



A mile a minute....
that is how fast your child can disappear

Trial Journal

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Introduction

Due to stark and eerie similarities between events that occurred almost nine years and 500 miles apart, comparisons are being made between the 1993 kidnap and murder of my daughter Polly Klaas and the 2002 kidnap and murder of little Danielle van Dam. As publicity surrounding the Danielle van Dam murder trial invades the public conscience, many people have asked me about my family's experience during the 1996 criminal trial for my daughter Polly's killer. Although many of the traumatic events of the trial are burned into memory for eternity, others fade with the passage of time. Fortunately, I maintained a trial journal, written in the immediate aftermath of daily deliberations.

Although the events of the Danielle van Dam murder trial are unique, the emotions of Danielle's family are guaranteed to mirror those of the Klaas family in many ways. So that interested parties may better understand the trauma of sitting only feet from the individual who callously and without conscience murders one's child, and having to do so without outward emotion or embellishment, the trial journal will remain on the KlaasKids Foundation website until the conclusion of the Danielle Van Dam murder trial.

Because of the graphic nature of a child-murder trial, much of the language and many of the descriptions in the following journal are not suitable for children. Please use caution and discretion in reading this Trial Journal.

Marc Klaas

Day One: The Peoples' Case

The Polly Klaas kidnapping-murder trial began yesterday in San Jose, California with a simple statement by Sonoma County Prosecutor Greg Jacobs.

“This trial is the story of the last few hours in the life of a 12-year-old girl,” Jacobs told the jury. Then followed a meticulous minute-by-minute account of the evidence and events that followed the October 1, 1993, 10:20 p.m. kidnapping at knifepoint of Polly from a slumber party in her bedroom. Richard Allen Davis, on parole for a previous conviction, following several others for knife-and-sex crimes against women in a lifetime career of violent crime, also bound, gagged, and tied pillow-cases over the heads of 12-year-old friends, Kate McLean and Gillian Pelham, while Polly’s mother and 7-year-old little sister, Eve and Annie Nichol, slept in the next room of their Petaluma home.

Most of the details were recounted by Jacobs from three video-taped admissions by Davis to former Petaluma Detective Sergeant Mike Meese before, during, and after a December 4 trip to Cloverdale, north of Petaluma where the accused showed where he had hidden Polly’s body after admittedly strangling her twice, once with a cloth garrote, again with a rope “to make sure.”

Jacobs read aloud from a transcript of the videotaped admissions that Davis killed Polly to get rid of her to keep him from being sent back to prison.

Jacobs promised to present four witnesses who saw Davis near Polly’s house around the time of the kidnapping. A scalding piece of testimony, the 911 tape of Polly’s mother, Eve, and her friend, Kate, trying to tell a skeptical voice at the other end of the line about the kidnapping, once the girls had struggled free of their bindings, obviously startled the jury and agonized her family clinging to one another in the court’s front row.

Details of the body’s decomposition and dismemberment wreaked havoc on her father, Marc, his wife Violet, grandmother B.J. Klaas, grandfathers Joe Klaas and Gene Reed, aunt Eva Cheer, and family friends. The incredibly effective opening argument by the prosecution followed final selection of twelve jurors and five alternates before noon.

The big question now is what could possibly be an effective opening argument Wednesday by the defense in what on the first day seems to be a slam-dunk start by the prosecution.

Day Two: Turnstile Justice

Initially, recently paroled career criminal Richard Allen Davis denied killing “the fucking little broad.” However, in subsequent interviews, he not only admitted that he murdered Polly, he led authorities to her body near Cloverdale, California. Thus began two and a half years of legal maneuvering designed to forestall the inevitable.

During the people’s opening statement, prosecutor Greg Jacobs painted a chilling portrait of humanity run amok. The unbelievable, but all too common, criminal history of Polly’s killer spans more than two decades and includes incidents of kidnapping, robbery, assaults with shotguns, handguns, knives and fireplace poker. Always, the victims were women, alone and vulnerable. Often times they would escape, notify authorities and Davis would return to prison. Finally, he could take it no more. He had to find a victim that could not, would not, fight back. A small victim that he could control: Perhaps a little girl, under the veil of darkness, where he could hide in the shadows and deny his crimes.

Davis has been serving a life sentence on the installment plan. He spent eighteen out of the past twenty-one years behind bars. Every time he is released from prison, the seriousness and nature of his crimes escalate. He is the worst example of turnstile justice our system has to offer.

Therefore, it should not have come as a surprise, when, during his brief opening statement, Davis' attorney made the startling admission that, “The evidence will be overwhelming that Richard Allen Davis did kill Polly Klaas. We will not dispute that.” However, he stated that there was, “No evidence of attempted sexual contact.” In other words, he killed her, but you cannot prove that he raped her, so please do not execute him.

Unfortunately, this unexpected admission changes nothing. The people must still prove special circumstances in order to qualify Davis for the death penalty. The overwhelming mountain of evidence against him will be methodically displayed, dissected, analyzed and explained to the jury picked to sit in judgment.

The locker containing the damning evidence is within reach of Polly’s grandfather, as he sits fifteen feet from the un-remorseful killer and a macabre form of justice is played out for all to witness.

We must still sit through several months of gruesome details. We must hear pitiful excuses and justifications. We must continue to waste time and money defending the indefensible. California taxpayers have already spent two million dollars and two and a half years considering the rights of a monster who did not consider the rights of his victim for ten seconds.

Day Three: Nowhere To Hide

The sun is coming up and the vampire has nowhere to hide. He reluctantly stood, without comment, and moved to the middle of the courtroom. Slowly, he unbuttoned his shirtsleeves and rolled them above his elbows. He crossed his left hand over his right wrist and turned slightly, toward the witness and away from his lawyers. The witness stared at the beefy forearms and confirmed that he had seen them before.

