

**Free Ryan Ferguson: © 101 Reasons Why Ryan Should Be Released
By Brian D'Ambrosio**

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For the latest update or information related to Ryan Ferguson's case and appeals, visit www.freeryanferguson.com

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**This is for truth,
for hopefulness,
for integrity,
for freedom.**



Foreword

We want to avert our eyes in situations like Ryan Ferguson's, but we can't – and shouldn't.

Ryan was convicted in 2005 of the 2001 murder and robbery of sport's editor Kent Heitholt. As of September 1, 2013, Missouri keeps Ryan imprisoned after the only witnesses against him have admitted perjury at a habeas hearing.

When Ryan's alleged accomplice, Charles Erickson, and former accuser, Jerry Trump, took the stand in his appeal both subjected themselves to perjury charges by recanting. In April 2012, both men disavowed their earlier statements, but the verdict remains valid, and Ryan endures incarceration.

Even more disquieting, Trump says former Boone County prosecutor Kevin Crane, now a circuit court judge, coached him to identify Ferguson and Erickson. No forensic evidence connects Ryan or Chuck to the scene of the crime.

Ryan's life whittles down to what transpired during eighteen minutes in the early morning hours the day after Halloween in 2001. Since 2004, he has been robbed from his life and family by the criminal justice system. His conviction is a ghost that will haunt us until the state of Missouri comes to grips with what has happened.

Ryan's situation contains all the typical features of exoneration cases: eyewitness misidentification, absent forensics, phony confessions, abysmal lawyering and disregarded testimony. Each was a factor in his 2005 trial.

The goal of this project is to help keep Ryan's story a centrifugal force in Missouri's political, social, cultural, and intellectual environments. To pry apart the senseless obstinacy that prohibits the acknowledgment of mistakes. May this be the shout

that further pries loose the avalanche of dishonesty – the verbal equivalent of throwing gasoline on a fire.

Before the corroded bridge of truth and justice can be crossed, it first must be reconstructed.

Here we cross Ryan Ferguson’s sad story of blood and injustice, rooted in the violence of an incident bound by a few minutes of darkness – a tale of a “dream killer” and killed dreams.

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**Part One:
November 5, 2001
Columbia, Missouri**

The sky is full of shadowy hollows and gullies and big amber gashes that leak sunlight. Autumnal air hangs blue as memories overtake mourners at Missouri United Methodist Church.

Inside the packed ninth street sanctuary encased by vibrant Indiana limestone, grievers sing “Rock of Ages” and the chorus of “On Eagle’s Wings.”

Kent Heitholt, 48, took his final breathe a few days earlier.

Heitholt, or “Heity,” as his friends affectionately called him, was a man with a larger-than-life personality – and, at 6’3” and 315 pounds, a physique to match. He is survived by his wife, Deborah; son Vince, 18; and daughter Kali, 15. His family asks for the reading of a verse from the Gospel of Luke: “Father, forgive them, for they know not what they do.”

Funeral-goers speak of Heitholt’s dedication to the sports community in Columbia, Missouri; there are tales of his love of family, as well as his knack for transposing local athletics at all levels into a simple, community-oriented perspective. Speakers recollect the large man’s love of fun, Chinese buffets, and athletics. Friends recall breezy late night chats on the phone, “poor quality golf exhibitions” in the summers, and humorous conversations about “all kinds of sports happenings.” Laughter and tears mix all the way through this fatal drama of an afternoon – it’s part of the cleansing and healing.

One friend likens the “grinning, gravel-voiced” Heitholt to “the Pied Piper,” a hard person to dislike. Behind its resilient face, the community shows the stress of dealing with the murder of a father who eked out a living writing about the athletics of local children. The son of a coach, Heitholt saw his role as more of a civic leader than a run-of-the-mill columnist. Lonely sports and events generally neglected by others – like the annual Labor Day marathon – receive his royal treatment. One community member summed up Heitholt’s appreciation of all things local in a succeeding letter to the editor:

“Your dedication and personal touch to the sports community in Columbia is what made you a special person. Your views and ability to make each program special at all levels is the unique quality you had that not many people possess. You captured the true essence of kids trying to achieve a dream.”

As the *Columbia Daily Tribune*’s sports editor for the past five years, Heitholt’s face and byline are familiar. He joins the Tribune in October of 1996, following ten years with *The Times* of Shreveport, La.

As a public figure, locals say that Heitholt is the highest-profile homicide victim in Columbia since the early 1930s, when a Boone County Sheriff and Missouri Highway Patrol sergeant are slain simultaneously.

“We shared a vision of how a community newspaper ought to cover sports,” *Columbia Daily Tribune* Managing Editor Jim Robertson says in a eulogy for Heitholt. “He knew that the best sports writing is about people and not games.”

Heitholt, a Lawrence, Missouri native, is found bludgeoned and strangled to death at about 2:30 a.m. Nov. 1, 2001, in a parking lot adjacent to the newspaper’s offices. Fresh off his fifth anniversary on the job, he is attacked after he walks out the side door, chats with a cohort, and perhaps lingers to feed a cat. Then he is dead. There is a cleaning

lady who witnesses two young men near Heitholt's car. That's all the community knows at this point. Perhaps it is random. Perhaps he is targeted. Perhaps he is killed in a botched robbery. He is too easygoing to have enemies. Perhaps he had enemies he wasn't even aware of.

The staff at the Tribune is overcome by Heitholt's death. Fellow Tribune sportswriter Bob Thompson tells the gathering that the dramatic final game of the World Series, the Arizona Diamondbacks victory over the New York Yankees, would have made Heitholt happy. "He appreciated a good story," says Thompson.

Friend Greg Cerulo speaks of living with Heitholt in "a shuttered service station" when they attend Missouri University. Cerulo says that Heitholt "could charm his way into press boxes, onto golf courses and through restaurants and bars." He describes Heitholt as "the genuine article," as "a person to whom you could open your entire soul and not be afraid, and he would do the same back."

Shock permeates feelings no community wishes to inherit. The pipe organ drowns out the sobs. The ceremony has ended, but no one seems to want to leave. Church bells tone at the conclusion. Many have never heard the ominous sound before, but few will ever forget its monotonous expression of unremitting grief.

Outside, college kids swarm the pizza joints and eateries across the street and buzz along on bikes and by foot. After all, life is a nonstop cycle of birth and death.

There is much head shaking, wondering, questioning. Vicious murders of gentle people rattle a small society much harder than nearly any other circumstances. This type of killing doesn't happen in Columbia, a green, idyllic place filled but not crowded with decent people. It's the kind of scenario that would be more likely conjured up in the imagination of Edgar Allen Poe or Stephen King. But this is grim reality.

Death allows for nothing more to be expended. Love cannot alter it. Words cannot add to it. Starry nights cannot evoke it.

Shortly, Heitholt's body is cremated.

Three years later, Ryan Ferguson and Charles Erickson are arrested after word circulates that Erickson is implicating himself in the killing. There is strangeness in his implication – it sounds more like a disjointed illusion than an intimate account steeped in truth. Nonetheless, Ferguson and Erickson are arrested March 10, 2004. Erickson thinks the murder is something that came to him in a dream.

He has a hard enough time living with his own tumultuous inner ups and downs, his recurring, raging melancholy. But now he is trapped in a ceaseless bout with stark unbelief. *Could I have done it? Did I do it? Exactly why would I do such a thing?* Radically introspective, he becomes his own investigator. *Could I have done such a thing? Could I?*

At first, Erickson is a barrel full of false assumptions. Following extensive police indoctrination, the murder suspect's memory changes – it gets more descriptive, more

vivid, and, at times, too strikingly accurate. He finds there is also a lot of room for improvisation.

Columbia police investigators are eager to close this high-profile case. How far will they go to achieve closure? Did they coax a feeble, mentally-incomplete teenager into making a confession that fits the crime scene? Did their frustration and inability to solve the case force them to play havoc with his brain?

Who killed Kent Heitholt?

Why?

The community is convinced that something evil has turned the souls of two local boys into poison. Tolerate savagery on the streets of Columbia? No way, say locals. *Evil people often don't look evil. But we here in Columbia are convinced these two punks are evil.*

Erickson is the star witness against Ferguson. His affirmations should hardly have kept the dogs of reason and doubt at bay.

A pair of lengthy sentences.

Forty years for Ferguson. Twenty-five for Erickson.

Problematical questions follow.

Discrepant truths are revealed.

Halloween Night 2001 Columbia, Missouri

Ryan's Ferguson's hellward-spiraling narrative begins when he encounters Charles Erickson in the eighth grade at West Junior High School. They meet at an afterschool track class. Born June 23, 1984, Erickson, an Illinois native, recently moves to Columbia, with his father, vice president at an insurance company, and mother, a microbiologist at University hospital.

The Ferguson and Erickson families live about a mile apart; each family is comprised of four members. Ryan and Chuck become friends and spend time at each other's homes.

Separated by a few blocks of modern subdivisions, the Ericksons, at 3706 Chinkapin Court, and Fergusons, at 2513 Lloyd Drive, share a typical, middle-class existence. American flags in the yards and swings on the porches. There are green lawns and a safe maze of streets to jog along. The Fergusons choose their modest, brick-faced residence for its close proximity to a wooded bicycling trail. A tree in the front lawn of their home is surrounded by bricks that Ryan stacked to form a retaining wall. Like any good scout, the youngster understands that to build a world, one must first fashion the bricks.

On this school night, October 31, 2001, the Rock Bridge High School juniors party at a south Columbia home.

Born on October 19, 1984, Ryan Ferguson is just a few days into his seventeenth year. Ryan is a print from an All-American negative. His father, Bill, attends college in the 1970s at the University of Missouri, and after graduation, he and the new Leslie Ferguson leave Columbia for Europe. Compatible dreams and shared optimism are part of what brings them together in the first place.

The couple's globe-trotting journey spreads them across Europe and the Mediterranean, then into Africa. The Fergusons spend an entire year driving the African continent, north to south, beginning in Tunis, and ending their sojourn in South Africa. There are close calls – the kind of scary run-ins with African authorities common enough to be expected. One ordeal in Tanzania has Bill accused of being a member of the CIA. Bill attempts humor. "I told them that I couldn't even spell C-I-A," says Bill. Bill and Leslie are transported under well-armed accompaniment to a remote site. Along the route, Bill conjures plans to overtake the driver and crash the truck into a tree. Seconds before he is ready to pounce, Bill senses the easing of the men's suspicions, and the danger subsides.

Three cherished months zip by while teaching school in Rhodesia.

Then, eight years in Australia, most of which are spent engaged in a slew of business-centric pursuits: Bill fixes, sells, and rents cars, he works at a brick factory, and, among other endeavors, the couple operate a filling station. At Ayers Rock, now known as Uluru, the Fergusons operated the only store within a 300 mile radius.

In the midst of the nomadic faces of Aborigines, Kelly Ferguson is born in 1979; this event happens in a tiny, isolated Australian outpost called Docker River, "as far in

the outback as you can get,” says Bill Ferguson. The Fergusons operate schools in the outback for indigenous Aborigines, and Bill works as a business consultant for the aboriginals in “their efforts to build a new tourist village to replace the one at Ayers Rock called Uluru.”

Five years later, Ryan is also born in “the world of wonder.” The surroundings of his birthplace are mind-blowing: smooth coastlines, extended coral reefs, sailboats, and exotic fish.

Growing up, Ryan is an easygoing, independent kid, who loves trying to socialize with, and get the attention of, his older sister, and her friends. He is an inquisitive boy who pinches and pulls at his dad’s waist and asks those same innocent questions that most parents find adorable in their children.

At age seven, Ryan develops a lifelong affection for basketball. Bill is an avid fan and he uses the basketball court to teach young Ryan a few life’s lessons about endurance, cooperation and resilience. One time, in Florida, during a pickup game, father and son play against two bigger, stronger and faster opponents. Ryan gets knocked down, but he springs right back up. The Fergusons win the game. Father and son unearth a common bond.

As a boy, Ryan loves Shaquille O’Neal, taping and tacking Shaq posters all over his bedroom walls. He works hard his senior year to earn his Eagle Scout honors. Ryan enjoys spending summers in Florida, at his grandparents’ neck of the woods, where he learns to play golf and tennis. As a teenager, Ryan is the sort of kid who, when he is out at the mall with his peers, and sees his dad, still comes over to give him a hug.

What brings Ryan and Chuck together on this Halloween? It is a disrupted party in the Highridge neighborhood.

At around 10 p.m., below a romantically dark full moon, Ryan Ferguson goes to Ryan Swilling’s party and realizes that everyone else is wearing a costume. Feeling out of place, he goes back home to retrieve a “spider costume,” which he borrows earlier in the day from Kathy Cartwright, a family friend. When Ryan returns, police cars swarm the property, sirens spin red, and kids scatter.

Erickson decides to go home after police shut down the party, which he attends with three friends. Erickson does what many teenagers do at Halloween parties – he drinks, swears, and feels invincible. He presumably enjoys being free from the eyes and judgment of his parents. Most of the kids drink from a keg. Erickson takes things a step further: he snorts Adderall and cocaine.

Earlier in the evening, Chuck is at a party of another friend, Jon Cole; he may have had some alcohol and Adderall there as well.

The crowd at Ryan Swilling’s house likes to drink and smoke pot; some in the loose-knit gatherings of mostly Rock Bridge students try other drugs as well.

After police raid Swilling’s party, Ferguson sees Erickson walk down the sidewalk on Highridge Drive.

It is 10:30 p.m. on Wednesday night, and Chuck is estranged from his ride.

Fresh off probation for a marijuana charge, Chuck is dressed for a theme party. He is game for any type of party. In fact, tomorrow Erickson officially graduates from an outpatient substance abuse treatment program. He continues to smoke marijuana while participating in the program, cleaning out his system with a urine detoxifier he buys at 'The Peace Nook.'

He is decked out in a friend's parents' stash of vintage 1970's clothes: a pair of bell-bottom jeans and a wide-collared, light-blue shirt buttoned down the front. On his feet, a pair of old penny loafers. This is how he looks when Ferguson spots him trudging down the sidewalk.

"Hey, Chuck!"

Erickson draws near Ferguson's 1993 Midnight Blue Mercedes-Benz. Ryan offers him a ride. When Erickson gets in, Ferguson says that his sister can get them into a bar called By George, a club on Broadway, in downtown Columbia. Her friend knows a bouncer who is willing to let them in. The attraction about this club is not who they let in, it's who they keep out. And that's almost no one. At any given time, at least fifty percent of the people inside are underage. In fact, the club racks up more than fifty citations for underage drinking in its ten year reign.

Clubs are serious institutions to many teenagers, and Erickson likes the idea. Ryan has been to the By George before. Chuck has not.

Erickson recalls getting into Ryan's car, smoking a cigarette downtown, and the spinning of dizzying strobe lights. He remembers nothing else from the rest of the night until he wakes up the next morning.

Ryan and Chuck first drive to Chuck's house, where he changes out of his vintage 1970s outfit because the pants are too tight and the shoes too uncomfortable. His replacement attire is a pair of Lucky jeans, a gray Tommy Hilfiger shirt and a blue Nautica jacket. Erickson's mom and 13-year-old sister are asleep, so Ferguson stays in the car. Chuck's father is waiting up, but as soon as he enters his bedroom, Chuck sneaks out.

The boys have school the next day. But there is something irresistible about staying out. Socializing, and the thrill of being out and underage, easily overwhelms the prospect of an early night preceding another mundane school day.

Ryan parks the car at the corner of Walnut and First Street, his "normal parking spot."

Ryan is much more sociable than Chuck, who comfortably slides into the role of the wallflower. Ryan is more interested than his friend in meeting and flirting with girls, striking up a chat with a tall, young lady dressed as a pink flamingo. And then the first round of clinking glasses and bottles. Ryan loans Chuck \$10, buys him drinks, and the boys part ways – at least for a while.

Throughout the night, Chuck consumes three or four Adderall pills, ingests cocaine and imbibes up to "14 alcoholic beverages." He experiences another self-destructive blackout. Chuck is known to drink and cause mischief. He drinks and forgets,

forgets things such as throwing a rock through a car window, or he forgets how he randomly destroys a neighbor's white picket fence. The outbursts constantly threaten to sabotage his clarity of mind and alienate his friends and family. Tonight, at the By George, Chuck remembers slivers and pieces of events: he doesn't like the lights or music, which make his "head hurt." He asks Daniel Eagleheart to take him home, but Eagleheart is not ready to go. His mind is stormy, and the water is choppy and mucky with silt and sand. It's like jumping into a washing machine.

Ferguson's intake is three drinks, one Amaretto Sour and a pair of Jack and Cokes.

After the bar closes at 1:30 a.m., Ryan says that he drives Chuck home and sits on the front curb of his home, making phone calls. He chooses the curb so as not to disrupt his parents, for his bedroom is located directly above theirs.

Minutes later, Kent Heitholt is bashed to death in a red pond of blood beside his car in a parking lot north of the Tribune. At 2:26 a.m., he is found less than sixty feet from the door, victim of an apparent blunt-impact head injury.

Chuck wakes up the next morning with a bit of a hangover – to be expected. He does not have blood on his clothes. There are no bloody sweatshirts, boots, or blue jeans in the laundry bin. He does not wake up believing he has killed someone. He does not see marks, bruises, or injuries to his body. There is nothing out of the ordinary – nothing a glass of water and some aspirin won't heal.

In 2004, Erickson has the gaps filled by Columbia police.

Years later, he claims no recollection of what happens on this night and that he has fabricated a slew of tall tales tailored to fit the demands of others.

Tribune Sports Editor Slain Halloween Night 2001 Columbia, Missouri

Wednesday, October 31, 2001. 101 North 4th Street.

Reporters cluster in a nondescript brown building that looks as if it could be used for some kind of light industrial purpose. Keyboards. Coffee pots. Conversations about city hall and byline credits. Bulletin boards tacked with snippets of paper. Standard stuff.

On this day, Kent Heitholt is honored for his five-year anniversary at the *Columbia Daily Tribune*. He poses for "a grip-and-grin photo" for the company newsletter, receives a package of golf balls as a gift and cracks a few jokes about "how long a guy has to work at the company to earn a set of clubs."

Heitholt enjoys the moment, but he understands that he is only as good as his last story. There is another deadline – always a deadline. That's the nature of a daily newspaper: no rest for the weary sports writer.

No matter how weary he is, Heitholt covers a high school volleyball game with the same spark he brings to college or professional events. It's in his blood, as they say. His father, Bill, played basketball for The University of Kansas and, as a student at John Burroughs High School in St. Louis, Heitholt plays football, basketball, and baseball. As

an adult, he covers athletics with obsessive thoroughness – perhaps even a bit too much. The workload and hours aren't exactly conducive to good health. In fact, he has diabetes and high blood pressure that he controls with medication.

Nonetheless, colleagues say Heitholt is a workaholic: he is always there. Always. He likes the camaraderie of the newspaper. Heitholt works late in order to avoid the distractions of phone calls and newsroom babble. He often sits in the office and watches a game or talk show and spends hours telling stories. Usually, 1 a.m. would roll around, and he'd joke about hardly getting much work done.

So it's no surprise that Heitholt, along with several other sportswriters, work late into the morning of November 1, 2001. He typically heads home about 2 a.m., when the Tribune's computer system shuts down for routine maintenance. Some nights, in between typing up box scores and interviewing coaches, he heads over to the local Sonic for a vanilla ice cream cone. But not tonight.

On this warm Halloween night – nearly 60 degrees, Heitholt speaks to his wife, Deb Heitholt, at approximately 10 p.m., after she calls to let him know their “15-year-old daughter has lunch money for school the next day.” Kent meets Deb when both are students at Missouri University; Heitholt studies journalism and Deb follows a career in social work. In December, they expect to celebrate their twenty year wedding anniversary. They have two children, Vince, the eldest, who works at the sports department at the Tribune, and Kali, who is more individualistically and artistically inclined. His family is one of his highest priorities. He picks up his children from school every day, takes them to concerts and stays engaged in their lives. Despite putting in forty to sixty hours a week, he is still present for them.

At around five p.m., Deb arranges all of the Halloween decorations in the family home, fixes Kent dinner, and then they watch television before he leaves for work. Tomorrow with her husband, she thinks, is as *certain* to arrive as the morning sun.

It's the last time she sees him alive.

A few blocks away, Kelly Ferguson, a junior at the University of Missouri, and her roommate, Christine Lo, find a bouncer at the By George, who is willing to ignore the age of her teenage brother, Ryan, and his friend, Chuck.

“I told him about our plans that night,” says Kelly. “That the By George nightclub was having a Halloween party. I told him my friend knew the door guy and we could get him and a friend in, even though they were underage. The whole thing had been my careless idea.”

The outside patio of the By George overflows with laughter, cussing and the bustle of beer drinking. Both the girls are dressed in costumes, but the boys wear regular clothes. Posing as couples, they enter. Ryan has around \$30 on him tonight. He pays a \$2 cover for him and Chuck.

At 1:30 a.m. outside the By George streams of partygoers hail cabs and stumble home as the night comes to an end. Throngs of underage high-school kids occupy the parking lot and sidewalk.

With sleepy eyes, Heitholt shuts down his computer at 2:08 a.m. He gathers his papers and belongings, chats with some colleagues, and says goodbye to the cleaning lady – the same way he does every night. Dressed in khaki trousers, a short-sleeve white shirt and dark green sweater, he brushes past the customary ghost and goblin decorations, and exits into darkness.

It's a normal Halloween night in Columbia: the sounds of college kids out late, the silhouettes of perfunctory pirate and jailbird costumes, a raccoon digs through candy wrappers around the dumpster. Despite the darkness, people move about freely and in modest numbers. The Tribune lot is decently lit, a common path for downtown pedestrians. Foot traffic – some of it suspicious – is known to continue long after the sun sinks. The newspaper hires security for its properties two years earlier, after a knife attack involving a pair of press room workers. Security workers used to escort employees, upon request, to their vehicles. But people stop asking and the service ends.

Despite the fact that crime in Columbia is comparatively low, Tribune management urges employees to “use the buddy system” and be cognizant of what's going on around them.

But on this night Heitholt feels safe. He'd walked to his car a thousand times before, why would this situation be any different?

Part-time sportswriter Michael Boyd shows up at the office at around 9 p.m., after taking his three boys trick-or-treating. He puts in a few hours of work: same events, same rituals, nothing bigger. After 2:00 a.m., Boyd is ready to go home. He does not fill in a time sheet to document when he leaves, all though he is required to do so.

On this night, Boyd's inability to follow instructions or adhere to Heitholt's most basic requests causes a problem. Heitholt admonishes Boyd for screwing up a photo selection.

Perhaps friction lingers?

Boyd is the only sports reporter who doesn't have his own desk. He misses an earlier cake-cutting ceremony involving most of the staff. He either isn't invited to participate in the acknowledgement of his supervisor's anniversary, or he elects not to. Afterward, he eats a sliver of cake at a random desk he is assigned to – alone.

Terminated from his previous newspaper job in Sikeston, Missouri for plagiarism, Boyd is desperate to make amends.

Michael Boyd sits in his car listening to music as Heitholt emerges.

According to Boyd, Heitholt carries a laptop bag, nothing else in his arms or hands. They talk briefly about a homeless cat – the “Tribune” feline – that Heitholt and

other employees feed. “He likes to feed that cat of his,” Boyd says. “His cat was clawing his tire like a scratching post. I thought that was funny. We were laughing about it.”

This entire exchange is “not brief, not super long,” recalls Boyd.

Boyd says they also talk about a story for the following day’s paper and about “covering a game in St. Louis.” According to Boyd, Heitholt suggests Boyd’s tires need air, and they chat amiably. Dialogue touches on a score of topics, including Boyd’s preparation to go on the road to cover a high school football game, potential stories, and Heitholt’s instructions as to how to properly use the company laptop and tape recorder.

This tête-à-tête takes place between 2:12 and 2:20 a.m.

As Boyd drives away, he sees Heitholt duck his head into his car. “I left laughing,” Boyd says.

In the minutes that follow Boyd’s stated departure, a murder occurs. It’s a bloody, vicious, ambush of a murder. Cowardly. Relentless. Ruthless. It confers the most primal and frightening dimensions of venom and hate. Hurting another is an extreme act, unthinkable to most of us.

Boom!

Heitholt is brought down hard, and writhes on the ground in agony.

At about 2:22 a.m., 19-year-old Shawna Ornt, a cleaning lady on the night shift, exits the rear of the Tribune building. Employed by CS Cleaning and Maintenance, she is subcontracting at the Tribune. She takes out the trash and prepares for a cigarette break. It’s a bad habit, but it makes the long, late shifts more tolerable. Besides, her supervisor, Jerry Trump, extends the invite. They frequently take smoke breaks together. Jerry tells Shawna he will join her outside after he cleans one remaining urinal on the dock level bathroom.

Lighting up, preparing to suck in a deep, heavy drag, she notices something amiss near Heitholt’s black Nissan Maxima. With her back pressed against a yellow cement post, Ornt sees shadows.

She runs up the stairs, but the door has locked behind her. She climbs over the railing onto the dock and enters the building through the overhead door. She alerts Trump, who is cleaning the bathroom.

“Something is going on by Kent’s car,” she says. “Two guys are crouched behind a car.”

Ornt and Trump return to the dock overlooking the parking lot. Neither can see much. Trump’s initial thought is that Heitholt is changing a tire. He yells Kent’s name several times.

He quickly realizes that someone is lying on the ground and two other figures are hovering around. Both men are close to the driver’s side: one at the rear; the other at the front. Ornt and Trump get close enough to see Heitholt’s body *face down* on the ground in a pool of blood.

One of the individuals, according to Ornt, yells, “Somebody’s hurt. Get help. Along those lines.”

Judging from their bloody footprints, police determine the men walk up the alley heading east to Fourth Street.

Ornt sees one of the two men's faces clearly. He is six feet tall, approximately two-hundred pounds, with "dirty blonde hair," and is wearing a light gray short-sleeved T-shirt. "Muscular build," at first recalls Ornt. There is something memorable about his "extremely blond" hair, and the man's "pushed up bangs" and "rectangular head."

The other man at the front of the car has black hair, stands about six feet tall, and weighs approximately "200 pounds." Trump, on parole for a conviction of five counts of endangering the welfare of a child in the first degree, later relates to others that he sees only "head bobs."

Trump is unable to make out their individual features such as ears or noses. He does not observe blood on these individuals or anything in their hands – no crowbars, bats, tire tools, or weapons.

At 2:26 am, Trump slams shut the overhead loading dock door and Ornt and Trump summon those who remain in the building.

"Where's Kent?" Ornt asks.

"Kent left about fifteen minutes ago," responds sportswriter Robert Thompson.

"Well, his car's still out there," says Ornt.

"There's two guys standing by his car," says Trump. "And I think somebody's hurt."

Thompson and fellow reporter Rus Baer "literally sprint down the stairway" to discover Heitholt lying "halfway on his side and on his stomach" next to his unlocked car – a hip pants pocket turned inside out. It's the last type of scene either of the men expects to encounter on a pleasantly uneventful night such as this. But it is Halloween. A sick prank? A cult or ritual killing? Confrontational Halloween revelers?

Is that really 'Heity' lying on his left side, face down, in a wide puddle of blood?

