

Proving murder without body: It's not impossible

By Jeff Burnham
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Proving murder is tough. Proving murder without the victim's body is even tougher — but not impossible.

In fact, dozens of people in this country have gone to prison for murdering someone even though authorities could not find the victim's body. Included are several cases where the victim was officially listed as missing, sometimes for years, before a murder charge was filed.

Could such a precedent apply to the cases of Jane Wakefield, Lynn Schuller and Denise Fraley? While all three have been listed as missing for more than a decade, detectives are certain

the women were murdered. Furthermore, detectives in each case have identified a prime murder suspect. But detectives have failed to find enough evidence to convince prosecutors to charge any of the suspects with murder.

The situation would change dramatically, detectives say, if the body of any of the missing women suddenly turned up. Perhaps the most important piece of evidence in any murder case, the body not only proves the victim was killed but also shows how.

For obvious reasons, murderers have often gone to great lengths to conceal the victim's body. In recognition of that, American courts have adopted

MURDERED MISSING UNSOLVED

the principle that it is not always necessary to find the victim's body to prove murder.

The principle has been used in dozens of murder convictions since then, based on a check by The Gazette of American legal summaries, though the exact number is not known because no one is keeping track.

In two of the local cases —

Lynn Schuller and Denise Fraley — detectives say they still need more evidence, preferably a body, before they could confidently take the case to the county attorney.

But in the case of Jane Wakefield, the above-mentioned legal principle could be significant. The Gazette found a case in which a New York man is in

prison based on strikingly similar evidence to that which exists in the Wakefield case.

According to a summary in a New York law journal, Andrew Curro in 1986 was convicted of second-degree murder in the death of his girlfriend, April Ernst. The woman disappeared the evening of Sept. 7-8, 1980. Curro's brother later told police that Curro had confessed to strangling Ernst, cutting her body into pieces and "taking them for a ride," the summary says.

Curro's appeal was denied in 1990 by the New York Supreme Court, which wrote that even though the victim's body was never found, the fact that five of

her closest relatives had not heard from her for six years — along with Curro's confession to his brother — was enough to support the murder conviction.

A few months after Wakefield disappeared, Iowa City police said a confidential informant told detectives that a friend had confessed to killing Wakefield and destroying her body. The confidential informant passed a lie detector test.

As a result of being contacted recently by The Gazette, Johnson County Attorney J. Patrick White is now investigating the Wakefield case and the Curro conviction in New York.

Unsolved: Authorities have prime suspect in each disappearance

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family believed she was "too much on top of things" to join a cult.

Their beliefs were confirmed when one of her friends searched the cult's camp in Huntsville, Ark., about 10 days after Jane vanished. There was no sign of Jane Wakefield.

A few weeks later, Iowa City police learned of an intriguing conversation in a hotel in Emporia, Kansas. Listening through the walls, a man heard a voice say, "We'll get rid of her the same way we did that one back in Iowa City, in a sewage lagoon."

While admitting the information was sketchy, Iowa City police drained two ponds near Wakefield's home at Bon-Aire Mobile Home Lodge. There was no sign of her. Police later learned the hotel conversation happened in August, before she vanished.

Investigators later asked psychics for help. Each psychic said she was in a body of water, but gave different locations. Again, the investigation had run into a dead end.

Born as Jane Hallberg, she grew up near Minneapolis and, in 1966, enrolled as a freshman at Morningside College in Sioux City.

The next spring, she met and fell in love with John Wakefield, a graduate student in business administration at the University of Iowa. They married in September 1967 and she transferred to the U of I.

She graduated in 1970 and taught in two area school districts before accepting a job at Penn Elementary School in North Liberty in August 1975.

While her career was taking off, her marriage was on the decline. She and John were talking about divorce in early 1975. Hank Reid, a friend of both, speculates part of the problem was Jane Wakefield wanted to have children and her husband did not.

About six months before she vanished, she filed for divorce and moved from their apartment into a mobile home at Bon-Aire. That was also about the time she became romantically involved with another man.

As spring turned into summer, police later learned, the Wakefields' divorce was being held up over a disagreement about how to divide two businesses owned by John Wakefield.

