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# CRIMESIDER

THE TRUE CRIME DESTINATION FROM THE PRODUCERS OF 48 HOURS MYSTERY

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## Book 'Em: Language of Evil

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(CBS)

**NEW YORK (CBS) LANGUAGE OF EVIL** delves inside the investigation into the brutal murder of a beautiful young woman, Carmin Ross, by her egomaniacal ex-husband, Tom Murray, an academic who thought he was above the law.

Erudite Kansas City professor Tom Murray was an internationally renowned author and linguist—a local celebrity who could have any woman he wanted. He wanted Carmin Ross, a starry-eyed student he seduced and then married.

But there was another side to the professor—jealous, controlling, and violent. When Carmin found the courage to leave, he stabbed her in the throat thirteen times,

leaving behind no evidence that linked him to the slaying.

Convinced he committed a perfect crime, Tom Murray didn't even hire a lawyer. But he hadn't counted on small-town Deputy Sheriff Doug Wood. For more than a year he investigated Murray, his alibi, and his secret life that would prove his undoing. That's despite the fact that the prosecutor had never tried a murder case before, and despite arguably the most astonishing linguistic battle on record between a detective and a murder suspect, which unfolded in Riley County, Kan. Police Department Interview Room #2.

### **What drew you to this story?**

**Beattie:** After my book *Nightmare in Wichita: The Hunt for the BTK Strangler* was published, two friends of mine, both published authors, in consecutive telephone calls only minutes apart, recommended I look into writing about this case.

One friend was a skeptic, and my research on this case was initially that of a skeptic. College instructor and author Tom Murray was convicted of murder in this case entirely on circumstantial evidence. A key part of this circumstantial evidence was his online research on murder found on his computer. Murray said this research was not research for the murder of Carmin Ross, but research for a murder story he was writing, a spec script for the television program CSI.

That grabbed my attention. I'm a New York Times and USA Today bestselling true crime author. I've interviewed Charles Manson by phone and exchanged letters or other messages with Manson, Timothy McVeigh, and BTK, among others. I have a lot of research on my computer about murder. I've been a college instructor and taught about crimes. I wouldn't want to be wrongly convicted of murder just because I've researched it. Murray was an author, or co-author, of nine books. So one of the things that drew me to this story was that I initially felt some authorial collegiality.

However, the other friend told me that the real story here was about the conviction of a guilty intellectual who had almost committed the perfect murder. The conviction was purely on circumstantial evidence, which is difficult for a prosecutor to accomplish. When I interviewed her, prosecutor Angela Wilson told me that no one expected her to obtain a conviction because the direct proof of Murray's guilt was absent. Yet, when I had first heard of the case, Murray had been convicted and received a life sentence.

So, I went in looking hard at the strength of the evidence. If I concluded that Murray was a wrongly convicted author, I would write that book. If I found that the evidence showed Murray was guilty, I'd write that book.

Ultimately, I completely agreed with the jury – the circumstantial evidence showed that Tom Murray was guilty of murdering Carmin Ross.

### **You write that "there was no proof that he'd done it, but there was no doubt that he'd done it." What do you mean?**

**Beattie:** In context I'm referring to no direct proof. In this case, there is no direct proof that Tom Murray murdered Carmin Ross. The proof in this case is indirect, also called circumstantial, also called inferential.

A key part of the answer to this question is found in-part in the book's appendix. I was very happy that Judge Robert Fairchild agreed to provide, and Penguin Publishing agreed to print, the entire set of jury instructions in this case.

Jury Instruction Number 1, on page 332 of the book, reads: "The test you must use in determining whether the defendant is guilty is this: If you have a reasonable doubt as to the truth of any of the claims required to be proved by the State, you must find the defendant not guilty. If you have no reasonable doubt as to the truth of any of the claims required to be proved by the State, you should find the defendant guilty."