"The first signs we thought something was wrong, one of the cleaning people came running through here and asked where Kent was," Baer says.

The victim's wallet is untouched in his car as are packaged coins – a roll of quarters, specifically – in full view. His car keys, a "cheap" Timex wristwatch, and part of his belt are missing.

Thompson doesn't hear or see anyone else in the parking lot. He is focused on the surreal site of Heitholt, "his friend and mentor," collapsed, his legs partly under the car trunk. The victim's arms extend over his battered head, as if he has been trying to shield himself. Thompson kneels down beside Heitholt. "Kent, Kent, what happened?" he asks. Blood is everywhere – on the ground, the car, splashed on the victim. Blood is pooling on the ground, on the pavement, next to the rear left wheel of the vehicle, next to the gas cap cover.

On the ground is a single lens from a pair of glasses. Under the car is the victim's Nokia cellular phone, along with notebooks, schedules and game programs. On Heitholt's driver's side seat, his eye glass frame and a yellow notepad with blood smeared on it. "Approximately 15 to 18 inches" from the victim's head, there is a belt buckle which appears to have been torn from the rest of the belt.

“Kent’s hurt bad,” shouts Thompson. “Call 911.”

Thompson yells again for someone to call 911. His desperate screams trail off in the darkness. Baer and Thompson urgently flip Heitholt over; Thompson checks for a pulse in Heitholt’s carotid artery, but it stops before his fingers get there. His vitals are flat. He won’t even have the chance to struggle to breathe on the way to the emergency room. He has injuries to his hands that appear to be defensive wounds. Blood leaks from blackened eyes and eyeballs that bulge like radishes. He suffers extensive hemorrhaging in his eye, consistent with asphyxiation from strangulation.

Shawna Ornt dials 911. Too hysterical to talk to the dispatcher, Ornt hands Trump the phone. Trump tells the dispatcher Heitholt is down and it appears he has been shot. Trump is unable to provide a detailed description of the two men. Trump tries to console Ornt and simultaneously describe something that has happened so fast it seems a frantic blur.

Within minutes, medical personnel attempt CPR and try to revive Heitholt with a defibrillator.

Moments after feeding a stray cat and speaking with Michael Boyd, Heitholt is murdered. In his car on the front passenger seat is a box of dry cat food; propped on a small retaining wall along the western edge of the parking lot stands a pile of cat food.

Two security cameras overlook the loading dock and employee entry, but they do not function. Either this is an extremely lucky break for the culprit or the culprit is someone who knows the devices are faulty.

Within minutes, Columbia police officers, detectives, and a K-9 tracking dog respond to the scene, searching the vicinity for physical evidence. Thompson stands nearby in shock as Heitholt, the man who coaches him as a young writer and acts as a mentor to him, is covered, carried, and removed in a dizzying flash of lights and clatter. Summoned by Thompson, Vince Heitholt is at the crime scene shortly after the 911 call. Vince Heitholt and Bob Thompson live together at 52 Broadway Village.

Police find Heitholt’s driver side door closed, as if the perpetrator or perpetrators closed it to keep the interior lights off. There are a few scattered cigarette butts, a cluster of pennies just west of the parking lot, and a lone dime discovered in close proximity, north of the victim.

Beneath an inky black sky, a tow truck hauls Heitholt’s Nissan Maxima away for a thorough examination by technicians. Police are hopeful that the victim’s vehicle will provide answers, including fingerprints.

Once home, Michael Boyd tosses his clothes into the laundry basket and climbs into bed with his wife. He receives a phone call from Rus Baer “sometime after 4:00 a.m.”

“What happened to Kent?” asks Baer. Then Baer tells Boyd that Kent’s “been hurt.”

According to Boyd, he is first questioned by police after he concludes his conversation with Baer, who extends the phone to an officer. "I don't recall doing that," says Baer.

Boyd later tells police that he sees Heitholt's body face down and he watches as people turn his body from face down to face up.

Some Tribune employees head over to the local crime center to find out more details. Michael Boyd does not go with them. He returns to the scene sometime around 4:15 a.m., in clean clothes, wearing an oversize sweatshirt on this temperate morning. As far as the clothes he is wearing when he last speaks to Heitholt, "I probably threw them in the laundry. I don't remember if I put on the exact same clothes or not. I know I put on the same jeans because unless the jeans are really dirty, I only change them out every two days."

Boyd never utters a single word about how fortunate he is *not* to have been in Heitholt's place, there is never any survivor's remorse, or declaration of gratitude that he has survived a near-death experience.

At 4:10 a.m., Sergeant Moriarty and Detective McGuire arrive at 206 West Briarwood Lane to inform Mrs. Deborah Heitholt that "there has been a horrific act committed against your husband." Kali Heitholt, who has just turned fifteen, still has her makeup on from a Halloween party when she hears the dreadful message. At first, Deb guesses that the two police officers are there to report on some vandalism. "*You know,*" she recalls, "*I had pumpkins out and ceramic pumpkins and, you know.*"

Captain Eric Meyer immediately says it is too early in the investigation to establish a motive. Even though the crime scene is exceptionally bloody, exceptionally personal, robbery is strongly proposed as the sole possible motive. Attorney Kathleen Zellner refers to this narrow-minded zest as "tunnel vision."

Meyer adds, "but we're still keeping open other options." Police use a tracking dog to determine the direction the two men follow from the Tribune. Meyer says "other evidence confirms a trail." These men reportedly head east from the crime scene.

"Sloppy Crime"

The morning after the murder, Scott Turner takes Chuck Erickson to school. He tells Turner nothing about last night, and he feels pretty "chipper." His memory seems intact. He knows his parents and other relatives, recalls historical facts he learns in his history class, has a decent vocabulary, and performs routine daily tasks, such as brushing his teeth, shaving, and eating.

Police are uncertain whether the men seen are the murderous culprits or unlucky bystanders. No murder weapon is located. Police conduct a second search in the daylight, checking Dumpsters and nearby rooftops for a discarded weapon. "This is a sloppy crime," says Meyer.

It is only natural to think that a crime this sloppy will yield tremendously valuable evidence. Smudges will for sure be transformed into legible prints. Outlines and ridges of prints will certainly lead to a fingerprint match. He says that “it’s very possible” technicians will find “trace evidence” that will help his investigation. Newspaper and radio accounts include graphic information. Deadly details are public domain.

“Riffraff”

The idea of a robbery seems feasible to Tribune staff members. There are some sketchy characters and a housing project nearby. The Tribune and the By George are at a location where two different societies interface. Walk about four blocks and you’ll be in the college quarters, where preppies mix with musicians, tattoo artists, baristas, bar patrons, artists, and vintage-clothed hippies in a place that gives off an independent, funky, and laid-back vibe. Walk in another different direction and, politely speaking, things are more rough-edged. “We see riffraff walking through the area” Tribune reporter Rus Baer says. “You really don’t know what’s going to be out there.”

November 2, 2001

Autopsy Concludes Heitholt ‘Fought Attackers’

Wounds to his fists and hands indicate that Kent Heitholt “fought his assailants before he died.” Heitholt suffers “defense wounds” to his fists. The knuckles of his right hand look “bruised severely.”

“Several hairs on each hand of the victim” are recovered as evidence.

Police theorize the possibility that the suspects have injuries. Captain Eric Meyer states the autopsy reveals Heitholt suffered multiple blows to the head and neck from a blunt instrument. The post-mortem examiner is Eddie Adelstein, the deputy medical examiner for Boone County.



Left: Photo of Charles Erickson around the time of Kent Heitholt’s murder. Right: First police composite sketch of one of the two men observed near Heitholt’s vehicle.

Thanks to Shawna Ornt, a composite illustration of one of two men seen next to Heitholt’s car is made public. Since he lacks the authority to provide a beneficial description, Jerry Trump is not asked to assist authorities in making the sketch. Police

describe him as “a muscular white male, 20 to 22 years old, 6 feet tall, with short blond hair, spiked over the forehead.” The other man is “a white male, medium build, shorter than the first and possibly wearing a gray shirt.”

Meyer says that investigators have “several ideas and theories” about how the crime occurs, but he “can’t describe” them. Police examine the victim’s pattern of behavior and lifestyle. All is benign. All seems pretty placid. Heitholt is a man who is well-respected, a big, fun-loving guy who likes to wear Hawaiian shirts; everything appears to be “on the up and up.” No recognized enemies. No angry readers or vengeful ex-lovers. No mistresses or embittered business partners.

Police collect film from surveillance cameras within several blocks of the crime scene, but Meyer says, “I can’t say we found anything useful at this point.” The night after the murder, the newspaper hires an off-duty police officer to provide security outside the buildings. The murder shakes the community’s sense of safety, though its sense of safety has been trending in the wrong direction for the last few years. “Over the past several years, the nature of the central city has changed,” Associate Publisher of the *Columbia Daily Tribune* Vicki Russell says. Recent problems include panhandling and “street people who stop our employees” to talk. “But up to this point,” she adds, “we have never had an instance where one of these people has hurt one of our employees.”

Heitholt’s parking spot turns into a makeshift memorial of flowers and messages symbolizing a quiet determination to not let evil have the final word.

Charles Erickson and Ryan Ferguson come in contact once again a few days after the murder. Chuck mentions to Ryan that “it’s crazy that somebody” is killed only a couple of blocks from where they partied the very same night. Ryan’s response is indifferent. Erickson has no reason to feel as if he has recently committed a murder. He has no reason to suspect any similar suspicions of his friend. He isn’t the least bit encumbered by recollections from Halloween night and speculations about the future.

For Chuck, it’s back to textbooks and school, and staring at the clock waiting for class to end and the fun to begin. Friday and Saturday night are when he hits the drugs and alcohol the hardest.

November 5, 2001 **Detectives Have Trouble Isolating Suspects**

One focus of the Kent Heitholt murder investigation shifts to a corner of the University of Missouri-Columbia campus. Police trace evidence from the crime scene on the north side of the *Columbia Daily Tribune* building down to an alley and south along Fourth Street. Capt. Eric Meyer says detectives suspect two college-age males “seen walking from the crime scene alternately ran and walked south on Fourth Street” as far as “the southwest portion of the college campus.” He says they may have reached the area of the university power plant.

Detectives still can't "isolate suspects" in the crime. Police repeat the descriptions of the men and say that the men might have "had blood on their clothes" and "bruises or other injuries from having been in a fight."

Robbery Possible Motive

Robbery is introduced again as a possible motive; in fact, the police seem locked in on this theory. As Heitholt's services are held in the afternoon in Columbia, Meyer gives some clue as to the stressful nature of being part of a police investigation without viable suspects and the prospect of a fast arrest. "We're fully expecting, but you never can tell, that this could be a very long investigation," Meyer explains.

Seeking reassurance, the community wants answers – now. "We urge people to be patient. We're not going to let any rock go unturned. ... It's going to be careful, and I don't want to have any mistakes. We pace ourselves on something like this, where we don't have a clear suspect."

Meyer discloses that the camera in an automatic teller machine at Premier Bank, 15 S. Fifth St., secures the images of two men "moving quickly south along Fourth Street" shortly after the murder. A police tracking dog named Cosmo follows this trail to Fourth and Locust streets, where a young couple "evades police." Officers overtake the man and woman on the steps of McDavid Hall and bring in Shawna Ornt and Jerry Trump to identify the suspects. The man sports a long tale of hair and wears a flying monkey costume. Trump eagerly makes a positive identification, but then he is quickly corrected by Ornt. Police soon dismiss Trump, the man who will one day account for half of the eyewitness testimony in Ryan Ferguson's trial, as someone who has "no useful information."

Shortly before the murder, Trump, an ex-camp director at a Methodist Church in Arcadia, Missouri, and chaplain at a Mexico, Missouri military school, fails a polygraph about his pornography usage, forcing his therapist to remove him from court-mandated sex therapy group. At the time of the killing, Trump's probation has been rescinded, administrative paperwork is processing, and he will soon be returned to prison.

It is soon established that the pair in custody have no association to the homicide. The police dog later leads officers into the vicinity of a University of Missouri-Columbia residence hall complex. Hundreds of students occupy this area. Campus officials email information to 23,000-plus Missouri University students, including copies of a crime description poster, photos of the victim, and a composite illustration of one suspect. The suspects may or may not be students. "We believe they went in that general direction," says Meyers.

November 9, 2001: "Full-Court Press"

Investigators scrutinize records of serious assaults in Columbia in 2001 for possible clues and review recent crime reports involving suspects of similar descriptions.

“We’re doing a lot of background checks,” Meyer says. “But we’re also getting a lot of information. ... We have some potential good leads, but I can’t tell you what they are.” Detectives work on the case in rotating shifts. “As long as we’re still having the leads to work on, we’re going to continue to do a full-court press on this,” he says. In basketball parlance, that means an all-out effort, a vigorous offensive. Ironically, a kid who grew up loving basketball will soon feel the intensity and strong pressure of the police and their “full-court press.”

November 18, 2001

Columbia police are “confident” they’ll solve the Heitholt case. Eighteen days after the murder, officers solicit the public to assist identifying two suspects. Murder investigations are notoriously stingy after forty-eight hours. But Capt. Eric Meyer is buoyant, “I have confidence that we’re going to solve this case.”

Laying out the paradigm to fill, Sgt. Steve Monticelli labels the two men suspects in the case, although initially police describe them as people they want to question. Although the murder occurs during a narrow seven-minute period after a co-worker departs from the parking lot, they elect not to focus on him. “We’re confident these guys are the two suspects,” Monticelli says. Investigators find no evidence linking Heitholt to risky behaviors that may have placed him in contact with dangerous people. No drug dealers. No shady characters. Even though they don’t pressure the person who spoke with the victim last, they review Heitholt’s stories and columns for possible clues.

Without a suspect, a motive remains unclear. For that reason, Meyer says, investigators cannot assume Heitholt is a robbery victim. However, the local newspaper asserts that the “longer the case goes without an arrest, the stronger the possibility that Heitholt was the victim of a random crime or that he was a randomly selected victim.”

165 Leads

Meyer says detectives have already followed up on “165 leads” in the Heitholt case. As many as twelve investigators initially work the case, but Meyer shifts some detectives onto other crimes, including an increasing number of November robberies. Monticelli and five detectives ram ahead. Anxious for the chance to try suspects, Boone County Prosecutor Kevin Crane expresses confidence in Columbia police detectives. “Any lead they’ve got, they have worked it hard,” says Crane, employed in his role since January 1993. He defends the police and articulates great trust in their ability to catch the culprits. He sounds authoritative and convincing. Of course, he can be as ruthless and determined as the next prosecutor – certainly when the circumstances call for it.

“I’ve seen that occur time and time again on this case and on others. Any information they get, they have played it out, no matter how late it takes. Win, lose or draw, they’ll be able to say no lead has been left uninvestigated.”

Investigators Talk to Murder Suspects Tuesday, November 20, 2001

A few weeks after Heitholt’s death, Columbia police detectives compare details of a Cole County murder case with his murder and decide that two men charged in the Cole County case “are not considered strong suspects” for the Columbia investigation. Michael Kempker, 19, and James Gordon, 20, are already detained for their role in a mid-November homicide. That crime’s general description and the similarity of suspects prompts Columbia detectives to explore a possible link. “They are not suspects at this point,” Meyer says. Kempker and Gordon “have not been totally eliminated, but at this point they’re not considered strong suspects” in Heitholt’s death, says Meyer.

April 2003 Second Composite Sketch

Time is an enemy of law enforcement. Time stands in sinister opposition to solving a murder investigation. Time moves at a breakneck speed. It moves even faster when you are trying to solve a homicide. The possibility of an unsolved homicide being solved dims with each passing day. Detective John Short works the case full time. Nearly a year and a half after Kent Heitholt’s murder, the Columbia Police Department releases a second composite image of a suspect in the case. They hope the composite stirs memories and new leads.



Left: Photo of Charles Erickson around the time of Kent Heitholt's murder. Right: Second police composite sketch of one of the two men observed near Heitholt's vehicle.

Though they have interviewed and re-interviewed hundreds of people, detectives have yet to make any arrests. One solution: develop a new composite drawing because the sole witness in the case, Shawna Ornt, is not happy with the original, computer-generated composite. "Not as satisfied as I wanted to be," says Ornt.

Since she is the only person who sees the face of one of the suspicious men, police have a vested interest in her impressions. She is the most credible, dependable person that they have. She dislikes the first composite and so a second one is created. After leaving the cleaning company, Ornt goes to work at Pizza Hut. One night, she calls the police to investigate a co-worker who bears a resemblance to one of the suspects.

"There just wasn't anything we could put on it that would make her say, 'That looks just like the guy,' " Monticelli says. "She always had some issues, particularly with the hair."

Ornt repeats her claim that she gained a decent look at one man's face. Monticelli says that the new image is "more accurate" Fresh off attending a forensic facial imaging course at the FBI National Academy, Detective Jeff Nichols re-interviews Ornt and the second illustration is conceived on March 26, 2003.

"He spent some time with her, walked through the scene with her," Monticelli says. "She feels that this resembles the person much more than the original composite."

Investigative commander Capt. Mike Martin says the department plans to distribute a video in Missouri's prisons. He says the video will begin airing in state prisons around January 2004. Detectives hope the video will elicit responses from inmates who have heard about the case.

Most of the physical evidence gathered at the scene is being tested, and Short works to rule out each potential suspect. "There's still a handful of individuals that we've never been able to eliminate," says Short. "(We are) trying to eliminate every possibility

so we can be looking elsewhere. We're hoping this composite can charge somebody's memory."

Kent Heitholt's family resolutely attempt to move forward in their lives. What other choice do they have? Kent's father, Bill Heitholt, of Cuba, Missouri, tells a reporter that he is unaware of where the investigation of his son's homicide is leading. "We just hope justice is done" and the "good Lord will take care of" whoever is responsible, he says.

October 31, 2003 Murder Unsolved

Two years pass and leads about the sports editor's death dry up. About one lead trickles in a month. Despite blood trails, smeared fingerprints, hairs, sketchy descriptions of two young assailants, and shoe prints perhaps denoting their escape route, the forensic evidence reveals nothing.

Police follow up on hundreds of tips but after two years, they still have nothing. They do, however, remain optimistic that the day will come when someone "picks up a phone to clear his conscience" or "share a detail" previously considered too irrelevant to mention.

"Somebody out there knows something. They either heard people talking, or they saw something," police Sgt. Steve Monticelli says. "It doesn't take a lot to crack one of these cases wide open."

A persistent reminder hangs on the wall behind Detective John Short's desk. It's a photograph of a smiling Heitholt, a "big, bubbly, friendly bear of a man," as one colleague describes him. "It's my - I hate to say - reminder because I haven't forgotten about it," Short says. "I just thought it was a little appropriate to have it remind me every day." Dogged pursuit of information is essential, and officers continually question people about Heitholt's death.

Sometimes new information leads to another source; sometimes it's just another dead end. It's an endless cycle of staring at the same crime scene photos, listening to the same 911 call, and perusing the same scant witness accounts.

Frustration? Discontent? Working so hard on something without any result must be agitating for a police officer. Similar to any prominent case, there is a pressure to close it. Pressure to make the community feel secure once more. "I don't know if it's frustrating as much as it is disappointing," Short says. "You keep looking at it like it's going to get solved."

Short and Monticelli concede that they feel some pressure from the community. Some feel as if the police are beginning to slack off. Fear travels swiftly – and the seemingly random nature of the crime instills justifiable fear.

Police “keep their fingers” crossed that a slip-up on the part of Heitholt’s “killers” leads to a DNA match. DNA evidence accumulated at the scene rests at the state crime lab, in Kansas City, and the paperwork from hundreds of interviews sits in filing cabinets. About fifty people offer their own DNA through saliva and other samples. “Someone outside of those two people knew what happened,” Short says. *Someone must know something. Someone must know something.* That’s the mantra.

November 2003

Chuck Erickson reads an article in the newspaper about the murder of Kent Heitholt. *This sketch looks a lot like me*, he thinks. His diagnosed obsessive-compulsive disorder triggers a flood of grave worries. He investigates himself by searching the online archives of the *Columbia Daily Tribune*. Everything he wishes to know about the case is right there on the keyboard and computer screen.

Erickson’s mind drifts, his mental treadmill spins wildly. *I don’t remember how I got home from the By George. I couldn’t have done this. Beaten and murdered with a blunt object? Two white males?*

Increasingly paranoid, Erickson imagines that people are talking negatively about him at school. He believes that others are implicating him in the murder of the sports reporter.

New Year’s Eve of January 2004

Ryan Ferguson is at a party at a friend’s house – John Whitworth’s. Chuck Erickson shows up, uninvited. Heavily under the influence of alcohol and recently consuming cocaine, Erickson says he has had a dream about possibly being involved in a murder. No memory whatsoever of an actual crime, just an eerie feeling.

He describes to friends a dream he thinks might be real. Someplace in the dark corridors and confines in his mind, he starts piecing together these “snapshot memories.” It is a dream he isn’t sure about, and he needs to have someone fill in the blanks for him. These “snapshots,” he says, are similar to how “you pause a movie.”

He invites Ryan outside for a cigarette and starts talking about “repressed” memories. He asks Ryan if he remembers October, 31, 2001. He tells Ryan the two of them might have had something to do with the murder of Kent Heitholt.

“The Tribune guy,” says Erickson.

“No,” refutes Ryan. “we didn’t do that.”

“You sure? I think I did something to this man.”

“Look, man, I don’t know. Not with me. I mean, I can’t tell you anything about it.”

Ryan tells him he thinks the whole conversation is bizarre, to leave him alone, to get as far away from him as possible. Ryan wants nothing to do with him.

Later, Erickson poses the same question to Ryan about the murder.

“We didn’t do that!” replies Ryan.

Ryan gets away from Chuck, wondering: *What the heck is this guy thinking? This guy is even more trouble than I remember. What Chuck is saying suggests disturbing amorality and a sociopathic estrangement from the sacredness of life. Can’t Chuck think of anything better to do than fantasize about someone’s death?*

According to partygoer Meghan Arthur, Ryan is confounded by Chuck’s implications, “because Chuck was trying to say things or tell him to do things, and Ryan did not know what Chuck was talking about.” Meghan shrugs off the gist of the overheard conversation and does not think about the conversation again until months later.

Someone at the party overhears the conversation between Chuck and Ryan, and police receive an anonymous Crime Stoppers tip. Soon after, Ryan's car is broken into while parked at an auto repair shop; stereo equipment is taken; he calls the police and reports the crime. Police tell him, “Okay. We need to get your fingerprints so that we can investigate the theft from your car.” In reality, they want fingerprints to compare in the Heitholt homicide – and they get them. They judge Ryan’s prints against those discovered on the victim’s car. No match. That's the end of that lead.

February 2004

In February 2004, Erickson mentions his participation in the murder to a friend, Nicholas Gilpin, a person who Erickson “drank and got high with,” and one week later, he mutters something about his connection to the killing to someone else. Erickson tells Gilpin that the murder is weirdly familiar. He mumbles something, and then something else. Lacking narrative style or consequence, his sentences are a paranoid jumble.

“Ryan and I might have been involved,” he says to Gilpin. “If we did do it, I wasn’t the one who killed him. Ryan must have strangled him.”

Erickson is not able to give any specific details, only vague generalizations as murky as seawater, and, according to both men, he is consumed by alcohol each time he mentions it. He tells them he feels as if he may be dreaming the whole scenario.

A few nights after Chuck talks to Gilpin, Art Figueroa finishes his shift at a local fast-food joint and picks up an intoxicated Charles Erickson. Chuck needs to be transported home from a party. At the time, Chuck and Art work together at Wendy’s. Ryan works there too for a short period of time.

During the ride, Erickson tells Figueroa that the murder is weirdly familiar.

Erickson repeats his unexplained assumptions to Figueroa. The conversation is the same, except this time, Erickson mentions that he wants to have his DNA tested. “The

newspapers say that DNA was collected at the scene,” he says. He is once again high on cocaine and alcohol.

He recycles what is public knowledge, what he rehashes from the newspaper. Figueroa is unconcerned. He knows his friend well enough to recognize when he shouldn't take him seriously. Surmising that alcohol propels Chuck to say and do a litany of unexpected things, he lets it ride. That night, Chuck sleeps on the couch in the Figueroa's home.

**Part Two:
March 10, 2004**

Despite the fact that there is an abundance of evidence at Kent Heitholt's murder scene – including fingerprints, bloody footprints, a thread of hair in the victim's hand, and ample DNA – the case baffles the police until they have opportunity to interview nineteen-year-old Charles “Chuck” Erickson. It is 860 days after that fatal morning.

On the morning of March 10, 2004, Charles Erickson smokes marijuana on the way to school at Moberly Area Community College, in Columbia. It is just another day in a “dissolute life of booze and drugs.”

He is watched by police as he leaves his residence, and is followed to class. Shortly after 9 a.m., police officers confront Erickson in the parking lot. As Chuck pulls textbooks out of his trunk, Detective Piester asks him to stop, put his hands where he can see them, and to just take it easy. “Detectives want to talk to you about your car,” misleads Piester.

Police hope he will tell them everything that they want to hear – and more. Rumors circulate that Chuck is telling friends he may be connected to the crime. He has an eerie feeling, a daunting suspicion. It doesn't take police long to determine that Erickson scarcely resembles a paragon of clean living. The night before he mixes cocaine and alcohol – tantamount to what is now a ritual in his life. He has already earned the reputation as someone who uses a substantial share of drugs and alcohol. He is seen by friends as “a chronic fibber,” a person “prone to telling outrageous stories.” He is a kid with an absolute desire to fit in.

Erickson has been telling stories to the wrong people. A friend of a friend, Jonathan Alder, subsequently reports him to the police; the original call is phoned in at 4:30 a.m.

Charles Erickson's Confessional

At 9:22 a.m., Charles Erickson answers questions from Columbia Police Detective John Short. In this first non-taped interview, the homicide detective looks coldly at Erickson after the officer shouts an introduction. Short's lips are pursed, impatient. Erickson expresses with just a look a complex inner world of self-doubt, sadness, and angst.

Being on the receiving end of an interrogation is in some ways comparable to the initiation rites into a secret society. Chuck has seen enough television to know what to expect. Still, interrogation is the most extreme of all situations, and Chuck is not prepared to rise up, but yield.

Getting a confession is particularly important as there is no other evidence against the suspect.

Over the course of fifty-two minutes, he confesses to the murder and robbery, and he implicates his friend, Ryan Ferguson. Although his memory differs from the facts,

police isolate their suspect. After all, the human brain perceives and stores information differently during high-stress incidents, and there is perhaps nothing more stressful than a police interrogation. *We will jog his memory. He is our guy.*

Erickson appears confused, yet compliant, even malleable. He hardly projects fearlessness, and police smell blood. He does not seem to fully comprehend the context or complexity of the situation.

They ask him what he remembers. He says he remembers nothing.

His words don't seem to register with Detective Short, who has the unique ability to block out whatever he doesn't want to hear.

