

Zachary R. Handley Exonerated Of Arson Based On New Evidence The Prosecution's Star Witness Is A Serial Arsonist And He Falsely Confessed

Northampton County Judge Anthony S. Beltrami [has vacated](#) Zachary R. Handley's 2008 convictions related to two arson fires in Stockertown, Pennsylvania. Judge Beltrami's ruling was based on new evidence the prosecution's star witness is a serial arsonist who likely committed the crimes, and that Handley falsely confessed. Handley's exoneration is directly attributable to the post-conviction investigation of his case initiated by Judge Beltrami.

On November 7, 2007, 25-year-old Karla Ann Dewey reported a dumpster on fire behind Tony's Pizza in Stockertown. She told the police that she could see the dumpster from the 4-plex townhouse where she lived, and that just before the fire started she saw some kids riding their bikes in the area of the dumpster.

Three weeks later, on November 27, 2007, Dewey called 911 at 5:30 p.m. to report a fire at her townhouse. The occupants of all four units safely exited the building before it was engulfed in flames and destroyed.

Officer Joseph J. Straka of the Stockertown Police Department responded to the call. Dewey told Straka that at 5:20 p.m. she was walking outside when she saw three children talking while on their bikes in the parking lot for Cosmo's Restaurant across the street from her townhouse. A few minutes later while still outside, she [said she saw](#) "the boy that lives across from Tony's Pizza with the yellow bicycle" on the front porch of her townhouse. Soon afterwards [she saw](#) a "black smoke cloud" coming from her residence, and she "ran back up to [her] house."

Fourteen-year-old Zachary Handley was the boy Dewey was referring to, and he lived



Zachary R. Handley in April 2015 after his exoneration. (Riley Yates, The Morning Call)

two blocks from her. Straka went to where Handley lived while the fire department was still at the smoldering townhouse. In the presence of his father and stepmother Handley [told Straka](#) "he didn't know what happened" to

cause the fire at the townhouse. Straka then left.

The fire marshal's investigation determined the fire was intentionally started by the igniting of a couch on the building's porch.

When questioned again, Dewey identified Handley as one of the boys on a bike by the burning dumpster.

With the townhouse fire officially classified as a crime and Dewey's statements implicating Handley in the townhouse and dumpster fires, Straka called Handley's stepmother and arranged for him to be brought to the station for questioning on December 19, 2007. When they arrived at the police station, Straka first talked privately with Handley's parents. His father later testified [about that meeting](#):

As we were sitting in the room, Officer Straka explained to us that he had evidence against [Zachary], putting him on that property, on that porch. He said to us that, you know, we can do this the easy way or the hard way. The hard way is I can arrest him tonight, I can take him down to the juvenile probation center, and he can spend Christmas down there, or the other way is he can come in here and we can do all this through the mail, basically probably go down to court in a month or so, and we'll get [Zachary] some counseling.

Handley's parents told him what Straka had said. He [became upset](#) and "started crying and . . . said I didn't do this, dad, I didn't do this." He told his parents he didn't want to spend Christmas in the juvenile detention center.

Handley insisted he was innocent, but after Straka read Handley his *Miranda* rights Handley gave Straka a written statement admitting to the fires at Dewey's townhouse

and the dumpster at Tony's Pizza.

Straka didn't tell the truth to Handley's parents. Two days later — four days before Christmas -- he was arrested and detained after being charged with three felonies and two misdemeanors related to the two fires.[N. 1] Handley was held in custody pending the outcome of his case.

Handley recanted his confession, insisted he was innocent, and refused to admit his guilt to the charges. As a juvenile he was not entitled to a jury trial. His trial on January 14, 2008 was presided over by Northampton County Judge Anthony S. Beltrami. (In Pennsylvania a juvenile trial is known as an "adjudicatory hearing.")

There was no physical or forensic evidence linking Handley to the fires, so the prosecution's case was based on Dewey's eyewitness testimony and Handley's recanted confession.

Handley's father testified that Straka suggested to his son what should be in his statement, and Handley testified that he didn't start the fires. He [stated that](#) Straka stood over him as he wrote the statement, and "it was kind of like he was telling me what to write. . . . You know I was making up the story the whole time."

Regarding why he admitted starting the fires to Straka, [Handley testified](#):

"Because I was scared that I was going to be in [detention] for Christmas. And my first reaction was, you know, I love my parents too much and my family to be in here for Christmas. And I love Christmas. . . . So I knew if I didn't admit to it I would be in that night and I wouldn't be able to spend Christmas with my family."