A defense attorney argued that there was no proof of the State's claims, meaning no direct proof, but the jury decided they had no reasonable doubt that Thomas Murray was guilty of murder, meaning that they were persuaded by the indirect proof. Proof is what the jury believes is truth beyond a reasonable doubt.

As an example of this proof, a defense attorney asked the State's expert witness on DNA: "Within a reasonable degree of scientific certainty, you cannot conclude that the sample that was pulled from the baseboard was Tom Murray's blood, can you?"

The witness answered "No." [Meaning, no, he could not conclude that it was Tom Murray's blood.] This exchange is found in the book on page 248.

But in the book I go on to explain that the reason the blood found was admitted into evidence was because it was consistent with being Tom Murray's blood and it was not inconsistent with being Tom Murray's blood. Tom Murray was not excluded as the source of that blood, but others were. There were eleven portions of the DNA on the Y chromosome (found only in men) that were examined. Seven were identical, four were not identical, but were not exclusionary. It's as if the DNA was an eleven digit telephone number and the "H" is a match, an "E" is an exclusion, and a "?" is not a match but is not an "E," not an exclusion.

To continue the telephone number analogy, I'll use the White House switchboard number as an example. If the number being compared was "1-202-456-1414," then the number found at the baseboard was "1-2??2-?56-??14." Therefore, Tom Murray was not excluded as the source. It was almost his phone number. But it was not a perfect match to Tom Murray's number because of the four question marks. But statistically, compared to all the permutations of numbers it might have been, changing one digit each time from 1-111-111-1111 to 9-999-999-9999, the fact that seven of the eleven numbers were perfect matches was incredible.

And all it would have taken was one "E" to have excluded him, but he was not excluded.

The DNA was one of many pieces of circumstantial evidence that the judge allowed the jury to consider. The jury decided that it was as if Tom Murray had left his phone number on the baseboard, but four of the eleven numbers were smudged.

There was no direct proof that Tom Murray murdered Carmin Ross, but by the end of the trial there was no doubt in the jury's minds but that Tom Murray had murdered Carmin Ross.

#### **What makes Tom Murray's police interrogation so extraordinary?**

**Beattie:** It is extremely rare that a murder suspect will spend nine hours with police answering their questions shortly after the victim's body is found. Tom Murray did that without a lawyer, which is even more extraordinary. Plus, this was recorded on audio and video.

For my book, senior Detective Brad Schlerf sat with me and the official court transcript of the interview and we watched the entire audio-video Murray's interview. Periodically we stopped the recording and discussed points, sometimes watching the same portion several times. We compared the official transcript with the recording.

I note here that sometimes the audio recording of what was said was different than the text in the official transcript. For the book I generally went with the audio-video when the court record was different. I don't know if the court transcript was mistaken on these portions or if the official record was redacted due to the law or with the agreement of the judge and all parties. These were generally minor matters but I mention these differences in case anyone else does as I did and compares the court records with the actual recordings.

During the interview not only were there two detectives in the room watching suspect Tom Murray, but there was a team of detectives watching on closed-circuit television in another room. This reminded me of coaches watching a football game and evaluating every play. I was privileged to go to the Riley County police station and sit in these rooms as Detective Schlerf went over the entire experience of those nine hours with me "play by play," so to speak.

It's rare that the murder suspect is an eloquent, erudite, Ph.D. professor of linguistics. This might be the only time in history that such an educated man spent nine hours being interviewed by detectives while sitting as a suspect in a homicide case -- without a lawyer. Professor Murray was repeatedly advised by the detectives that he was free to leave and free to consult a lawyer, but Murray dismissed those options.

#### **Tom Murray's internet searches were a key to the case. Can you assess their significance?**

**Beattie:** Tom Murray said his internet searches were research for a spec script for CSI. His inquiries included "How to Hire a Hit Man" and "Undetectable Poisons." Those certainly could be legitimate story research questions.

But he only looked at the CSI website once.

He did not do internet searches on "how to write a script" or "how to write for CSI" or "how to obtain an agent."