Sensing his vulnerability, investigators play tricks to distort Erickson's recollections, making repeated suggestions about what happened the night Heitholt is killed. Erickson is provided pivotal details, and he incorporates these details into statements used against him as truths. Short's attitude is transparent: *C'mon, Chuck, this excess emotional baggage will haunt you forever; it needs to be cleared out.*

Short asks about October 31, 2001, Erickson replies, "I don't even remember it." The officer fires questions – specific questions, questions that he wants specific answers to – Erickson does not answer them accurately. Police seek confirmation of their robbery theory: *Heitholt is slain for quick cash, for nothing more than beer or bar money.*

Short broaches the subject of the murder weapon. It is evident to Short that this young kid is not really crushed at all by the despicable charges leveled against him. *If you know anything about what happened, I want to know it right now. I don't want to hear any whys, ifs, or wherefores.* That is Short's attitude.

"Is it possible that you know what he was strangled with and you just didn't want to tell me?"

Erickson proposes the first reasonable explanation that comes to mind: Heitholt must have been strangled with a set of bare hands.

Wrong.

"I think it was a shirt or something."

"Well, I know it wasn't a shirt."

Erickson grasps other options.

"Maybe a bungee cord, or something from his car."

"We know for a fact he was strangled with his belt," says Short.

"Really?"

Police offer up the tire tool as a possible weapon. Chuck isn't sure. He has no recollection of being involved in the murder the day after it happened. He doesn't remember being involved that night when he watches the story on the television. He doesn't purvey any specific knowledge of the crime while finishing high school. But he starts to remember now. Erickson's own words describe this encounter: "I didn't really — I didn't really know what to think. It was just ... well, let me expand a little bit, I guess. I don't know. After putting something out of your mind for so long, you know, it's hard to come to terms with it. I don't know if you have any experience with repressed memories and things of that nature or whatever, but I mean, it took, I mean, it took some time to allow myself to recall a lot of what happened."

Short raises his voice to a high pitch to show his exasperation. Erickson asks detectives to show him the murder location. After that drive, Erickson is interrogated, in a 22-minute videotaped session by detective Jeff Nichols, during which Nichols' threatens Erickson. *Ryan will pin the whole mess on you and blame you for the whole event.*

Erickson is flustered. He seems torn here, but his mind is racing, and he can't stop it. His response opens a window into his mind. "I don't know. I mean, I don't even really know, it's just so foggy, like I could just be sitting here fabricating all of it and not know. Like, I don't know. I don't."

Nichols tells Chuck his head "is on the chopping block." Chuck's interpretation is clear: "It meant execution," says Erickson, in 2013. "I mean it sounds pretty succinct to me."

Erickson's thick confusion, his lack of certainty, his disquieting fear and spooky unfamiliarity with the murder location, fail to slow the investigation. He is told that his "hind end" is "hanging over the edge." "Don't let Ryan tell the story for you," say police. Police tell Erickson that a kid named Dallas Mallory has told them that, the morning of the murder, he saw Erickson – not Erickson and Ferguson, just Erickson – at the intersection of Ash and Providence.

His confession and post-admission narrative are hazy, but more than enough for police to book him.

Erickson states that he and Ryan bludgeoned Heitholt with a "tire iron from Ryan's trunk" and strangled him. He recalls that perhaps Ryan "used his bare hands" as the murder weapon. He says the motive purely relates to booze and keeping up a solid buzz. It's all quite simple, really. He explains that they decide to rob someone so they can continue partying. The unlucky Heitholt is the first person they see. He starts to add details: he vomits at the scene; Heitholt is thrown to the ground; Heitholt kicks Erickson in the testicles; the boys run off towards the intersection of Providence and Ash; within seconds of fleeing the crime scene, he speaks to a friend who is stopped in his car with two female companions at a red light; he and Ryan return to Ferguson's car to dispose of "the tire tool"; they then, he says, return to the By George bar, arriving after 2:30 a.m.

Despite gaping defects in Erickson's chronicle, police have the confession they longed for. Despite the fact that when he walks into the police department, he knows little or no facts about the crime, and that he says on several occasions that he does not comprehend his own words, and is "perhaps making it all up," police arrest and charge him with second-degree murder and robbery. Sure, some of his statements reflect an unlimited capacity for make-believe – there is no vomit found at the scene as Chuck states, and Heitholt never kicks him in the testicles. That night he tells jail nurses he is "unsure of his involvement." Erickson relates the encounters in a taped jailhouse conversation with his mother.

"I just talked to the nurses and they were like, 'Well, did you do it?' And I was like, basically, I explained to them that I wasn't sure, you know, really. And I told them

just basically that some other things that I had to say the cops correlated with what had actually happened and that I told one of my friends about it and then, basically, I mean, after that it was over.”

Police have collared one of their men. Now it's time to detain his cohort.

That same day, March 10, 2004, nineteen-year-old Ryan Ferguson is arrested on a sunny spring afternoon at approximately 12:35 p.m., in Kansas City, Missouri. Ryan is engaged in his second semester of college at Maplewood Community College; he plans to go on to the University of Missouri to study business or political science. Perhaps he will work in real estate similar to his father, Bill, a former senior drill sergeant in the army. Perhaps he will finish college the same way his father has – earning a master's degree in education administration.

Perhaps he will start a business of his own or become a college professor. He is still at an age where he believes that the world is a fascinating, remarkable place, worthy of curious inquiry and close scrutiny. There are hundreds of options for a young man Ryan's age.

But his future will be derailed in ways he never sees coming. The rest of his life is a battlefield panorama of a world of criminal and legal proceedings.

Police are waiting for him at his apartment complex. Handcuffed and shackled, he is transported to the Kansas City Police Department. Twenty minutes from the station, the police inform Ryan, in the midst of mid-term exam preparation, he is under arrest for homicide. “I thought it was certainly a mistake,” says Ryan. “I was worried about taking my test the next day.”

Detective Short escorts Ryan to Columbia, where he is interrogated for nine hours. It's a long, exhausting ordeal. He faces repetitive questioning and redundant drilling. He faces the aloneness of an austere interrogation room. Police try intimidation. They try deceit. They use lies and deception as investigatory tools. Ferguson repeatedly pleads his innocence. Claiming no knowledge of Heitholt's murder, he feels as if he does not need an attorney. Detectives attempt numerous tactics to draw a confession, but Ferguson doesn't budge. *I was not near the Tribune parking lot the night of the crime.* Time and time again, he tells detectives that he wasn't involved in the murder and that this is all “a big mistake.” He bites his lip, paces the room, and sprawls out on the floor. He waits to be released.

Police don't believe a single sentence. They feel that if one has the immorality to commit a serious crime, he certainly possesses the far less immorality to deny having done it.

The same police investigators, however, who easily obtain a confession from Charles Erickson, find it difficult time to get Ryan to capitulate. And it's not due to lack of effort, cunning, or vitriol. “The police tried every form of police manipulation when they first brought Ryan in,” says Bill Ferguson. “They tried the ‘the good cop, bad cop’ routine. The ‘do the right thing’ routine. But Ryan didn't fall for any of those tricks. At one point, they even told him that they had his fingerprints and had all of the necessary

evidence. Since that day, Ryan hasn't changed one syllable in his story. There is not much to change. Ryan wasn't there."

No bond is set. He is taken to his county jail cell. During the day, he is confined to an eight-man pod holding cell to share with a rough batch of toughs. He is allowed visitors once a week for no more than forty-five minutes. During these visits, he can only speak over a phone, and he is not allowed physical contact or privacy. Forget about the promise of sunshine.

Ryan's six-by-eight foot cell has a bunk bed inside, a thin rail made of metal, a stainless-steel sink, a toilet, and a water fountain. Bars that intersect overhead give the cell a feeling of a cage.

On the day of the arrest, police tell prosecutor Kevin Crane that they have a slam-dunk case. They tell him they have the assault weapon, the culprits' fingerprints, the linking blood evidence, the matching shoeprints, a hair in the victim's hand, and an unshakeable confession. They tell him they are certain they will find even more damning blood evidence in the suspects' homes and cars once they apply the Luminol. They tell him to be confident and not to worry. *It's a simple case, Kevin. It's a simple case, Kevin. Trust us.*

April/May 2004

Shawna Ornt flips through the newspaper and sees images of two men arrested for the crime she first witnessed that fateful morning. She is given photographs of what they looked like at the time of the crime. She tells family members, her boyfriend, and her friend, Alicia Shelton, that neither of the men resembles who she saw. "I told everyone I knew," says Ornt.

Ryan Ferguson's friends and family members are in deep shock. Ryan's best friend says he "remembers vividly the day he was arrested." It stupefies him.

"I heard on my way home from work. I thought it was a joke. I sat around with our mutual friends going back and forth, asking if the other knew anything. We all agreed that we'd know if anything like that had ever happened. We'd had some pretty serious conversations and nothing even close to murder ever came up."

Ryan's parents are completely devastated by what is happening. Too many people, they feel, are saying things and drawing conclusions that are anywhere from incorrect to fabricated.

In taped jail house conversations with his mother, Marianne Judy Erickson, Chuck Erickson tells her that "it will just be nice to just be able to sit down and – you know I can't wait to just sit down and take a look at everything." By everything, he means details, specific details, times, routes, conversations, and exact descriptions of weapons and methods.

"Of course," says Marianne.

“You know that will really help me out a lot.”

“Just for the final deposition of the case?”

“I just want to see everything. I just want everything laid out in front of me. Because I can’t even fully make it make sense until I see that.”

“Your dad says you’re not to discuss the case on the phone.”

“I know, I mean, I know that.”

“I mean, you’re just telling me that you’re looking forward to having all the facts.”

“Yeah. Exactly.”

“And that you don’t have all the facts.”

“Exactly.”

The Ericksons pay for a subscription to the *Columbia Daily Tribune* for Chuck while he is in Boone County Jail. He understands that he could be accused of obtaining details in the newspaper and applying them to his collective recall of events. “I mean, what’s that going to look like when I’m on their subscriber list?” Erickson asks his sister, Denise.

Within a week of the arrest, Bill Ferguson spends night after night in the parking lot of the Tribune. He is certain investigators have missed something. His examination is all-encompassing. He converses with teenagers, newspaper reporters, and bar owners, interviews friends of his son’s and friends of Erickson’s. He drives from the bar where his son is present that night, to and from the murder scene more times than he can recollect. He examines police reports, and is involved in the defense of his son from the start, overseeing every detail. It all steers him to the conclusion that the police made a mistake. He is convinced of it.

After his arrest, police provide Erickson with copies of the police reports and “discovery” in his case. (The premise of broad rights of discovery is that all parties will go to trial with as much information as possible and that neither party should be able to keep secrets from the other.)

In his hands, police place an interview with Boone County inmate Richard Walker. Erickson reads with fear-induced astonishment the details of Walker’s declaration that Ryan is saying incriminating things about the murder. *We did do this! Ryan is even fessing up!*

Walker is a career criminal looking to slash a few months off of his sentence through the procurement of a murder-case confession. Walker, a fellow inmate of Chuck’s, repeatedly tells him that Ryan is going to “put the crime on him.”

Police hand Erickson a report stating that a kid named Dallas Mallory places Chuck and Ryan at the scene of the crime; another report claims that Ryan is making incriminating statements to a girl named Meghan Arthur. These documents intensify

Chuck's guilt complex. So do the statements of Jonathan Alder, whose phone call lands Chuck in custody. (In the police description, Alder calls Ryan "a scary guy" and accuses Ryan of using "steroids." Alder, however, says he never makes such statements and that he never signs or even looks at the police report.)

After reviewing the discovery, and a number of incriminating police reports, Erickson is convinced of his and Ryan's guilt. He is aware that a first-degree murder charge means spending the rest of his life in prison, and perhaps even execution.

November 4, 2004

Charles Erickson pleads guilty to second-degree murder, first-degree robbery and armed criminal action in Heitholt's murder. Under a plea agreement, Erickson receives up to twenty-five years in prison in exchange for admitting his role in the killing and testifying in Ferguson's trial. Certain of his own guilt, Erickson says he confesses to the brutal slaying because his "conscience demands it" and the "victim's family deserves justice". His alleged accomplice, Ryan Ferguson, contends the admission is a product of Erickson's imagination and prodding by investigators. Erickson's words will be the bedrock of the case against Ryan.

November 15, 2004 **\$20 million Bond**

Boone County Circuit Judge Ellen Roper sets Ryan Ferguson's bond at \$20 million, even after his defense attorneys' stress that no physical evidence or eyewitnesses link their client to the crime. To Ryan, the amount is an intensely painful shock. Ryan's bond is insurmountable – ensuring he remains in the Boone County Jail on charges of first-degree murder and first-degree robbery.

The twenty-year old spends his days reading, thinking, worrying, and praying. He is shattered by the suddenness of it all, and so is his family. He ponders the severity of the first-degree murder and first-degree robbery charges. His is a world disordered, violated, and traumatized by circumstance. Incredulous, and sure that the truth will come out, Ryan is reasonably confident that he won't be convicted on the dubious confession of a former classmate.

In order to be bonded, Ferguson needs to post ten percent of the \$20 million bond amount - \$2 million dollars. Kathryn Benson, an attorney for Ferguson, says that high value is way too much for his family. "As much as they would love to, it's not realistic," she says.

Ryan's attorneys file a motion asking the court to reconsider the bail amount. "Certainly the offense is a serious matter," defense attorney Scott McBride tells the court as Ferguson stands at his side. "But it is aailable offense under the Constitution and under the laws."

McBride comes to the case on a recommendation from Benson. He is energetic, handsome, and upbeat in his belief that Ryan will be acquitted.

In his motion brief, McBride says that Ferguson has “no previous criminal record” and has “solid ties to the community.” McBride also argues that the case against his client boils down to accomplice testimony. “There is no, to my knowledge, physical evidence that ties him to this case,” McBride says.

Boone County Prosecuting Attorney Kevin Crane adjusts his collar, cuffs, runs his thumbs down his black tie as if he exists only in the moment before a camera will broadcast him live to the world. The theatrics commence.

Crane contests a lower bond, emphasizing that murder “is serious.” He is taking no chances with the prime suspect. The father of four, Crane is at a stressful point in his personal life; his marriage is crumbling and he feels the strain of providing for his family. If he could make a mark as a prosecutor, he could springboard to something more prestigious and lucrative. Perhaps even a judgeship. His intentions seem benign enough: lock up the bad guy and trust that police will supply him with the ammunition to buttress a conviction. The ammunition they have promised.

Roper asks the attorneys a few questions before saying she is unaware as to what evidence exists or what will be presented at trial. “I only know the charge and the nature of the charges against him,” Roper says. Minutes later, she establishes the \$20 million total. Ferguson’s family wince after Roper’s ruling. The *Columbia Daily Tribune* notes that, “Ferguson later returns to the jury box and smiles at his family.”

Bill Ferguson is a changed man. Bred on a Missouri farm, Bill is known for his self-reliance and insularity. Born sixty-years ago in Raymondville, approximately fifty miles south of Rolla, his parents were farmers and that’s where he spends his childhood. Not for one second does he believe his son is connected to this crime. During the days, he carries around the evidence he believes will free Ryan and every article written about him in a thick three-ring binder with a picture of his cheery son in happier times. “I felt like all the information that has come out in the media has been anti-Ryan, and I think that if what I think is correct will come out, ... it will provide some balance.”

Night becomes a kind of elusive character, with whom the disbelieving parent repeatedly attempts to engage. He spends many of his wandering the crime scene. In the dark of the Missouri night, he ponders his son’s fate; as if to look the Columbia night in the eye is to comprehend the tangled relationship between circumstance, fate, and memory.

Kent Heitholt’s father, Bill, tells a reporter that the kids who are charged in connection with his son’s murder “made a mistake” and that fair and compassionate Christians would put the boys on parole and “give them a worthwhile life.”

December 2004

Recently released from prison, Jerry Trump is “scared out of (his) mind that something else would go wrong.” He is apprehensive of additional trouble, or of any future incidents with law enforcement or authority. When Boone County Prosecutor Kevin Crane calls him into his office, he laments his situation, and waxes on to Crane about his troubles with the law. (He has just served three years of a five year sentence for violating probation.) He intends to be as “useful” as possible to the prosecution, despite the fact that police dismiss Trump years earlier as someone who lacks any useable, actionable data. Is Crane aware that Trump has already told at least five people that he could not identify the two individuals in the parking lot?

January 7, 2005

MU Professor Slain, Stuffed in Trunk

At approximately 10:30 a.m., retired MU research assistant professor Jeong H. Im is seen on rough surveillance video exiting the School of Medicine en route to the Maryland Avenue Parking Structure. Two hours later, the 72-year-old man is found stabbed to death, stuffed in the trunk of his badly charred 1996 Honda Accord. This random murder baffles police investigators until August of 2012, when a 35-year-old career criminal commits suicide in downtown Columbia; authorities link his DNA to the crime. Timothy Hoag would be in his early 20’s when Heitholt is slain.

Summer 2005

Charles Erickson fears he is going to be charged with first degree murder and sentenced to the death penalty. The prospect of a long prison sentence is equally unsettling, especially considering what, in his words, happens to “small white boys.” Based on false information produced by a fellow inmate, he believes Ryan will take a plea deal and testify against him. He is provided bogus police reports stating that Ryan has admitted to committing the murder. He is told Jerry Trump will identify him as being at the scene. His parents tell him he needs to cop a plea for a lighter sentence and cooperate in any manner necessary. “But I think essentially if you don’t cooperate, the time that is involved is probably going to be fifty percent longer,” Chuck’s father, Jonathan, tells him. “Without you cooperating the person that – the, the person – the worse person involved in this thing may very well go scott free.”

His mom feels as if her son has a mission in jail and “that something positive will come of it.” In her mind, his testimony is “heroic” and proves that he is “a good leader.”

June 30, 2005

Charles Erickson’s Deposition

*A deposition is a sworn statement recorded by a court reporter and used to compare with testimony during a trial to make sure the witness’s account is consistent. *

At a June 30, 2005 deposition of Charles Erickson by defense attorney Charles Rogers of Kansas City, Erickson vehemently defends his story and admits his recollections are at times quite hazy. But he believes he and Ferguson killed Heitholt.

When he first speaks to Detective Short, he claims “it is like a dream,” and only later does it become part of his “conscious belief.” Erickson states that his memories of the murder “have returned to him over time” and that when he is first arrested, his recollections are “sketchy.”

Is this young man who now boasts that he habitually tells the truth simply a prosecutorial pawn with no respect for it?

The almost 300-page deposition takes place between 8 a.m. and 6 p.m. in the office of Boone County Prosecuting Attorney Kevin Crane. Through the daylong affair, Erickson tells Rogers that his recollections of what happens that night “return to him in spurts” and that for two years after the killing he buries the memories until his conscience begins to haunt him. “Consciously, I mean, there were memories in the back of my mind that I just wouldn't address,” he says. “And I can't really put a date on that. The point at which I really allowed a lot of these things to surface was Oct. 31, 2003.”

Up to this point, Chuck's discourse is a very confused and contradictory ensemble of ideas and myths. But he is about to get more graphic, and more elaborate. He is about to add details and decorate the narrative with the tinsel and bulbs of violence. The ensuing allegations and graphic explanation of the crime come from *Erickson's sworn statement*.

Chuck and Ryan arrive at the By George between 11:30 p.m. and midnight. Ryan's sister, Kelly, waits with a friend. Posing as the women's boyfriends, the two underage teenagers stroll in. Ryan buys drinks for himself and Erickson. When the money runs out, Kelly buys them a few more. Pretty soon, the money is depleted. Irritated, the teens leave at about 2 a.m. and return to Ferguson's car. Erickson believes they are going home, but Ferguson is making phone calls. Ryan wants to stay out and party. With no cash, no ATM card, no friends to bum a few bucks off of, Ryan recommends they rob someone. Once they obtain more cash, they can return to the bar and continue to drink.

“I just had the impression — I'd never done a robbery and I didn't know — I guess we were going to do a pickpocket or — I'm not — I don't know,” Erickson says. “I wasn't really sure what we were going to do.”

They abandon Ferguson's car and start toward downtown. Erickson removes his Nautica jacket and puts on an Abercrombie zip-up hooded sweatshirt. A few steps later, Ferguson stops.

“He says, 'You know, we need to take something with us in case it gets fouled up...because we're young and we weren't very big and in case things went bad,'” Erickson says.

Ferguson heads back to the car, he pops the trunk and hands Erickson a tire iron. Looking for a victim to rob, they eventually make their way to Providence Road. After zigzagging and searching, they end up at an alley near the Tribune building. Kent Heitholt is leaving the building from a north-side door.

They creep over to a loading dock, and then hide behind a Dumpster. Heitholt talks to another person, so they crouch in the darkness for “about three minutes.” Once alone, the teens make their move. He is standing by the driver's side of his car. He is “kind of messing with his stuff” on the hood and loading it into his car at the same time.

For a moment, Erickson’s conscience takes over. He hesitates. But Ryan tells him, “we need to go get this over with, just go do it.”

Then in Chuck’s own words:

“And I had the tire tool in my hand, and I didn't really know what to do. And I don't — I just — I approached him and I guess — I don't know, just out of not knowing what else to do or just — I just — I hit him.”

Heitholt is facing his open car door when Erickson lifts the tire iron and strikes him until he drops. “I hit him a couple times, and I was delayed — he kind of put his arms up, you know, in a defensive posture.”

Heitholt’s arms go up in a triangular fashion and he covers his face, but he never hits back. The victim says nothing.

“Well, he came to — I remember hearing him groan and he came to his knees first. And then I believe I hit him a couple more times and then he came to the ground.”

Heitholt moves to the rear of the car, where he eventually collapses. Sickened by the amount of blood and guttural moans, the sheen of his terrified face, Erickson stops the assault. He realizes what he had done. Erickson leans or sits against a nearby stone wall. “And I remember just kind of looking at the ground and not really knowing what to do and just, you know, blood and everything and feeling nauseous...I remember looking up and I remember having the idea of not being real sure what to do, to run or whatever. And I remember looking up and I see Ryan and he's standing over the victim and he's got something in his hand and he's pulling the victim's neck. ... He had his left foot like this on top of the victim and he was facing — the car is facing that and he had his back to the front of the car — like to — to where the car was facing. And the victim was — his head was near, like, the rear of the trunk of the car and he had the belt in his hands and he was pulling up like this. And I'm pretty sure he had his left foot on the victim's back and he was pressing down with his foot and he was pulling up.”

In the past, Erickson’s recollections of the murder weapon are awkwardly irrelevant. He once tells detective John Short that Ferguson might have used his bare hands, uncertain if Ryan used a shirt, or even a bungee cord. But not today: he is sure it is Heitholt's belt that finishes the crime. He recalls seeing, touching, and actually hearing the belt. He recalls pushing Ferguson off the victim and removing the belt from his neck.

“I remember seeing Ryan pulling on the belt and then I remember kind of thinking, you know, ‘What — what has this kind of come to?’ You know what I mean? I don't know...And I pushed Ryan off kind of to the — away from the car and off of the victim and I kind of — kind of came at him and was just like, you know, ‘Look — look

what we've done,' basically. ... I remember when I pulled it and I kind of yanked it off of him, I remember hearing the sound of a belt buckle on the ground.”

After that, Erickson hollers at Ferguson, who starts to sift through Heitholt's pockets. He remembers seeing keys – another crucial piece of evidence – and he remembers Ryan “messing with his watch.”

Panic-stricken, Erickson leans back against the wall and frantically tries to remember what he has touched. He doesn't want to leave fingerprints at the scene. Ferguson tries to coax him to his feet. At some point in the fog of violence, Erickson sees a door open and a light. He believes it is a garage door and “someone with a cord kind of in a silhouette of the door.” (To the defense, it's obvious that Erickson is making assumptions to enhance his credibility; he knows that there was a cleaning lady, so it's natural that she would have an electrical cord. Ornt and Trump say that there were no electrical cords on that level.)

He sees a silhouette in the light from the building. He thinks it is a woman, and he stoops down to hide. Erickson stays quiet, and the woman ducks back inside the building. Then approximately thirty seconds later, Erickson hears the sounds of people coming through the north-side door. A voice asks what they are doing.

“I told them someone was hurt and to — to go get help or — that was — that was really — that was all I said,” Erickson recalls.

When they believe the people have gone back inside, Erickson and Ferguson head east toward Fourth Street.

“Then I started to run to the left. And after — when I turned to go left, like, Ryan pulled me back and he stopped me and he — he said, 'No, we need to go the other way,' ” Erickson says. “And so we went in the other direction towards Broadway.”

Erickson hears more voices from the parking lot, and they take off running. Erickson has the belt, and Ferguson has the tire iron. They bolt across Broadway and into the Broadway Diner parking lot. Then they cross into Flat Branch Park. He says he puts his hands in the creek and tries to get the blood off of them. After washing the blood off, he sees Dallas Mallory behind the wheel of a car stopped at a stoplight next to the Break Time, located on the northeast corner of Providence Road and Ash Avenue. Mallory is in the company of a pair of girls.

Frantic, he scrambles toward the vehicle. He says he hopes to score a joint from his friend.

“I didn't know what to do so I just told him — I was kind of in shock and just not knowing what to do about what we did,” he says. “And I just told him pretty much that I, you know, didn't — I didn't know what to do and I'd — I'd beat this guy up and that — I remember I told him Ryan — it was Ryan's idea and ... I guess I wanted a ride. I mean, I don't — I don't really — like, I didn't really — I just — I didn't know what to do.”

Wet, bloody, disoriented by drugs, Erickson stands in the road and has a conversation with Mallory as police sirens blare from the direction of the Tribune. Mallory zooms off. “He almost ran me over, actually,” Erickson says. “He peeled out and drove away like really, really fast.”

The teens race through the Osco Drug parking lot and back to Ferguson's car, where Ferguson opens the trunk. He clutches Heitholt's belt from Erickson and places it in a plastic grocery bag. (The police report identifies it as a Kroger's grocery bag; no such store exists in Columbia.)

Erickson isn't sure whether he removes his Abercrombie sweatshirt, but he remembers putting his coat back on, and they return to By George. They stay for maybe an hour – until at least 3:30 a.m.

“Ryan, he, I remember, like, he kept on going to the door and checking and he said, 'No, we can't leave, there's a cop out front,' you know, 'no, we can't leave.' Like, he would go back and forth. And finally it came to the point where they were making everybody leave the club so we walked out with the crowd, with everyone else.”

On their way home, stopped in traffic at Providence Road and Ash Street, they see flashing lights and police cars in the newspaper parking lot. Erickson says he considers telling police “what we'd done,” but Ryan blocks his exit.

“I remember opening the door and he stopped me and, you know, put his arm out. And I could have gotten out if I wanted to, I just — I don't know.”

Ferguson turns right on Broadway and drives to a convenience store near its intersection with Stadium Boulevard. He calmly buys a pack of cigarettes.

Later in the deposition, Crane asks Erickson where Ferguson obtained money to buy cigarettes after they left the club.

“I'm not sure if he had — if he got any money off the victim or not,” Erickson says. “But when we got back to the club, I'm pretty certain he found, like, a wadded \$20 bill in his wallet that he just had folded up that he just didn't know about.” Erickson admits that Ferguson finding the \$20 bill is a freshly remembered detail.

He also tells Rogers he doesn't remember getting undressed that night or what he did with his blood-splattered clothes. Erickson says it is possible he unclothed in Ferguson's car – anything is possible. “It's possible I went to my house in my boxers. I mean, I can't be certain.”