The witness, Daryl Stone, went to Wickersham Park, diagonally across the street from Polly's house, one week prior to the abduction. He passed within twenty feet of the killer who was sitting on a park bench, one hundred and fifty yards from Polly's house, with a heavy set, ruddy complexioned woman. He was wearing dirty jeans and a sweatshirt with cut sleeves. They were drinking liquor from a bottle in a paper bag, talking loudly. Their demeanor and attitude disgusted Stone. He did not want to be in the park with the crude couple, so he went home, one block away. He would not see Davis again until the early evening of the abduction, slowly driving around Polly's neighborhood.

The judge ordered the killer to face the jury. He glanced briefly at his lawyers and complied, eyes downcast. They stared at the crude, monotone blue prison tattoos that entirely covered his thick arms. The killer was exposed. He wore his soul on his sleeve, and there was nowhere to hide.

Barry Collins, the defense lawyer, attacked Mr. Stone's credibility. He challenged his memory, his sequence of events. Collins accused the witness of writing a book, which he denied. The lawyer asked redundant questions in an attempt to confuse the witness. It didn't work. The lawyer suggested that Mr. Stone had contributed money to Polly's search effort and distributed flyers. Mr. Stone admitted that it was true. Collins said that the witness picked the killer out of a lineup only after seeing his picture on television. "That's not true," replied Mr. Stone. The lawyer was unrelenting and aggressive in his assault. Mr. Stone held his ground. He was credible. He was telling the truth.

Collins attempted similar tactics on all five witnesses that appeared today. How could they remember events that happened so long ago? Why weren't they more precise with their timelines? Most of the witnesses were children, trying to dredge up memories from seemingly inconsequential events that happened over

two and a half years ago. Two things stood out. The killer did not appear to be under the influence of drugs or alcohol. He walked with determination and confidence. They all picked him out of a lineup on December 1, 1993.

Time makes memories fade, but not tattoos. The sun is coming up, and the vampire has nowhere to hide.

Day Four: Web of Fear

The killer spun a web of fear and intimidation around Polly's neighborhood in the weeks and months preceding her abduction and murder. Many avoided the web. Only one was caught, and unable to escape.

Today, three more witnesses identified the lurking transient who seemed out of place in the quiet middle class section of Petaluma. One boy observed the killer puking in Wickersham Park in early September. He asked the sick man if he needed help. "Get the hell out of here you stupid kid," was the only response. An artist deliberately avoided the gaze of the man with the scary, darting eyes and the prison tattoos. A teacher, moonlighting as a house painter, unsuccessfully attempted to engage the man with the frightening demeanor in conversation on several occasions, as the killer wandered aimlessly around Polly's neighborhood in early August.

A police evidence expert described many of Polly's personal belongings. Her purse with the cut strap used to bind one of Polly's girlfriends: a lipstick that has no lips to paint. The pillowcase he put over her head, smeared on the inside with Halloween makeup, perhaps her final impressions on this earth. A pair of red tights twisted into a thick knot, and a Nintendo game, cords cut, to tie up her other girlfriend, covered with fingerprint dust. Little things that broke my heart, but made no impression on the smirking weaver of the web.

Court is played out in monotone, devoid of emotion. Clinical explanations of events that make me want to scream and throw furniture. Matter of fact pieces of a macabre jigsaw puzzle, slowly and deliberately assembled, until an image begins to emerge: A portrait of a spider in the shadows, dripping with twisted desire, weaving a web of fear and feeding the desires that have driven him for so long. Weaving a web to catch his prey, and feeding the desires that drive him.

As another endless day of mind numbing revelation comes to an end, the judge drops a bomb. Twenty-two hundred pages of sealed transcripts and the contents of sealed envelopes will be released to the media tomorrow. As we eat dinner and watch the news, the weaver of the web will explain between bites of cheeseburger, how he murdered her to get rid of the evidence. How he tossed her off the side of the freeway to rid himself of this minor inconvenience. How he traded his confession for two packs of camel cigarettes and protective custody.

Day Five: The Palm Print

Richard Allen Davis' defense team has pulled a fast one on the media, you and me. Everybody thinks that Davis has pleaded guilty to the kidnapping and murder of my granddaughter, Polly. Not so. Davis still pleads “not guilty” to all charges.

Davis has not legally admitted he is guilty of anything! His defense attorneys promised the jury not to defend Davis against murdering Polly and the special circumstance crime of kidnapping. Still they pull all the tricks in the book to attack every piece of evidence and each witness the prosecution presents to prove those charges.

“Did you write a letter to the prosecution in which you asked to testify in this trial because it would be a great contribution to your career?” Defense attorney Barry Collins asked the witness, finger print expert Charles Philip Illsley. Deputy prosecutor Cliff Harris, out of earshot of the jury at the end of day 5, got the actual letter placed into evidence. What it stated was that Illsley's voluntary service at no pay would be “one of the greatest contributions of my career.” Collins changed one word to make a good deed of public service appear to be self service, and sound scientific evidence look like false testimony and perjury for the purpose of advancing a fine man's career.

Watch out when a defense attorney promises not to defend his client against crimes that the client has admitted to on eight and one half hours of video tape released to the public today by Judge Thomas Hastings. Collins will continue to pull tricks out of his large sleeve to try to discredit Davis' own statement on camera.

Defense attorneys around the country are hailing Collins admission of guilt, which is really no such admission at all, as brilliant strategy. But the defense made a colossal error today. With the courtroom darkened, pairs of jurors filed past Illsley's alternate-light-source equipment to view Davis' palm print, lifted from Polly's bed the day after her kidnapping and murder. Davis, exercising his right, then lurched along the full length of the jury box to peer through special glasses at the print that cannot be seen with the naked eye. Now the jury knows how it feels to be inches away from that tattooed hulk of a criminal in the dark.

