

STATE & LOCAL

Execution brings surprise confession

Duff-Smith confesses to paying man for killing family to inherit fortune

THE ASSOCIATED PRESS

HUNTSVILLE — Convicted murderer Markham Duff-Smith, in a surprising disclosure seconds before his death Tuesday, confessed to the 1975 plot that killed his mother and a similar scheme four years later that left three members of his adoptive family dead.

Duff-Smith, 46, previously denied any role in the death of Gertrude Duff-Smith Zabolio, 57, who was strangled with a pair of pants hose at her home in the exclusive River Oaks neighborhood of Houston.

He also had denied any part in the shooting deaths of his adoptive sister, Diana Wanstrath, 36; her husband, John; and their 14-month-old son, Kevin, in 1979.

But early Tuesday, with needles inserted into his arm and strapped to the Texas death chamber gurney, Duff-Smith smiled and acknowledged at the start of a rambling final statement that he was the mastermind of the scheme investigators insisted were two murder-for-in-

heritance plots.

"I am the low sinner of sinners," Duff-Smith said. "I am responsible for the '75 and '79 cases."

Duff-Smith was convicted of paying \$10,000 to Allen Wayne Janecka to kill his mother and make her death look like a suicide.

After squandering a \$90,000 inheritance, police said in 1979 he sought out Janecka again to kill the Wanstrath family so he could collect up to \$500,000 of their inheritance.

"If someone confesses, it confirms the system worked," Patricia Guillermo, a spokeswoman for the Texas attorney general's office, said.

Duff-Smith's confession nearly went unreported because a new intercom speaker system and plastic glass shield installed in the death chamber by prison officials distorted the sound, making the inmate's words inaudible at times. Previously, only steel jail bars separated the condemned man from witnesses.

Prison officials defended the death chamber

renovations as security measures and said they would work to correct the problems.

The Harris County medical examiner's office originally ruled Mrs. Zabolio committed suicide and that the Wanstrath shootings were murder-suicide.

But a Houston police detective, Johnny Bonds, was credited with breaking the case after working hundreds of hours poring over bank and telephone records to show Duff-Smith used a middleman to pay Janecka for the four slayings.

Janecka also wound up on death row but his conviction was reversed by an appeals court. His retrial is scheduled for next month. A conviction could return him to death row.

Duff-Smith's execution came after last-day appeals failed to get him a reprieve. A unanimous ruling from the U.S. Supreme Court about two hours before his 12:16 a.m. CDT execution cleared the way for the punishment in what was one of Houston's most publicized murder cases.

Police Beat

The following incidents were reported to University Police Department between June 18-22.

Disorderly Conduct/Public Intoxication

Texas Avenue- A group of individuals reported to the traffic officer that a fight was in progress in the parking lot. The officer separated the intoxicated individuals and escorted them to jail.

Assault

Joe Routh Blvd. and Parking Area 49- A Parking Services Officer was struck on the left thigh by a motorist who was fleeing from another officer who had informed the individual his vehicle was to be towed for excessive unpaid parking citations.

Misdemeanor Theft

Commons- A black and blue Schwinn High Plain 21-speed bicycle was stolen from the north-west side.

Parking Area 50- A blue and yellow Murray 12-speed bicycle was stolen from the bed of a truck.

Dormitory 5- A yellow Yamaha 10-speed bicycle was stolen from a bicycle rack.

Forestry Laboratory- A dark green and blue Jaguar single speed bicycle was stolen.

Criminal Trespass

Easterwood Airport- Three individuals were found inside a secured area without authorization.

Burglary of Habitation

Wells Hall- The victim reported \$200 in cash was stolen from her room.

Driving While Intoxicated

Wellborn Road- An officer observed a motorist lose control of his vehicle and strike the guardrail on the overpass. The subject was found to be intoxicated and was taken to jail.

South College Avenue- A subject detected operating a vehicle at a high speed and erratic manner was found to be intoxicated and was taken to jail.

Indecent Exposure

McFadden Hall- One of seven individuals who had been throwing rocks at a second floor window exposed his genitals when the four female occupants looked outside.

Unlawful Carrying of a Weapon

Wellborn Road- A motorist who failed to heed a red light was stopped. The subject did not have a driver's license. A small wooden handle hatchet was found on the floorboard between the seat and door. The subject was then taken to jail.