Judge Beltrami found Handley guilty of all charges, and ordered that he remain in custody pending his sentencing hearing (known as a "dispositional hearing" for a juvenile).

The hearing was held on February 4, 2008 before Judge William F. Moran, not Judge Beltrami. Judge Moran was presented with four separate reports evaluating Handley prepared by: the Center for Arson Research, Inc.; psychiatrist Dr. Larry E. Dumont; psychologist Dr. Arthur J. Eisenbuch; and the Northampton County Juvenile Probation Department. During all of Handley's interviews he insisted he did not start the fires



Townhouses under construction where Dewey's townhouse building burned to the ground. The parking lot for Cosmo's Restaurant is across the street. (Google Streetview, 2009)

Handley cont. on page 14

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and he gave a false statement to Officer Straka because he made it clear it was the only way he could spend Christmas at home.

The evaluator with the Center for Arson Research [reported that](#) Handley “clearly expressed that he was not involved in any fire[-]setting behaviors and how the police wronged him. ... the police officer lied to him and made him tell a lie.” Dr. Dumont diagnosed Handley with impulse control disorder, and Dr. Eisenbuch diagnosed Handley with conduct disorder and adolescent onset, and the Juvenile Probation Department recommended Handley’s placement in the Cornell Abraxas Open-Residential Fire-Setter Program.



Abraxas Youth Center, South Mountain, Penn. (Google Streetview, Aug. 2012)

Judge Moran was also presented with a victim impact statement by Karla Dewey [in which she stated](#) that “for [her], it was another devastating tragedy because this was the *second* fire [she] [had] been in. The other was [her] *family’s house* in 2003.” Dewey also stated that her husband, Richard, was a “[*firefighter*] for Upper Nazareth Township.”

Handley [stated during](#) his sentencing hearing, “One of the witnesses said she saw me there at [Cosmo’s] riding [my] bike ... at 5:30 ... I was in my house at 5:10.”

Judge Moran followed the Juvenile Probation Department’s recommendation and sentenced Handley to the Cornell Abraxas Open Residential Fire-Setter Program for a period of six to twelve months, and ordered him to pay restitution of \$625,541.62 for damage caused by the fires.

On February 6, 2008 Handley was transported to Cornell Abraxas Youth Center in South Mountain, Pennsylvania -- 155 miles east of Stockertown.

Handley repeatedly told staff members he didn’t start the fires and he had been coerced by Officer Straka to falsely confess. After a year at Cornell Abraxas, Handley was released on February 2, 2009 and placed on six months probation. Handley

had been in custody for a year and six weeks after his arrest on December 21, 2007.

On November 14, 2012 a civil Judgment Order for Restitution in the amount of \$625,541.62 was entered against Handley.

When interviewed in January 2008 by the Center for Arson Research [Handley professed](#), “I know eventually God will help me out. My time is coming. I hope God realizes that. God knows I didn’t do anything. Lying is a sin. He knows. I hope everyone else can realize that.”

Handley’s time came years later after Dewey was outed as a serial arsonist.

On September 6, 2012 Dewey was charged in Northampton County with an arson fire in October 2009 at St. John’s UCC Church in Nazareth. A surveillance camera recorded Dewey entering a vacant church office where she was for about thirty seconds, before leaving as a fire broke out in the office. The affidavit of probable cause filed in that case [stated Dewey](#), “is also [a] *person of interest in six (6) other unsolved ARSONS/Criminal Mischief - Suspicious Fires within Nazareth Borough.*”

The next day, September 7, multiple charges were filed against Dewey related to an arson fire at her home in Nazareth on March 13, 2012. The fire investigation determined the fire was started by the deliberate ignition of her living room couch. At the time the fire was started Dewey’s three-year-old child was at home with her.

Northampton County has nine judges, and following her arraignment Dewey’s case [was by](#) “sheer coincidence” assigned to Judge Beltrami. However, he didn’t remember Dewey’s connection to Handley’s case when in May 2013 Dewey entered a guilty plea to charges related to the arson of her house, in exchange for the dropping of charges in the church arson.[Note 2] Judge Beltrami ordered a pre-sentence investigation report, and it was while reading that report in June 2013 that he recalled Dewey was the State’s eyewitness in Handley’s arson case.