Day Six: Laurel and Hardy of Tragedy

This is a textbook example of how not to recover a kidnapped child. On the evening of Polly's abduction, Petaluma Police issued an all-points-bulletin outlining the events surrounding the crime. An attached stipulation read: Not for press release. The Sonoma County Sheriff's Department did not transmit the communication over their radio frequencies, as the press monitored these channels. Therefore, when Deputies Howard and Rankin encountered Polly's killer less than two hours after the crime, they did not know a child was missing.

Dana Jaffe returned home from work at about 11pm, drove up Pythian Rd., took the right fork and continued up the heavily wooded road to her house. She chatted with the baby-sitter for a few minutes and wrote her a check. The baby-sitter got into her car and started down the driveway toward highway 12. About a quarter of a mile from the house she noticed a white Pinto, headed up the hill, parked diagonally off the side the narrow dirt road. A stranger, hunched over the right rear bumper of the Pinto approached the eighteen-year-old baby-sitter. She stopped and cracked the driver side front window about an inch and said, "What the fuck are you doing here? Can't you read? This is private property." In a loud domineering voice the man said, "I'm stuck. I need some rope." The bearded stranger with the matted gray hair had intense body odor and was wearing dirty blue jeans and an inverted black sweatshirt. "What's up this road?" he demanded. The baby-sitter sped away to the nearest pay phone to call Dana Jaffe and warn her about the scary stranger with twigs and leaves in his hair.

Approximately fifteen minutes later Dana grabbed a baseball bat and got into her car with her twelve year old daughter. They passed the Pinto, but did not see the ominous stranger. She went to a pay phone and called the Sheriff.

Forty-five minutes later, two deputies followed Dana Jaffe home in separate squad cars. Fifty feet beyond a private security gate, the deputies encountered the killer standing in the middle of the narrow dirt road looking frustrated. Ms. Jaffe and her daughter continued up the hill to her house. The deputies parked their cars and fixed a spotlight on the man, now wearing a long sleeve light colored button down shirt. Deputy Rankin contacted dispatch, reported the Pinto's license number and asked that a vehicle registration check be run. He felt uncomfortable about the situation and grabbed his baton before exiting his vehicle.

Deputy Howard stopped fifteen feet away from the killer, who fixed his gaze on the officers and said, "What the fuck are you doing here?" Informed that he was trespassing on private property, the killer said that his car was stuck in a ditch. Deputy Howard approached the profusely sweating trespasser and smelled a definite scent of alcohol. Rankin patted down the stranger with twigs in his hair, felt dampness in his belt and groin area and said that he smelled a slight odor of alcohol. Neither deputy conducted a sobriety test. The killer fumbled in his wallet and produced his driver's license. Richard Allen Davis said that he was traveling from the Bay Area to visit his brother in law in Redwood Valley, seventy-five miles north. He said that it looked like a beautiful area and he was sightseeing. It was after midnight and pitch black outside. The deputies decided not to run a background check.

The deputies searched the white 1976 Pinto and discovered three or four twelve-ounce cans of beer in a paper bag on the floorboard of the front passenger seat. They found torn clothing in a light blue duffel bag. The interior of the Pinto was disheveled. The killer grabbed a can of beer out of the car, opened it in front of the deputies and took a sip. Deputy Rankin told him to pour it out.

Dispatch informed Deputy Rankin that the license plate on the Pinto did not match the registration. The deputy re-checked the license plate and realized that he had submitted the wrong number. He did not follow up.

The killer told the deputies to "Push my car out of the ditch." The deputies tried, but failed. They told him to call a tow truck. The killer did not have enough money to pay for a tow. Deputy Rankin drove up the hill to Ms. Jaffe's house and borrowed a chain that they attached to the bumper of the Pinto. They used Deputy Rankin's car to free the stuck Pinto.

The deputies ordered the killer to back down the driveway, turn his car around and leave the property. The Pinto followed Deputy Rankin's squad car down the hill. The Pinto turned around and the deputies told him to drive away. The driver got out of the Pinto and turned toward the deputy. Over the PA system, Rankin ordered Davis to get back into the car, leave the property and not return. He shrugged his shoulders, got back into the car and headed down Pythian Road. At the Highway 12 intersection, the Pinto turned south, away from Redwood

Valley and pulled off the side of the highway. The deputies followed him, noticed that he was parked near the intersection, and continued on their merry way.

Ironically, Rankin and Howard commute together three days a week. They never mentioned the incident again, but they did fantasize about capturing Polly's abductor. I believe Polly was dead during this brief encounter, so I don't think the deputies could have saved her. However, they could have spared my family and all of the people who were searching so desperately for her safe return sixty-five days of gut wrenching agony by simply putting two and two together.

If it were not for the fact that Polly's tragedy was rapidly unraveling, this scenario would be worthy of the Keystone Cops. Unfortunately, nobody's laughing.

Day Seven: No Way Out

What kind of creature is this guy? How can he stand to sit there and listen to himself?

The most devastating testimony in the trial thus far is the black and white video that chronicled the initial interrogation of the killer, conducted on November 30, 1993. He strutted into the interrogation room calmly combing his hair, refusing to shake hands. His defiant bravado and self-serving testimony reflected his lifestyle. The loud, surly voice and crude, fragmented phrasing was heavily laced with profanity.

The killer recalled his whereabouts on the evening of Polly's abduction. Belligerent and defensive, Davis lifts the sleeve of his sweatshirt to expose a tattooed wrist. He didn't want the Sheriff's deputies on Pythian Road to see his tattoos because "That's all I am."

He heard about Polly's abduction, but denied involvement. "I never kidnapped that little fucking broad. Get real. It's a sick-fucking crime. Rape, whatever you want to call it. It's a coward's crime. It's the work of some sick fuck."

The interrogator shot back, "You talked about rape and things like that. We never mentioned sexual assault."

"It's a callous crime," Davis said. "Rape and shit like that. It's not my kind of crime. Look at my criminal history."

It's like a little boy denying that he stole the cookies out of the cookie jar hidden on top of the refrigerator. The only difference is Davis is not a little boy, and Polly was not a cookie.