On Sept. 6, 1975, a Saturday, she went on a cross-country bicycle ride with a group of friends. She returned home that afternoon, telling her friends she had to get back for an appointment. A neighbor talked with her later that afternoon and recalled nothing unusual.

Late that night, neighbors heard someone yelling or screaming, but weren't sure where it came from. They didn't think much of it at the time because a loud party was being thrown at a nearby home.

On Sunday, a friend of Jane Wakefield's paid a visit to her mobile home. No one came to the door and the friend left. "Obviously, between Saturday night and Sunday morning, she disappeared," says Capt. Patrick Harney of the Iowa City Police Department.

When she didn't show for work Monday morning and attempts to reach her were unsuccessful, school officials called Bon-Aire. The manager in turn called Jane Wakefield's boyfriend, and together they went to her mobile home.

Outside, they found her bicycle locked to the yard lamp, and her Fiat in its parking space. Inside, they found her purse and other belongings, but no sign of Jane Wakefield.

That's when they called the police. Inside the mobile home, detectives found everything in order and clothing in a location that suggested she had recently taken a shower.

Four months later, detectives got what they thought would be their big break: A confidential informant told police that an individual had admitted murder-

ing Jane Wakefield and cremating her body.

According to the informant, the individual said he drove to the Cedar Rapids Airport on Sept. 6, 1975, and rented a car matching the one driven by Jane Wakefield's boyfriend. The individual then drove to Jane's mobile home late that night and choked her to death with his bare hands.

He put the body in the car trunk and drove to the Iowa City apartment building where John Wakefield lived. There, the individual placed large quantities of charcoal into the trash incinerator, lit it, and dumped the body inside.

After the fire was out, the individual swept the contents of the incinerator into a garbage can. The individual claimed he waited until the next night, drove onto I-80 near Iowa City, pulled to the shoulder and spread the contents of the garbage can along the ditch.

Police have declined to identify the informant, although they have said the informant was a friend of the suspect. Detectives gave the informant a lie detector test. He passed.

Within a few days, police had obtained search warrants for the apartment building, the trash incinerator and two businesses run by John Wakefield. Police detectives and agents from the Iowa Division of Criminal Investigation seized miscellaneous pieces of bone debris, a piece of metal that appeared to be a tooth filling, and a small, white chip of bone-like material.

But lab tests could not determine whether the materials were connected to Jane Wakefield's disappearance.

The following week, detectives got down on their hands and knees to search several miles of ditches along I-80 near Iowa City. Much was found but nothing related to the disappearance.

Iowa City police would like to hear from anyone who may know anything about the apparent murder of Jane Wakefield and how her body was reportedly destroyed — including anyone who may have seen someone scattering ashes along I-80 around Sept. 6, 1975.

Police say they used lie detector tests to narrow the field of possible suspects, although one major suspect has refused to take one, questioning the validity of such tests.

Contacted by The Gazette recently at his parents' Sioux City home, John Wakefield declined to answer questions about the case, although he noted he put up \$1,000 as a reward for information about Jane Wakefield following her disappearance — and no one came forward. "The last time I talked with someone from the media, I was publicly raped," he says. "Hey, if you've got new information about Jane, I'd love to talk with you, but if you're calling me to put me through hell again, then I'll have to decline."