Judge Beltrami obtained Handley’s case file. Reading it he saw for the first time Dewey’s victim impact statement that had information about the burning of her family’s home in 2003, and that her husband was a firefighter. While reading Dewey’s statement, it occurred to Judge Beltrami that three of her homes had been destroyed by fire: in 2003, in 2007, and the 2012 fire that

she had entered a guilty plea to starting.

Judge Beltrami had a strong suspicion it wasn’t a coincidence that fire had destroyed three of Dewey’s homes, and that she happened to be nearby and witness the fires Handley had been convicted of starting.

During Dewey’s sentencing hearing on July 12, 2013, Judge Beltrami notified her that he had recalled she was the sole eyewitness in Handley’s arson case. He also told her he was appointing an attorney to represent Handley regarding her factual admissions in open court during her plea hearing, as they related to Handley’s case. Regarding the suspicious circumstances of Dewey’s allegedly witnessing of the two fires in 2007, [Judge Beltrami stated](#):

So I started to look at all these pieces, and I have strong concerns about whether or not you were involved in those other cases, whether you lied in court. I can’t be fair to you. There is no way I can give you a fair trial. I have to recuse myself from the case.

With Judge Beltrami’s rejection of her May 2013 guilty plea it was left for another judge to determine if it should be accepted and sentence her accordingly.

On August 30, 2013 Judge Baratta accepted Dewey’s plea agreement. On September 6 he sentenced her to 36 to 120 months imprisonment for her arson conviction, and a consecutive term of 6 to 12 months imprisonment for endangering the welfare of her child.



Karla Dewey in 2013 when she pled guilty to arson (Harry Fisher, Morning Call)

On May 16, 2014 Handley’s court appointed attorney filed a post-conviction “Motion for *Nunc Pro Tunc* Relief Pursuant to Pa.R.J.C.P. 622.” [The Motion asserted](#) that “[o]n July 12, 2013, it was revealed that potential exculpatory evidence may be available to [Handley] and a potential alternative suspect may have committed the acts charged against [him].” The basis for the Motion was the “after-discovered evidence as it relates to the primary eyewitness identifying [him] at his” adjudicatory hearing.” The Motion stated “the facts surrounding Karla Dewey’s guilty plea to setting a fire at her residence on March 13, 2012, by ignit-

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ing a living room couch on fire, were nearly identical to those she used to inculcate Juvenile when she acted as the Commonwealth's primary witness at Juvenile's contested adjudicatory hearing on January 14, 2008." The Motion requested that Handley be granted a "new adjudicatory hearing and/or order the expungement of his record and strike the restitution judgment."

The State vigorously opposed Handley's Motion, arguing for its dismissal on three grounds: it was time-barred; it didn't present new evidence; and the Court didn't have jurisdiction because he was no longer a juvenile under the Court's supervision.

Judge Beltrami heard oral arguments on November 12, 2014. The State and Handley's lawyer stipulated that in arriving at his decision Judge Beltrami could consider Handley's entire juvenile file, and Dewey's criminal files and presentence investigation report.



Northampton County
Judge Anthony S. Beltrami
(Bill Adams, Express-Times)

On March 13, 2015 Judge Beltrami granted Handley's Motion in a 33-page ruling that detailed the Motion was filed timely, it presented new evidence related to Dewey's credibility and Handley's confession, and the court had jurisdiction because the Motion was filed before Handley's 21st birthday and his restitution was still under court control. *In the Interest of Zachary R. Handley*, No. jv-766-2007 (Northampton County Ct. of Common Pleas, 3-13-15) [states in part](#):

Unbeknownst to Juvenile, the Commonwealth, and the Court at the time of Juvenile's adjudicatory hearing, Karla Dewey, the "independent" Commonwealth witness who implicated Juvenile in the fires, was, in fact, a serial arsonist.

In this case, Juvenile's adjudication was not based upon direct evidence but, rather, upon circumstantial evidence primarily attributable to the testimony of Karla Dewey. The emergence of undeniable after-discovered evidence related directly to Karla Dewey authorizes this Court to question her credibility.