The interrogator challenged Davis: "We think you took Polly Klaas. I've got reasons for telling you that. I think so because of things we found. We're comfortable that you did it. We want to know why?"

"You think I did it then book me. Let's get a lawyer and go for it. Shit and get off the pot and go for it."

"What we want to know is why?"

“I can't answer that question.”

There is nothing that can prepare one for a murder trial. My family sits as the last few hours in Polly's life are dissected, analyzed, de-constructed, re-constructed, cross-referenced and compartmentalized. The constant assault on our sensibilities by horrible revelations that defy the principles of civilization seem overwhelming much of the time. It is impossible to withstand or rise above the continual dehumanizing facts that are revealed in a constant, monotonous stream of revelation. There is no room for anything but the processing of nightmarish information. The killer laughs throughout the video tape and I want to shout, yet I must sit unflinching and stone-faced for fear of causing a mistrial. Every day my family is drawn into the world of murder, mayhem, rape and depravation and there is no way out.

Day Eight: Two-Pack Confession

He was a trapped rat trying desperately to claw his way out of the sewer.

On December 4, 1993, William White, a long time acquaintance and co-worker visited Polly's killer in jail. White subtly informed the killer that a palm print found in Polly's bedroom implicated him in the crime. Davis told White that, "He couldn't go back to the joint as a child molester."

The killer asked sheriff's deputies to contact lead investigator, Sgt. Mike Meese of the Petaluma Police Department, whom he had first met earlier in the day.

On the telephone, the killer told Sgt. Meese, "I fucked-up big time", and offered to spill his guts in exchange for two packs of Camel cigarettes, a smoking room and protective custody.

The killer tried to plea bargain, but Meese told him that, "It's not my decision."

The killer entered the interrogation room in shackles and an orange jumpsuit. Meese removed the cuffs and the killer asked for Kleenex and a cup of coffee. The subsequent video paints a vivid portrait of an astute, manipulative predator attempting to thrust and parry his way to a life term.

The sniveling killer pulls cigarettes out of the pack like swords. Manipulative patterns emerge as he chain smokes and drinks coffee with a sure, steady hand: he feeds Meese a calculated scenario designed to redeem himself. He was "drunk and drugged up," and the next thing he knew she just appeared in the car. He treated her well and allowed her go to the bathroom. She waited patiently for him on the hill. Then he strangled her. "I was standing behind her. She didn't know what hit her," he unflinchingly tells Meese. "I didn't do nothing to her sexually," he offers. Maneuvers designed to erase the special circumstances that condemn him to death.

He used similar manipulations on the girls in Polly's bedroom. Divert their attention by calmly telling them that money is the target, not them. He did it again to the deputies on Pythian Road. Make them think that he was not a threat by

acting outrageous and self-assured. Steely nerve and cowardly acts are the patterns of his life.

We know two things. He killed Polly and he led them to her body. The truth will not allow this rat to claw his way out of the sewer. He is trapped. His fate has been predetermined. He just doesn't know it yet.

Day Nine: A Life Back in Order

The ugly salt-and-pepper-maned prisoner in a police car, hands and ankles chained, appraised his own situation to a Petaluma cop and FBI agent who followed the killer's phony directions along the dark back ways south of Cloverdale where he has hidden Polly's corpse beside a toxic dump.

“I tried to get my life in order--after gettin' out,” he complained after leading the lawmen to her dismembered remains. He chuckled. “Well I got it in order now.”

True. It was the only kind of order the twice convicted sex-assaulted was use to: “back to the joint” for the kidnap, rape and murder of my beautiful 12-year-old granddaughter.

Pitifully, the killer offers an un-substantiated alcohol-and-drug “haze” as his only excuse for kidnapping and fear of “going back to the joint” as his sole reason for child-slaughter. Davis now leads a bored-looking jury on the audio taped mad goose hunt he led the law on for the one proof he attempted to offer that Polly was alive and unresisting on the journey to where he discarded her the night of October 1, 1993.

Unique in the annals of crime, the prosecution now attempts to prove that a predator who admits to murdering at one location actually did it at another.

Clearly, on tape played for the jury by Petaluma chief investigator Mike Meese, Davis again today claimed Polly was unbound and alive as she waited only 50 feet away in the darkness of Pythian Road. Meanwhile her kidnapper conned two naive Sonoma County Deputy Sheriffs into pulling his car from the ditch after he drank beer in front of them while trespassing on private property.

“I thought you weren't going to come back for me,” Davis claimed she said when he drove back to get her after the deputy has chased him off the property.

“I untied her on the way before I got stuck in the ditch,” Davis twice repeated on the audiotape played in court. “I let her out to go to the bathroom at a gas station on the way to Cloverdale. I got the restroom key from a woman who worked there.”

Therein lies the lie that wipes out his last chance for life without possibility of parole rather than lethal injection. Davis could not lead the lawmen to that gas station in the endless taped search that followed his disclosure of Polly's horribly desecrated body. No such station exists. No woman worked at any gas station in Sonoma County the night of October 1, 1993 when Polly was snatched to her doom at knifepoint from a slumber party with two girlfriends while her mother and little sister slept in the next room.

Meese twice asked Davis on the tape if he had sexually molested Polly before he admittedly strangled her, first with a piece of cloth and then with a rope "to make sure." Twice Davis answered, "I don't think so."

Wanna bet?

Day 10 and 11, May 2nd and 3rd, the jury goes by bus to the scenes of the crime in Petaluma, on Pythian Road, and at Cloverdale to see where Polly spent the last horrible hours of her life.

The defense lawyer objected to the jury traveling over the exact route that Davis took Polly.

Judge Thomas Hastings' gavel slammed down.

"Overruled!" he snapped at them. "We leave for Sonoma County in the morning."

