the belt used to strangle her, or elsewhere? Baldauf didn’t see the CBI report and his attorneys failed to inform him of an important finding by the crime lab that supported Paige’s murder by an intruder. Baldauf didn’t discover the existence of that evidence until more than six years after his trial.

Throughout his 20 months in jail awaiting trial, Baldauf refused to even listen to plea offers, insisting on the trial he believed would free him.

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Baldauf's Trial

The prosecution began its case with a ploy to prejudice the jury, using Paige's small dog as a second victim. However, the dog was likely killed because it was barking, which is contributory evidence of an intruder the dog was unfamiliar with. The dog knew Baldauf, so it didn't bark when he was around. The DA also displayed Baldauf's shotgun to inflame any anti-gun sentiment among the jurors, although it was not part of the crime. One prosecution witness placed Baldauf and Paige at her office from 5:30 to 6:00 p.m. the day of her murder. Another witness put them at a bar at the same time. The prosecution devoted much of its case to showing that Baldauf had recently been in Paige's apartment, a fact he had never disputed. A CBI expert testified a pubic hair found among Paige's was not Baldauf's, and prints on the phone, the cord to which had been severed, were unmatched to anyone. Hairs found in the bathtub were excluded by microscopic examination from matching Baldauf or Paige.

Instead of assessing the evidence with an open mind, prosecution proceeded from the premise of Baldauf's guilt. That led to them "cherry picking" evidence supporting their theory of the crime, and ignoring the evidence that didn't. For example, in spite of a letter from Baldauf to Paige encouraging her to see others, prosecutors persisted in painting him as jealous and possessive. They resorted to character assassination and used two vindictive former girlfriends to help create a bogus history. Although Colorado law prohibits such unduly prejudicial character evidence, Judge Cole — who had no murder trial experience — allowed its introduction.

Cross examination showed errors in the medical examiner's report. Police attempted to add details to reports to comport with the statement of a witness. The money taken from Baldauf on arrest was later stolen from the evidence room. Teschner defied Judge Cole's repeated warnings against prejudicial references to Baldauf arrest — grounds for mistrial, but Cole denied that motion. Key witness Frickey did not appear as scheduled, after hospitalization for severe allergic reaction.

Acquittal seemed likely; and the defense's case hadn't even begun. Baldauf's lawyers had found friends or acquaintances of Scott who would testify to his threats, his remark that Paige was worth more dead than alive, his focus on collecting insurance proceeds and her property, his callous behavior after her murder (such as showing off a new Rolex and joking, "Look what my wife bought me"), and his boast of having Paige killed. Ties to a local organized-crime figure surfaced, suggesting Scott had Paige killed to

settle his debts using insurance benefits. However, jurors never heard any of that evidence. Under state subpoena, Baldauf's Tucson friend Verduzco arrived and told the DA on the eve of his appearance that he was changing his story again. The resulting furor wound up ending the trial and Baldauf's expectation of long-overdue freedom.

Verduzco's fourth version of events included "new" details incriminating Baldauf — details that were not what Baldauf had told him. Verduzco was clearly stressed, at times in tears. It appears that he had been pressured to augment his testimony to suit police: Judge Cole noted how strange it was that although Tucson was a large city, the same police sergeant who had arrested Baldauf had been sent to serve Verduzco's subpoena. Baldauf's lawyers objected to Verduzco's altered testimony and requested that Judge Cole bar the jury from hearing it. Cole granted the request, and the DA announced he would immediately file an interlocutory appeal of the ruling.

Surprisingly, Baldauf's lawyers, two experienced Denver attorneys who had replaced the public defender nine months earlier, wanted to ask for a plea offer. Baldauf would not consent. That afternoon, his lawyers came to see Baldauf, bringing his brother John with them. They urged him to accept a 24-year sentence and argued that a mistrial would be a bad result. Baldauf refused, but was shaken by their apparent defection. His brother encouraged him to accept, saying his family wanted to see him free "some day." Baldauf finally gave in to his family's wishes, with the proviso that he would not falsely admit to murder. An *Alford* plea allows a defendant who claims innocence to be convicted. Two hours later — before Baldauf could reconsider his ill-advised capitulation under the pressure of the trial — Cole accepted an *Alford* plea from him. He received no credit for his 20 months in jail, and under the plea had no right to appeal.

The following morning Baldauf wanted to withdraw the plea, but his lawyers and brother talked him out of it.

Baldauf Obtains CBI Crime Report in January 2005

In January 2005, Baldauf finally obtained copies of the CBI's DNA reports of the tests performed in August 1998. His lawyers had not informed him that the blood in the tub had been DNA tested, and did not belong to Paige or Baldauf.² Had he known, he would not have allowed its exclusion or entered an *Alford* plea. Baldauf is working on a motion to withdraw his plea on that basis. If a retrial is granted, more evidence is needed. The August 1998 CBI report also discloses that a pubic hair found in the bathtub excluded as being

from either Baldauf or Paige had been microscopically examined, but not DNA tested. Baldauf filed a motion for DNA testing under a Colorado statute enacted in 2003, so it could be matched through the FBI's DNA database. However Judge Cole refused to even grant a hearing. The appeal of Cole's denial is pending.

Baldauf is incredulous that the state continued to prosecute him after learning of Scott's boast, that was supported by the DNA proof that the blood in the bathtub wasn't Baldauf's — which indicated an intruder could have been in Paige's apartment at the time of her murder. In order to believe that Baldauf is guilty, one must also believe that before he returned that night someone unknown got into Paige's apartment merely to bleed in the tub, transfer his hair to her, sever the phone line without killing her, and that she didn't call 911 to report the intruder. That is ridiculous — but it is the theory the prosecution relied on in prosecuting Baldauf. His incarceration is yet another consequence of police and prosecutors who put winning a conviction above all else, heedless of whether the real perpetrator is convicted — who Baldauf believes the evidence indicates was hired by the buddy of Baldauf's prosecutor.

Baldauf believes an effective weapon against official wrongdoing may be public pressure resulting from exposure in the media. Letters to the Editor of the following newspapers may help: *The Pueblo Chieftain*, 825 W. 6th St., Pueblo, CO 81003; and the *Denver Post*, 1560 Broadway, Denver, CO 80202. Pueblo's new DA may be willing to re-examine the case if he thinks public opinion supports it. Write, District Attorney Bill Thiebaut, 201 W. 8th St. #801, Pueblo, CO 81003.

Baldauf hopes to identify the actual killer by comparing the DNA profile of the blood in the tub, (and if it can be obtained - the pubic hair's DNA profile) with DNA databases which did not exist in 1998, on the theory that a hired killer is likely to be a known criminal and may have DNA on file. Baldauf needs help in setting up a web site as a means of finding more witnesses. If you think you can be of assistance, you can write Baldauf at:

Leonard Baldauf 98415
AVCF
PO Box 1000
Crowley, CO 81034-1000

His outside contact is his brother:

Ken Baldauf
PO Box 31933
Tucson, AZ 85751

Email: footnotes@webtv.net

Endnotes:

1 Mr. Baldauf submitted his story in the third person, and *JD* retained that format.

2 The Colorado Bureau of Investigation Laboratory Report dated August 12, 1998, states:

"The DNA profile developed from Exhibit #6 did not match Tenbrook or Baldauf."

"Exhibit #6 - Bloodstain from bathtub"

