

INTEROFFICE MEMORANDUM

TO: Michael J. Satz, State Attorney  
FROM: Tom Coleman, ASA- HTU  
DATE: 12/22/2015  
SUBJECT: Case Filing Recommendation  
In Re Death of Eugene Hicks  
POLICE AGENCY: Hallandale PD, Det. Alex Villanueva  
INCIDENT DATE: 6/25/1983  
CC: Jeff Marcus, Chief ASA  
Brian T. Cavanagh, ASAIC, HTU

FILING RECOMMENDATION:

After reviewing the various statements and reports provided by the Hallandale Police Department, it is my recommendation that we not file any charges nor should we present this case to the Grand Jury. The investigation into the death of Eugene Hicks should be closed. The "primary suspect", Kenneth Bicking, is currently serving a life sentence and there exists no competent evidence to present that would result in a reasonable likelihood of a conviction in this case.

BRIEF SYNOPSIS:

On 25 June 1983, Eugene Hicks was found dead in his home (600 Hibiscus Drive, Hallandale Beach) by his wife Debra. The case was unsolved and went cold with a number of different suspects presented over the years. In 2004, the case was re-opened by Hallandale Det. Ron Buckers when a witness, Michael Wolff (Rash), came forward claiming to have information. Det. Buckers along with ASA Brad Weissman and SAO Investigator Tim Bronson, members of multiple Texas police agencies, and Jacksonville police, as well as N.C.I.S., worked on this case for the next four years. In 2008, when it was determined that no charges could be presented to a Grand Jury, Det. Buckers took possession of the file in order to continue his investigation. In early 2015, the daughter of the deceased, Jessica Lauren, contacted this office as to the status of the investigation. I was asked to speak to her and I was assigned the case.

FACTS PRESENTED:

On 25 June 1983, Eugene Hicks was found dead in his home (600 Hibiscus Drive Hallandale Beach) by his wife Debra. There were no signs of forced entry. The front door was locked. Specific portions of the house were disturbed but the large majority of the house showed no signs of being ransacked or disturbed. Mr. Hicks was examined by the Medical Examiner and was found to have been shot in the chest as well as stabbed 5 times in the chest. Both injuries



contributed to the death of Mr. Hicks. Fingerprints and blood evidence were collected from the house. The police also interviewed the people who were known to have been with the victim in the days leading up to his death as well as his family and friends. A number of suspicious circumstances began to develop.

The first circumstance was the lack of forced entry along with the focused search for property. No windows were broken and all doors were locked. When Mr. Hicks was discovered he had an unlit cigarette along with a lighter and a pill bottle. He was dressed only in a pair of shorts. Other than the injuries suffered by Mr. Hicks, there did not appear to be any obvious sign of struggle. Areas of the home were obviously searched while other areas were completely undisturbed. No electronics were taken. It was clear to the detectives that responded that whoever entered the home and killed Mr. Hicks was invited in and knew what they were looking for and had ideas where to find what they were looking for.

A second circumstance was the amount of automobile sales that Mr. Hicks was involved in. Mr. Hicks was in the process of selling two cars, buying a third, and possibly selling a boat as well. One of the cars was sold without proper title and another the police learned, was about to be stolen. In addition, the boat in question was reported stolen by the marina that was doing work on the boat.

A third circumstance was the fact that Mr. Hicks was awaiting a pending sentence for drug trafficking. He was also alleged to have committed a murder of a confidential informant. This allegation was made by the defendant on trial for the murder in question.

The combination of these circumstances led the police to develop a number of possible "persons of interest" within the first 18 months. None of these "persons of interest" were ever developed into suspects, but none, however, were ever excluded as such either. This lack of development on either side of the equation is a larger barrier to any future prosecution in this case. As such I will try to cover each group separately:

#### Family and Friends

Due to the fact that there was no sign of forced entry the first group of individuals the police looked at was the family and friends of Mr. Hicks. Debra Hicks was the wife of Eugene Hicks and she discovered the body. She told the police that she had moved out of the house earlier that week because she could no longer deal with the stress Mr. Hicks was under. She went to her parents' house. She was there a few days with their sick child, Jessica. Ms. Hicks said she went back to the house to get medicine. When she arrived on June 26, 1983, the front door was locked so she rang the doorbell. She saw lights on inside the house and heard the air-conditioner running. She and her mother then used her key to enter the residence where they found her husband. They called the police. To this day there is no answer as to why she rang the doorbell before entering the house. When Det. Beukers wanted to talk to her in 2004 when the case was re-examined she did not want to discuss the matter with him. At that time, Det. Beukers considered this fact along with her not wanting to discuss the matter as a reason explaining why Ms. Hicks should be considered a suspect.