Day Ten: The Devil's Playground

As the Olympic Torch passed through San Jose yesterday, it is appropriate that the jury and the killer chose this day to view the crime scenes. The juxtaposition of symbolism is incongruous. The best and the worst representations of our culture should not be in the same place at the same time. The three hour bus trip resembled a funeral procession as the jury, escorted by red lighted squad cars and the killer in a heavily guarded, tinted windowed van, traveled north to Petaluma.

Prosecutor Greg Jacobs felt that the jury needed to visit Polly's home, Pythian Road and Cloverdale to get a real sense of the locations, distances and timelines involved in the trial. The killer exercised his constitutional right to accompany the procession, and revisit his darkest hours.

Finally the jury will understand first hand the absurdity of the killer's claim that he was sightseeing on Pythian Road, and that Polly waited patiently for thirty minutes after the Sheriff Deputies ran him off of Dana Jaffee's property. Perhaps they will have a better understanding of the terror Polly experienced in the very real clutches of this cold-blooded predator. I certainly hope so. This scenario plays itself out as a constant loop in my consciousness, just as it was a typical experience in the barbaric pattern of this killer's miserable existence.

Unfortunately, the jury is not allowed to visit Polly's final resting place. A poinsettia plant, left by an FBI agent out of respect for Polly's plight, inspired a stream of remembrances for my little girl. With helicopters beating overhead, the jury will drive by the Cloverdale sight that no longer resembles the desolate, toxic location where the killer offhandedly dumped Polly's remains after satisfying his blood lust. The residents of this rural community lovingly care for the often-visited memorial created to honor the twelve year old that will change the world.

Davis is dancing naked on the table, and his options are rapidly disappearing. He is exposed, and his judges have finally visited the devil's playground.

Day Eleven: Safe Sex

Heads bowed in anguish and disgust at the end of another day of damning evidence, the jury passes a smiling picture of Polly, sitting on the courtroom floor, leaning against a wall. This, in sharp contrast to the grisly photographs of a decomposed, decapitated Polly that passed through their hands and brought tears to their eyes only moments before.

Forensic Pathologist Dr. A.J. Chapman and FBI evidence expert Tony Maxwell took turns describing Polly's condition and surroundings to a stunned courtroom sinking ever deeper into the depths of Richard Allen Davis' depravity. Lying on her back, legs spread, knees bent, clothing hiked above her waist, waiting forever in the brambles and garbage where the killer tossed her at the end of her night of terror. The descriptions resemble more the mind of the killer than the angelic visage of the child: Rotting, void of life and incomprehensible.

Pre-trial documents released over the weekend describe the killer telling cellmates how he would avoid AIDS upon release. His definition of safe sex is to "Get a young one." Words that are in sharp contrast to the protests that he never molested his final victim. Words that contradict the overwhelming evidence that points an unwavering finger at his penchant for sexual sadism: Words that fly in the face of reason.

Rape is the theme revisited time and time again since the opening statements three weeks ago. The defense is adamant that it never occurred; yet the killer equivocates. He says that he does not remember, or he challenges the interrogators to prove that he molested her. Constantly through eight and a half hours of video and audiotape he thrusts and parries the questions and accusations of rape. On one point he is adamant. "I ain't taking a polygraph. I ain't takin' one. I ain't takin' one."

"If you took one, what do you think it would show? There's nothing else to ask," replies the interrogator.

"I don't know, man, but I ain't. If I did do anything to her, I don't want to know."

There is one who knows the horrors of that night, but her voice is silent forever more. America's child does not sit at a lawyer's table objecting to points

of law. Instead, she hails from afar. A clarions call for innocence lost and justice served.

Day Twelve: The Promise

“I have answered enough to hang myself, throw myself in the fucking gas chamber. ...I ain't gonna deny it. I deserve it.” Richard Allen Davis to Sgt. Mike Meese (Dec. 6, 1993)

Of all the players involved in this crime, three are particularly significant: Polly the victim, Davis the killer and Meese the cop.

Two weeks after Polly's kidnapping Petaluma Police Sergeant and chief investigator Mike Meese put his arm around my shoulder, looked deep into my eyes and said, “I'll get her for you Marc. I'll find her and I'll bring her home.” I did not believe the big, balding cop. However, as he repeated the promise over the next several weeks, his confidence propped my waning spirit.

After the arrest numerous cops and agents visited the killer's cell in the Mendocino County jail and handed him their business cards. When Mike Meese first encountered Davis in the fingerprint room at the County jail, he did not volunteer a card. Instead Meese told the killer to have the Sheriff's deputies call if he wanted to talk. About one and a half hours later the killer contacted Meese and requested an interview.

Davis told Meese, “All those other dudes I talked to, everyone wants to throw their cards at me, you ever want to talk, you know. Fuck you, like I'd fucking talk to you. Everybody wants to get in on the limelight.”

Meese replied, “I don't want the limelight. Let's get this little girl buried and put her family together and do what we can to put you back together and...”

“Can't put me back together. Just gotta see what the fuck jumps,” responded the killer.

Sgt. Meese prepared for this extraordinary interview by reviewing the available information on the case and speaking with Detective Larry Pelton, the first officer to interrogate the killer. He chose to be non-confrontational and low key in his approach. He wanted the killer to provide a resume of events on the evening of the crime. He allowed the killer to control the conversation. Mike was self effacing, calling himself “just a dumb old detective here.” He asked the killer about his work and complimented his skills. Meese constantly referred to the

killer as “Rick, bud and buddy.” He told Davis “I'm gonna be straight up with you okay? It's like I told you, I can't make any promises.”

Between 3:38pm and Midnight Davis confessed to kidnapping and murdering Polly, and admitted that he did not deserve to live. More importantly, Polly was home and Mike Meese had kept his promise.

Day Thirteen: The Empty Eyes of Death

After members of the jury cried upon looking at pictures of Polly's remains, defense attorney Barry Collins suggested that compromised jury members may not be able to impartially fulfill their duties. Judge Hastings countered that an emotional reaction is not unusual upon viewing such photos for the first time.