The second morning after the killing, Erickson says he has stirrings that he and Ferguson might have been involved in the crime. That morning, he says, Ferguson picks him up for school, and Erickson brings a copy of the Tribune with him. The crime is front page news.

“I said, 'You know, this is — this is kind of messed up. This happened — you know, this is messed up that this happened,’” Erickson recalls. “He kind of got kind of nervous and he said, 'So? So what?' And I said, 'Well, it's just messed up that this happened two blocks or a couple blocks away from where we were at the club.' And that was the end of the conversation.”

Rogers says, "OK. So he never said that he was involved in it?"

“No.”

“And you never said that you were involved in it?”

“No.”

“And there was nothing in that exchange which would indicate that either of you attached particular significance to the murder of Mr. Heitholt. Is that a fair statement?”

“No,” Erickson counters. “I think his response would have been significant. The way he responded, the nervousness in him, the — the nature of the response in general.”

Ryan’s supporters expect an aggressive cross-examination, but the most aggressive Rogers gets is when he reminds Erickson he isn’t interested in “what he thinks he has done but only in what he consciously remembers.” Erickson tells Rogers it is more complicated than that.

“Deep down I knew that I'd done this,” Erickson said. “But I wasn't — I didn't want to accept it and I didn't want to ...I don't know how to explain it to you because it's really not something that is easy to deal with. When you do something like this and — and I mean, I'd appreciate it if we keep this respectful, please.”

Rogers confronts Erickson about his physical description of Michael Boyd, the last person to see Heitholt alive, who is a black man.

“Would you describe that person?”

“He was — he was white and he was just regular, you know, middle-aged. Just — I think he had regular dark hair, but I can’t — I can’t be certain. Honestly, I don’t really remember that well.”

The defense dissects some of Erickson more suspect statements, including his narrative about how he believes he sees “a white body bag” in the Tribune parking lot from the post-murder comfort of Ryan’s car.

Rogers asks Erickson if he intended to tell the police everything during that first interview with police two and half years earlier. Was he hiding anything from them consciously?

“No.”

“OK. And at that time, in your own mind, were you certain that you had been involved in the death of Mr. Heitholt?”

“I'm not sure.”

“OK. And, in fact, you told Detective Short during your initial interview that it might just be a dream, didn't you, or that you might have just made it up?”

“Yeah. I said something to that extent, yes.”

Pretrial Hearing August 29, 2005

Court records, and other depositions and documents suggest that the case against Ryan involves a substantial leap of faith. Thus, the high bail amount surprises some.

“The \$20 million bail was a litmus test as to the heart, mind, and attitude of the judge,” says Bill Ferguson in 2013. “It was a good indicator of the judge’s attitude.”

Wearing a bright orange jumpsuit and shackles at the wrists and ankles, Ferguson smiles at his parents and sits in court next to his attorney, Kathryn Benson.

Defense lawyers Charles Rogers and Jeremy Weis ask Roper to keep a tight rein on the prosecution's discussion of a mysterious hair found in Heitholt's bloody hand. They also ask Roper to exclude identification of Ferguson by Jerry Trump.

Rogers says Trump's identification of Ryan and Chuck is "influenced by their photos" and an "article about their arrest in the Tribune."

Crane defensively replies that Trump "had made earlier detailed descriptions of the suspects" and offers "to call the janitor into the courtroom as a witness." Roper says she would like to hear what Trump has to say during the trial.

Since the hair is not linked to the victim or either suspect, the defense argues Crane should not be allowed to wax on theoretically as to how it ended up in Heitholt's hand. Crane counters that the hair in the victim's fist could belong to anyone. "It's more speculative that this one hair could be the murderer's," he says. "It could be the hair of a waitress in a restaurant where he ate lunch a month ago that was left on his sweater."

State vs. Ferguson October 2005

The case of the State vs. Ferguson relies on the testimony of one key witness - Chuck Erickson, it hinges on his memory and his truthfulness. In a case with no forensic evidence, Chuck Erickson's words will influence the nature of justice.

Indeed, the entire case revolves around Erickson: If jurors believe he was in the parking lot adjacent to the alley, then Ferguson is guilty, too. If they don't believe his story, the young man in a tan sport coat and tie who turns twenty-one tomorrow will celebrate his next birthday with his family. The bottom line boils down to one question: will the jury believe that the testimony proves Ryan's guilt beyond a reasonable doubt? It's not the quantity of witnesses that count, it's the quality.

The truth is not a thing to be thrown about loosely, like small change. Does Erickson's memory reflect the truth? How can he not remember the details one day and conjure them up in a neat little package the next? If Erickson is telling the truth why does he have such a hard time remembering it? This is the struggle facing Boone County Prosecuting Attorney Kevin Crane. To convict Ferguson, jurors will have to believe Erickson, who already pled guilty in exchange for a lesser sentence.

Bill Ferguson publicly contends that police investigators coaxed Erickson into making a confession to fit the crime scene. He questions the almost umbilical nature of the relationship between Erickson and the Columbia Police Department. He says it's most likely Erickson wasn't even at the scene the night of the murder. He is certain Ryan was not. Unlike television crime dramas, and their plotlines of magical forensic evidence solving every situation, such documentation doesn't exist here. "There's not one scintilla

of evidence anywhere to tie either one of them to the crime,” says Bill Ferguson. “Nothing.”

Erickson’s memory is a logistical nightmare for the prosecution, a fact that Bill believes will lead a jury to free his son. Erickson’s memory turns him into the father of an accused murderer – a horrid position no parent wishes to be wedged into. At this juncture, Bill believes the police and prosecution have honorable intentions – even if he feels they are misconceived. He thinks they arrested the two men they sincerely believed killed Heitholt, but he hopes they are having reservations about those arrests. “If they’re not,” Ferguson says, “they’re just not reading the evidence.”

For his part, Crane says he can’t comment on the evidence in the upcoming trial. He understands that a conviction is the only measure of success in his line of work. Crane is extremely tough and unafraid to engage in direct combat. And he can eviscerate opponents who try to take him on in meetings and on the court floor without having their facts straight. Lead detective John Short also refuses to comment. Crane, who feels as if he has uncovered everything he needs to know about the origins of the two boys’ guilt, tersely sums up the case. “It’s a very interesting case,” Crane offers. “I’ll have to do my talking in court.”

The pretrial atmosphere is tainted with reasonable doubt. Columbia police are accused of misconduct by the Ferguson family and defense attorneys.

According to police reports, Dallas Mallory tells law enforcement officials he sees Erickson on Providence Road the night of the murder, but Mallory tells an investigator for the defense that those statements are “bullied out of him by police” through repetition. He says he never sees Erickson, except for earlier that night at a party.

Another flaw emerges in the case as defense attorneys realize the failure of police to investigate Michael Boyd, the former Tribune sportswriter who is the last person to speak with the victim. Suspicions elevate after sharp cracks appear in his story: twice, according to police reports, he claims he never sees anybody hanging around the parking lot the night of Heitholt’s death. Yet, in another follow-up interview, he claims he spots “two white guys” loitering. Even though he is the last person to see Heitholt alive, he is given a free ride in the investigation.

Ferguson’s supporters believe that these inconsistencies, along with a lack of connecting physical evidence, will ultimately clear him.

Lines Drawn

Everyone in Columbia, Missouri has an opinion on whether Chuck Erickson and Ryan Ferguson are guilty or innocent. Some of the folks in Columbia interpret the trial as

proof that a sickening situation is being addressed and needs to be put to rest. *If he wasn't guilty, he wouldn't be on trial, right?*

There are those who have no doubt about the guilt of the two Rock Bridge High School graduates accused of killing Kent Heitholt after a 2001 Halloween night of late drinking.

For some, elements of class and age form the foundation of their argument. *He's rich, he must be hiding something. He's a rich kid, and he's angry. This is just the sort of person this generation produces.*

The *Columbia Daily Tribune* explains the rationale of those who believe them at fault. "For some in Columbia, the leap between drinking and smoking and murder isn't a long one. They were troubled teenagers, say some who knew the boys. They were drunks and potheads. Clearly, they were up to no good. They must have done it."

There are others who solidly believe in Ryan's innocence. They see no correlation between drinking beer and smoking cigarettes and cold-blooded homicide. Many teenagers booze and violate curfew. Some indulge in their risky behaviors more so than others. It's illogical to think that every kid who parties or defies rules has a predisposition for murder.

"We are way too quick to label sometimes," an anonymous friend tells a local reporter. "It is irrational to say that because these two abused drugs, they were capable of murder. ... Some (people) use (drugs) to relieve stress, some use to rebel against their parents. Not that these reasons justify breaking the law, but they are reasons just the same. ... It is hard to describe high-schoolers as either heavy partiers or normal teenagers. The extent of the two, in my mind, is relative."

Crane Mocks Approach October 2005

Defense attorneys for Ryan Ferguson contend that Chuck Erickson's version of events derive from his mind – the floridly expressed ruminations of an overwrought mind. Boone County Prosecuting Attorney Kevin Crane mocks this approach during a pretrial hearing. "Their defense is this: The co-defendant thinks he did it, but he didn't, and he thinks he did it with Ryan Ferguson, but he didn't."

Jury Pool Quizzed October 14, 2005

On a mild sunny morning, Friday, October 14, 2005, jury selection begins at the Lincoln County Courthouse. More than eight hundred people are originally on the list of potential jurors. Three-hundred and sixty three are deemed "ineligible to serve" and more than two hundred more are excused for "hardship."

The pool of nearly one hundred potential jurors hears the case of murder defendant Ryan Ferguson. Ferguson, clean-shaven and wearing khaki pants, a navy blazer, a white shirt and a tie, sits with his defense attorneys. His parents, Bill and Leslie Ferguson, are in the courtroom.

Attorneys question the first half of the jury pool, thirty-one men and seventeen women, in an effort to emerge with twelve jurors and two alternates. Opening statements will take place Monday morning at the Boone County Courthouse.

Boone County Circuit Judge Ellen Roper tells prospective jurors the trial should conclude by October 22. Boone County Prosecuting Attorney Kevin Crane questions prospective jurors as to whether they would have a problem finding a person “guilty if there were no physical evidence.” He doesn’t need to address any of the intellectual inconsistencies of the case here; he simply has to locate the right listener, the right follower. He is looking for a jury of ideologically compatible people. He tries to establish a satisfactory rapport with the pack. He asks them about memory.

“I’d like a show of hands of anyone who’s ever forgotten anything,” he says. A bevy of hands shoot up.

“Have you ever had an experience of forgetting someone until you were reminded of them or shown a picture of them?” he asks.

Crane asks whether they would be willing to accept that someone who had an extreme traumatic incident could consciously put it out of their mind and have the memory return to them later.

“Yes,” says juror No. 7. “It happened to me. Do you want me to tell you about it?”

“No,” Crane says.

Then he asks whether they had ever experienced a dream in which “something bad or embarrassing happened,” such as “missing a test or going to work naked...but after you wake up you realize it was only a dream?”

Potential jurors move their heads up and down.

“OK. Now has anyone ever had a dream that you went the rest of your life thinking was real?”

Court records show that among the forty people subpoenaed to testify for the prosecution is Jerry Trump, a janitor who told police he saw two young men near Heitholt’s car. He later identifies Erickson and Ferguson as the men he sees in the parking lot that night after he sees pictures of them.

The Difference Between Lying and Faulty Memory Monday, October 17, 2005

Opening statements begin in Boone County Circuit Court. A jury from Lincoln County hears its first testimony in Ryan Ferguson's first-degree murder trial before Boone County Circuit Judge Ellen Roper. Ferguson is two days shy of his 21st birthday.

One of the defense's immediate concerns relates to the jurors' ability to think critically. Rogers, who has been practicing law in Missouri since 1976, encounters "one of the least educated" jury's he has ever experienced.

Rogers tells Bill Ferguson he is looking into the eyes of "the dumbest jury" he's ever faced. "It is your job to educate them," responds Bill.

The *Columbia Daily Tribune* dismisses Ferguson's claim of innocence, stating, "*Erickson shares details of the crime that seem difficult to manufacture — or dream — for anyone who was not at the scene during the early hours of Nov. 1, 2001.*"

The newspaper provides this example:

"For instance, Erickson talks about looking up from the parking lot toward the Tribune loading dock and seeing an open garage door framing a woman's silhouette, a description consistent with the location."

To some, the *Columbia Daily Tribune's* reportage and photography is slanted. Bill Ferguson and other supporters of Ryan are upset that the paper chooses the most horrendous photos of Ryan it has on file — a goateed and shackled prisoner with steely eyes. They feel as if the newspaper routinely sides with the victim and not the impartiality of the system. Instead of reading an unbiased account of a tragedy, the paper, they say, often feels as if one is reading a skillful piece of propaganda desired to provoke the highest level of outrage.

Perhaps it is only natural that the paper is unable to fully detach from the memory of its popular sports editor.

**Part Three:
The Trial**

October 17-October 22 Erickson Accuses Ferguson; Details Killing

On Monday, October 17, 2005, Chuck Erickson tells the jury he thumps Kent Heitholt with a tire tool and hears a guttural moan as victim collapses on the asphalt at his feet. “I couldn’t believe a person could make that sound because of something I did to him,” Erickson says.

In front of the jury box, the star witness explains the attack. It is not his words, but the images that are seared into the collective consciousness of the jurors – a confessed murderer once again poised and collected. He acts out some of his gestures during the attack. He demonstrates how he walks up behind Heitholt and slams him over and over again with the tire tool. He says he drops the tool after hearing Heitholt grunt.

Shackled at the wrists and ankles and dressed in a black-and-white-striped Boone County Jail uniform, Erickson, on Prozac for his anxiety, takes the stand on day one of testimony in Ryan Ferguson’s first-degree murder trial. Without a flicker of hesitancy, he swears that every word out of his mouth contains the seeds of truth. He is fully prepared to explain the violent deeds of a pair of impressionable, reckless youths.

Crane, not surprisingly, has already prepped the jury for Erickson’s memory failures. He has found in Erickson an instrument that permits him to annihilate all doubt of Ryan’s innocence.

“There were details he couldn’t remember,” Crane concedes. In his opening statement, Crane acknowledges that Erickson does not initially recall his involvement in Heitholt’s death. He also acknowledges an absence of physical evidence connecting the two young men to the crime, and that items stolen from Heitholt have never been recovered. But he says Erickson’s testimony is *credible*, and claims that although “some of the details of his account have changed,” the core remains the same.

In the courtroom, personal attributes such as looks and personality account for something. Questioning the key witness, Crane “gestures and squints” and does “his down-home-Boone-County-boy best” to make sure the jurors from rural Lincoln County understand that all this discussion of lost memory is nothing more than gibberish.

Erickson knows what he did – and he’s known it all along.

Crane projects a ‘golly-gee-willikers’ boyishness. He talks in a folksy twang and makes a reference to the fact that he shops at Wal-Mart. He says things like ‘your-all’s daughter.’ Of course, he is not a member of Columbia’s self-perpetuating elite. He wants to make sure he connects with all the regular folk and repeatedly references that the car the boys drive that night is a Mercedes. Just the mention stirs connotations of wealth and class. Crane omits that the 1993 vehicle – a gift to Ryan on his sixteenth birthday – has 240,000 miles on the odometer, ripped up seats, and that Ryan eventually unloads it for a scant \$500. “Someone said he drove a Mercedes,” says a juror anonymously in 2013. “In our heads we thought he was a spoiled rich boy who had got himself into trouble that night.”

Throughout his questioning of both Ryan and Erickson, Crane is preoccupied with establishing that Ryan parks his car at the corner of First and Ash. Crane is aware of

undisclosed information that a girl named Kim Bennett provides to the Columbia police. He wants to elicit trial testimony from Ryan and Chuck that contradicts Bennett. (Ryan, Chuck, and Kim all agree that Ryan parks at First and Walnut. But Kim also tells Columbia police that she *sees* them get into the car and drive off.)

“The essence - the essence - of the homicide was there,” Crane says in his opening statement. Crane will clobber the jurors with overstatement and instruct with every other sentence about how they must feel. He chooses to emphasize the ‘essence’ over the ‘evidence.’

Crane depicts Erickson as his tragic champion of truth. He is a murderer who feels badly about his act – a killer who faces his own horrific interior conflict with dignity. In Crane’s presentation, he is a repentant protagonist. He is an accidental monster who supports the prosecution out of genuine conviction. He is a young man touched by the pain and trauma of the murder he has confessed to.

Crane allows Erickson’s hands to be unshackled. He props Erickson in front of the jury, so they can see the decency of the young man who says he wanted to go home that Halloween night, but possessed the heinousness to bludgeon a man he has never met.

Erickson says he is driven by remorse, that the confession and trial allow him to cleanse his conscious of a dead man’s blood. Erickson explains to jurors that in the early-morning hours of the day of the killing, he and Ferguson sneak into the By George, on Broadway. It is a brave or a foolish or a foolishly brave thing to undertake. But they have been there earlier, and they know how to develop a good buzz quickly. There is the usual grinding, sweating, and bop-till-you drop stuff. But the fun time, according to Erickson, comes to an abrupt halt when the money spigot dries up. They have no cash, no ATM cards, no one to borrow money from, and no alternative to robbery. They have no friends to solicit a few paltry dollars from.

“What did you want to do?” Boone County Prosecuting Attorney Kevin Crane asks. “I wanted to go home,” Erickson says. “The music was really loud. I couldn’t dance, and I was tired, too.” But Ferguson wants to stay out and party, Erickson says. When they return to Ferguson’s Mercedes-Benz, Erickson says, Ferguson suggests that they rob someone so they can stay out longer and drink more. Erickson says he thought it would amount to a pickpocket.

Erickson says he has never robbed anyone before, but concedes that he feels a “rebellious” sort of attraction to Ferguson’s suggestion – some type of euphoric excitement.

“I was young, and I was stupid, and I was drunk,” he says.

The two are about to leave and walk toward central downtown when, Erickson says, Ferguson stops and suggests they bring something along in case “things get out of hand.”

Contrasting the confused young kid from months earlier, Erickson’s sureness is well-designed, his poise well-rehearsed. He recollects Ferguson opening the car and

handing him a tire tool. He says the teens walk around and eventually make their way to Providence Road. They are walking south on Providence when, Erickson tells jurors, they look up at an alley next to the Tribune and spot a victim.

According to Erickson, the teens walk up the alley and hide behind a large brick enclosure. A second person is in the parking lot, but when he leaves, the two decide to pounce.

Erickson says he approaches Heitholt and wallops him with the tire tool. He is prepared to brutalize another human being in exchange for a few measly dollars. He is ready to kill for a few more drinks. “He put up his hands like this,” Erickson says, indicating that Heitholt tries to shield his face and head. Erickson says he keeps walloping Heitholt until Heitholt falls to his knees. Then he hits him some more. At some point, the victim growls in pain.

Charlie Rogers is in as lead defense attorney after Scott McBride is relieved of his duties by Ryan and his family. McBride is reluctant to put pressure on the prosecutor and Ryan senses that he is surprisingly estranged from the case.

McBride is alarmingly unprepared for pending events, and after catching him in a lie in reference to his duty to Ryan, the Fergusons initiate the switch. Defense attorney Charlie Rogers says that fingerprints and a hair found at the scene match neither Ferguson nor Erickson and that a path of blood leads in the opposite direction from the one Erickson describes. Rogers explains that Erickson originally tells police his recollections “might have been a dream” or something he conjures up after “reading newspaper articles.” He accuses Erickson of ad-libbing his descriptions from the start.

Ryan watches in silence. He has been told that silence is essential for a defendant. Any type of emotion may only cast greater suspicion.

Defense Attorney Questions Erickson’s Memory October 17, 2005

Both Crane and Rogers struggle to mold the jurors’ perception of Erickson. The real struggle of a criminal trial, after all, is perception. Rogers dissects Erickson’s story. Roger claims the case details came to him over time, from news accounts or fed to him by the police, desperate to make the case. Rogers wants jurors to see this trial as a theatre of the absurd. He wants jurors to snicker at the irony of Erickson, the convict, watching a self-video in which he tells detectives he might be “fabricating” every word. He wants them to analyze the difference between Erickson, the star witness, coached and confident, and Erickson, the scared, high, anxious kid, stressed by the police. Erickson is a warm-blooded body of reasonable doubt.

Defense attorney Charlie Rogers, “a big, burly bald man with a powerful voice,” issues his opening statement in such hushed tones that the jury can’t help but jut forward and force themselves to discern each “painfully whispered” word. Rogers’s disposition is a factor that causes jurors to turn prejudicially against Ryan. “Rogers was hard to

follow,” says one juror anonymously in 2013. “He wasn’t well-spoken at all. He didn’t carry himself well. He sent us to sleep and we stopped paying attention when he spoke.”

The state has no evidence, Rogers says, while standing before twelve cardboard boxes of defense material. He argues that this is a case that revolves around a story concocted by Erickson. “Ryan Ferguson had nothing to do with the death of Kent Heitholt,” he says.

Rogers repeatedly questions witness Chuck Erickson about discrepancies in his story to Columbia police on the day he was arrested. Rogers focuses on Erickson’s first interview with Columbia police Detective John Short on March 10, 2004. He pushes the witness to explain his conflicting accounts.

Both Erickson and Crane comprehend that Erickson is being judged by the certainty with which he handles the situation. He scores points for being so headstrong, so enthusiastic, and so cocksure. His credibility is the prosecution’s credibility.

Years later, Charles Erickson’s attorney, Mark Kempton, confirms that he is not always present when Erickson meets with, and is prepped by, Crane.

Rogers is stiff, almost robotic, as he rattles off the facts of the case. He plays Erickson’s videotaped interviews with Columbia police detectives, including the video of detectives escorting Erickson to the crime scene. He hones in on Erickson’s first claim that Heitholt was strangled with a pair of bare hands, not with his own belt. Erickson first tells police he only hit Heitholt once with a tire tool. In testimony earlier in the day, he changes his story and claims multiple swings.

“You were, in fact, uncertain, weren’t you?” Rogers asks.

“I was uncertain on a level. But on another level, I knew I’d done it.”

Rogers has a difficult time connecting with jurors. For starters, at one point, he pulls out a map that is not properly labeled, which incorrectly marks the key areas of the crime scene. After he displays the map, a befuddled juror points out its inaccuracies. Rogers’s unfamiliarity with Columbia, as well as the entire crime scene – he walks the parking lot once and that’s the extent of it – turns into an embarrassment in front of the jury. When Rogers asks Crane if he can use one of his maps, the defense team’s credibility plummets faster than a rock in a pond.

Defense Discredits Erickson’s Memory October 18-19, 2005

Tuesday, October 18, 2005 defense attorney Charlie Rogers continues to discredit Chuck Erickson and his revolving accounts to Columbia police about the night Kent Heitholt is slain. The second day of testimony involves the police videos of Erickson’s first discussions with investigators.

Rogers asks Erickson about his first interview more than a year ago with Detective John Short. "You were not consciously lying to Detective Short when you said, 'I don't even remember it,' were you?"

"No."

Erickson admits he had no pangs of guilt or suspicion whatsoever the day after, one month after, or even one year after the crime.

Rogers tries to hold Erickson down: "One of those things you remember is Ferguson telling you that 'I always wanted to kill somebody before I was 60.'"

Rogers points out that earlier in the day, Erickson testifies that Ferguson made that statement "as they drive home on the night of the murder." But did he not tell Short on March 10, 2004 that Ferguson told him so earlier in the evening?

"I suppose I did," Erickson says. "I was wrong about that."

Rogers plays for the jury the videotaped police interviews, including Erickson's first car ride with investigators to the crime scene, in which he could not identify the crime scene.

Then, jurors watch Erickson explain to Detective Short several times that he only struck Heitholt "once with a tire tool."

Rogers also reminds Erickson he initially tells Short he isn't sure whether Heitholt is strangled with a shirt, bungee cord or something else.

"We know for a fact he was strangled with his belt," says Short.

"Really?" replies a dazed Erickson.

Erickson repeats during cross-examination that he tells investigators on March 10, 2004, that shortly after the crime he sees Dallas Mallory stopped in his car near Providence Road and Ash Street. That contrasts with Erickson's testimony the day before, when he says he sees Mallory near the Phillips 66 station at Providence and Locust Street.

Erickson tells Rogers that when he first talks to Short, he hopes he hasn't participated in the murder. "But deep down, I knew I had done it," Erickson says. "I was too much of a coward to admit it. ... It was a hard thing to do, and I didn't want to do it. I hesitated."

On the surface, it is a different Charles Erickson; one year later, he is full of bravado, a certain glow of satisfaction. "I did this. He did this," Erickson says, pointing at Ferguson. "I didn't dream this."

Testimony on October 18 and October 19, includes Boone County Deputy Medical Examiner Eddie Adelstein, who testifies that Heitholt likely suffers "11 blows to the head with a long, thin object, perhaps a pipe, tire tool or the handle of a baseball bat."

"It takes a substantial force to break the skin of the head," Adelstein says.

He describes linear abrasions on both sides of the victim's neck, including a "distinct impression" of a belt buckle similar to a buckle found near Heitholt's head.

Adelstein's testimony is singularly gruesome. He says that so much force was used to strangle Heitholt that the man's hyoid bone and arytenoids - cartilage at the back

of the larynx - are severed. Such severe injuries are not often seen in strangulation, Adelstein says, unless it was a hanging.

Heitholt's bloody clothing is suspended from clothing racks in front of the jury for much of the day after Kevin Crane offers it as evidence. Inches from the stains of a dead man's blood, the jurors maintain a stoical silence.

Crane asks Adelstein if Heitholt's injuries are consistent with "someone strangling a person face down on the ground" as the "perpetrator is pulling up and back on a ligature around the neck."

Adelstein says the act would require "a great deal of pressure," such as someone sitting on or holding down the victim's back. He says that eliminating oxygen to the brain for "as little as 30 seconds" could render irreparable damage.

Defense attorney Rogers questions whether the same injuries could be made if the victim is standing. Adelstein says it would be difficult but would "depend on the position of his head."

Rogers questions Nichols, the second detective to interrogate Erickson on the day of his arrest and the one shown confronting Erickson and demanding he "tell the truth" on a police video.

"You weren't interested in the truth if the truth was that he wasn't sure, were you?" Rogers asks Short. "If the truth was Chuck Erickson wasn't even there because he dreamed it all up."

Nichols concedes that forcefulness with a suspect is a tactical procedure police occasionally use when they believe a person is concealing evidence. Hostility is simply something that his job entails when "people don't like to tell the truth."

Nichols adds that Erickson's "drinking and drug use" make it "difficult" to extract details. He also admits that ordinarily criminals do not voluntarily confess to something they would most likely never have been apprehended for.

"It isn't every day that you get a guy come in off the street and say: 'I committed murder. I can't live with myself. ... I want to talk about it.'"

Ryan watches the trial in austerity, without a change of face. He has been advised by defense attorneys not to react, not to show emotion. There is tranquility in his exterior. His very docility in his predicament tells more than he could ever say in words. *The truth will come out. Let's present our case.*

About 8:30 p.m., Ferguson's supporters gather at the front of the courtroom and sing "Happy Birthday" in honor of the defendant. His twenty-first birthday is not about gifts and celebrations or the vagaries of that meaningful milestone, it is about survival.