As far as I was able to determine, no one found notes about a story, and everyone who would answer my questions, including university colleagues, said that they never heard a thing from Tom Murray about his writing a crime story for CSI or anyone else.

Murray did use the internet to search for ways from his home to the victim's home without passing in front of cameras, such as turnpike toll booth cameras. He did this search the day before the victim was murdered. If he wanted the jury to believe that was just a wild coincidence, they did not.

### **Is there a hero?**

**Beattie:** I do feel that Detective Brad Schlerf, now retired but then of the Riley County Police Department, is an unsung hero in this case.

To my appraisal, background witness Joslyn Dugas, Judge Robert Fairchild, Prosecutor Angela Wilson, and Douglas County Detective Doug Woods were very important figures in this case. Each deserves applause for their roles. And there were many others who had their role in the case. But *Language of Evil* is a narrative true crime book and not a catalog of everyone involved in the case.

There were others that could have been mentioned but were not for various reasons. For example, I interviewed Tom Murray's private investigator, Dan Bayes, though he was limited in what he could say to me. As with every book, a lot of the investigation is omitted. Had some leads developed and had Tom Murray been acquitted, then Dan Bayes, who was not even mentioned in the published book, may have been the hero of this story.

But, as is, I'd say Senior Detective Brad Schlerf is an unsung hero because without him, the interrogation does not take place the way it did. The body language angle would not have been developed. Although Schlerf's testimony about body language was stricken from the record, his input changed the direction of the questioning, most of which was admitted.

And, of course, Brad Schlerf was the first officer to speak to Tom Murray on the day of the interview and Brad Schlerf was the arresting officer on Murray's last day as a free man.

Brad was instrumental to the case from first to last. Yet, he received little attention because the trial was not in his jurisdiction. In a pre-trial judicial decision Brad's testimony about Murray's body language was excluded. The trial was in Lawrence, where the murder occurred, but the interrogation took place in Riley County, where Brad Schlerf was the senior detective and responsible for the initial investigation and key portions of Murray's questioning. He did his job and never sought attention. I'm lucky, and the readers are lucky, that I was able to talk with him and include his point-of-view in the book.

### **What question should Crimesider have asked you that we didn't... and what's the answer?**

**Beattie:** About a score of different groups invited me to speak about this case after my book was published. Each brought their own perspective and interests. While most questions from each audience were the same, one cluster of questions surprised me. When I spoke to a county Bar Association and the audience consisted of lawyers and judges, not just one but several questions were asked about the charm bracelet that prosecutor Angela Wilson wore during the trial. There is a photo of this charm bracelet in the book.

Ms. Wilson's bracelet included one charm that had a small photo of victim Carmin Ross. This audience wanted to know if the judge knew this photo was on her bracelet, if the defense attorneys knew, if the news media knew, etc.

And my answer then and now is: "I don't know. That question never came up while I was writing the book."

When I did some research, I found that the law and rules differ by jurisdiction. All over the United States there have been legal questions about whether the victim's family and friends can wear badges with the victim's photo into court.

Personally, it's fine with me if every prosecutor who wears a charm bracelet to trial wears a charm with the image of the victim, but reasonable minds may differ.

I'd be interested in knowing what the readers of CBS News' Crimesider think. Is this practice going to improperly influence the jury? How? The jury is almost certainly going to see the victim's image throughout the trial. Should the victim's family and friends and the prosecution team be banned from wearing badges or bracelets or pins with the victim's image in court?

[For more on this case go to 48 Hours | Mystery - A Mind for Murder.](#)



(CBS)

#### About the Author

Former attorney, college instructor, and firefighter-medical **Robert Beattie** became a paid author at age 17 in 1974 when he wrote a "Teen Talk" column in The Wichita Beacon newspaper (now merged into The Wichita Eagle-Beacon). During the course of his careers in law, education, and emergency services, he edited three periodicals and wrote published articles, essays, poetry, and features. Beattie is currently at work on a novel.

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48 Hours Mystery (Full Story)

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