My family grieves over the loss of Polly in a predictable fashion. The women tend to cry more than the men. My wife Violet still cries several times a week, particularly at night. That does not mean that the pain is less, or that men care less. It only means that different people react to the same event in different ways. That some jury members were outwardly more emotional upon viewing death photos only means that they are human beings who react normally when civilized standards are assaulted by a continual diet of nightmarish information.

Finally, the taped confession is over. We've heard enough of the abrasive voice and profane language of the killer. Of the 212 times he uses the "F" word, he concentrates profanity most often during the initial whining confession to Mike Meese. The emotionally bankrupt killer is most concerned with his reception by the other inmates when he goes home. Initially he denies involvement: "I never kidnapped that little f***** broad. Get real. It's a sick f***** crime. Rape, whatever you want to call it. It's a coward's crime. It's the work of some sick f***." Later, "It's a callous crime. Rape and s*** like that. It's not my kind of crime." Several times the killer says, "I can't go back to the joint as a child molester." This remorseless, self-absorbed little man does not comprehend the depravity of his crimes.

Davis doesn't understand the value of life and nothing drives that lesson home more profoundly than the loss of life. Only when he faces his own mortality will the killer comprehend this fundamental truth. I suspect he will receive enlightenment as he is led to the his own execution. This is one reason he deserves to die.

At the conclusion of court today, the killer rose, turned toward me and stared. I reciprocated and gazed into the empty eyes of death. For several seconds our eyes locked. Then the smiling killer looked away. I hope he is trying to

intimidate me or he is feeling trapped and trying to produce a mistrial by causing me to react in open court. He is weak and he is afraid.

Someday, I hope to fix my eyes upon the killer as they pump lethal drugs into his veins in San Quentin's death chamber. Only this time I will smile, because he will finally get what he deserves, and learn the most important lesson of all.

Day Fourteen: Turning Point

On Sunday, the killer called the local Fox affiliate collect to protest a news report that maintained the killer liked his cell at the Santa Clara County Jail. "Not so, this place sucks," he complained. Davis admitted killing Polly, but denied that the unrolled condom found on Pythian Road was his. "It's bad enough. Don't make it worse than it already is. I don't know where it (condom) came from. It's not the kind I had." This character thinks rape is worse than abduction and murder. Keep talking sucker. You just admitted to having condoms that night.

Turning Point is a transitional housing project for homeless men and women unable to obtain permanent housing and employment. Clients pay no rent and are encouraged to save money for an apartment. Caseworkers assist in securing employment, clothing, transportation and a variety of personal services. Doors are locked at 10pm, Sunday through Thursday and at midnight on Friday and Saturday. The alarm system is disengaged and doors unlocked at 6am. Although some parolees enter the program, Turning Point is not a half way house and does not knowingly accept violent offenders.

Unaware of his violent past, caseworker and witness Laureen Lundin recommended the killer for Turning Point. The enthusiastic ex-con wanted to apply sheet metal skills learned in the penitentiary. Hired by a machine shop at \$16 per hour, the killer quit when his salary bottomed out at \$8 per hour.

Making twice the minimum wage, with a roof over his head, three meals a day and a superior lifestyle to that of most homeless people the convicted kidnapper spun out of control. His boasts of shooting and robbery intimidated the staff and clientele of Turning Point. Enraged and unemployed Davis spent most of his savings on an old Pinto and turned his attention toward his sister who squatted on an Indian Reservation 75 miles north of Petaluma. His new goal was to work the marijuana harvest with his brother in law. Ms. Lundin discouraged the lawless decision but issued overnight passes anyway.

Davis shaved his beard and stopped wearing a headband immediately after Polly's abduction. Otherwise, the increasingly sullen loner maintained an appearance of normalcy. Despite the fact that he was spending less and less time in the program, Ms. Lundin refused to believe that the increasingly sullen loner was implicated in the heinous crime. Upon entering the program on the July 4

weekend the ex-con understood that his “last chance” depended upon a willingness to take new skills into society and become productive.

The defense introduced an incident to illustrate the humanity of the killer. One night he brought a leashed dog to Turning Point. He fed the dog and returned it to the owner the next day. Was this a benevolent act or simply a ploy to get a reward? As a youth Davis doused cats in gasoline and set them on fire. He threw a knife into the heart of his own dog and laughed as it rolled down a hill. For this killer there was no turning point.

Day Fifteen: Three Strikes

Petaluma Police Sergeant Mike Meese did not tell the killer who had just led him to Polly's body about the unrolled Rough Rider condom found that afternoon at the Pythian Road crime-site.

Meese asked a question at the end of an after-dark police search in which Richard Allen Davis failed to find a gas station where he claimed to have let Polly go to a restroom, when in fact he had already strangled her.

"No, not that I really needed them," Davis said on audiotape heard early on by the trial jury.

"Did you ever hear of DNA testing?"

"Yeah, they've given it to me before I got released out of prison," Davis answered.

Strike one!

"What about the condom they found on the hillside at Pythian Road?" asked KTVU newsman Rob Roth on May 11 when Davis called collect to complain about conditions in the Santa Clara County Jail.

"Don't make it worse than it already is," the killer shot back. "I don't know where it came from. It's not the kind I had."

Strike two!

"Only one man ever bought condoms in my store," Jeanette Turner, owner of an adult novelty shop less than two miles from where Davis visited his sister near Ukiah just hours before he kidnapped Polly. "I sold a Rough Rider condom to Davis. "I was in my store only two days that year, September 30 and October 1, to pick up party supplies for my October 2 wedding." Davis admitted he killed Polly the night of October 1, but claimed he never assaulted her sexually.

Strike three!

FBI Special Agent Thomas Lynch compared the condom collected at Pythian Road with sixty most representative brands analyzed at the bureau's

Washington laboratory. “The condom found at the crime scene on December 4 was a Rough Rider brand,” Lynch testified.