Jerry Trump's testimony is devastating. He identifies Ryan Ferguson as one of the two young men he sees at the crime scene. He has no doubt. He stares point blank at Ryan and tells the jury in no ambiguous terms that the man sitting across from him is a killer.

The fifty-six-year-old man from Kirksville, Missouri, tells this version of events: he is inside a loading dock area when Shawna Ornt alerts him to something suspicious

near Kent Heitholt's car. He peers out a loading dock window but sees nothing unordinary – just the pitch black, placid night. Then he unlocks and raises one of the dock's garage doors.

"I still didn't see anything," Trump testifies. "(I) yelled, 'Who's out there?' I did that twice, and when that didn't work I tried a trick I've tried with kids, I said, 'I see you out there,' and two young men stood up."

Ornt, a twenty-three-year-old woman from Hallsville, Missouri, testifies as well. Her explanation of events unravels this way: she sees a man ducking behind Heitholt's car when she steps outside to have a cigarette shortly after Heitholt bids her good night. She is frightened at the site of a stranger. She runs back up a short flight of steps, climbs over a metal railing and re-enters the building.

Ornt and Trump testify that the two men stand on the other side of Heitholt's car - the driver's side - one at the rear and the other at the front. One of the young men shouts, "Someone is hurt, go get help." Ornt says the man is standing when he shouts at the janitors, but Trump testifies that he recalls the man crouching as he speaks.

Trump says he closes the garage door and walks to the parking lot through an entry door. When he reaches Heitholt's car, he sees the victim face down on the asphalt in a pool of blood. "I told Shawna to call 911," says Trump. He is alarmed by the severity of the wound on the back of Heitholt's head. "I assumed he was shot. I'm not an expert, but I knew something traumatic had happened."

Trump testifies that while he is serving time in a Missouri prison on five counts of child endangerment, his wife sends him a page of an article from the *Columbia Daily Tribune*. It's in mid-March or early April of 2004, he doesn't recall. The clipping details the arrest of Erickson and Ferguson. He says even before reading it, he recognizes the suspects in the published mug shots.

"I thought, 'I've seen these two faces before,' "

"Where?" Crane asks.

"At the Tribune the night of the murder."

Under cross-examination, defense attorney Charlie Rogers points out discrepancies in Trump's descriptions:

On the 911 tape, Trump states the suspects lack jackets or hats. But in a deposition for defense attorneys, Trump declares they "wear jackets" and one even "has a ball cap on backwards." At trial, he testifies that the suspects do not wear jackets but that he "still vaguely recalls one wearing a cap." Trump claims that neither of the individuals he saw was wearing a sweatshirt, but Erickson avows otherwise.

Rogers argues that Erickson's testimony that the young men commit the crime to get money to continue drinking at a nearby nightclub is invalid because the murder is committed after 2 a.m., well after club's closure. He points out that there is no record of the By George – now closed – ever receiving a citation by the Missouri Division of Alcohol and Tobacco Control for being open after hours.

Crane says that just because the nightclub is never caught being open after hours doesn't mean it wasn't. "The argument doesn't follow," he says.

Ultimately, Roper overrules Rogers.

October 20, 2005

Prosecutor Crane calls Ryan's sister, Kelly, to the stand. He asks her about the lighting and size of the bar, whether she sees Ryan at the bar throughout the night, or sees him the following morning. He tries to buttress his theory of robbery as a motive through the details of her diary.

Q. "And then what's that highlighted part say?"

A. "I wrote: "The whole credit card dilemma. He had lost his credit card for a while -- or for a week now. I told him he needed to cancel it and call dad as soon as possible. We ended up going downtown to get my costume at Gotcha and his new backpack."

Q. Okay. Now, I'm not asking you to testify as to what your brother said. Okay?"

A. "Right."

Q. "But you wrote 'the whole credit card dilemma.' Who were you referring to there?"

A. "My brother."

Q. "had lost his credit card for a week now. I told him he needed to cancel it ASAP." As soon as possible."

A. "Uh-huh."

Q. "And call dad."

A. "Yeah."

Q. "That would be your father -- your and Ryan's father, Bill Ferguson."

A. "Yes."

Twenty-year-old Melissa Griggs testifies on behalf of the defense that the By George closes at 1:30.

Q. "How long did you stay at that -- at By George's?"

A. "I stayed until 1:30."

Q. "You say 1:30. How do you know it was 1:30?"

A. "Well, because that's when it closed, and you had to leave."

Q. How did you know that you had to leave the bar?"

A. "Because they turned the lights on, around 1:15. And the bouncers start pushing everyone out and making you leave."

Wearing a squeaky leg restraint, Ryan Ferguson marches to the stand. He expresses no doubt in his decision to defend his character. He agrees to testify because, "I just want to let them know me, show my innocence. I think it's the best thing to do."

He dismisses the notion that he has any connection to the slaying. He doesn't raise the roof about his persecution, the denial of his rights, and the evils of the system. Considering the stress and strain, he is courteous, he listens empathetically, and he enunciates his case without venom.

Ferguson says he befriends Erickson in junior high school but that by the time they reach high school, the two drift apart. He says Erickson had "become a problem."

“You guys started shunning him?” Crane asks on cross-examination.

“Yeah,” Ferguson answers.

“But you didn’t think bringing him to a bar would be a problem?” Crane asks.

“No.”

Ferguson explains to public defender Kathryn Benson that sometime on the night of December 31, 2003, Erickson expresses that “he has experienced a dream about murdering Heitholt.”

Ryan’s response was to tell Erickson “to get lost.”

On cross-examination, Crane asks him about the New Year’s Eve party. “You said he asked if he had been involved with the crime with Mr. Heitholt,”

“How did you know what in the world he was talking about?”

“I read the newspaper,” Ferguson says.

Crane seems to be fishing for something, or trying to goad Ryan into losing his temper. Crane emphasizes that Ferguson’s sister testified Ryan rarely read the newspaper and that the Ferguson family home “had no local daily newspaper subscription.”

Bill Ferguson routinely picks up the newspaper and brings it home – he just isn’t interested in committing. But Crane hones in on the subscription aspect.

“I don’t know if it was in the newspaper or on TV,” Ferguson says.

Ferguson testifies that he remembers where he parked outside the By George the night of the murder. He points out on a map the exact route he drove as he took Erickson home that night after the bar closed.

Though he is willing to give Erickson the benefit of many murky details, Crane locks in on the minutiae of Ferguson’s testimony. He tries to discredit Ryan’s memory and hops all over him whenever he agrees with even the slightest of details supplied by Erickson. He asks about the morning after the homicide, whether Ryan sees his parents at home. Why didn’t he see his parents? Why didn’t he see his sister?

Crane grills Ryan about flat tires and whether or not his father fixes his own flats. Crane asks about the layout of the Mercedes’ trunk.

“How is it you remember where you parked on Oct, 31, 2001, but you don’t know who you saw the next morning?” Crane asks.

“That’s my regular parking spot,” says Ferguson.

Crane says he doesn’t understand why Ferguson doesn’t tell police the day he was arrested about calls he made from his cell phone between 1:30 a.m. and 2:10 a.m. (Phone records reveal calls made and received on Ryan’s cell phone at 1:54 a.m., 1:56 a.m., 1:57 a.m., 1:59 a.m., and 2:09 a.m.)

“You didn’t think that when you were being questioned for a homicide that phone calls you made were relevant?”

“I didn’t think it was important.”

Crane prods Ryan, who explains, “I never thought I’d be arrested for a crime I didn’t commit. People make up stories all the time. Would you?”

The pitch of Crane’s voice gets higher. “I didn’t commit one.”

“I didn’t either.”

Ryan stands his ground as Crane glowers. Friends and family of the defendant erupt into loud cheers and claps. The victim's eighteen-year-old daughter, Kali Heitholt, runs from the courtroom in tears. Boone County Circuit Judge Roper throws down her gavel and admonishes the crowd, threatening to "throw them out" if there is another outburst.

Memory Expert Final Witness October 21, 1995

Defense attorney Charles Rogers seeks out cognitive psychologist Elizabeth Loftus. Loftus testified on behalf of the defense in several high-profile trials, including cases involving Ted Bundy, O.J. Simpson, the Hillside Strangler and the Menendez brothers. The fact that Loftus's name is ascribed to a slew of infamous individuals and their cases seems lost on Rogers.

Her controversial research focuses on how memories can be "reshaped into events that never happened" and "that people not only forget, but they falsely remember." A research professor at the University of California-Irvine, Loftus holds positions in the psychology and social behavior department, the criminology, law and society department and the cognitive science department. Over the years, her study into how memory works has made her an expert witness in hundreds of court cases. Loftus says police videos of interviews with Erickson on the day he is arrested show detectives "offering information" about the slaying that she believes were later "adopted into the suspect's memory of the event."

Loftus analyzes portions of the police videos, noting that Erickson's account of the crime grows "richer with detail" during each successive interview.

"His recollection certainly changes from one point in time to another," she says.

On cross-examination, Boone County Prosecuting Attorney Kevin Crane reads prior sworn testimony that quotes Loftus as saying "a person who has experienced a traumatic event can forget that event for a long period of time."

"You don't disagree with that, do you ma'am?" he asks.

"No, I don't."

Crane rips into Loftus on the stand, leaving her as a lump of battered flesh on the courtroom floor. It's a net gain for Crane and the prosecution. Rogers is not able to rehabilitate his own witness. Loftus inadvertently becomes a better witness for Crane. The defense would have been more successful calling an expert in false confessions and not a memory researcher.

Kevin Crane's closing arguments depict Erickson as a killer who comes forward because the murder "was eating him up."

“Charles Erickson and the defendant are both killers,” says Crane. “And robbers. But the difference is: Charles couldn’t take it. It was eating at his very soul...he said it, he remembered it, because it happened. And it was torturing him not to talk about it.”

October 21, 2005

Heading into deliberations, Ryan Ferguson is fairly confident that he will be acquitted. His attorneys echo his sentiment. They believe that the prosecution’s timeline is just too narrow and illogical to convince a jury that a couple of teenagers executed such a wicked, yet so unyielding, crime.

The burden of proof prosecutors must meet in a criminal case is “beyond a reasonable doubt,” a lesser threshold than “shadow of a doubt.”

After five days of testimony, the jury deliberates.

When the foreman reads the verdict, Ryan’s heart beats faster and faster. His lips tighten.

“Guilty!”

Just like that he is convicted of second-degree murder and first-degree robbery in the beating and strangulation of Kent Heitholt. The jury is satisfied with prosecution evidence that robbery is the motive and that the boys intended to get money to continue drinking that night.

Ryan’s face has that lack of expression that comes only after it’s been through every emotion.

Following the guilty verdict, the jury is asked to propose punishment. In the victim impact part of the trial, the jury hears from Deborah Lynn Evangelista, the victim’s wife; and daughter, Kali Heitholt; and also a friend, Jim Robertson. Deborah says she moved away from Columbia to escape the bad memories, moving to a small town in Texas. “I miss my husband every single day of my life,” says Deborah.

Ryan’s mother, Leslie, affirms Ryan’s innocence and says that “someday his innocence will be proven.” Bill Ferguson swears that he will prove Ryan’s innocence. He describes his son as a peacemaker, not a troublemaker, someone who has never been involved in a fistfight. He says he will clear the name of his best friend. “We’re going to be vindicated,” says Ferguson.

Bill compares Ryan’s conviction to Australia’s most celebrated murder trial. The case stemmed from an incident taking place about a hundred yards from Bill and Leslie’s business, which was also their home.

On Aug. 17, 1980, the six-week-old baby of Lindy and Michael Chamberlain was snatched from their tent by a wild dingo. Bill and Leslie owned a convenience store at Ayers Rock, and watched as folks searched the campground area for baby Azaria.

Bill always believed the Chamberlains.

Duped by poor forensics and mistaken eyewitnesses, the court convicted the mother of murder and the father of conspiracy. A movement to free the couple ensued, and in 1984, Bill received a call from an Australian barrister in the case. He was surprised no one had ever asked him about the case sooner.

In his sworn statement, he affirmed that “a dingo indeed killed the baby.” A subsequent inquest determined that the forensic evidence was incorrect and that the original court “didn’t pay enough attention to the townspeople closest to the case.”

The Chamberlains were freed.

“I think this decision was wrong,” says Ferguson, “but I respect it. I’m going to prove that, just like that lady in Australia.”

In Kevin Crane’s closing argument he tells the jurors that Ferguson displayed a “total disregard for human life.” He expects the jury to deliver sternly. “Ladies and gentlemen, the maximum. That’s what he deserves.”

Kali Heitholt stands outside the Boone County Courthouse with a handful of pictures. Cameras steady and microphones are pushed toward her face as she is asked to explain what has just transpired. She left Columbia seeking peace of mind. First, she moved to Sweden, and then she went to art school, moved to Boston, then Chicago. The eighteen-year-old says she wants to show reporters and other people what her father looked like. She has seen enough of the images shown of him in the courtroom. She favors one photo because it resembles her. It shows her father when he has a full head of hair. “I’m so glad it’s finally over. I can just think of him as my dad.” She hopes to never again have to face the gauntlet of reporters.

Erickson’s testimony is essential to prosecutors. Jurors find him to be in full control of his faculties. Under terms of a plea agreement, Erickson receives twenty-five years in prison.

The jury recommends a total of forty years imprisonment for Ryan Ferguson.

Bill Ferguson declines to talk about the verdicts in his son’s case but reiterates earlier statements that the family will appeal. There are tears in his eyes, but he’s working hard to hold them back. It’s a desperate, helpless feeling, similar to drowning or choking. But he isn’t distraught. He knows he will have his chance to have Ryan’s side heard.

“I never got distressed,” says Ferguson. “I always wanted to talk about the case and wanted the truth to come out.”

Joe Walljasper, Heitholt’s successor as Tribune sports editor, says the verdicts are “a bit of a bombshell.”

“I guess I really don’t know quite how to react because I want so bad for this whole thing to be over, especially for Kent’s family,” Walljasper says. “But after watching most of the trial, I wasn’t sure that either Ryan Ferguson or Chuck Erickson really committed the crime. I spent the whole week sitting near Kent’s friends and relatives and sympathizing with them, but putting myself in the place of the jurors, I would have really struggled to find Ferguson guilty.”

Another staff member labels the trial experience “surreal,” and adds, “I kind of felt like they were going to convict him.”

Rightfully or wrongfully, the two men are convicted, and that conviction delivers closure, at least that is the attitude of some. *Let’s just put this to rest. At least somebody paid for this.*

“I’m glad it’s over,” says one man to the local paper. “It’s kind of sad for everyone, but at least it’s over.”

That night a jail guard leads Ryan Ferguson through the first heavily barred door. It bolts behind them. Bare light bulbs, screened in wire. The jailer opens the cell, Ryan steps inside, and the door shuts behind him with a loud metal clang. He is a convicted murderer.

Taking a step into the dark is one thing; living there at peace is quite another.

Juror: ‘No doubt’ Ferguson at Site

Juror William Ohmert says the Lincoln County panel settled on second-degree murder for the twenty-one-year-old defendant because they were convinced he participated in the murder. He is convinced that the prosecution uncovered all that needed to be known about the origins of his guilt. He says they remain “uncertain” whether he alone was responsible for the homicide.

The 43-year-old wastewater treatment operator from Troy, Missouri, says the jury of three women and nine men contemplated first-degree murder but ultimately agreed on a second-degree charge because there was “no clear evidence proving whether it was Ferguson or co-defendant Chuck Erickson who strangled Heitholt.”

“We had no doubt they were both together all night,” says Ohmert, taking credit for swaying a couple of fellow jurors to convict Ferguson on the lesser offense. “We had no evidence other than Chuck’s own confession,” he says. The predominately rural, uneducated jurors resume their ordinary schedule of fantasyland sitcoms and satellite dish surfing. *This grim episode is over.*

Convicted on Facial Expressions

Juror Ohmert finds Ferguson’s facial expressions throughout the trial to be “cold” and the defendant’s “lack of reaction” to the verdict chilling.

“It seemed like he was real cold,” Ohmert says. “I felt like if you didn’t do it, that you would break down” after the verdict. “There wasn’t any of that.”

Rogers is “devastated” and “baffled” by the verdicts. “It seemed to me that they were disregarding vast quantities of indisputable evidence,” he says.

Rogers is plagued by missed opportunities. He fails to exploit some of Chuck’s more outrageous statements, including the fact that after the crime, he says he sees “what I thought was a white body bag” from the car.

Rogers fails to subpoena one of the key investigating officers at the trial, and by the time he realizes the oversight, the detective is off pheasant hunting in North Carolina. Officer Todd Alber handles the K-9 police dog that picks up the scent of the alleged perpetrators. Within minutes of the killing, Alber and the K-9 follow trace evidence to the University area – a direction which contradicts Erickson’s testimony.

Rogers is surprised by the fact that Columbia police Detective John Short, the lead investigator, never takes the stand. “I’ve never seen a murder case where the leading investigator didn’t take the stand,” he says.

For some inexplicable reason, another witness, Dallas Mallory, is never called to testify. Erickson testifies he and Ferguson see Mallory shortly after the crime. But Mallory tells the defense a different story of police bullying and treachery.

Boone County Prosecuting Attorney Kevin Crane says he didn’t call Mallory as a trial witness because “he had been back and forth about what happened the night of the murder, depending to whom he spoke.”

Ironically, the same could be said for his star witness.

Crane says he didn’t call Short to testify because it “forced the defense to put Ferguson on the stand.” “One thing you have to remember is Short was in the case via the videos,” he says.

Ultimately, Crane says the jurors’ decision came down to the credibility of Erickson’s testimony. “They either believed Chuck, or they didn’t,” Crane says.

In the end, Crane has no trouble overcoming Erickson’s suspicious videotaped confession, his problematic depositions, or his mental stumbling blocks.

Underestimated by Rogers and the defense, Crane proves to be an exceedingly clever adversary. His political stock rises in victory. He knows that the press and public will be looking around for someone to credit for keeping Columbia safe and upholding justice. He carefully projects the image of a man who cherishes and hoards the truth, and disburses it as an absolute precondition. *A slam-dunk case for sure.*

Michael Boyd, the sportswriter who last speaks with Heitholt before his abrupt death, is surprised by the convictions.

“I just don't see how a kid's dream, you know, could lead to that. You know, and I was surprised. You know, I don't have any clue if he did it or not but at the same time, feel like -- I have never heard of that before, let's put it that way. I mean, just a guy saying I dreamt it and it's like okay. And they won on that. I was like okay.”

The stray cat in the alley fed by Kent Heitholt moments before he is slain ends up with the Heitholt family. Someone from the newspaper’s staff caught it, and the family gladly claimed ownership.

Attorneys for Ryan Ferguson file a motion November 15, 2005 in Boone County Circuit Court seeking to overturn the verdict of a Lincoln County jury or grant a new trial for the 21-year-old defendant. In the twelve page motion, Ferguson's defense team of attorneys Charlie Rogers, Jeremy Weis, and Kathryn Benson of Columbia outline sixteen reasons why Boone County Circuit Judge Ellen Roper should set aside the verdict and either acquit their client or grant him a new trial.

Among the reasons cited in the motion is "the utterly uncorroborated testimony" of Erickson, whose story "greatly changed and evolved over time in response to information provided by the police in their interrogations."

The motion also mentions that the State of Missouri failed to disclose records from the Missouri Division of Alcohol and Tobacco Control that showed By George - the nightclub Ferguson and Erickson visited the night of the murder - had never been shut down for being open after hours. Erickson had testified that after killing Heitholt, the two walked back to By George and continued drinking.

"Absent the concealment of this evidence, Ryan Ferguson would not have been convicted of a crime he did not commit," the attorneys write in the motion.

The motion also refutes the court's decision to overrule the defense's objection to Erickson testifying that he told friends Arturo Figueroa and Nickolas Gilpin that he and Ferguson had committed the Heitholt murder.

Defense attorneys also argue that Jerry Trump, who police wrote off as someone who had "nothing useful" to contribute, should not have been allowed to make an in-court identification of Ferguson.

Boone County Prosecuting Attorney Kevin Crane says he cannot comment on his strategy for responding to the motion. Crane is a shrewd gambler who knows when and how to play his best and worst cards, he is defiant in defeat, arrogant in victory. He says that he isn't surprised by the filing.

"This is absolutely standard procedure," he says.

Forty Years For Ferguson Judge Denies Motion for Retrial, Acquittal December 5, 2005

Dressed in an orange jail jumpsuit and shackled at the wrists and ankles, Ryan Ferguson, a convicted murderer. The twenty-one-year-old defendant is sentenced Monday, December 5, 2005, to thirty and ten year sentences for the slaying and robbery of Kent Heitholt. Boone County Circuit Judge Ellen Roper orders that he serve his time consecutively. From the rear of the courtroom, the defendant's mother, Leslie Ferguson, quietly weeps as Roper reads her decision.

Next to her, Bill Ferguson looks on in stunned disbelief. *How could a jury find Ryan guilty of crime that I am convinced he did not commit?*

Before sentencing, Ryan upholds his innocence and says the justice system has failed. He repeats his assertion to the judge that he has no connection to this crime.

“It has failed because it has put an innocent man in jail and let a horrible man run free,” he says, before turning his comments to Boone County Prosecuting Attorney Kevin Crane. Outside of Charles Erickson, the most prominent figure in the investigation, prosecution and imprisonment of Ryan Ferguson is Crane. Soon, he is to become a Boone County Judge, taking over the seat vacated by trial judge, Ellen Roper.

“I don’t see how Crane can live with himself,” Ryan says. To Crane’s critics, he comes across like a narrow-sighted detective in a crime story who mistrusts not only appearances but actual evidence and won’t allow stubbornly recalcitrant facts to distract him from the conclusions he wishes to draw.

Bill Ferguson publicizes his plans to hire a new attorney to appeal the verdict in the Missouri Western District Court of Appeals.

“We are exploring all our options,” Bill tells the media. “There is no blood evidence, no DNA evidence, and no witnesses.”

Bill maintains Erickson’s “whole story is fabricated.”

“I think Chuck thinks he did it,” he continues, “but why did he change his story so many times?”

Before the sentencing, Ryan’s defense attorney, Charlie Rogers, asks Roper to overturn the verdict or grant a new trial for his client, arguing that Erickson’s story about what happened that night has continued to change and that the state did not properly disclose evidence to the defense. With an air of exasperation, he vows to fight the conviction.

“We have a young man found guilty of a crime he didn’t commit,” Rogers says. “We need to take a long hard look at how that happened.”

Watching proceedings from a seat close to the front, “bracketed by two old friends from Columbia,” Kali Heitholt is the only member of the Heitholt family to attend. She is relieved to have the trial “behind her.” The nineteen-year-old skips three days of school at The School of the Art Institute of Chicago, to be in Columbia for the sentencing.

“I’m just glad it’s over,” she says afterwards. “It really stresses me out to think about it all the time.”

Twenty-one-year-old Charles Erickson is sentenced to twenty-five years in prison for second-degree murder, first-degree robbery and armed criminal action. Dressed in a black-and-white jail jumpsuit with the cuffs of his pants rolled up and his hair closely cropped, he listens solemnly as Boone County Circuit Judge Gene Hamilton orders his sentences: fifteen years for second-degree murder; fifteen years for first-degree robbery, to be served concurrently; as well as a consecutive ten years for armed criminal action.

At the conclusion of the sentencing, defense attorney Mark Kempton wraps an arm around his client’s shoulders as Chuck looks across the crowded courtroom at his parents, Marianne and Jonathan Erickson. Marianne’s father, grandfather, brother and uncle are police officers – she never imagines that she would have this perverse relationship to law enforcement or true crime.

Surrounded by a small circle of family and friends, the Ericksons watch court marshals escort their son, shackles at the wrists and ankles, from the room.

After his client's sentencing, Kempton says Erickson is disappointed the judge didn't give him an opportunity to apologize in court to the Heitholt family.

"He wanted to express his deepest and sincerest apologies," he says.

Erickson and Ferguson are transferred to the Missouri Department of Corrections' diagnostic center in Fulton, where they are evaluated and placed in different prisons. Their entire previous lives are now fully stripped away. Both men receive credit for time already served - about twenty-one months - and will not be eligible for parole until they have served eighty-five percent of their sentences.

There is no sufficient analogy or metaphor to describe Ryan's saga. Twenty-century literary figure Franz Kafka has a name that has entered the language in a manner no other writer's has; so much so that the word "Kafkaesque" is now a relatively familiar adjective.

"What's Kafkaesque," says Franz Kafka biographer Frederick R. Karl, "is when you enter a surreal world in which all your control patterns, all your plans, the whole way in which you have configured your own behavior, begins to fall to pieces, when you find yourself against a force that does not lend itself to the way you perceive the world. You don't give up, you don't lie down and die. What you do is struggle against this with all of your equipment, with whatever you have. But of course you don't stand a chance. That's Kafkaesque."

Ryan Ferguson's Kafkaesque journey continues.

2009

In 2009, Bill Ferguson finds a new ally in attorney Kathleen Zellner, an attorney with the reputation for winning freedom for the wrongfully convicted. Zellner uses the courtroom as a stage to hold a mirror up to society. After seeing a report on the news program *48 Hours*, she takes on Ryan's case pro bono. "The analogy I use is that he is in quicksand, and I'm trying to grab a hold of him. Once you are convicted, the system works completely against you. It just becomes overwhelming to find evidence that a court will accept."

But just weeks after teaming up, Zellner and the Fergusons get their first valuable opening.

Part Four:
101 Reasons Why Ryan Should Be Released

Oscar Wilde once said, “Experience is simply the name we give our mistakes.” Boone County prosecutor Kevin Crane and the Columbia, Missouri police department certainly have a wealth of experience. Upon examination, we see a pattern of mistakes – not honest mistakes, the kind of mistakes that are the byproduct of vigorous, truthful pursuit – but dishonest mistakes, the type rooted in blind fury and a misconceived sense of duty.

The following 101 reasons make the case as to why Ryan Ferguson’s conviction for the murder of Kent Heitholt was unjust and should be overturned.

Buddha once said that three things cannot be long hidden: the sun, the moon, and the truth.

Since Ryan’s conviction, a number of people, as well as major news agencies and organizations, have been drawn to the unsavory details of his imprisonment. Since then, errors have been revealed, lies have been exposed, and falsehoods have been brought to light. The truth of light has been distilled from lies of darkness.

Proof is a great leveler and tool for empowerment.

1) Police Fail to Question the Last Person Who Spoke With the Victim

Somewhere between Michael Boyd’s lapses and Ryan Ferguson’s misfortunes, the mystery of the story deepens. For all the reasons detailed below, the ticking-time bomb, personal-hatred scenario is no intellectual fraud.

At the time of Kent Heitholt’s death, Michael Boyd is 29, working under Heitholt at the Tribune. He is the last person to see his boss alive. Boyd tells detectives he departs the parking lot at 2:20 a.m., a mere six minutes before the 911 call. The police fail to seriously investigate him and the Missouri State's Attorney office never asks for Michael Boyd’s fingerprints or DNA.