While the Court declines to conclusively evaluate the voluntariness of Juvenile's confession at this stage of the proceeding, it would appear that, based upon the after-discovered evidence and the totality of circumstances, Juvenile's confession may have been false. In the present case, Karla Dewey was a reporting party in both fires and was the individual who implicated Juvenile. Officer Straka relied upon Karla Dewey's statements in his investigation. Officer Straka went to Juvenile's home on the evening of the fire solely based upon Karla Dewey's statement that she observed Juvenile on her porch moments before the structure fire. When Officer Straka first interviewed him, Juvenile stated that he did not know what happened. However, based upon further discussions with Karla Dewey, Officer Straka reinstated contact with Juvenile on December 19, 2007, six days before Christmas. Thus, even though he "didn't do it," Juvenile agreed to give a written statement because he did not want to spend Christmas in detention. ... Juvenile recounted that Officer Straka was telling him what to write and that he wrote it even though it was not true. Juvenile testified that he only made the statement because he was scared that he was going to be in detention for Christmas. ... After he gave his statement, Juvenile steadfastly maintained that it was false both prior to and during the adjudicatory hearing, as well as during the fire-setting evaluation, the psychiatric evaluation, the psychological evaluation, the social history investigation, and the treatment at the Abraxas program.

Accordingly, it has become abundantly clear to this Court that fire is an instrument of power and a weapon of choice to which Karla Dewey was no stranger. It has also become abundantly clear that it appears to be more than a mere coincidence that the common denominator in all of these fires is Karla Dewey. The goals of the juvenile justice system are thus best served in this case by granting Juvenile's Motion, as the after-discovered evidence is so compelling as to warrant a new adjudicatory hearing pursuant to Pa.R.J.C.P. 620(F).

Judge Beltrami issued an Order vacating Handley's "adjudication of delinquency," and ordered his \$625,541.62 "civil judgment restitution Order ... shall be STRICKEN."

[Click here to read](#) Judge Beltrami's ruling

in, *In the Interest of Zachary R. Handley*, No. jv-766-2007 (Northampton County Ct. of Common Pleas, 3-13-15).

Handley's case is over because Northampton County District Attorney John Morganelli announced he would not appeal what he described as Judge Beltrami's persuasive ruling, or retry Handley. Morganelli [told reporters](#), "We have an opportunity to correct something, if it was a mistake."

Serial arsonist Karla Dewey is divorced and serving her 3-1/2 to 11 year sentence at SCI Cambridge Springs as inmate OU6156. The statute of limitations has expired so she can't be prosecuted for the 2007 arsons Handley was convicted of committing, and perjury for her testimony during his 2008 trial.

Handley, now 22, is married and living in Nazareth, Pennsylvania with his wife Marissa and their 3-year-old son, Oliver.

When interviewed by *The Morning Call* after his convictions were overturned [Handley explained](#):

"Karla Dewey was a pyromaniac and she lit her own house on fire and blamed it on me. I got nailed with it. If I had more intelligence and realized they were duping me and trying to get a false confession out of me I would not have confessed to anything. But when you're a little kid and being interrogated by the police and them telling you are going to spend Christmas in jail and this and that, you kind of try to figure a plausible way out of that, and at the time I was too young to figure that out."

[Click here to view a video](#) of *The Morning Call's* interview of Handley.

Handley may have the basis for a federal civil rights lawsuit against Northampton County, the borough of Stockertown and its Officer Straka, and possibly others officially involved in his case.

Handley's case is beyond extraordinary because the wrong perpetrated on him would not have come to light without the action of Judge Beltrami initiating an investigation to discover if he had erred in finding Handley guilty in 2008, appointing Handley a lawyer to further investigate, and then rejecting the State's persistent efforts to have Handley's post-conviction Motion dismissed. There is no other known exoneration in U.S. history

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that is attributable to the post-conviction investigative efforts of the judge responsible for the person's conviction.[Note 3] Judge Beltrami also took the extraordinary action of voluntarily recusing himself from Dewey's criminal case to ensure she would be treated fairly. Judge Anthony S. Beltrami's biography is on the [Northampton County Ct. of Common Pleas](http://www.northamptoncounty.org/CommonPleas) website.

Endnotes:

Note 1: Handley was charged with being a juvenile, delinquent of arson endangering persons, as a felony of the first degree; and criminal mischief, for the dumpster fire that occurred at Tony's Pizza. He was charged as a juvenile, delinquent of arson endangering persons, and arson endangering property, as felonies of the first degree; and recklessly endangering another person, as a misdemeanor of the second degree.

Note 2: Dewey agreed to plead guilty to one count of arson endangering property, as a felony of the first degree, and one count of endangering welfare of children, as a misdemeanor of the first degree.