Painting Contractor John Liner, who employed Davis for three weeks in San Mateo before the crime-date, testified that Davis admitted visiting Petaluma twice before he earned enough money to buy a car prior to quitting without notice, leaving Liner “in a jam.”

During taped statements to Meese, Davis said he had “never been in Petaluma before in my life,” before claiming he kidnapped Polly in a memory blackout from drinking two quarts of malt liquor and smoking a five-dollar joint that “must have been laced with some kind of s***.”

Witness Craig Clampitt, friend of Davis’ sister Darlene Schwarm, saw Davis at her Coyote Indian Reservation house at least six times before Polly’s murder date. He also saw Davis several times after he helped the killer weld a muffler that had come loose from his Pinto’s exhaust system on Saturday morning. Davis appeared untroubled and “as usual” only hours after he dumped Polly’s dead body south of Cloverdale between Ukiah and Pythian Road where the prosecution says he sexually assaulted, then strangled her.

He was drinking beer and smoking marijuana, according to Clampitt, and “seemed to be having no trouble with it at all.” The beer drinking and pot smoking continued through dinner, also attended by Anthony Pearson, who remembered it was October 2, the day after Polly’s kidnapping at knifepoint. “It’s easy to remember the date,” Pearson said. “We were taking inventory that morning” where he worked in Ukiah,” and we only take inventory every six months.”

All of today’s witnesses, including sheet metal shop manager Victor West, under whom Davis worked in San Mateo “until he saved enough to buy a car, then walked off without telling me,” verified that Davis often wore a bandana headband like the one described by Polly’s two bound and gagged slumber party girlfriends.

Davis now has three strikes on the sex charge, but is not walking off the field yet. Admitting to everything but child-rape, Davis has not pleaded guilty to any of the eleven charges, not even murder. His lawyers attack every prosecution

witness and piece of evidence. He is not ready to walk off the field yet as a child-rapist who killed his victim. Then by his own words on tape he will be a “dead man walking,” if not by lethal injection, then by that other jury he knows so well...his prison peers who have their own punishment ideas for the one crime they do not tolerate. He may have years of appeals out here, but none in there.

Play ball! Leas get on with the game.

Day Sixteen: Patterns

Special Agent Chris Allen of the FBI is a Hair and Fiber Unit examiner. His job is to link items collected from a crime scene to individuals or other locations. Initial submissions in Polly's case were limited to; a throw rug, hair samples from Polly's hairbrushes, beige fabric used to bind her girlfriends, pillowcases, and a Nintendo control panel and severed Nintendo cable. Subsequently, he added evidence collected from Pythian Road, the scene of Polly's rape and murder, and Cloverdale where the killer discarded her body. A clinical analysis of the evidence revealed a far different scenario than that offered by Richard Allen Davis.

The tenacious scientist testified that a strand of the killer's hair found on the throw rug and forcibly removed from his head indicated a struggle in the bedroom. Sheer beige cloth used to tie Polly's friends matched material found on Pythian Road and in Cloverdale. When untied and matched for edges, the cloth was obviously cut by scissors and originated from the same piece of fabric. The killers Pinto revealed microscopic trace cuttings of the identical material. This indicates pre-meditation. Not a random drug induced crime. Acrylic fiber from the carpet on the floor of the Pinto matched fiber found in Polly's hair in Cloverdale. She was not sitting next to Davis. Forced to crouch on the floor, my poor baby fought for her life and spent her last hours bound, gagged and cowering on the floor of the decrepit Ford.

At approximately 6pm, on September 24, 1976, Frances Mays unlocked the driver's door of her Volkswagen Beetle in a rapid transit parking lot in Hayward, California. A stranger put a knife into her back, told her to get into the car and slide over to the passenger seat. He forced her to remove her shoes and crouch in the floor of the vehicle. He held the paring knife in his left hand. With his right hand he placed a small brown paper bag containing a four-foot length of fiber cord behind the driver's seat. To put her at ease he said, "I need to get away from here. There is somebody following me. I will not hurt you." Then he drove away.

Scared and crying Frances offered the man her wallet. Angrily, he told her to shut up and took the wallet. Ms. Mays reached up and unlocked the passenger door when he turned down a side road. The man heard the click, re-locked the door and hit the crying woman on the head. He eventually parked the Volkswagen one hundred yards off the road of a deserted cement plant, facing the road. Still holding the knife in his left hand, he instructed her to sit on the seat. When she

complied, he unzipped his pants and exposed his limp penis. "You know what I want you to do," the rapist instructed. Ms. Mays sat there, frozen. He placed his right hand behind her neck, forced her head into his lap and again showed her the knife. "I'm going to start counting. Five...Four...Three..."

Before her head disappeared below the dashboard, Frances noticed a car driving down the main road. She screamed, grabbed the knife blade with her bare hand, unlocked the door and ran through the gravel toward the approaching vehicle. The man exited the driver's door and walked in the opposite direction.

California Highway Patrolman Harold J. Wentz was driving to work when he saw the woman running towards him with her hands above her head. "He kidnapped, robbed and tried to rape me," the hysterical woman sobbed.

Officer Wentz put the woman in his car with his wife and pursued the escaping rapist. He encountered the grungy molester in the cement yard. "Freeze," ordered the Highway Patrolman, pointing his service revolver at Richard Allen Davis. "Put your hands over your head and walk backward towards me."

Seventeen years later the killer still used a knife to have sex. He still carried bindings and forced his victim to cringe on the floor of the car. Only this time he chose more carefully: A little girl, too small to fight back and unable to tearfully tell her story to a stunned and silent jury.

Day Seventeen: Dream Crime

Many have fantasies of riches, travel, or food. Most fantasize sex. Richard Allen Davis fantasizes sex-crimes.

Unfortunately, his fantasies are dress rehearsals for sex-motivated violence inflicted on real people, the last of whom was Polly Klaas.