2) Walking, Breathing Reasonable Doubt: Michael Boyd

Michael Boyd is a question wrapped in a mystery inside of an enigma. In most murder cases, the last person to see the victim alive is generally regarded as a suspect until eliminated, except in this saga. In fact, the police never seem to take Boyd seriously. He is the last person to see the victim alive, has several versions of what transpires that night, has a reportedly rocky relationship with the victim. He arrives at the *Columbia Daily Tribune* in the summer of 2001 and, come December 2002, moves on to a newspaper in Ste. Genevieve, Missouri.

It is possible that by October 31, 2001, Boyd outwears his friendship with Heitholt. He not only, according to his own timeline, has an opportunity to commit the crime, but he provides a murky time frame that constructs an unfeasibly narrow window of events.

Boyd eludes serious scrutiny to this day. He has never been required to submit fingerprints, hair samples, or his shoeprints. The police allow more tangible evidence

from Boyd to escape investigation than the evidence provided to convict Ryan Ferguson. Boyd is never called to testify.

3) Hatred and Animosity as Factors

“The person knew the victim and he hated him,” says attorney Kathleen Zellner. “That’s why it’s so violent.” Following Heitholt’s death, police summarily dismiss the possibilities of revenge and animosity as catalyzing factors in the crime. In a deposition, Boyd admits that Heitholt rides him for not being careful with his grammar. Boyd allegedly complains to the janitorial crew that Heitholt disrespects him in the workplace. Cleaning lady Shawna Ornt says in an affidavit that prior to the murder Boyd seems “obsessed with Heitholt” and complains that his boss repeatedly criticizes his work.

Boyd admits that he makes a “major mistake” on the night in question, which causes a dispute between him and Heitholt. Boyd selects the wrong picture for a story about a women’s softball team. He fouls up Heitholt’s specific request for photos of only two players and the coach. Heitholt admonishes Boyd and ostracizes his protégé by demanding he call “all eighteen players on the softball team and the coach to apologize.”

One year before he is hired at the *Columbia Daily Tribune*, Boyd is terminated at the *Sikeston Standard-Democrat*. According to coworker David Jenkins, Boyd “got fired for something he wrote.”

“There was an issue about something he wrote,” says Jenkins, in 2013. “He wrote the wrong thing at the wrong time. And the paper decided to take action.”

At the time of the crime, Boyd has four children, one of whom is ill; he is stressed to the bone and subjected to crippling financial worries. Part-time employment ensures no medical or health benefits. In October 2001, he has been terminated from his prior employment, and has now been embarrassed by his supervisor.

Boyd’s life is rooted in frustration. Michael Boyd Sr. abandons the family to pursue a career in minor league baseball in Los Angeles, and to become a singer. According to Neal Boyd, he and Michael “struggled with abandonment issues and anger.”

“We had no food to eat and life was a struggle,” says Neal Boyd, in 2013.

4) Michael Boyd’s Blue Oldsmobile Vanishes

When there is mystery, it is generally suspected there also must be wrongdoing. Recurrent attempts to locate Michael Boyd’s 1991 blue Oldsmobile have been unsuccessful. He claims he traded the car in to an Enterprise Rent-A-Car in St. Louis, sometime the mid-2000s, for a red van; however, Enterprise has no record, and as late as 2010, the Missouri Department of Revenue still records the car as belonging to him. Police never searched this vehicle, leading Ferguson’s present attorney, Kathleen Zellner, to speculate that Heitholt’s DNA and a murder weapon may be inside.

Efforts to find the vehicle stymie Zellner’s investigators.

Neal Boyd works at Enterprise Rent-A-Car from 2003-2006. Neal, who went on to win one million dollars as a contestant on *"America's Got Talent,"* in 2008, responded to the author's request for an interview in 2013.

"There are two departments at Enterprise," says Boyd. "There is the rental department and the leasing one. I got him in touch with the leasing department. The accused kids – I can't recall their names, they were two of the wealthiest kids in town – they confessed to the crime. They had serious drug problems and needed more money. These kids were desperate to do whatever."

Michael Boyd says he got rid of the car because it was "crap" and he "needed something bigger."

But a private investigator affirms in an affidavit that Fred Price, of the Leasing Office for Enterprise, says there is no record of any Oldsmobile being traded in by Michael Boyd. Missouri has no record of the Oldsmobile transferring out of Boyd's name. Citing privacy regulations, Enterprise Rent A Car declines to comment. Price utters an ominous declaration to the investigator, hinting that things do not appear legitimate.

5) Car Still Registered to Boyd as of November 2010

Investigator Steven L. Kirby receives official documentation from the Missouri Department of Revenue in November 2010 that Boyd's 1991 blue Oldsmobile Cierra remains listed as registered to Michael and his wife Dawn. Boyd's defense? He claims the vehicle identification number's paperwork has been changed, rendering the vehicle as untraceable.

6) Oldsmobile or Plymouth?

On February 14, 2005, Boyd tells defense investigator Jim Miller that he drives his 1991 blue Oldsmobile Cutlass Cierra the night of the murder. Boyd tells investigator Haws on July 25, 2005, that he drives his red Plymouth that night. Perhaps this is an innocent gaffe, or perhaps it indicates someone who is attempting to cover his tracks.

7) The Totality of Michael Boyd's Inconsistencies

Michael Boyd changes his story a total of five times since the night of the murder. Despite all these contradictions and his inability to keep the details of his encounter with Heitholt minutes before the murder straight, Boyd's house remains unsearched. His car remains unsearched, and Boyd is never considered a suspect in the case. In each subsequent interview, Boyd shrewdly distances himself from the victim, allowing for more and more space. At first, Boyd is face to face with Heitholt, holding a friendly conversation, but as time progresses, he puts himself further away. Before long, he is across the parking lot, sitting in his car.

8) Knowledge of Crime, or Misremembering?

Boyd initially tells investigators that Heitholt's body is face down when he returns to the crime scene at approximately 3:30 to 3:45 a.m. Yet, employees turn Heitholt face up before calling 9-1-1 at 2:26 a.m.

9) Michael Boyd's First Story

On November 1, 2001, at 3:30 a.m., Detective John Short conducts a phone interview with Michael Boyd. Boyd states he left the Tribune office promptly after 2:00 a.m., after the Tribune computer system shuts down. He states he talks to janitor Mike Henry for five to ten minutes outside of the back door. As the two chitchat, Kent Heitholt walks past him and out to his vehicle. Boyd states he then walks toward Heitholt and starts a conversation with him "about a cat that had been clawing his tire." Boyd says that after the conversation ends, he walks to his car and departs the parking lot at about 2:20 a.m. As he is leaving, he observes Heitholt enter his vehicle. He sees *no one* else in the parking lot.

10) Michael Boyd's Second Story

On November 2, 2001, at 11:45 p.m., Detective Lloyd Simon questions Michael Boyd at the Tribune building. Boyd states that he works with Kent Heitholt throughout the night, and leaves the building at 2:00 a.m. He stops and talks with Mike Henry for several minutes near the north door leading to the parking lot. At 2:10 a.m., Boyd precedes the victim into the parking lot, gets in his car and starts tinkering with his radio. After doing this for two or three minutes, Boyd sees Heitholt emerge from the building. Boyd backs his car up, drives south through the Tribune parking lot towards the Tribune building, pulls up to Heitholt and holds a two to three minute conversation with him. Boyd states he exits the lot sometime between 2:15 and 2:20 a.m. He sees nothing suspicious. He sees no one suspicious.

11) Michael Boyd's Third Story: Misremembers His Route Home

On February 14, 2005, a telephone interview is conducted by Private Investigator Jim Miller. Boyd states that he precedes Kent Heitholt into the parking lot at 2:00 a.m. and walks to his Blue Oldsmobile. The car is parked just west of the Tribune parking lot. He says he goes to his car, which faces in the southeast direction and provides him an unobstructed view of the Tribune's backdoor.

Boyd says he sits "listening to music from a cassette tape" until he notices the victim. Upon seeing Heitholt, Boyd drives south through the alley, then east, then north, then converses with him between 2:10 and 2.15 a.m. This conversation lasts between one and two minutes. Boyd then exits by driving north out of the Tribune parking lot the wrong way. He says he observes the glow of Heitholt's tail lights. Boyd says, "Kent

drove off the parking lot as I was driving off.” In this account, Boyd turns left out of the parking lot on Ash, instead of turning right on Providence, as he claims in the two prior interviews.

12) Boyd: Crane “Making Sure It Is All Right”

At a certain point in the third interview, Boyd becomes “very emotional.” He is given a few minutes to collect his composure. He then states that he pulls out of the parking lot and assumes Heitholt is behind him. Miller then asks Boyd if he knows whether the police are aware that he is the last person on record to see the victim alive. He responds “yes.” Miller asks if police ever ask to see his clothes from the night, ever photograph his vehicle, or check it for prints. “No.” Did they search the interior for blood or other evidence, or come to his house to look for evidence? Boyd says no. Boyd then asks “why they would want to do these things?” Miller responds that, as a matter of routine, it is important to do these things since he is the last person to see the victim alive. Boyd responds by telling Miller that “he knew Detective Short and Prosecutor Crane very well,” and that prior to the interview, he contacts Crane to “make sure it was all right”

13) Michael Boyd’s Fourth Story: He Sees Two College-Age Males

On July 24, 2005, during an interview conducted by Lead Investigator Bill Haws of Boone County Prosecutors Office, Boyd excludes any semblance of a timeline. Haws adds two additional crucial details to Boyd's previous reports. Boyd asserts he drives his Red Plymouth the night of the murder. He claims he has been driving it regularly and he is sure he is driving it that night. Boyd now reports, after talking to Heitholt, he sees a pair of college age males standing near a set of dumpsters. He spots the duo as he turns to exit the parking lot into the alley, leading west toward Providence. He is unable to identify the individuals – he is sure they are Caucasians – and thinks nothing of it because they “looked all right.”

14) Michael Boyd’s Fifth Story: Almost Strikes Two Males

On June 5, 2006, another interview is conducted by Private Investigator Matthew Allen. Boyd now claims he doesn’t leave the Tribune building until 2:10 a.m. He says he sits in his car “listening to three or four songs on the radio” before Heitholt exits the Tribune building. During this interview, Boyd makes crucial contradictions to his previous interview with Bill Haws. He states, “I was driving my blue car that night, and if I was sitting in it right now, I could punch those buttons right now and tell you what stations they were.” Three or four songs sets the time at approximately 2:20 a.m. Boyd says that he and Heitholt have “a four to five minute conversation” before he turns west down the alley to Providence. This puts the time at 2:24-2:25 a.m. Boyd now states that instead of just seeing the two college age white males, he almost hits them, and is “worried they would write down his license number.”

In Boyd's own words: *"They're close towards the wall area or dumpster area or whatever and -- But they're walking. They're not hiding. They're not -- You know, they're just walking, and I am embarrassed because I wasn't paying attention coming around the corner. And I was like, you know, okay. Don't yell at me, and, you know, I didn't see you. I am sorry and everything and I just drove on, but I didn't really get a good look at them because I was more concerned with, you know, okay. Pay attention, dummy, you know."*

15) Boyd Returns to Crime Scene

Killers often return to the scene of their crimes to observe the activities of investigators after the body is discovered. Initially, Boyd never discloses that he returns to the crime scene. Only after pictures of him surface poking around, Boyd admits he returns to the scene and watches the crime investigators search for clues. Boyd claims that when he discusses Heitholt's death he is overcome by emotions over which he has no command. That he suffers in solitude, and he is completely broken up by the brutal nature of unforeseen events. But this doesn't explain why he fails to inform the police when he first observes the crime scene. No matter how much he grieves, the photograph of Boyd at the crime scene is an amazingly eerie memento.

Perhaps Boyd is saddened by Heitholt's death, but his proclivity to smile when discussing the details of the murder alarms more than it disarms. When the author approaches Boyd at his office in Ste. Genevieve, Missouri, on Monday, August 19, 2013, the two speak outside on the street. Boyd smiles and fidgets and says that he doesn't wish to comment. "So, why is it that Kathleen Zellner, one of the most accomplished attorneys in regards to clearing innocent men, why is it that she is locked in on your guiltiness?"

When I ask, the laugh lines vanish from his face as if someone flips a switch on his back.

16) Andrew J. Wilhelm's Testimony: Boyd's Account "Clearly Impossible"

In 2010, Andrew J. Wilhelm is a law clerk employed by Kathleen Zellner & Associates. He travels to Columbia, Missouri on February 10, 2010 to reconstruct the time period in the early morning hours provided by Michael Boyd. He painstakingly reconstructs Boyd's said timeframes and compares them with his own personal reenactment. He reconstructs the timeline of Heitholt's activities in the "fastest reasonable time," as well as with "slower estimates for time." Wilhelm reconstructs Boyd's testimony based on three separate reports, and concludes that one of the accounts Boyd tells to Investigator Jim Miller is "clearly impossible."

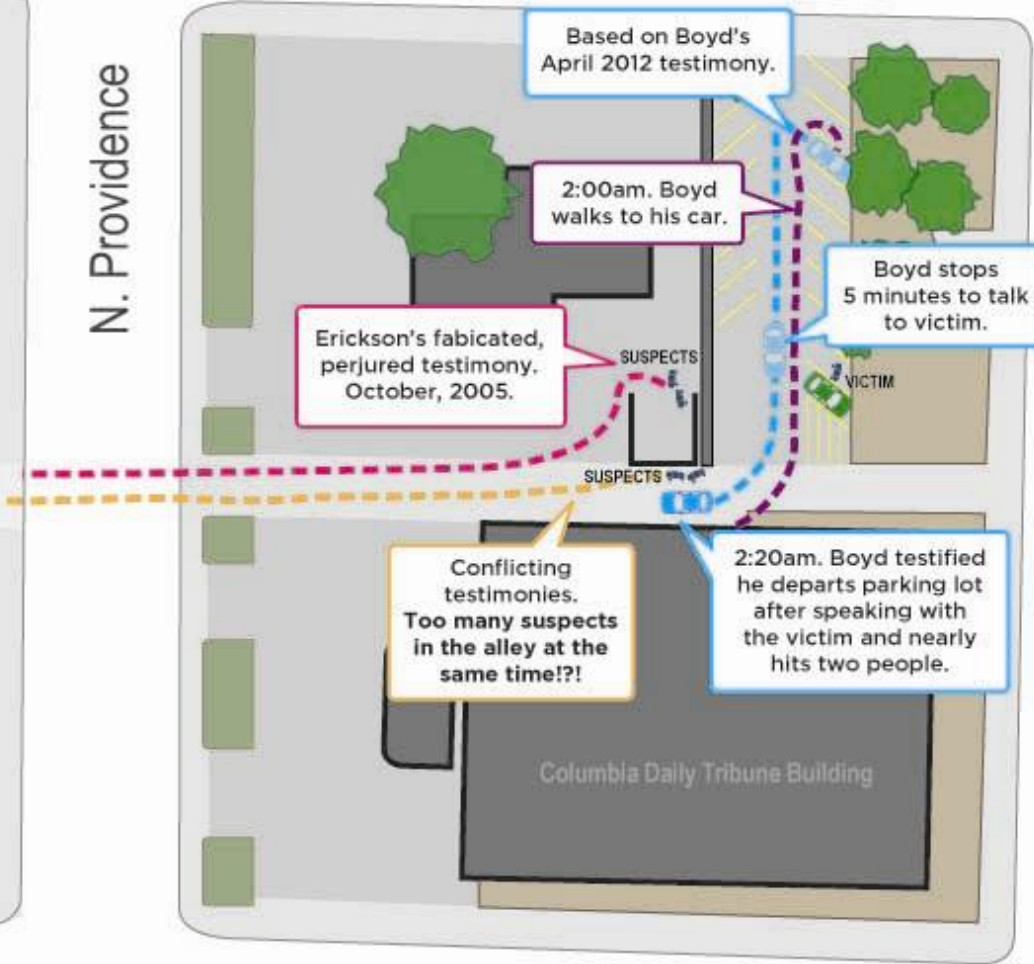
THE PROSECUTOR CANNOT EXPLAIN WHY THERE ARE TWO GROUPS OF TWO BOYS WITHIN 30 FEET OF EACH OTHER AT 2:20AM.

E. Ash

N. Providence



N. 4th St.



E. Walnut

17) Steven L. Kirby's Affidavit: Investigation of Boyd

Steven L. Kirby is a licensed professional investigator and polygraph examiner, who has interviewed “over 10,000 persons” during his career for a wide range of crimes, ranging from murder to official misconduct. He interviews Michael Boyd four times between August 2010 and January 2011. After studying the information contained in the police and defensive investigative reports, Kirby pinpoints “several significant discrepancies in Boyd’s rendition of certain facts.” He maintains that Boyd has been seriously overlooked as a suspect.

18) Boyd's Relationship with Heitholt Refuted

We’ve been told that the truth of the situation is this: Kent Heitholt is a soft-hearted guy who roots for the underdog, and Michael Boyd is an underdog. Since Boyd isn’t a college graduate, has a family to support, and lacks the means to even purchase a dress shirt to wear when he covers games, Heitholt takes a liking to him. Heitholt offers him a part-time job, a pair of collared shirts, and pointers about writing.

Boyd says Heitholt assists his move to Columbia from southeast Missouri and helps get his phone connected. We are told that this is Heitholt’s way. He feeds stray cats. He loans money to janitors. He doesn’t berate part-time reporters who are learning the business and working for minimum wage.

Michael Boyd claims on several occasions that his relationship with Heitholt is amiable. But once the surface is scratched, it appears that, at the time of the murder, their relationship is threadbare, shabby, and mutually irritating.

Shawna Ornt claims that Boyd complained almost nightly about “how Heitholt treated him as an employee and subordinate.” Co-worker Rus Baer says that Boyd was “a poor reporter and writer” and “not held in high regard by his co-workers.”

19) Crime Scene Papers Could Implicate Boyd

Hickman High School girls’ basketball schedules and Columbia College basketball materials are found at the crime scene. At the time of the murder, Boyd is employed as the *Columbia Daily Tribune*’s high school sports reporter and he frequently covers Columbia College basketball. Boyd did not own a laptop or a backpack and he often carried loose paperwork home.

These documents have not been processed for latent prints.

20) Knack for Taking in Stray Cats – and Sportswriters

Coworkers say Heitholt has a knack for taking in not just stray cats, but “stray sportswriters,” too. Coworker Rus Baer says that “some of us questioned whether he ever failed to hire an applicant, regardless of their credentials.” While he was kind enough to

give newcomers a chance, “he reserved the right to complain about their shortcomings after the fact, when they failed to show up for work or wrote as if English wasn’t their mother tongue.” While most accounts of Heitholt come across as benign or even quite flattering, there is more to his personality than is revealed. In one recollection of Heitholt, a coworker says that he once slams a door so furiously a locksmith has to be called to open it. According to a police report, he is dismissed from his job as a reporter in Shreveport, Louisiana, for smoking pot with some high-school football players. How tolerant of Boyd was Heitholt?

Boyd lacks the superior skills as a writer to elevate him beyond the high-school sports scene; he is still employed at a small community newspaper. Shawna Ornt says that during his Tribune days Boyd is almost always the last man to leave the office – stranded on the word processor, typing one finger per hand, correcting his own mistakes, all through the night. How loudly did Heitholt complain about Boyd’s shortcomings?

21) Boyd Lowest Man on Totem Pole

At the time of Heitholt’s death, Michael Boyd’s earning capacity is limited. He works part-time, the only part-time sportswriter at the Tribune. He has no college degree, and makes little more than minimum wage. Professionally, socially, and economically, he is the low man on the totem pole. Certainly, there are stressors: His wife works at a petrol station and he has several children. In 2001, perhaps he himself is overwhelmed by the exigencies of poverty and overwork that degrade him from being a serious sports reporter and reduce him to the status of a drudge.

22) Heitholt Climbs “Head First” Into His Vehicle?

In a police report, dated November 1, 2001, Michael Boyd states to Detective Short that he last sees Kent Heitholt “climbing head first into his vehicle.” The fact that Heitholt is viciously clubbed from behind, and that he could not have been clubbed from inside of his vehicle, makes Boyd’s statement worthy of great scrutiny.

23) When Does Michael Boyd Leave the Tribune?

Boyd claims he leaves the building at approximately 2:00 a.m. on the morning of the murder. Shawna Ornt, however, states she is sure he is gone before 1:45 a.m. because she goes looking for him. Tribune writer Rus Baer tells professional investigator Steven L. Kirby that, on the morning of the murder, Boyd leaves at “around 1 a.m.”

24) Waiting...Waiting...Waiting

In interviews with police and Stephen L. Kirby, Boyd states he waits in the parking lot of the Tribune for approximately ten to twenty minutes after he finishes working. Arresting in its simplicity, this statement demands greater attention. According

to his co-workers, he may have been in the parking lot anywhere from thirty to eighty minutes after his shift ends. What is he doing in the parking lot?

What is Michael Boyd's role in the murder of Kent Heitholt? Boyd maintains that Ryan Ferguson is innocent. In an interview with the author in August 2013, Boyd says, "I don't think they did. I just don't like the way they are going about it. They don't know me." In 2012, Judge Daniel Green sided with Boyd, finding, "Mr. Boyd's testimony contributed nothing to the real issue(s) in this matter and his entire testimony is immaterial."

25) Blowin' in the Wind: Single Strand of Bloody Hair

Kent Heitholt's murder provides investigators an abundance of physical and DNA evidence to analyze – including an enormous quantity of blood, as well as hair and fingerprint samples. After the murder, trace evidence is recovered. There are several hairs on the hands of Heitholt; one is a "limb hair or body hair." Most of those hairs turn out to be Heitholt's. There is, however, one hair in his bloody hand which is not his. It is tested by the FBI laboratory using a process called mitochondrial DNA analysis. Mitochondrial DNA derives from the mother's DNA; nuclear DNA derives from the father's DNA. The hair's mitochondrial DNA is tested. The hair is not Kent Heitholt's. The hair in the bloody hand is not Chuck Erickson's or Ryan Ferguson's.

There is no database for this type of DNA. Prosecutor Crane says that the hair blew in from the street, and is unable to supply a more plausible explanation. During Ryan's trial, the prosecution leaves open the possibility that the hair has many potential sources, none of which are connected to the murder. A more probable scenario is that it might be the killer's hair and that he's still at large.

26) Missouri Appeals Court: 'No Physical Evidence Against Ryan'

A Missouri appeals court succinctly concedes one of the many problems with the case against Ryan Ferguson: "there is no physical evidence that ties Ferguson to this murder." Prosecutor Kevin Crane states this to the jury at the beginning of the trial. It is quite alarming that none of the forensic evidence gathered at the crime scene – not just the fingerprints and the copious amounts of blood, but the hair clutched in Heitholt's hand and bloody footprints – link Ferguson or Erickson to the crime.

27) Killer Must Have Been Covered in DNA

The killer is most likely covered in blood when he leaves the scene and he most likely incurs some minor injuries in terms of bruises and scrapes.

28) Fingerprints and Blood Evidence Don't Match

None of the fingerprints or blood found at the scene match Ryan Ferguson's or Chuck Erickson's. Police discover several unidentified fingerprints on Kent Heitholt's car. The prints cannot be matched to the victim or either of the suspects. Two criminologists at the Missouri State Highway Patrol Crime Lab testify at the trial that "no usable fingerprints or blood" at the scene "match either Erickson or Ferguson."

29) Luminol Testing

Luminol is a substance that reacts with trace amounts of human blood. Following his arrest, Ryan's car is thoroughly tested for any blood or physical evidence linking him to the crime. None is found. Luminol fails to detect even the slightest trace of blood in Ryan's vehicle. Luminol testing reveals "no blood" in Ryan's or Chuck's home.

30) Opposite Blood Trail

The trail of blood leads in the direction opposite from the one Erickson tells police he and Ferguson flee after the killing. In one of Erickson's police interviews, he claims that after the murder, the pair head west to the northeast corner of Providence and Ash. Erickson changes his testimony at trial to match the route taken by the tracking dog from the murder scene. The K-9 police dog sniffs a scent that takes the animal in the direction of the University area. But then the prosecutor realizes he has another hurdle. Somewhere along the north to south route, Erickson and Ferguson *must* change their course to end up at The By George. The boys have to go through Flat Branch Park to get there.

The blood trail's destination at the college is congruous with the defense paradigm that the two men who happen to stumble upon Heitholt in the parking lot are college students. At bar closing time smack dab in a downtown district of clubs, fraternities, and bars, Columbia's ratio of college students to non-college students is appreciable. Outside of the police and service workers, few people of non-college age are generally found on city's streets at this juncture. Knowing what we now know about this case, is it any surprise two college kids have kept their identities cloaked in secrecy?

31) Whose Shoes are They Anyway?

Two sets of bloody shoeprints lead away from Kent Heitholt's car – prints that cannot be positively matched to either Charles Erickson or Ryan Ferguson. For this reason, these shoeprints are not introduced as evidence at Ryan's trial. Columbia police Detective Jeff Nichols documents that his evidence collection, including the use of Luminol – reveals two separate sets of shoe prints leading from Heitholt's body up an alley and south on Fourth Street, ending at Broadway. Is it possible that police are withholding the exact size of the shoeprint, because it undermines the foundation of the case against Ryan Ferguson? Police withheld Kim Bennett's testimony from the defense

(65) and the fact that Michael Boyd told them that he almost ran over two people coming up the alley. What else might they still be withholding?

32) Robbery as Motive

Police lock in early on robbery as their motive. This singular preoccupation with robbery as a motive crosses the line into professional negligence. At the time of the homicide, Ryan Ferguson is just a few days into his seventeenth birthday. He receives a generous gift; he holds odd jobs and has his own revenue source. Police fail to locate anyone at the By George on the night in question who confirms their suspicions. Not a single allusion to any desperation or concern on the part of the defendants that they had no funds. Not a single person remembers Ryan or Chuck attempting to borrow money. There are at least ten other high school friends of Ryan and Chuck at the bar that night. All say that the pair could have borrowed money from any one of them and that they had no reason to leave the bar, nor commit a robbery for cash.

33) Clothing Discrepancies

Chuck Erickson testifies that he is wearing a long-sleeve hoodie sweatshirt at the time of the murder. Shawna Ornt, the crime scene's only eyewitness, says that the perpetrator she sees wears a short sleeve t-shirt.

34) Red Light is a Flashing Yellow Light

Within seconds of fleeing the crime scene, Erickson says that he and Ryan see and speak to a friend, Dallas Mallory, who is in his car with two female companions. Mallory is purportedly stopped at a red light at an intersection. One problem: the red light is not, nor could it ever be, red.

"The red light becomes a flashing yellow light at 1:00 a.m., in the morning," says Bill Ferguson. "That is the case at 1:00 a.m. every morning. It switches from a cycling light to a flashing light, each and every morning. The traffic lights in Columbia are controlled by the state, not the city. I have an affidavit from the state written up that attests to the absolute fact."

35) Dallas Mallory

At trial, Chuck Erickson testifies that after the murder, he sees and talks to Dallas Mallory, and then he and Ryan head back to the By George nightclub, around 2:45 am. In Chuck's account, Mallory wears a police uniform, right down to the cap.

