

After 40 years, case of slain Ottumwa teen goes to trial

OTTUMWA, IA. — Judith Cabanillas was just 13 when a middle-of-the-night phone call from police conveyed the shattering news: Her older sister had been found murdered in an Iowa farmhouse. Her mother screamed uncontrollably.

That was in 1974. Year after year, the slaying went unsolved as Cabanillas grew up and became mother to her own daughter, who was named after her dead sibling. But she worked tirelessly to keep the case from fading away.

Now, almost four decades after that call, her quest could be near an end as authorities put a suspect on trial Tuesday in the death of Mary Jayne Jones, a carefree 17-year-old with beautiful brown eyes who worked at a drive-in restaurant.

“We hope that we can get some justice for Jayne, that she can finally rest in peace and we can stop grieving so hard for her,” Cabanillas said. “It’s been a long road.”

When her body was discovered, investigators quickly suspected the homeowner’s cousin, who had been accused of luring another woman to the same house days earlier and forcing her to perform a sex act.

But authorities did not charge Robert “Gene” Pilcher in the murder because they had no hard evidence. That changed in 2010, when DNA testing linked Pilcher to the sheets on the bed where Mary Jayne’s naked body was found.

His trial on a first-degree murder charge is expected to last two weeks in Ottumwa.

Pilcher, 67, hopes to prove the innocence he has always maintained. But for Mary Jayne’s relatives, who are coming from all over the U.S., the trial is finally a chance to lock up the man they believe was responsible the loss they suffered on April 9, 1974.

Pilcher's cousin, Max Marlin, owned the farmhouse west of Ottumwa, but was in California at the time. Marlin's father had come to the property that afternoon to farm. When his wife brought over dinner, she discovered the dead girl in a bedroom. Investigators say she had been raped, beaten and shot once each in the face and heart.

Mary Jayne had moved from Fayetteville, N.C., to Ottumwa in 1973 after her older sister, Jacque, married and settled there. She expected to stay only while Jacque was pregnant with her first child, but got a job at Henry's Drive-In, moved into an apartment and started dating.

At the time, Pilcher was the 27-year-old owner of an extermination business. He had access to his cousin's rural house, known as the scene of big parties. A barmaid who worked at the Tom Tom Tap told police that Pilcher took her there four days before the murder under false pretenses, handcuffed her to a bed and forced her to perform oral sex.

While they tried to build a murder case, prosecutors won a conviction against Pilcher for sodomizing the barmaid. But the Iowa Supreme Court overturned the conviction in 1975, finding the state's sodomy law unconstitutional. Pilcher was also convicted of perjury for falsely testifying about when he bought the handcuffs used to restrain the woman.

But the murder investigation sputtered. The family and the Iowa governor's office put up reward money seeking witnesses. Nothing materialized.

As years passed, Cabanillas kept pressing investigators. She traveled to Iowa in 1995, showing up unannounced on the doorstep of the woman who discovered her sister's body to learn more.

“I’ve never given up. Nobody in our family has ever given up. We might be quiet and unassuming, but there has been letters and phone calls back and forth for 37 years. What’s happening? Why haven’t you arrested him? Is he still alive? What is he doing?”

During the wait, Cabanillas routinely peppered Iowa Division of Criminal Investigation agents with questions and kept meticulous notes. The family sought to publicize the case with local media, which often reported on the anniversary of Mary Jayne’s death.

“The people there in the little town, they didn’t forget,” she said.

One agent, Wayne Sheston, took the case file with him after he retired and kept working on it until his 2007 death, she said.

When a cold-case unit took a fresh look at the murder, detectives sent long-stored evidence from the farmhouse off for forensic testing. Analysts found genetic material on the bed sheets and developed DNA profiles of three individuals.

A database search yielded a match for Pilcher, who had been required to submit a sample after an earlier felony theft conviction. Agents arrested him at a seedy Des Moines hotel in November 2012, and he’s been jailed since.

When police called to tell Cabanillas, “it was just mind-blowing because it came out of the blue,” she said. She was at the California home of her daughter, 28-year-old Marijayne.

Relatives know the trial will be difficult. They have been asked to meet with authorities to privately view graphic pictures of Mary Jayne’s body before the images are displayed. They’re ready for the defense to paint her as a “wild child,” a caricature that Cabanillas said is false. They also know there’s the possibility of acquittal.

Pilcher's defense lawyers argue that the presence of his DNA does not mean he's a killer, saying it could be from the previous sexual encounter in the home. And they note that other DNA materials, as well as hair and fingerprints from the scene do not belong to him.

Defense lawyer Allen Cook said Pilcher "had a pretty darn good alibi" in 1974: that he was working in a Jaycees circus office when the victim was killed. But, Cook said, the alibi has since been undermined because many witnesses are dead or have foggy memories.

"This is going to be a classic whodunit kind of case, and I don't think the state has proof to establish my client is guilty of anything," he said.

Mary Jayne was last seen at an Ottumwa bank. Former DCI agent Sam Swaim theorizes that she was walking to work when Pilcher convinced her to get in his car. He hopes the trial provides some long-overdue answers.

"Let's find out one way or another," Swaim said. Pilcher has "been allowed to live 40 years without assuming guilt for this."