Lynn Schuller

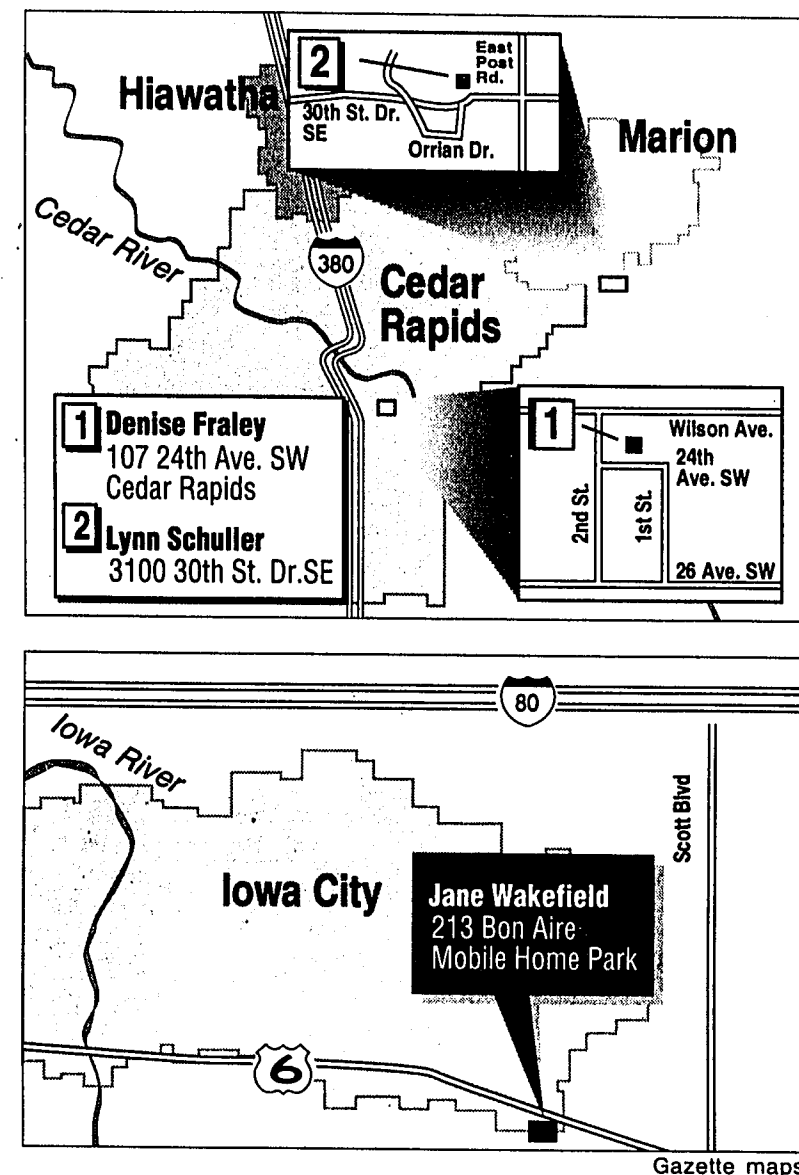
Among police, Pogo the alligator ranks among the most notorious reptiles in Cedar Rapids law enforcement history.

The title stems from rumors about what happened to Lynn Schuller, who disappeared nearly 20 years ago and hasn't been heard from since.

Murder was suspected from the beginning, but Schuller's body was nowhere to be found. Her husband, Keith Schuller, then 31, reported his wife missing and said he thought Lynn, 26, was abducted from their home just east of the city limits at 3100 30th St. Dr. SE.

It wasn't long before her parents feared Keith Schuller may have been the abductor. "When my in-laws accused me of killing her, the police pretty much believed them, and I can't say I blame them a whole lot," Keith Schuller told The Gazette in a recent telephone interview.

Looking back, he says it's understandable how the rumor got started, especially since it was no secret that the two were hav-



Gazette maps

ing marital problems. "I owned an alligator and a couple of snakes," he recalls. "Most people don't like reptiles to begin with."

Before long, Keith Schuller couldn't help being aware of rumors that he had killed his wife, cut up her body and fed the pieces to Pogo and the snakes. "I was looked upon as this god-awful monster," he says. "It didn't seem real at the time, like an out-of-body experience."

Over the years, the rumors died down, perhaps due to the fact that detectives discounted them. "Those reptiles were too small to have been able to devour a human body," says Capt. Dennis Fiser of the Linn County Sheriff's Department.

But the investigation into Lynn Schuller's disappearance lives on. Born and raised in a Minneapolis suburb, Lynn Tickner was barely a teen-ager when she met Keith Schuller while they were vacationing with their families in northern Minnesota.

Although he was five years older, the two hit it off and developed a long-distance relationship, according to Lynn's parents, Harry and Eloise Tickner.

The two were married in 1967. They made their first home in Cedar Rapids and had their first and only child in 1969.

The marriage was virtually trouble-free until sometime in 1971, when Keith Schuller wanted a divorce, Lynn's parents say. "But Lynn would not give him a divorce," her mother recalls. "She always indicated to me that she was hopeful they would resolve it because of the child."