Another colossal error exists in Erickson's statement even more glaring than the traffic signal discrepancy. Dallas Mallory claims that he *never* has any conversation with Charles Erickson. For this reason, the prosecutor never calls him to the stand.

Investigating officers shout and threaten him when he refuses to change his statements that he does not see Ferguson or Erickson at, or near, the crime scene. Police put words in Mallory's mouth and feed them to Erickson. The Mallory fictitious witness report on the day of Erickson's arrest and the Richard Walker pretend confession (reason # 40) factor greatly in Chuck's rational to plea bargain.

"He put me there at the scene," said Chuck Erickson, in 2012. "I was basing my story on what other people were saying."

36) Dallas Mallory Has No Driver's License, No Car

On March 10, 2004, police question Dallas Mallory about Chuck Erickson and Ryan Ferguson and their potential involvement in Kent Heitholt's murder. When told that Erickson affirms that he sees Mallory the night of the murder, Mallory rebuffs the notion. He explains to police that not only does he consume "at least one large bottle of Captain Morgan" at a costume party earlier in the night, but that he doesn't remember how he got home. He does remember this: He does not drive "downtown that night" and he does not "drive the entire evening," because he "had no driver's license due to a DWI conviction." He delivers one more blow to Erickson's version of events when he tells police that, at the time of the crime, he has sold his 1962 Impala, and he doesn't even own a vehicle.

37) Dallas Mallory Accuses Police of Harassment

When Dallas Mallory tells police officers he doesn't even know Charles Erickson and that he doesn't have a conversation with Erickson or Ryan Ferguson the night of the homicide, police officers yell at him and call him a liar. They even threaten to charge him with murder "if I did not tell the truth."

38) Meghan Arthur

Police reports state that Meghan Arthur tells police Ryan informs her that "Chuck Erickson is trying to get me to turn ourselves in," and that Ryan says, "he and Erickson had done something stupid." Investigator Jim Miller, a veteran of more than 600 homicide cases, speaks to Arthur and she flatly denies ever having said or having signed any document that even remotely alludes to Ryan expressing involvement in the murder.

39) More Police Misconduct

Meghan Arthur says she never tells the police that Ryan and Chuck "had done something horrible" in cahoots. In fact, the opposite is true: Ryan tells Meghan that Chuck is trying to tell him that they had "done something stupid," and he is perplexed this strangeness. Even though there are substantial discrepancies – intentional, willful discrepancies – between Arthur's words and those attributed to her in the police report, no one from the Columbia Police Department has ever been held accountable.

40) Richard Walker

According to the Columbia Police Department, Boone County inmate and snitch Richard Walker says that Ryan “told Walker he and Chuck robbed Kent Heitholt.” Walker allegedly said that Ryan told him that “he was afraid of Heitholt being able to identify” the pair, so he struck him with a tire tool, and strangled him with a belt. After being interviewed by investigator Jim Miller, Walker says that “Ryan never confessed or admitted having any involvement in the murder.”

Chuck Erickson was given a copy of Walker’s phony document. He was so disturbed by it that, in January 2006, he referenced Walker in a letter of apology to Kali Heitholt. “You really need to know I’m telling the truth about what happened. I’m enclosing a police report. This is about the closest that Ryan ever got to admitting his guilt to anyone...”

Walker’s bogus statements clearly influenced Erickson’s opinions.

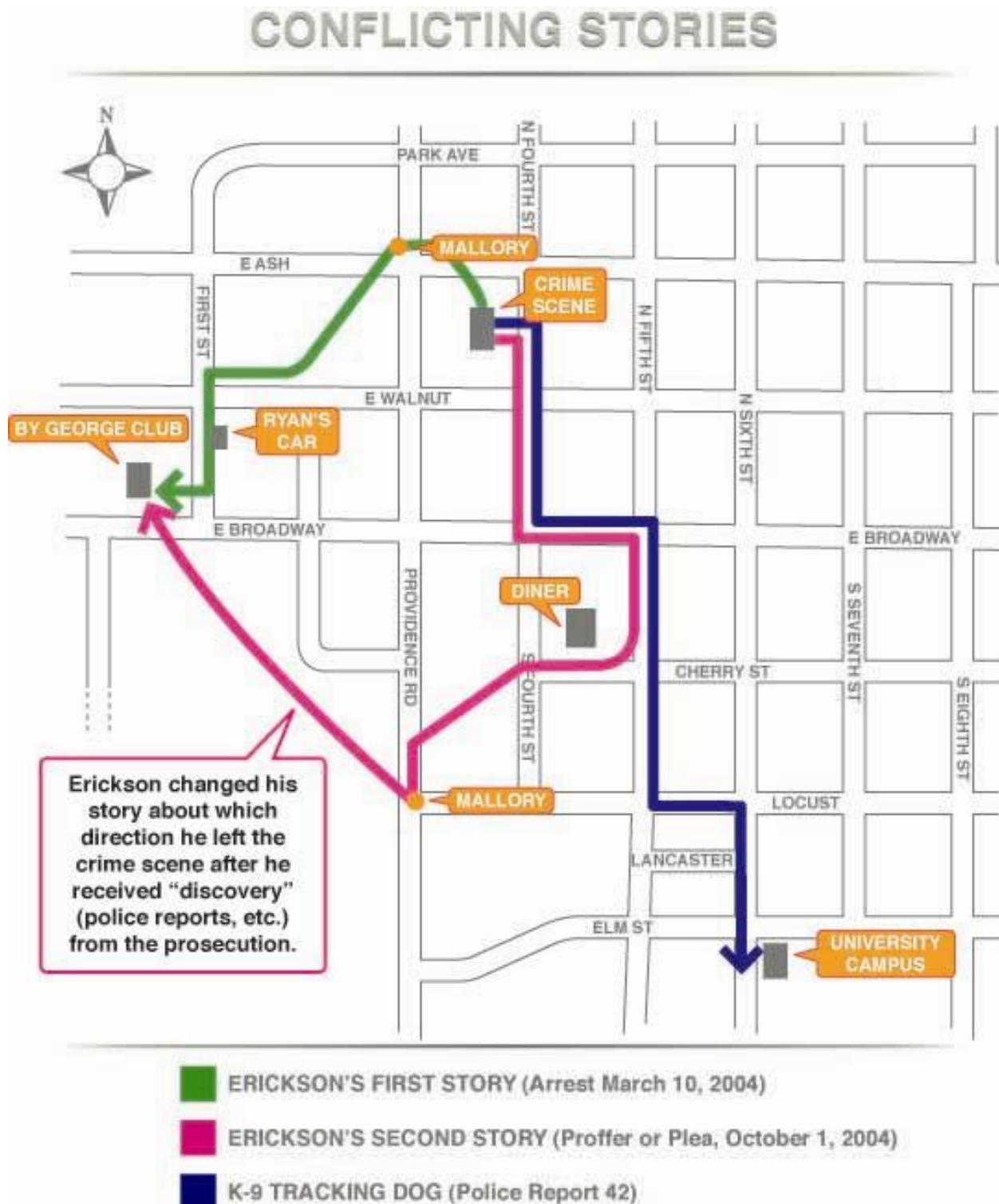
“It’s one of those things that made me think I was there,” said Erickson, in 2012. “It backed up the idea that we did it.”

41) More Police Misrepresentation

Richard Walker tells investigator Jim Miller the police attempted to “use my words in a different way than I said them or they told me what to say.” Before he dies, Richard Walker says that the statements attributed to him in the reports about Ryan talking about the murder are untrue. “It’s all been either fabricated, bullshit or something I’ve tied together...to maybe try help (Ryan), which, I don’t know how that would have helped him.” Walker tells Miller he believes in Ryan’s innocence.

42) Holly Admire: Confirms Ryan’s Phone Call

Cell phone records verify Ryan Ferguson speaks with Holly Admire between 1:46 a.m. and 1:54 a.m., on November 1, 2001. Admire confirms that there is no background noise when Ryan speaks, nothing but dead silence, the type of quiet that makes Ryan’s home and neighborhood so pleasant. This is where Ryan claims he makes this phone call from. Admire says Ryan sounds like his “normal, mature, pleasant self;” there is no excitement in his voice, no terror or apprehension. There are no sounds of music, trunks slamming, or other muffled voices. The State argues that Ryan makes another phone call at 2:09 a.m. (he tries to connect with friend Brian Dunn, but Dunn is unavailable), subsequently walks to the Tribune building, and then hides behind a dumpster. According to Michael Boyd, the individuals are not hiding behind the dumpster at 2:12 a.m. or in the parking lot; according to Boyd, Heitholt is alive and getting into his car at 2:20 a.m. This would mean that there were two separate sets of individuals at the crime scene.



43) Convenience Store's Inconvenient Theory

According to Chuck Erickson's 2005 deposition, he and Ryan get into Ryan's car and turn right on Broadway; Ryan drives to a convenience store near its intersection with Stadium Boulevard. He buys a pack of cigarettes. No video footage or human memory corroborates this generally unanalyzed statement.

Given the quantity of blood at the scene, it seems reasonable to expect that the killer of Heitholt is immediately covered in DNA. It's simply not plausible that someone would commit such a bloody crime and then risk apprehension by visiting a service store moments later, presumably bearing the ubiquitous physical evidence.

44) By George, That Can't Be

Chuck Erickson's claim that he and Ryan return to the By George bar at approximately 2:30 a.m. is fully and wholly refuted by the club's bouncer, bartenders, owners, and its track record. In its ten year history, it never receives a summons for being open beyond legal hours of operation. The By George receives numerous violations of minors in possession and is certainly on the radar of Columbia Police, who would presumably be seeking associated violations.

Ryan says that his final cell phone call at 2:09 takes place on the front curb of his house. Chuck says they are at Ryan's car at this time. There is an incident that involves police between 2:03 to 2:07; they write up a trespassing citation to a man parked in a private parking lot on Walnut Street. This citation is written a few hundred feet from the By George, approximately half a block north of the nightclub. If there is any commotion radiating from the By George past legal operating time, if there is music, a bevy of parked cars, and illegal activity, as Erickson indicates, why would police choose not to investigate?

45) Bouncer Mike Schook Refutes Club Closing Time

Erickson testifies that on the night of the murder, he is let into the club by the same bouncer before and after the murder. Mike Schook is the man who Erickson says twice let him in that night. "No one knew who he was," says Bill Ferguson. "I figured that he would be a good guy to find. I knew he was a student at the university and in a fraternity. After three or four months of legwork, I walked up to his front door. He definitely remembers that night, because he yanked the plug out of the wall to make sure the bar closed on time."

Indeed, bouncer Mike Schook testifies for the first time at Ryan's July 2008 hearing. He says he never – not once – stayed at the bar after closing time, no less 2:15 a.m. Schook testifies that, during his tenure, the club always closes at 1:30 a.m., and the doors are always locked at this time. He affirms that in the club's ten year history, it never receives a summons for being open after hours.

46) The Textbook Nature of Police Coercion

After some prompting by police, Chuck Erickson claims he struck Kent Heitholt with a tire iron taken from Ryan's car trunk and Ryan strangles him. At his first police interrogation, Chuck Erickson has no idea how Heitholt is murdered – until he is fed information that has not been made public yet. While at first glance it may seem odd for Erickson to confess to a crime he is unfamiliar with, people who work in the criminal justice system know better. Jim McCloskey, the founder of the New Jersey-based nonprofit Centurion Ministries, which works to exonerate the wrongly convicted, said that roughly twenty percent of the fifty-one exonerated Centurion clients admitted to a crime that they did not commit. Of the three-hundred DNA-based exonerations across the U.S. to date, roughly twenty-five percent of them made incriminating statements, pleaded guilty or falsely confessed.

“I've come to understand that we human beings are a malleable species, we're not as strong as we think we are,” McCloskey says in a 2013 interview related to a suspicious case based in Montana. “Until you're faced with that situation—being alone in a room, being browbeaten by authoritative police officers one after the other, hour after hour after hour, they wear you down. They scare you to death. It's a very coercive environment. You will do anything to get out of that room ... They get psychologically and emotionally and physically worn to the nub.”

47) Erickson Spoon-Fed Details

Detective Short realizes early in his conversation with Charles Erickson that the young man is failing to provide the details he needs. Short proceeds to spoon-feed specific details to Erickson. Whenever Erickson lacks the correct answers to his questions, lacks accuracy, or lacks detail, Short supplies the information. Confused, scared and easily manipulated, Erickson agrees with whatever the detective offered up as a truth or fact.

48) Numbers Game

Charles Erickson's confession lacks even the most conspicuous details. He swears he hits Heitholt just once — before Short convinces him it is more like fifteen times. Again, this exchange bears examination:

Detective Short asks Erickson, “How many times did you think you hit him all together?”

Erickson replies, “Just the once.”

Short knows the victim is hit eleven or more times, and knows Erickson is wrong. He counters, “Just the once? Well, the only problem I have with that is I know he was hit more than once.”

Ill at ease, Erickson replies, “Yeah, I'm saying I just hit him once.”

Short continues, “You just hit him once? You didn't hit him more?”

“No. I didn't hit him more than once.”

49) Detective Short Introduces Murder Weapon

One of the most important details is introduced to Erickson by Detective Short: Heitholt is strangled with his own belt. At first, Erickson claims not to know what is used to halt the much bigger man – practically double his size.

“Is it possible that you know what he was strangled with and you just didn't want to tell me?” Short asks.

Chuck suggests a set of bare hands, but Short knows that is incorrect. Chuck is more or less a hollow tube and Short exploits the emptiness.

“I think it was a shirt or something.”

“Well, I know it wasn't a shirt.”

“Maybe a bungee cord, or something from his car.”

“Well, we know for a fact that his belt was ripped off of his pants and he was strangled with his belt.”

“Really?”

“Yeah. Did you see a belt in Ryan's hand, something that looked like a rope, maybe, or a bungee cord?”

“I don't know.”

“OK. You didn't put anything in your hand then?”

“No. I mean, I don't remember that at all.”

Short changes the subject, but later returns to the subject of the strangling. He asks, “So it's possible Ryan could have strangled this guy with his belt, got the keys, and you not know about it?”

Erickson asks, “The guy – the man's belt?”

“Yeah.”

“His own belt?”

“Yes. Does that ring a bell?”

“Not at all.”

“But you saw Ryan strangle him though?”

“I thought I did... I might not even know what I'm talking about now.”

Short once again offers details whenever the murder suspect lacks them.

50) Constructing Memories

Consistent with the psychological tendency to construct memories, it is “plausible,” says Dr. Kim Fromme, that “Mr. Erickson used information from events he could remember, or from what people may have told him, to construct an explanation for the experiences he could not remember due to alcohol-induced blackouts.”

51) Memories Contain No Unique Facts

Erickson's memories – the ones that prompted investigators to examine him – are based upon common knowledge of the case. Nothing Erickson said to his friends was damning enough to warrant either Nick Gilpin or Art Figueroa to be called by the prosecutor in the ensuing criminal trials.

52) Where Does The Murder Take Place, Chuck?

The day police arrest Chuck Erickson, they take him for a ride.

It's about 3:30 p.m. The murder suspect climbs into a car with detectives, and they drive to the parking lot east of the now-defunct By George's nightclub. Police have already taken Ryan Ferguson into custody based on Erickson's testimony. Attempting to assemble their case, they ask Erickson to elaborate on what the boys did, what time they did it, and how.

Sometime around 3:30 in the afternoon, police realize Erickson isn't going to yield the desired details. His eyes look as glassy as a diamond, as flat as a pancake. Passing Providence Road toward the newspaper parking lot, Erickson asks, "Can you tell me exactly where this happened?" Investigators are silent.

They head up the alley adjacent to Providence on the north side of the Tribune building and concentrate the camera on the parking spot where Heitholt died.

"Does this look familiar to you?" an investigator asks Erickson.

"No."

53) Erickson Gathers Details From Newspaper Accounts

During the interrogation with Detective Nichols, Charles Erickson says he is familiar with the case because he recalls reading about it, "This is after reading the newspaper article in October, and this is kind of what I put together with, I mean, I don't know if I'm just flipping out or whatever, but I mean this is kind of what I put together with what could have happened."

He adds, "I'm just presuming what happened. I'm making assumptions based on what I read in the newspaper."

Det. Nichols lies to Erickson, telling the suspect he is providing police undisclosed specifics that no one else knows. There is no way he is concocting this because he has intimate details.

"Like what?" Erickson asks.

Nichols states that Chuck's information about seeing the cleaning lady on the night of the murder is exclusive.

Erickson's responds by telling Nichols that he read that detail in the newspaper.

When asked by Detective Short on that same day "what was this guy doing on the parking lot when you all first saw him?"

“Maybe he was getting into his car, maybe – I don’t know...I think – like, I remember, like, I read in the newspaper that, like, he was feeding a stray cat or something.”

54) Erickson: Self-Described “Heavy Drug User”

Before and after the murder, Chuck Erickson’s basic health and well-being are persistently compromised by drugs and alcohol.

Hours before the murder, Erickson says, he consumes three or four Adderall pills, ingests a line of cocaine and imbibes up to fourteen alcoholic beverages. Perhaps he smokes marijuana, but he does not remember. He experiences a bad blackout. During the two and half years in between the murder and his arrest, Erickson, in his own words, experiences “10 to 20” additional drug-fueled blackouts. He also claims to have smoked marijuana before being questioned by police and openly details a long history of substance abuse. He says his substance abuse problems begin at age fourteen, and describes himself as a “heavy drug user,” experimenting with LSD, psychedelic mushrooms, peyote and cocaine.

55) Dr. Kim Fromme’s Testimony

Dr. Kim Fromme, a professor of clinical psychology at University of Texas, says that Charles Erickson’s testimony is “consistent with having experienced an alcohol-induced blackout, as evidenced by the many episodic autobiographical facts he could not remember.”

56) Chuck Erickson’s Home Searched; Turns up Nothing but Pot Pipes

On March 10, 2004, the Erickson household is searched for three hours for any type of physical evidence to link Chuck to the crime. They search his family’s attic and remove his clothes and shoes. Three items are removed from Chuck’s room: a glass marijuana bong, a small marijuana pipe, and a small amount of marijuana. Police are unable to “locate any items that we recognized as being associated with this homicide investigation.”

57) Cops Put Chuck on “Chopping Block”

Frustrated that he is not hearing exactly what he wants to hear, Detective Nichols becomes aggressive. His needs are soon fulfilled in abundance. “I’m not going to sit here and listen to this kind of gibberish, ok? I’m not going to waste my time doing that.” He raises his voice, and points his finger at Erickson, saying, “I’m gonna’ start talking and you’re gonna’ start listening.” He again threatens Erickson, and tells him that Ferguson will talk and blame him. “It’s you that is on this chopping block,” says Nichols.

Erickson appears even more timid and worried. Det. Nichols moves closer, pointing his finger. "I don't want to hear 'all of a sudden I just think I may have fabricated all of this.'" The detective returns to the beginning of his story, probing for more details that Erickson doesn't seem privy to.

The detective tells the story, and Erickson meekly submits to his version of events. How could Erickson confess to a crime he didn't commit?

Similar circumstances have led to similar convictions all across the United States. In 2013, New York state Court of Claims Judge Nicholas Midey orders the state to pay a man named Dan Gristwood \$5.5 million for the nine years he is imprisoned because of his false confession. In 1996, state troopers accuse Gristwood of a vicious hammer attack on his wife that leaves her brain-damaged and partially paralyzed.

Incarcerated on another charge, a serial criminal confesses to the attack. Gristwood says he never confessed, that he only said what the troopers pushed him to say. He signs an oddly worded confession. But even that is perplexing to the jurors who convicted him.

How could anyone confess to a crime he didn't commit? one of the jurors asks. Gristwood has an answer for them in a recent interview. "They've never gone through an interrogation," he says. "They've never been in my shoes. It's easy for them to sit there and say, 'Why would somebody do that?' Well, (the troopers) used special police tactics to get me to confess."

58) Tire Iron Not Consistent With Injuries

Heitholt is hit eleven times, but none of these blows results in a skull fracture. Medical experts testify that it is physically impossible to crack a person over the skull eleven times with a sturdy tire iron and not fracture the skull. Erickson's tire iron tale also fails a forensics test.

The weapon is established as a nail puller, in accordance with Dr. Larry Blum's testimony at the habeas hearing. Heitholt's wounds are more consistent, says Dr. Blum, with a two-prong tool, such as nail puller. "The tire tool would not really fit the injuries at all," says Dr. Blum. "There were no skull fractures associated with any of the outward injuries that were present...in a defensive posture with the hands up, it (a nail puller) would cause two parallel marks on the skin in this fashion. There were several on Mr. Heitholt's forearm, wrist area, back of the hand."

Blum's testimony dovetails with the Columbia police department's original assessment that "several of the abrasions on the victim's left hand appear to have been made by some type of prying instrument."

The tire tool from Ryan Ferguson's car – first speculated to be the murder weapon – is later discounted as the murder weapon by two separate forensic labs.

59) Chuck and the Disqualified Tire Tool

Chuck Erickson first describes the tire tool on the day of his initial police interrogation. He describes it as being between 24 and 36 inches in length. That night police search Ryan's car and Detective Nichols takes the Mercedes tire tool to Chuck in his jail cell. Nichols asks Chuck if it is the murder weapon; Chuck says it isn't.

In his October 1, 2004 proffer, however, Chuck describes the Mercedes' tool in the minutest of detail. Believing that the tire tool in Ryan's Mercedes is the murder weapon, he describes it elaborately. He waxes on for pages and pages of court transcripts. In his excruciatingly detailed account, Erickson artfully describes its feel, look, and character.

He recalls taking the tire tool from the car; leaving the scene with it; hiding it after the murder.

At Ryan's trial, when he is presented with the same tire tool, Chuck tells the court that what he is looking at isn't the weapon used in the killing.

60) Ryan Ferguson's Trunk Searched; Tire Tool Cleared

The tire tool found in Ryan's car is eventually cleared by the FBI and determined to hold no connection to the crime.

61) Allison Cooper's Police Report

On March 17, 2004, Allison Cooper is questioned by the Columbia police about the New Year's Eve party at John Whitworth's house in which Chuck mentions the murder to Ryan. According to Cooper, she did not hear the actual conversation between Chuck and Ryan, but Ryan did pull her aside in the kitchen afterwards. She says he told her, "That stuff Chuck is saying is confusing. I don't know what he's talking about." According to the police report, Ryan told her that "Chuck thinks that he and Ryan killed a guy at the Tribune." Ryan stated they did not.

62) Return to Bar With No Money?

Erickson first claims that he and Ryan return empty-handed to the By George. In Erickson's first account, the pair return as destitute as when they leave. At Ryan's trial, Erickson inserts an interesting detail: after the murder, he says, Ryan finds \$20 in "a compartment in his wallet."

According to Chuck, Ryan pulls out a \$20, after they are already in the bar. Chuck's explanation that two murderers return to a bar, risking public observation, knowing full well that they are unable to obtain drinks, raises serious suspicion.

63) Chuck's By George Timeline

Erickson testifies that after the murder he returns with Ryan to the By George. There is drinking, dancing, and boisterousness. He testifies that a police officer stands beside a patrol car in the parking lot adjacent to the bar, which prevents he and his friend from leaving the club for between one to two hours. Chuck's testimony pushes the time back to sometime between four and four thirty in the morning. He says that when the two exit the club, the streets are still crowded with cars and people. He says that they exit with the crowd – two among the many.

64) Bloody By George

Once more, we are asked to defy reason and logic and accept that two men, who have just committed a gruesome murder, and are presumably covered in crimson, would risk apprehension by showing themselves in an excessively public way. According to Chuck, he shields the blood stains and his bloody hands by pulling his sleeves down.

Instead of fleeing and covering their tracks, two men who have just committed a murder – described by the Columbia police as one of the bloodiest crime scenes they have ever encountered – waltz into a crowded bar and a sip a Pabst or Amaretto sour.

65) Kim Bennett's Testimony

Kim Bennett is at By George the night in question. She signs a sworn affidavit stating that she and her friend watch Chuck and Ryan leave the bar between 1:15 and 1:30 a.m. She observes them enter Ryan's vehicle and pull away – exactly in the same direction as Ryan has always maintained. She recalls standing on a tiny swath of grass as her friend's boyfriend loads his deejaying equipment. Ryan's car is parked at the corner of Walnut and First Street, of this she is positive. This is consistent with Ryan's statement.

In Chuck Erickson's October 1, 2004 proffer, he claims that the car is parked in the exact same location as stated by Ryan and Kim Bennett. To this day, the prosecution disregards this fact, maintaining an alternate location, which better suits its version of events.

However, the jury at Ryan's 2005 trial never hears Kim's evidence. Her statement is deliberately withheld from Ryan's defense team. She never has the chance to testify during his trial, but does eventually testify during Ryan's 2012 habeas hearing, and testifies she is "one-hundred percent certain of what she saw." Even though the prosecution attempts to mislead and agitate – using distorted diagrams, alleging that she doesn't realize the difference between police officers and defense investigators, and probing her employment history – she affirms she spoke with Columbia police officers on two separate occasions. Both times, she says, she cooperated fully and provided exculpatory evidence in Ryan's favor.

Her testimony falls on deaf ears with Judge Green: "The Court has doubts about the veracity of Ms. Bennett's claim that she told the police this information."

Why would she lie?

66) The Sad Case of Jerry Trump

Jerry Trump, a janitor at the Tribune, is with Shawna Ornt when they see two figures at the crime scene. During the 911 call, Trump lacks the vantage point to provide a description of either person. Jerry Trump is one of the two people who testify against Ryan during his 2005 trial. Both since recant their words and claim that former Prosecutor Kevin Crane aided and abetted in their false testimony. Jerry Trump testifies in 2012 that Crane tells him that his newfound ability to identify the men “would be helpful” to Crane’s case. What is most noteworthy here is that Trump fails the polygraph test that sends him back to prison *before* Heitholt is murdered. At the time of the murder, the administrative procedure revoking his probation is pending. In December 2001, Trump starts a three year sentence for lying about watching videos of “naked boys.” He is released on December 13, 2004, and is in Crane’s office on December 21, 2004. According to Trump, Crane first contacts him while he is still in prison.

67) Trump’s First Lie

From December 2001 to December 2004, Trump is in a Missouri prison serving time on five counts of child endangerment. During Ryan’s 2005 trial, Trump testifies that his wife, Barbara, mails him a *Columbia Daily Tribune* newspaper which contains Ryan’s and Chuck’s arrest photographs. This “partial article” is mailed between mid-March or early April of 2004. Even before reading it, he recognizes the suspects’ published mug shots.

“I thought, ‘I’ve seen these two faces before,’” Trump says at Ryan’s criminal trial.

“Where?” Prosecuting Attorney Kevin Crane asks.

“At the Tribune the night of the murder.” he replies.

After the trial, Barbara Trump denies that she ever mails her husband the newspaper. She lives in Mexico, Missouri at the time and pays no attention to the contents of the *Columbia Daily Tribune*.

The state fails to disclose that it interviews Barbara Trump and that Barbara claims no memory of sending her husband any such newspaper clipping.

68) Trump Tells Probation Officer The Truth

Jerry Trump is under probation supervision, in the District 6 office in Missouri, at the time of Heitholt’s killing. Regional Sex Offender Specialist Janice Palmer remembers him talking about the murder in a sex offender treatment group and recalls him saying that “he is unable to identify anyone.”