Another family member that the police considered as a person of interest was Mr. Hicks' father-in-law. He had told Mr. Hicks that if Mr. Hicks ever hit his daughter again he would kill Mr. Hicks. One of the reasons Ms. Hicks left Mr. Hicks was because he had beaten her. This would have given a motive and would also explain why there was no forced entry. It would also



explain why Ms. Hicks was reluctant to speak with Det. Beukers years later. Neither of these family members were ever excluded in any definitive manner as a person of interest.

A third family member was Paul Hicks, the brother of the deceased. According to Paul Hicks at the time of Mr. Hicks' murder "they were involved in a lot" of criminal activities. These activities included drug deals and drug deal rip-offs, as well as other things he could not remember. Paul Hicks claimed that Eugene Hicks kept about \$50,000.00 dollars in cash in the house and that money was missing from the house after the murder. He also claimed that Debra was looking for money and jewelry in the closet when he arrived at the house after being informed of the murder. He found her behavior suspicious. He further informed the police that his brother and his "boy", Ken Bicking, had been trying to steal back a car that Mr. Hicks had sold.

Finally, we come to Ken Bicking himself. Mr. Bicking worked for Mr. Hicks. According to Paul Hicks, Bicking was an "errand boy" for Eugene Hicks. Bicking would also participate in a variety of criminal acts in furtherance of different criminal enterprises that Mr. Hicks was involved in at any one time, such as the stealing of automobiles so that Mr. Hicks could resell them. Bicking was found in possession of a boat owned by Mr. Hicks at the time of his death but that was missing from a marina. The boat in question was at the marina having repairs done. Mr. Hicks put half the money down on the repairs and was to pay the remainder upon completion. When the repairs were done, Hicks had Bicking pick up the boat. Hicks was to make payment but did not give Bicking the money. After the marina turned the boat over to Bicking they called Hicks for payment. Hicks denied authorizing Bicking to pick up the boat and instructed the marina to report the boat as stolen. After the death of Mr. Hicks, the boat was still "missing". Debra Hicks also reported it stolen as the marina was trying to collect from the estate. Eventually the boat turned up in the possession of Ken Bicking, who claimed that Mr. Hicks had given him title to the boat in exchange for services rendered prior to his death.

Witnesses later inform the police that Bicking along with other individuals would do "drug rip-offs" arranged by Mr. Hicks. According to Michael Wolff (Rash) and George Williams, it was one of these rip-offs that resulted in the death of Eugene Hicks. Wolff reported to the police that he had information from Williams that Bicking has killed Hicks due to Hicks not paying Bicking for doing a robbery. As a result of the dispute, Hicks put a contract out on Bicking who then had to kill Hicks in order to be safe. Wolff claims that because he knew about the murder, Bicking has tried to kill him as well. Wolff claims that everything he knows about the murder of Eugene Hicks came from Williams and that he (Wolff) had no first-hand knowledge. Wolff has since died. The police contacted George Williams. During their conversation, Det. Beukers told Williams that he (Det. Beukers) would not use anything that Williams said against himself (Williams). Williams proceeded to tell Det. Beukers that Bicking had asked him to take Bicking over to Hicks' house. Williams complied. Williams claimed to have waited outside while Bicking went in to speak to Hicks. Williams advised that he then heard gunshots and he went inside where he saw Bicking standing over Hicks. Williams claimed that Bicking said the gun jammed and that Bicking then stabbed Hicks numerous times. Williams said he was then instructed to look for money and drugs. He advised that Bicking told him where to look and that they recovered only the drugs and not any money. Both fled the residence. Williams claimed that Bicking still owed him money and that they went their separate ways. Williams made controlled calls to Bicking under the supervision of Det. Beukers. During these calls, Bicking does not make any admissions other than to advise William that if the Police are talking to him (Williams), he should get a lawyer because they "did a lot of crazy shit back then".