But the marriage continued to deteriorate. At one point in 1972, Lynn Schuller wrote her mother a letter stating "that Keith had threatened to kill her," Eloise Tickner says. "Then she added, 'Mother, don't worry about it, he would never do anything like that.'"

"You never believe anything like that is going to happen in your own family," Eloise Tickner adds. "So I threw the letter away."

A few months later, the Tickners — vacationing at the same lake where Lynn and Keith met — received a call from Keith. "He said Lynn had disappeared and he didn't know where she was. We drove down right away," says Harry Tickner.

Keith Schuller says his wife was sleeping when he last saw her. He and their 3-year-old son left their home around 7:30 a.m. on Saturday, Aug. 6, 1972.

gone. Keith Schuller says he then took the boy swimming at Bever Park, but not before leaving a note for Lynn.

About an hour later, Keith Schuller says he and the boy returned home. Lynn Schuller's bicycle was there but she was missing. The house was undisturbed. All of her belongings, including her purse, were still there. The only items missing were the clothes she was wearing.

Sometime that day, Keith Schuller called his wife's parents and others to say she was missing. A few searches of the area turned up nothing. The next afternoon — about 24 hours after Keith Schuller said he first realized something was wrong — he called the Sheriff's Department to report his wife was missing.

A more extensive search was conducted with the help of dozens of volunteers. Detectives obtained a search warrant and seized several items from the house. Before long, state criminal investigators were called in to help.

Lynn Schuller's parents put up \$1,000 as a reward for information leading to Lynn or her body. Infrared aerial photos were taken of several spots in the area in search of evidence of the ground having been dug up. But no matter what anyone did, there was no trace of Lynn Schuller.

During that initial investigation, Keith Schuller was arrested on a charge of refusing to assist an officer. The charge was later dismissed for lack of evidence. Schuller says he was accused of not helping search nearby woods for his wife. "But I knew there was nothing to be found in the woods because I had already checked it myself," he says. "They were under pressure from my in-laws, so they felt they had to arrest me for something."

Keith Schuller later filed for divorce on the grounds that his wife had deserted him. But when Lynn's parents hired an attorney to represent Lynn, Keith Schuller dropped the case, the Tickners say.

In all, the Tickners say Keith Schuller filed for divorce in Linn County District Court seven times, and seven times he dropped the case after Lynn's parents entered the case on Lynn's behalf — with the intent that they would get Keith Schuller to testify about the disappearance of his wife.

Finally, in July 1976, the divorce was granted when Keith Schuller went to Dubuque County District Court without the

Tickners' knowledge. And on March 20, 1978, a Dubuque District Court judge granted Keith Schuller's request to have Lynn Schuller declared legally dead, with their son the sole heir of her life insurance benefits and Keith as the conservator.

Keith Schuller later married a woman he had met in Cedar Rapids before Lynn Schuller's disappearance. They have since divorced.

Keith Schuller now lives in Fruitland, Idaho, where he's taught sixth grade for more than a decade. And he still has Pogo, the 6-foot-long alligator who is a favorite of his students and was recently featured on a local television news program.

Denise Fraley

Don't mess with the Mafia.

That warning, issued in the shadow of Denise Fraley's disappearance nearly a decade ago, kept her out-of-state relatives from coming to Cedar Rapids in search of answers for six months.

Heeding that warning, made by the missing woman's husband, 29-year-old Dave Fraley, is a decision that Denise Fraley's family has regretted ever since.

Her sister and parents are convinced the Mafia had nothing to do with Denise Fraley's disappearance. They fear the 30-year-old woman was murdered. And they often wonder if the six-month delay cost them the chance to prove what really happened.

Born and raised in northwest Missouri, Denise Stark was a cheerleader in high school and graduated as valedictorian of her class. She came to Cedar Rapids in the early 1970s to live with her grandmother. That's when Denise met Dave Fraley, and the two were married in 1975 in Urbana, his hometown.

A daughter, Haley Jo, was born in 1979. Denise Fraley stayed home to raise the girl while Dave worked as a pest control technician. Both played in bands, often with Denise singing and Dave playing piano.