69) Trump Tells Sister the Truth

Jerry Trump's sister, Barbara Randolph, states that her brother told her that he only saw "head bobs" the night of the murder, "couldn't see the faces," and couldn't identify the men at the car. Until she sees the 48 Hours broadcast of the case, she is unaware that anyone is charged in the case. She is surprised that Jerry testifies at the trial.

70-73) Jerry Tells Three Others

After the trial, others come forward to say that Jerry Trump has no idea what the men near Kent Heitholt's car look like. In private company, he is not the least bit reluctant to say so. During Ryan's Hearing in July 2008, Christine Varner, Trump's branch manager at the job center that helps employ him, testifies that Jerry Trump tells her the day after the murder he is unable to see the suspects' faces "due to a light in his eyes." Trump tells two of his parole officers that he cannot see the people in the parking lot. These officers contact the prosecution to inform them of this information. Five people sign sworn affidavits stating that Jerry Trump freely admits that he cannot identify the two men at the crime scene.

74) Trump's Skewed Memory

In early 2003, the Columbia police department distributes a video about the murder in Missouri's prisons. This video contains information about the Heitholt murder and offers a reward of \$2,500 for anyone with knowledge that might lead police to the perpetrators. At Ryan's trial, Trump testifies that he sees this video in 2003, but he never says a word to anyone about recognizing Ryan or Chuck. He never attempts to claim this reward.

75) Trump Suddenly Remembers

Trump is released on Dec 13, 2004, with two years of probation remaining. He is summoned to Prosecutor Crane's office one week later, on Dec 21, 2004. During this meeting, he remembers seeing Ryan and Chuck in the dark parking lot. At Ryan's October 2005 trial, Jerry Trump confidently points Ryan out as the man he recalls at the murder scene. This identification becomes one the linchpin reasons jurors' elect to convict.

"The dude put me at the scene," said Chuck Erickson, in 2012. "What am I supposed to think when someone says you were at a murder scene?"

76) No Useful Information; The Story of Jerry Trump

According to the police, Jerry Trump has "no useful information" as to what took place the night of the murder; yet at trial, he is asked by Prosecutor Crane if he will point out the person he sees that night. Shawna Ornt, the person who twice helps with the composite rendering, is never asked if she can make the identification. Jerry Trump –

with “no useful information” – supplants Shawn Ornt, who instructed the composite sketches, as the state’s second most important witness. Why?

77) Trump’s Testimony Crucial

Jerry Trump’s false collaring of Ryan Ferguson is crucial to the jury’s guilty verdict. On CBS 48 Hours, a juror stated when Trump said he’d seen Ryan, “and pointed him out, that was pretty much all you needed right there.”

In 2012, Judge Green concedes that Trump committed perjury at Ryan’s criminal trial, and that Trump’s trial testimony about identifying Ryan based on newspaper clippings is “too fantastic to be believed.” Critics of Crane’s handling of the Ferguson case view Green’s statement as sufficient grounds to charge the former prosecutor with suborn perjury.

78) Trump Refutes Crane

At Ryan's 2012 habeas hearing, under the threat of perjury and another prison sentence, Trump testifies that the first time he sees the newspaper with Ryan and Chuck’s mug shots is in Prosecutor Crane’s office. This takes place on December 21, 2004. This refutes Crane’s statement that he never shows Trump any photo or newspaper prior to Ryan’s 2005 trial.

Why would Jerry Trump falsely implicate an elected official and put himself in line for another prison stint?

79) Trump’s Testimony Tossed

In April 2012, after more than seven years in prison, Ryan gets the hearing he has dreamed about in front of a Missouri state judge. He has to convince the judge of new evidence that proves his innocence.

Attorney Kathleen Zellner calls on Jerry Trump to clinch her case for innocence.

In October 2012, Cole County Circuit Judge Daniel Green asserts that “this Court does not believe that Jerry Trump testified truthfully about his positive identification of Ryan Ferguson.” However, in an act of infuriating smugness, the judge essentially disregards Trump’s in-court identification as not having played a substantial contributing factor in Ryan’s conviction.

80) Trump Asks Ryan Ferguson For Forgiveness

Years later, Trump, under the threat of perjury charges and a prison sentence, exorcises his demons, fesses up to the truth, and begs for Ryan’s forgiveness. “Gut wrenching” is how attorney Kathleen Zellner refers to the apology. For Ryan, it is painful to watch a man in so much agony.

Bill Ferguson says that mistakes are always forgivable, if one has the courage to admit them. “I’ve been asked about my feelings about Jerry Trump,” says Bill Ferguson. “I have no ill feelings for Jerry Trump and no ill will toward him at all. He was put under tremendous pressure to lie under stressful circumstances. We appreciate his honesty and courage to come forward and tell the truth. He came forward to tell the truth while facing ten years of prison time for lying in a murder case. The question is, would we have stood up to the prosecutor if we were in his position at that time?”

81) Crane’s Selection of Trump Implies Collusion

Evidence suggests that Crane is not exactly candid about his relationship with Jerry Trump. How is it that Jerry Trump came to be a prosecution witness, instead of Shawna Ornt? “This is the fundamental question in Ryan’s trial,” says Bill Ferguson. “Why did Prosecutor Crane choose to ask Jerry Trump if he could identify Ryan in court? Why did he choose Trump rather than ask Shawna Ornt? He knew if he asked Ornt, the answer would be no.”

82) Composite Sketch Sketchy

Columbia Police Department base their first composite sketch on interviews with Shawna Ornt. She says she gets a clear look at one of the men, “standing calm and composed,” as he speaks to her before walking off. Shawna’s description: the man is 6 feet tall, 200 pounds, blonde hair, wearing a short-sleeved T-shirt. This physical description rebuts the physical characteristics of both men: at the time of the crime, Ryan is 5’8” and 160 pounds, and Chuck stands 5’6” and 150 pounds.

83) Shawna Ornt Tells Crane: “Composite not Ryan Ferguson”

Shawna Ornt is considered by police to be the crime scene’s only credible witness. The parking lot light above her head illuminates one of the figures from the crime scene. Ornt assists in drawing a composite that night. Her co-worker, Jerry Trump, is not asked to assist, as he cannot provide a description of the man. In March 2003, Shawna Ornt is asked to assist in the drawing of a more accurate composite. Sgt. Steve Monticelli develops a new composite drawing because the sole witness in the case is never happy with the original, computer-generated composite.

During Ryan’s 29.15 hearing, she reveals that she positively *excludes* both Ryan and Chuck to Prosecutor Crane on multiple occasions. She says that after disqualifying both Ryan and Chuck as the men in the parking lot that night, Crane tells her that he “knew they did it.” He tries to “get me to say yes.”

Crane fails to follow the law by not informing Ryan’s counsel of Ornt’s statements prior to Ryan’s trial. In an interview with the author, on July 19, 2013, Crane says that Ornt “*could not one way or the other identify Ferguson.*”

84) Shawna Ornt Bullied by Police

Shawna Ornt states that investigating officers shout and threaten her when she will not change her statement that she has not seen Ferguson or Erickson at, or near, the crime scene.

85) Prosecutors Shouldn't Be Hiding Evidence From Defendants

Prosecutor Kevin Crane is accused of violating the Brady Law of ethics. A Brady motion is a defendant's request for evidence concerning a material witness which is favorable to the defense and to which the defense may be entitled.

Favorable evidence includes not only evidence that tends to exculpate the accused, but also evidence that may impeach the credibility of a government witness. A Brady violation occurs where the failure to disclose evidence to the defense deprives the defendant of a fair trial. "I never did anything but submit the facts," says Crane in an interview with the author. "I submitted the facts. When you examine my record, before, during, and after the trial, I let my record speak for itself. I've never done anything contrary to my professional ethics."

In 1963, the Supreme Court said that prosecutors should not hide evidence from defendants. But there's no real accountability structure to enforce the obligation. In May of 2013, *The Atlantic* had this to say about Brady Violations.

"The sad truth is that 50 years after Brady, in an increasingly complex criminal justice system, too many prosecutors still hide exculpatory evidence, and too few judges do anything about it."

During the trial, Prosecutor Crane never asked Shawna Ornt if she could identify Ryan who was sitting just a few feet from the witness stand. Prosecutor Crane already knew what her answer would be. He did not want the jury to have this crucial piece of information. Crane failed to follow the law and inform Ryan's defense team of what Shawna knew – a clear Brady Violation.

During Ryan's 2008 Hearing, Shawna testifies under oath that she tells Prosecutor Crane prior to trial, that the person who walks towards her that night is not Ryan Ferguson. This evidence is withheld from Ryan's defense team by Prosecutor Crane.

The Brady rule as it's applied today is a failure despite the fact that thousands of prosecutors around the country honorably disclose evidence to defendants – despite the fact that a few enlightened jurisdictions have even adopted "open-file" discovery rules in criminal cases. The problem is that there is little incentive for prosecutors to comply with the rule.

Prosecutors have no accountability when it comes to hiding evidence.

It's still happening today.

86) Crane Accused of Hiding Witnesses: Chris Canada and Melissa Griggs

During Ryan's trial, the defense argues that Kevin Crane suppresses and hides the exculpatory testimony of Kris Canada and Melissa Griggs. Canada, a bartender at the By George, tells Crane's investigators that the bar closes at 1:30 a.m. on the night of October 31, 2001, and that staff lock all doors promptly thereafter. Melissa Griggs, is one of the many underage patrons in the bar that night. She tells investigators that the bar closes at 1:30 a.m., as mandated by law. Canada, who worked the "back bar" testifies at Ryan's trial and relates that "by 1:30, we had the doors locked."

87) Crane Allegedly Coerces Ornt

Kevin Crane speaks with Shawna Ornt at least two times prior to Ryan's 2005 trial, and he tries to get her to agree that the person she saw that night is Ryan. Ornt testifies that at her last visit Crane became loud, condescending and threatening when trying to persuade her. "He scared me," says Ornt. "He made me feel like I was wrong." Ornt was the only witness and the only person asked to assist the police to draw a composite the night of the murder and again in March 2003. On one occasion, according to Ornt, Crane "raises his voice" and shows her "pictures of Kent Heitholt's corpse."

In February 2011, Ornt had this to say: "I was never asked to identify Ryan Ferguson at trial or asked if he was one of the men behind the car. If I had been asked that question by Prosecutor Crane at trial, I would have testified truthfully that Ryan Ferguson was *not* the person I saw behind the car that night."

88) Ultimate Arrogance: Judge Dismisses Ornt

At Ryan's 2008 evidentiary hearing, Judge Jodie Asel says that Shawn Ornt has no credibility and dismisses her from the proceedings. "It really shows the mentality of the prosecutorial-judge relationship," says Bill Ferguson. "Judges, many of whom are former prosecutors, have a vested interest in protecting their institution."

89) Another Legal Violation/Kim Bennett

Under the leadership of Crane, the Columbia police department and Boone County Prosecutor's Office are alleged to have committed numerous legal violations against Ryan. Witness statements change constantly throughout the police investigation – often mere hours after they were first recorded - and Chuck Erickson is fed information about the murder that was not yet known to the public.

Once again, prosecutors are legally required to share information useful to the defense team, but the crucial evidence of Shawna Ornt and Kim Bennett, among others, is never passed on to Ryan's defense team.

Kim Bennett arrives at the By George on October 31, 2013, with a friend at around 10:30 p.m. She leaves the bar with her friend at about 1:00 a.m. At approximately 1:15 a.m. she sees Ryan and Chuck leave the bar and depart. By the time she leaves the parking lot at 1:45 a.m., she says, the parking lot is empty. Her friend's boyfriend is one

of the DJ's at the club, and she remembers him packing up his equipment around this time. After Ryan is arrested, both Kim and her friend are questioned, and they provide the same account. This information is never revealed to Ryan's defense team. Ryan's attorney, Charles Rogers, says that had Bennett's information been disclosed, he would have "presented her testimony at the trial."

"From my perspective," says Bill Ferguson, "Kevin Crane orchestrated false information and false testimony to convict Ryan. This was no accident, no mistake. He orchestrated an atmosphere of false confessions and created a bad environment, a manipulative environment. He kept the truth hidden."

90) "The Boldest Lie of Kevin Crane"

In the closing arguments in Ryan's trial, prosecutor Kevin Crane tells jurors that "no hair" and "no blood" is ever found in Heitholt's hand. This is a major falsehood that jurors confusedly absorbed as truth. Perhaps Crane just accidentally stubs his mental toe, or perhaps the truth is a bit more complex. At Ryan's evidentiary hearing, under the threat of perjury, Crane admits that the hair strand and the dried blood – both key pieces of evidence that cannot be matched to Ryan or Chuck – are in fact attached and caked to the victim's hand. "This is Crane's boldest documented lie," says Bill Ferguson.

91) Not the Ideal Mugging Victim

At about 6'3" and 315 pounds, Kent Heitholt is hardly an easy or simple target for a mugging. It seems plausible that the killer is a large man much younger than Mr. Heitholt. To be able to brutalize a man of Heitholt's girth, it most likely required a fairly substantial counterweight.

92) Ann Wolbert Burgess: 'Victim Knew Attacker'

Ann Wolbert Burgess, chairperson at the University of Pennsylvania's Division of Psychiatric Mental Health Nursing, claims that "the blitz style of attack suggests that Kent Heitholt did know his offender." The intense beating that Heitholt suffers to the neck and face "implies both a personal relationship and a known angry offender." Burgess says that offender was aware of the area and neighborhood, and "was in a comfort zone." She says that the killer also seems to possess knowledge of the victim's work ritual. In her words, "the killer seems too familiar with the victim's habits and routine of his workplace."

93) Benjamin White Deposition

Columbia police officer Benjamin White says in a June 29, 2005 deposition that custodian Mike Henry tells officers he sees two young white men earlier in the evening.

These men match the description of the two men who later stumble upon Heitholt. One of them has blonde hair. White has no idea who this lead is forwarded to, or if these men are ever questioned. Officer White has no clue as to what happens to this information. Regardless of whether or not this snippet holds value, material info is lost in a bureaucratic mess.

94) Consistency of Ryan's Story

Repetition will frequently trip up liars. Ryan Ferguson pleads innocence from the onset. Murderers and sociopaths often have a unifying, connecting thread, and that's narcissism. They are cocky enough to think that they can say whatever they want, and that the jurors and general public will devour it as truth.

Along the way, they ordinarily stumble in at least one glaring lie. They explain away that lie as an example of the media, or some imaginary foe, being out to get them, or as nonsense. Most of the time, they can't even remember their own fibs, inconstancies, or mistruths. Prosecutors love these inconsistencies, and in many cases, lies are perceived by the jury as tantamount to a confession.

Ironically, in a case predicated on lies and conflicting testimony, Ryan never changes his story.

95) Chuck Erickson's Unreliability

"I think in his heart and soul, Chuck Erickson really believes that he committed the crime. I think he's probably questioning it a little bit now," says Bill Ferguson, in 2005. "But I think, initially, he thinks he did that, for whatever reasons that are going on in his mind. Basically he doesn't know anything about the crime scene. He doesn't know anything about what happened that night. His story continually changes."

Bill Ferguson's speculation precedes Chuck's own declaration in 2012 that neither he nor Ryan stepped foot in the *Columbia Daily Tribune* parking lot that November 2001 morning.

Chuck Erickson has been so blinded to the difference between real and imagined.

96) Prior Behavior

Young men who lead unsavory lifestyles are often prime targets for law enforcement. Before his arrest for Heitholt's murder, Ryan hardly exhibits a pattern of unruly and unlawful behavior. In fact, the opposite is true. He isn't a thief, a drug addict, a drug dealer, a liar, a cheater, or anything else dysfunctional. He has no prior record of any type of antisocial behavior.

He scarcely fits the profile of a murderer. Growing up in Columbia, Missouri, Ryan was an ordinary kid who received average grades in school and enjoyed playing sports like soccer, basketball and tennis.

Ryan asks Erin Moriarty of CBS: “How do so many people get it so wrong? That you end up with forty years in prison for something you didn’t have anything to do with?”

97) Chuck’s Letter

One day in 2009, a mysterious letter to Ryan Ferguson arrives from Chuck Erickson, written November 20. Ryan doesn’t know at first what to think. It’s from Chuck. *What could he possibly have to say?* Succinct, the letter reads, “Ryan, have your lawyers come to speak to me the next time they are down here.”

Four years after his testimony puts Ryan behind bars, Erickson announces that he is an incorrigible liar and that he is the sole murderer of Kent Heitholt. When Ryan’s attorneys question Chuck on November 22, he claims that he beat Heitholt to death on his own, and Ryan tried stopping him. He says he strangled Heitholt as Ryan pleaded for him to stop. He says that he regrets putting an innocent man in jail. He says he lied repeatedly to the jury.

Part of Chuck’s letter, which he reads on video:

“I made up the statement about Ryan giving me the tire iron... I could not accept in my conscious mind that I was the sole perpetrator and aggressor, so I put a lot of the blame on Ryan...it was just too hard to admit to myself and others that I had killed someone...on a subconscious level, I’ve always known that I did it...there is something wrong with me.”

Years later, under oath, he admits that he even fabricates his confession that he alone kills Heitholt.

In April 2012, Ryan comes face to face with the man most responsible for putting him in jail. Ryan watches as Erickson tells the court, he doesn’t know what happens that night. “I’m just good at making stuff up.”

This is the same thing he tells detectives back in March 2004.

98) Chuck Tries to Absolve Ryan

“I don’t want to die knowing that this guy is still in prison for something I said, and I lied,” Charles Erickson tells Erin Moriarty, of CBS News, in 2012. “It was sad to me,” says Erickson, “that telling the truth, it might be too late for that.”

“The reason that I felt I needed to lie, make things up, was because I couldn’t remember anything...I was probably paranoid because of all the drugs I did.”

He says he has never had any memory of that night. He remembers waking up in the morning. That’s all. When detectives tell him that Ryan is going to pin this “whole mess” on him, he says he reacted defensively.

“I was scared that Ryan was going to be putting it on me,” says Erickson. “I created this story basically to cover myself.” Facing the threat of resentencing because of a perjury violation, Chuck admits to blacking out, and he recants under oath. Shackled,

bespectacled, head shaven clean, tightened lock box on his reddened wrists, Chuck says that his testimony is hardly a self-serving proposition.

His testimony exposes him to Class A felony perjury charges. “I could’ve been paroled in another five years. It would be in my best interest to say nothing. Now, I’m possibly facing the rest of my life in prison.”

99) Law of Averages

The Midwest Innocence Project estimates that one to five percent of inmates across the country are innocent. According to the Urban Institute’s Justice Policy Center, approximately three to five percent of the prison population is innocent of the crime for which they are incarcerated. The leading cause of wrongful conviction: eyewitness misidentification.

100) “I Should Have Spoken Out,” says Juror in 2013

In June of 2013, a juror offers an apology to Ryan and “his forgiveness for not standing up for him.” In an interview with Richard Drew, the juror expresses serious misgivings about the conviction and Prosecutor Crane’s tactics. “I was the second youngest juror at the trial – I was 35. Most of the jurors were in their 50s, which is what Crane wanted, I think. I should have spoken out.”

101) “He’s innocent. I hope they just release him.”

Locking up a young man for the majority of his life is difficult for anyone with a conscious. Hearing key witnesses recant their testimonies as exonerating evidence surfaces leads some Ryan Ferguson jurors to question their verdict.

In light of new allegations by the defense and recantation of testimony by Trump and Erickson, local newspapers attempt to contact the jury members and two alternates.

Many say they are tired of reporters asking about their participation. One jury member declines to be interviewed in 2011, but says, before hanging up the phone: “He’s innocent. I hope they just release him.”

“The jury wasn’t given all of the information,” says Bill Ferguson. “We don’t condemn the jury.”

With two eyewitness recantations, Ryan Ferguson’s thirteenth appeal seemed his most promising.

Six and half months later, the appeal is denied.

Ryan sits in his cell and stares at the floor.

“It’s frustrating,” says Ryan Ferguson, “because you never know, even with all the evidence, if you will ever get your life back.”

High hopes and sinking feelings are part and parcel of Ryan's harrowing saga. "The worst dream possible," says Bill Ferguson.

In 2013, Chuck Erickson says that Ryan Ferguson is innocent.

And so Ryan Ferguson, or State of Missouri prisoner #1137593, lives at the Jefferson County Correctional Center, at 8200 No More Victims Road, in Jefferson City, Missouri.

He waits for justice.

In December 2012, a former prison guard, who worked at Jefferson City Correctional Center for nearly six years, emailed the Ferguson family.

"Everybody in there knows he is innocent. Of course, I can't speak for the Department as a whole, but most every Corrections Officer I spoke with feels he's innocent. Same with the inmates. Inmates are notorious for claiming innocence, but it's something quite different when you have OTHER inmates vouching for your innocence as well. Ryan never causes any problems, he keeps to himself, and I can't honestly say I know how you feel, but I can DEFINITELY say that I know you are on the right side of things. Keep fighting. Good will win in the end!!! Keep the hope alive."

Epilogue



Bill Ferguson stands under the beating sun, breathing in the hot air. We stand in front of the former By George nightclub on this sultry summer day ready to retrace every step of the crime scene. We talk for hours on end of every single detail of the case, standing in the very spot his son parked his car on the fateful night of October 31, 2001. And then we get into his vehicle, which air conditioning has made blessedly cool, and drive off toward the *Columbia Daily Tribune*.

Over the course of the next

four days, we meet at coffee shops, diners, restaurants, and the Columbia Public Library.

Bill Ferguson toils hourly to set his son free. His sense of urgency is unrelenting. He knows that one day he and his son will prevail.

If there is one thing that can be said about Bill Ferguson, it is that he is resilient. He explores each and every gut feeling until exhaustion. Another is that he knows how to counterpunch and let the punches glide off of his face. Lose an appeal, come back swinging. Lose an appeal, come back swinging. “You don’t get over it, you get busy.”

Mental strength is one of the key ingredients of ‘getting busy.’

“It takes strategy and a game plan and plenty of focus to press forward,” says Bill, his eyes gleaming like Christmas morning. His communication style evokes a politician the way he rattles off statistics and peppers the conversation with arcane details.

Another thing about Bill Ferguson is that he never says or does anything without providing or having supplementation. He keeps his folders and files and documents handy. He has examined and re-examined every single line of ink ever transcribed, typed or recorded related to his son’s case. If he forgets something –a court date, a line of testimony - he knows exactly where he may relocate the answer.

Ryan Ferguson’s father believes him, and, together with Ryan’s mother, Leslie, and sister, Kelly, he has spent the past nine years trying to set his son free.

He doesn’t want this embattled feeling. He didn’t choose this uphill battle against dreadful lies. He hopes that one day he no longer will need the media attention. He would

prefer to be able to travel and play basketball with his son, to have an ordinary father-son relationship. He wants to hug his son.

Bill Ferguson also wants to beat the justice system at its own game. He just can't stop fighting. The case against his son, he says, is even more egregiously flawed than he can even describe.

Since 2004, Bill has tried to project a different face of his son, a contrast to the cold image of alleged perpetrator, and, later, convicted murderer. He wants the community to notice the boy he loves, the kid he played basketball with, the youngster who completed his Eagle Scout project when he was a senior in high school.

The case for Ryan Ferguson's release is cemented in the moral outrage one feels after examining the evidence. To the surprise of some, Bill neither judges nor blames Jerry Trump or Charles Erickson.

"They were put in a bad position by the police, the prosecutor and the courts."

One of Bill's most successful projects, Free Ryan Ferguson, continues to gain momentum. Petitions continue to get signed; letters written; emails sent; phone calls made.

Of course, Bill is the accelerator.

"There will be a day when Ryan comes home," says Bill. "There will be a day when the truth comes out. One day he will have his life back."

The slaying of Kent Heitholt changed the very foundation of Columbia, Missouri. Several things have changed since that violent early morning in 2001. The Tribune streamlined a security system with key cards; the parking lot where Kent bled out has been repaved and painted.

The nightclub that catered to a steady flow of underage drinkers went out of business, replaced by a well-appointed furniture store. Many of the reporters who knew Kent have moved on, including Michael Boyd to St. Genevieve, Missouri one year later. Kent's wife, Deb, and his two children, Vince and Kali, have moved away.

Kevin Crane was elected in 2007 as a judge in Missouri's 13th judicial circuit – a position he retains.

Charles Erickson has no support system and little tether to any external reality. He has received two felonious assault convictions while in prison. His strategy in life is survival – and, he says, telling the truth about what he remembers and doesn't remember.

Most everyone familiar with the facts of Ryan Ferguson's case believes that he did not commit this crime.

With the grace of God and good fortune, the criminal justice system that shackled Ryan will soon acknowledge its own grievous faults. Until then, Ryan waits, keeping physically fit, reading the classics voraciously, and writing a book about the benefits of good health. He still smiles, he is still upbeat and positive. "He may be in the best shape of anyone in the prison," says Bill Ferguson, who sees Ryan once a week for approximately three hours. "He's very academic. He reads a lot about current events and

comprehends the classics pretty well. He tries to keep a good balance in his life and is pretty diversified.”

Ryan receives greetings and well-wishes from all over the world, including Australia, Europe and the Middle East. He knows that he would be in a much worse situation if it weren't for his family and their visits.

“Ryan has never blamed me,” says Kelly. “But I can't help but think if the situation were reversed, that I wouldn't have said to him, ‘You were the only reason I was even down there that night!’ It doesn't surprise me however, because, Ryan isn't that type of person.”

Ryan dreams of skiing, hitting the snowy slopes of Colorado, like he did when he was a teenager. Quite frankly, Ryan longs for the day he can privately enjoy the sight and scent of a woman. He has a girlfriend, who lauds his sensitivity, kindness, and humanity. She says he is always sporting a smile.

“Ryan Ferguson is the epitome of selfless. He is the most real, raw, passionate, caring human-being that I've ever known. Everything he says just makes sense. He explains things in a way that I would never be able to make sense of on my own. “He genuinely cares about everyone else more than he does himself, and it's rare that you find that in a person. You can always count on Ryan to be there for you, through good times and bad times, he's always there; picking up the bad pieces and making them good.

“His understanding of struggles and his ability to resolve them is something I only wish I could handle in the same way. He lets me know that if today isn't great, tomorrow will be better and not to dwell on the past, but he helps me to appreciate my feelings and understand myself in a way I've never been able to before.

“Nine years of his life have been taken from him, for most this would only make you bitter at the world and everyone in it, but not for Ryan. He has not given up hope... He knows that once someone decides to be fair to him, he will be able to live his life. He is currently living inside of a nightmare; however, he has taken these years to better himself.”

Ryan Ferguson is optimistic that he will one day be exonerated, but he is still realistic enough to understand the gravity of his fight. If you believe he is a broken man bitterly stripped of faith, you would be wrong. Faith in his innocence is the bedrock foundation upon which his strength is built.

“I have so much respect for him,” says Bill Ferguson. “I'm very proud of Ryan and his unbreakable will.”

The essence of Ryan's struggle is the essence of this case – a wrongfully convicted man is incarcerated because of a multitude of lies, errors, and mistruths.

Soon, however, the soul of this case will be more about the triumph of truth than the success of deceit.



