

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

Baldauf continued on page 27

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

Wenatchee continued on page 30

In Time cont. from page 29

rorism (66 Fed. Reg. 57,833). Just as the purpose of Roosevelt's proclamation was to circumvent fundamental due process principles of American and military law to ensure that defendants prosecuted under it would be convicted, substantial evidence has come to light since O'Donnell's book was published in June 2005, that Bush's order is intended to serve the same purpose. (See, Guantanamo Trials Rigged – Claim Three Prosecutors, on page 14 of this issue of *Justice:Denied*.) Quite frankly, the only reason to deny a person the ability to effectively defend him or herself is to ensure the person's conviction.

In 1942, defense attorney Royall considered the entire military tribunal process to be "an undeclared war on the rule of law." (p. 149) O'Donnell thinks we are experiencing the same thing today. However he is hopeful the eventual result will be different, and "that the federal judiciary will eventually force the total dismantling of President Bush's "black hole" at Guantanamo Bay. In its place the United States should resort to the highly regarded Uniform Code of Military Justice. Then – and only then will America be able to begin to reclaim its leadership role as a champion of human rights and the rule of law." (p. 365)

In Time of War is a very readable book written to be clearly understandable by lay people interested in history and current events, as well as readers curious about the legal cases it discusses. Befitting O'Donnell's status as a distinguished lawyer, the book is replete with many hundreds of footnotes for people wanting to verify his sources or who want to do further research.

In Time of War is available for purchase from *Justice:Denied's* Innocents Bookshop at <http://justicedenied.org/books.htm>.

Endnotes:

1. *Saboteurs: The Nazi Raid on America*, Michael Dobbs (Vintage 2004). *Saboteurs* focuses on the details of the events surrounding the eight men prior to and after their entry into the U.S., and what happened to the two who weren't executed.)

2. *Id.*

3. *Id.* at 264-265.



Ex-Gitmo cont. from page 14

after his trial, "He was acquitted because nothing could be proven against him."

As of the summer of 2005, eleven Kuwaitis remain imprisoned indefinitely without charges at Guantanamo Bay.

Source: Ex-Gitmo Inmate Acquitted of All Charges, Diana Elias, *Associated Press*, June 29, 2005. Ex-Guantanamo prisoner didn't know of 9/11, *China Daily*, April 15, 2004.



Wenatchee cont. From page 12

and extensive "sex-ring." Perez was provided critical aid by the Washington Department of Human Services — which duly removed the children of accused and convicted parents from their home. Local prosecutors also aided Perez by uncritically examining the evidence of alleged child abuse by dozens of people prior to pursuing criminal charges against those people.

In 1998 the *Seattle Post-Intelligencer* published a week-long series of 12 articles about the cases titled "The Power to Harm." The articles documented that the abuse that occurred in Wenatchee wasn't by the accused parents against their own and other children - but by the city of Wenatchee and Chelan and Douglas counties in prosecuting the people for fictitious crimes, with the support of the Washington DHS. The articles had titles that included, "With every step, rights were trampled," "Lies, lies and more lies," says jailed man," "Lives ruined because lessons ignored." "The Power to Harm" series can be read on the *Post-Intelligencer's* website at, <http://seattlepi.com>.

Throughout the years from the first arrests through the appeals of convictions, city, county and state authorities defended their actions as appropriate, even as the insubstantial legal basis for the prosecutions was publicly laid bare.

Five of the defendants served the full-term of their sentence, several were released after their convictions were vacated, and several others who didn't want to sit in prison for the years that their appeal might last, agreed to plead guilty to a lesser charge in exchange for their immediate release. The last "sex-ring" defendant was released in December 2000 after his conviction was reversed. He had been wrongly imprisoned for six years.

In 1998 members of three families that had either been acquitted or had "sex-ring" charges dismissed, filed a \$20 million lawsuit in state court seeking compensation related to having been falsely accused of being serial child abusers and rapists. Two of the acquitted defendants who sued were Reverend Robert Roberson and his wife Connie. The Roberson's were targeted for their wrongful prosecution after they publicly questioned the truthfulness of the charges filed against the alleged "sex-ring" members, many of whom attended their East Wenatchee church.

In addition to the city of Wenatchee and Chelan County, the suit named Wenatchee Det. Bob Perez and police Chief Ken Badgley as defendants. Prior to the trial held in

Seattle in 1998, the judge ordered the removal of Perez and Badgley as defendants, and Wenatchee didn't provide the plaintiffs with Perez's employment records. The plaintiffs lost at trial and appealed on multiple grounds, including that the judge erred by removing Perez and Badgley as defendants, and that Wenatchee had improperly withheld Perez's employment records.

In November 2002 Spokane County Superior Court Judge Michael Donohue ruled that Perez and Badgley had been improperly removed as defendants, and that Wenatchee had deliberately withheld Perez's employment records from the plaintiffs and the trial court. The judge also ruled that since those records were key evidence that Wenatchee knew could have changed the trial's outcome, he ordered the city to pay a fine of \$718,000.

It is now known why Wenatchee didn't want to disclose Perez's employment records: "they show he was suffering from a serious mental disability at the time he conducted the investigations." ¹ Perez's employment file also documents that at the time he was involved in the "sex-ring" investigations, "police officials expressed concerns about Perez's fitness for duty." ²

In August 2005 the state Court of Appeals upheld Judge Donohue's decision, and in September 2005 the Washington Supreme Court declined to review the decision.

After the Supreme Court announced it was letting the lower court decision stand, Tyler Firkins, one of the plaintiff's attorneys said, "They are really excited about the possibility to get some justice." ³

Wenatchee's lawyer, Patrick McMahan, said, "We're exploring what our options are." ⁴

The case will now be scheduled for a retrial with Perez and Badgley as defendants, and Perez's employment records as evidence. Unless a settlement can be agreed to, the case will be retried with the jury's exposure to Perez's unfavorable employment records, and intense questioning of Perez and Badgley about presently undisclosed details about how and why the "sex-ring" investigations spun out of control instead of being shelved before the first person was prosecuted.

Endnotes and sources:

1. High Court Declines To Consider Judgment Against The City of Wenatchee, AP, *Seattle Post-Intelligencer*, September 10, 2005.

2. *Id.*

3. Sex-ring ruling may cost Wenatchee \$1 million, Mike Barber, *Seattle Post-Intelligencer*, September 10, 2005, p. B1, B4.

4. *Id.*