The two used illegal drugs, according to court records filed later. The judge found that Dave was a drug courier. The judge, based on statements made by Dave, also found that Denise was a drug courier.

Violent episodes were scattered through the marriage, according to a 21-page ruling issued by a judge during a custody battle after Denise Fraley disappeared. There were two documented episodes where she entered a local hospital after her husband had tied her up and beaten her.

The judge's ruling also says police were called to the Fraley home in June 1981 after Dave Fraley threatened his wife with a gun while he was drunk. Dave later said that in all of the violent episodes, he was merely defending himself from his aggressive wife. But the judge wrote the evidence indicated Dave was lying.

The marriage deteriorated to the point that Dave Fraley filed for divorce in May 1982. Denise Fraley responded by asking for custody of the daughter, then 2½-years old, and a restraining order preventing Dave from making any contact with them. A judge granted the restraining order after Denise cited recent violence by Dave, including threats that he would kill her.

The two had been trying to work out their differences when they spent Labor Day Weekend 1982 with Denise Fraley's sister in northwest Missouri. That was the last time her sister saw or heard from Denise.

The band the Fraleys were in played at a private party in Cedar Rapids the evening of Sept. 11, 1982, after Dave Fraley had made arrangements to provide the music. He later said Denise disappeared that night, but he gave differing accounts about where he last saw her — whether at the party or back at home.

In a deposition related to the divorce, he explained those differences by saying he had been

drinking and may have been smoking marijuana.

More than a month went by before Denise Fraley's family in Missouri had any idea that Denise was missing. Finally, Denise's mother called the Fraleys in mid-October in hopes of talking to Denise. The phone was answered by Dave Fraley, who hung up when Nadine Stark asked for Denise, Stark later said. She then called the Cedar Rapids police, who sent an officer to the house to see if anything was amiss. It's unclear what transpired when the officer spoke to Dave Fraley — he declined to comment when contacted by The Gazette and police files on the case were not available.

Nadine Stark officially reported Denise Fraley as missing on Oct. 18, 1982. Within a week, Denise's sister, Linda Plowman, said Dave Fraley called and explained that Denise had tried to run off with several thousand dollars in drug money that was not hers and that he feared the Mafia was looking for her.

Fraley warned the family that the Mafia wouldn't take kindly if Denise's relatives traveled to Cedar Rapids looking for answers, Plowman said. And so, for six months, they heeded Dave Fraley's warning and stayed away. Meanwhile, an investigation by Cedar Rapids police had stalled.

Finally, Linda Plowman decided she didn't care if the Mafia was involved — though she never believed that anyway. In March 1983, she and her mother made the first of many trips to Cedar Rapids in search of answers.

They convinced police to reopen the investigation. They hired their own private investigator. They also hired an attorney and entered the divorce proceeding to obtain custody of Haley Jo.

While the custody issue was pending, the Plowmans obtained temporary custody of the child for about six months. During that time, they later said in court affidavits, Haley Jo told them she had seen her mother tied to rocks and thrown into a river.

Child development experts later interviewed the girl and said her statements should be taken seriously. But they could not conclude whether she was speaking of something she had actually seen or if the story came from watching the movie "Poltergeist."

The police investigation again stalled, but not before detective Robert Manchester said he believed there was a "50-50" chance that Denise Fraley was murdered. He even named the likely killer.

Through the various investigations, Denise's family started learning that Dave Fraley had given several conflicting explanations about what had happened to Denise. While some were told that Denise may have been harmed by drug-dealing thugs, some were told by Dave that Denise had simply left to further her singing career.

The custody battle continued for several months. Included was a deposition by Dave Fraley that said Denise called him two days after the party, said she had been "ripped off" in a drug deal and told him to take care of Haley Jo. He said he hadn't seen her since.

He explained the other accounts by saying he had speculated to some people about what might have happened to Denise.

In the same testimony, Dave Fraley said he had been kidnapped and forced to take a lie detector test by individuals with the Mafia who wanted to find Denise Fraley and the money she had allegedly taken. But he also indicated he wasn't particularly interested in helping police find those thugs or in helping find Denise.

The divorce was granted in January 1984. The custody battle ended about the same time when Juvenile Judge Brent Harstad awarded custody of Haley Jo to Dave Fraley.