Parking Area 30- Following a traffic accident, one of the parties involved indicated that she had a gun. When this was said the other individual stated she was going to get her .38. During the subsequent investigation a loaded Standard, 2" barrel, .22 magnum revolver was found in its case under the passenger's seat.

'Condom rapist' seeks re-trial because of jury misconduct

THE ASSOCIATED PRESS

AUSTIN — The jury deliberations in the case of a man convicted of raping a woman who asked him to wear a condom will likely be exposed on the witness stand as the defendant seeks a new trial, lawyers said Tuesday.

Joel Valdez, 28, was expected to be back in state district court Wednesday in hopes of winning a new trial on allegations of jury misconduct.

Two members of the jury that sentenced Valdez to 40 years in prison have since come forward, saying they initially wanted to give him a lighter sentence but were

manipulated by the jury foreman.

"What we are trying to show is that the jury's foreman was basically giving incorrect legal advice on how the probation was going to work and how Joel was going to get out for good time," said Darryl Konopka, an assistant to defense attorney Malcolm Nettles.

Valdez in May was sentenced to 40 years after the victim, Elizabeth "Xan" Wilson, tearfully detailed how the man repeatedly raped her at knife-point in 1992 after she asked him to wear a condom.

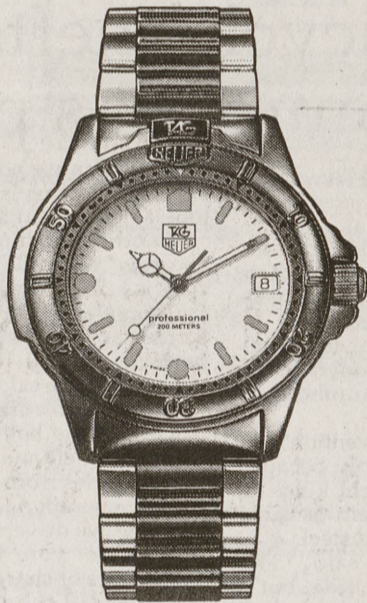
The case gained national attention after a grand jury declined to indict Valdez. That sparked outrage and protests from women's groups.

Crime Stoppers

On April 27 between 3:45 and 5:00 a.m. the Bryan Police Department was the victim of two arsons. Two Chevrolet Caprice patrol cars were set on fire, one in North Bryan and one in South Bryan. Both cars were set on fire by an unknown substance being thrown onto the cars. Bryan Police report that one car was a total loss and the other sustained damage to the right rear.

A witness reported seeing a dark-colored newer model Chevrolet pickup in the area of North Bryan approximately 10 minutes before. The police do not know if the pickup was involved. Police have no suspects or other witnesses for this crime.

This week the Bryan Police Department and Brazos County Crime Stoppers need your help to identify the person(s) responsible for this arson. If you have any information call Crime Stoppers at 775-TIPS. When you call you will be given a special coded number to protect your identity. If your information leads to an arrest and grand jury indictment, Crime Stoppers will pay you up to \$1000 in cash. Crime Stoppers also pays cash for information on any felony crime or the location of any wanted fugitive.



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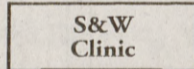
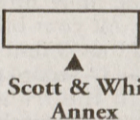
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Announcing Weekend Clinic Hours for Urgent Care

8:30 a.m. to 5:00 p.m.

Scott & White Clinic, College Station, is now offering weekend clinic hours for urgent care by appointment only! The Weekend Clinic is conducted from 8:30 a.m. to 5:00 p.m. in the Clinic Annex building located across the street (Glenhaven Dr.) from the main clinic.

By Appointment Only (409) 268-3663



UNIVERSITY DRIVE EAST

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PANIC

Do you experience brief, unexpected periods of intense fear or discomfort?

Have you visited your doctor or the hospital emergency room because of chest pains, shortness of breath, numbness or tingling sensations and find out that you have no physical problems?

These occurrences may have been panic attacks.

VIP Research is conducting a study on Panic Disorder. Individuals with symptoms of panic attacks are being recruited to participate in a three month study of an investigational medication for the treatment of panic disorder. If you would like more information, call VIP Research. \$200.00 will be paid to those individuals who qualify and complete the study.

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