Both Williams' and Bicking's fingerprints and DNA were compared to the evidence left on scene. The fingerprint comparison was negative as to their prints, and both are excluded as contributors to the DNA found on the knife and at the scene.

#### Automobile Acquisition

The next group of people to be looked at are the people involved in the buying and selling of the vehicles. As the police discovered, the buying and selling of both Porsche 911's were questionable. Mr. Hicks had purchased a red 911 and it was in his garage. On the night before the murder, there were a number of people at Mr. Hicks' house involved with this car. One was Armando Coll, who was a car salesman for Bramman Porsche. He brought the Red 911 to the house as Mr. Hicks was acting as a broker for that sale to a Phil Newman, who was present at the house as well that night. Also present for this deal was a Don Rossi who wanted to purchase a Chevy Blazer in the same fashion. A second Porsche (blue) was also "sold" by Mr. Hicks. This car led to even more questions. The salesman on that car was Larry Garter, who arranged for a Robert Wolton to sell the car to Mr. Hicks, who in turn sold the car to a Mr. Holyrod. Proper title was never transferred in this sale, and Holyrod was pulled over in the car when it had been reported stolen. In addition, two other people were trying to buy cars from Mr. Hicks, namely Peter Monaco and a Peter Bisogno.

After selling the blue Porsche to Mr. Holyrod, Mr. Hicks arranged to try to steal the car back so that he could resell it to one of the other prospective purchasers. This story was confirmed by Ken Bicking as well as by Mr. Hicks' brother, Paul Hicks. Both gave a statement to the police that Bicking was supposed to go to Miami and steal the car back but that he was unsuccessful.

#### Assorted Other Persons

Approximately 18 months after the death of Mr. Hicks, an informant came forward and told the police that a woman named Theresa Lewallen had information about the murder. Ms. Lewallen subsequently gave a statement to the police in which she claimed that her brother, Jay Campbell Hall, may have been involved in the murder. She claimed that her brother bragged about the killing and that it was a drug rip-off. She later failed a polygraph and was determined to be deceptive about her involvement. She has subsequently died. The police were never able to link Jay Hall to the homicide by either any other witness or any piece of physical evidence.

In 1977, Kenneth Matus was shot and killed inside Mr. Hicks' home while visiting Hicks. Eugene Hicks testified at the trial of the two individuals charged with the murder, and claimed that they had knocked on his door. When he opened it, the two individuals pushed in and ordered Hicks and Matus to the ground. The two individuals then searched Hicks house and began to get upset. While ransacking the house, one of the suspects found Hicks' gun and shot Matus two times, killing Matus. At trial, the two suspects claimed that it was Hicks who ordered the killing of Matus and who in fact killed Matus because Hicks believed Matus was an informant. One of the suspects was found guilty and the other was acquitted.

As discussed above, one of the last people to see Mr. Hicks alive was (Peter Monaco) Mr. Monaco did not want to talk to the police about his involvement with Mr. Hicks. Mr. Monaco was later sentenced to Federal Prison for Drug Trafficking.



In April 1983, the business partner of Mr. Hicks, Thomas Adams, was shot and killed on I-95. At the time of Mr. Hicks' death, the murder of Thomas Adams was also unsolved but was believed to have been drug related. Mr. Hicks was awaiting a pending federal sentence for drug trafficking at the time of both the Murder of Adams and his own death.

#### Physical Evidence

The Police collected a number of items from the scene, including a projectile from a .357 or .38 revolver, and a knife with blood on it, along with a number of latent prints. The DNA from the blood on the knife came back to the victim as well as an unknown source. None of the prints came back to any person listed in this report except Debra Hicks. The only other person a latent came back to was Fran Dragota, the housekeeper. The DNA of Ken Bicking and George Williams was compared to the unknown sample on the knife. Both were excluded as contributing to that DNA.