Note 3: See, The Innocents Database that documents every known exoneration in U.S. history at, www.forejustice.org/innocentsdatabase.htm.

Source:

[In The Interest of Zachary R. Handley](#), No. jv-766-2007 (Ct of Common Pleas, Northampton County, PA, Juvenile, 3-13-15) (vacating adjudication of guilt, striking restitution order, and ordering new trial)

[Wrongly convicted of arson](#), Stockertown teen trying to move on, By Riley Yates, *The Morning Call*, April 4, 2015

[Judge orders new trial for Stockertown arson](#), By Pamela Lehman, *The Morning Call*, March 13, 2015

[Judge grants new hearing for Moore Township man](#) convicted of arson as a child, By Tom Shortell, *The Express-Times*, March 13, 2015



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NBC Channel 3 broadcasts fabricated Kirstin Lobato hit story

By Hans Sherrer

NBC Channel 3 (KSNV-TV) in Las Vegas broadcast *Death in the Desert* during its 11 o'clock news on February 29, 2016. Reporter Marie Mortera's story was about the Kirstin Blaise Lobato case.

Ms. Lobato was convicted in October 2006 of charges related to the July 8, 2001 homicide of Duran Bailey in the trash enclosure for a west Las Vegas bank. Ms. Lobato asserts she is factually innocent, in her *habeas corpus* petition that is being reviewed by the Nevada Supreme Court.

There are many gravely serious problems with Mortera's story. Those problems include:

- * She fabricated non-existent "evidence" against Ms. Lobato in at least three instances;

- * She made a number of misleading and/or deceptive statements;

- * She spliced together audio from different parts of Ms. Lobato's police statement to make them appear contiguous;

- * She completely disregarded Ms. Lobato's new evidence supporting her factual innocence; and,

- * She neither reported on, nor questioned Ms. Lobato's prosecutor William Kephart during his interview, about the evidence he has known of Ms. Lobato's innocence for more than 14 years, and his criminal conduct and extensive prosecutor misconduct detailed in Ms. Lobato's petition. (Kephart is currently a Eighth Judicial (Clark County) District Court Judge.)

More than two weeks before Mortera's story was broadcast, the Las Vegas *Tribune* reported in its Feb. 12-18, 2016 issue that the Clark County DA's Office and Metro PD have known since 2001 that Ms. Lobato did not commit Bailey's homicide.

Ms. Lobato gave an audio recorded police statement at the time of her arrest. She described that prior to mid-June 2001 she used her pocketknife to fend off an attempted rape at a Budget Suites Hotel on Boulder Highway in east Las Vegas.¹

The following are eleven "problems" with Mortera's story, in the order they were broadcast. The "Problem" following each excerpt summarizes what is wrong with Mortera's commentary or Kephart's statement.

1. Lobato statement: "I got out of my car, and he came out of nowhere and grabbed me from behind."

Mortera commentary: "The recording is of then-18-year-old Kirstin Blaise Lobato describing to Metro investigators how a methamphetamine fueled trip to Las Vegas ended in mayhem."

*Problem: Misleading and deceptive. There is no evidence that methamphetamine had anything to do with the Budget Suites Hotel assault, or that Ms. Lobato was on a "trip to Las Vegas" when it occurred.*²

2. Lobato statement: "He came out of nowhere and grabbed me from behind." "I cut his penis, I remember that."

*Problem: Deceptive. Viewers weren't informed Ms. Lobato's two sentences were spliced from different parts of her audio statement to make it appear they were together.*³

3. Lobato statement: "He was, he was crying."

Mortera commentary: "'He' was Duran Bailey, a homeless man, brutally killed."

*Problem: Complete fabrication. No evidence in Ms. Lobato's statement or presented at trial that Bailey was the man who assaulted her at the Budget Suites Hotel.*⁴

4. Mortera commentary: "Lobato told police Bailey tried to sexually assault her near Boulder Highway in 2001, and to defend herself she pulled out a knife and cut him in the groin."

*Problem: Complete fabrication. Lobato did not tell police Bailey was her assailant, he didn't physically match the description of her assailant, and she did not recognize Bailey when she was shown a photo of him.*⁵

5. Kephart interview: "I am given a task to present evidence that we have, uh, there, there certainly no evidence that was, you know, uh, manufactured or anything like that. We just present what we have to the jury, and give the jury an opportunity to decide."

Problem: False statements. Kephart's

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