#### 2004 and Beyond

Michael Wolff comes forward in 2004 and claimed to have information. He told the police that his friend, George Williams, confessed to participating in the killing of Eugene Hicks along with Ken Bicking. Mr. Wolff told the police that all of the information he possessed came from George Williams. He also told the police that Bicking wanted to kill him (Wolff) not only because he (Wolff) knew about the murder but also because Bicking owed Wolff money for a drug transaction. Det. Beukers followed up on this information and interviewed George Williams. After assuring William on tape that what he said would not be used against him, Williams advised that on the night of the murder, Bicking called and asked Williams to pick him up. Williams did, and then drove to Hicks' house where Bicking entered and William stayed outside. While Bicking was inside, Williams heard a gunshot and went inside to investigate. When he got inside he saw Bicking standing over Hicks, who was bleeding on the floor. Williams says Hicks was still alive, so Bicking got a knife and began to stab Hicks. At this point, Bicking is telling Williams where to look for money and drugs. Williams and Bicking then searched for those items, finding only the cocaine. They fled the residence and divided up the cocaine to sell. Williams claimed that Bicking ultimately gave him \$5,000.00 for his participation. Williams claimed to have told other people this story, but that only he and Bicking were actually present when it happened. Det. Beukers had Williams make controlled recorded calls to Ken Bicking. Williams had to re-establish contact with Bicking, as the two had not spoken in years. During the recorded calls, Bicking never makes an admission of guilt. The closest he comes is to tell Williams that if he, Williams, was feeling guilty about all the things they had done when they were younger, then he should talk to a priest. Bicking also told Williams that if the police were trying to ask him any questions, he (Williams) should not talk to them but should get a lawyer.

Det. Beukers continued to work on this case for years. Eventually, he assists in obtaining Ken Bicking's DNA which was later used to convict Ken Bicking of a Home Invasion and Sexual Battery case in Jacksonville. After being convicted on that case and still in custody, Bicking was interviewed by the Jacksonville Sheriff's office in reference to this case on January 14, 2015. During that interview, Bicking advised that he had nothing nice to say about Eugene Hicks. He told the detective that he (Bicking) was afraid to talk about Mr. Hicks because the people that killed Mr. Hicks would kill him. He said that Hicks was killed because he sold a car to some guys and then he tried to steal it back. The guys got mad and had Hicks killed. He told the detective



that he told this to the police in 1983 and that he had nothing else to add. He further stated that upon the advice of his lawyer, he did not want to talk about the Hicks murder and did not want to meet the family.

DNA Labs has been contacted in reference to the unknown profile on the handle of the knife used to kill Mr. Hicks. According to Det. Alex Villanueva, they have advised that there is not enough of a profile to enter into CODIS at this time.

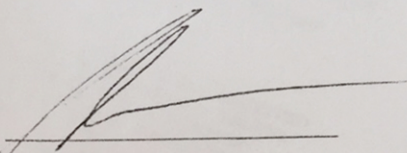
#### CONCLUSION:

At present, the only "likely" suspects in the Murder of Eugene Hicks are George Williams and Ken Bicking. There are a multitude of problems that prevent prosecuting such a case.

First, there is no physical evidence linking either suspect to the scene. They are excluded from contributing to the unknown DNA sample found on the murder weapon. They are excluded from the latent prints that were lifted from the home. Further, both had been frequent visitors to the home, so even if their prints were found we would not be able to say that either was involved in the murder based on the existence of the print.

The only evidence against George Williams is the statement he made to Michael Wolff and the statements he gave to Det. Beukers. The problem here is that Wolff is dead, so the admissions made to him are inadmissible. So are the statements given to Det. Beukers, because Det. Beukers told Williams they would not be used against him. This statement conferred a promise of immunity and as such would be inadmissible in court.

That leaves us with the testimony of an unindictable co-conspirator as the only piece of evidence against Ken Bicking. A jury is just as likely to believe that Williams acted either alone or with Michael Wolff rather than with Bicking. Moreover, reasonable doubts can also be raised due to the multiple "persons of interests" advanced by the police within the first 18 months, who although not developed into suspects, were nevertheless never excluded as such either. As such, there is no reasonable likelihood of conviction nor should we expect that to change. Therefore, this investigation should be deemed closed.

  
Tom Coleman  
Assistant State Attorney, HTU