For two days, witnesses to previous bondage, domination, and mayhem testified about how Davis listened to “voices” that instructed him. A voice that tells him the next woman he kidnaps “wants to know how it feels to be raped”. Owners of a house he breaks into “want to be tied up”. When he beats a sleeping woman with a poker until, “surprised she wasn't dead”, he felt “we both got something out of it”.

The first victim to testify Wednesday in the Polly Klaas kidnap-rape-murder trial was Frances Mays. At knifepoint, Davis forced her into her Volkswagen bug in a Hayward, California transit-station parking lot while it was still daylight on September 24, 1976.

“I won't hurt you,” he promised as he drove to a lonely cement-pipe storage lot. He unzipped his pants, shoved her head down and said, “You know what I want you to do”. She grabbed his knife by the blade, jumped out and frantically flagged down a highway patrol officer on his way to work. He chased and arrested Davis.

Davis told a psychiatrist that a voice told him a woman “wanted to know how it felt to be raped”. He entered the station “to see who she was”, and followed the victim to her car to “give her what she wanted”. A paper bag police believe carried the knife was found in the back seat.

Dr. George Ponomares, a court appointed psychiatrist interviewed Davis on April 13, 1976 about a series of eerily similar crimes. “Davis told me that he heard the voice of a woman (Mays) wanting to be raped”, Ponomares testified. “He said the woman was only protesting for the sake of appearances”.

California highway patrol officer Harold Wentz reported that the bag Davis tossed into the Volkswagen back seat contained a four-foot-length of sturdy twine.

After three o'clock on the morning of December 17, 1976 Marjorie Mitchell went to sleep in Napa, California. Her 13-year-old daughter slept down the hall. The mother awoke with a start, wondering why her head hurt. She saw Davis above her in the dark. He beat her five times in the head with a fireplace poker. She screamed. Bathed in blood, she went to find her daughter, saw Davis down the hallway, and headed towards him.

"I have no idea why", she testified. "I was in a daze".

Davis turned and went out the front door. In the family room where he had picked up the poker, police found a knotted sweat sock with two bars of soap tied into its toe. Her purse was untouched beside the bed.

Later, after his arrest for another crime in LaHonda, California, Davis told Napa police detective D.B. Miller that he broke into the Mitchell house to steal her car keys. Davis forgot them after he beat her with the poker, went back to get them, and "was a little surprised she was still alive. I beat her pretty good". He thought she enjoyed the beating. It required 32 stitches. "I hit her twice", he minimized. "It felt good. I have been under tension. I think we both got something out of it".

Out of the jury's earshot Miller told me soap stuffed and tied into a sock is a commonly used weapon in jails and prisons. "They can do a lot of damage when used like a billyclub".

Three nights later at midnight, Davis broke into a parked Cadillac outside a Napa restaurant, waited in the bushes and climbed in beside Hazel Frost as she was turning her ignition key. She wore a formal gown following a Christmas party.

"I heard a woman's voice saying, 'I wondered what it would feel like to be assaulted". Davis later told Dr. Ponomares. "I broke into the dog pound behind the restaurant and found a gun".

He shoved the two-barreled shotgun into Frost's neck, promised not to hurt her, and told her to drive him to Santa Rosa.

"He ordered me to back into the darkness behind the building", she testified. "His excuse was he wanted to make a phone call. He shut off the lights

and pulled a piece of white material from his pocket. I knew he was going to kill me, so I kicked open the door and rolled out onto the pavement. There was a gun loaded with birdshot under the front seat. I grabbed it and fired five times as he ran past the animal shelter”.

Davis told Detective Miller that he hid for three days in a tarp-covered fishing boat on a trailer outside the home of Josephine Krieger in LaHonda. When she and a friend left, Davis entered the house, stole items of clothing, jewelry and a coin collection, and then waited inside for Mrs. Krieger to return.

“I thought people wanted to be tied up”, he told Dr. Ponomares.

“I waited inside for them so I could get their car keys”, he told Detective Miller at the San Mateo County jail. It was the same motive claimed for striking the sleeping woman again and again with a poker four nights earlier in Napa.

He waited in the garage and sharpened a butcher knife and a large bowie knife with a file. He had the gun, but no shells. “When they came in, I pulled the power switch to get them to come outside through the garage. They left by the front door and crossed to another house. Too many came back”. He ran out the back door and was arrested hiding behind a bush holding the gun under him against the ground.

Too much like 17 years later in Petaluma -- ropes, pieces of cloth, knots, binding tape, knives, motives offered other than love of sex-violence against helpless females, and always assurances that “I won't hurt you”.

God! How we clung to those words uttered again as he hauled Polly off at knifepoint, gagged with wrists held close to her neck by loops knotted from material brought to tie over her pretty head.

“I won't hurt you”. How desperately we believed those words heard by her bound and gagged slumber party friends. “I won't hurt you”.

We believed it. It offered the only chance we would find Polly alive.

Davis denied us that. He probably thought we would get the same kind of kick he got when he strangled her on Pythian Road.

It was his dream crime come true.

Day Eighteen: The Loss

Last Friday, Richard and Maureen Kanka, John Walsh, Patty Wetterling and I joined President Clinton at an Oval Office ceremony. Except for Ms. Wetterling, we are all the parents of murdered children. The occasion was the signing of Megan's Law, a federal statute mandating that States establish sex offender registries and offer community notification so that parent's can protect their children from convicted molesters. On my return to California I experienced a sadness more profound than any I have felt in the trial. For several minutes, I sat in the coach section of United flight 59, a prisoner to my own tears.

The President has honored me with three such invitations, and I experience the same phenomena every time. The most powerful leader in the world signs yet another law in the name of another dead child. Years of persistent labor culminate in a momentous anti climax. Children are safer and lives will be saved, but Polly, Adam and Megan are still dead, and Jacob is still missing. Things change, but everything stays the same. This stuff is no fun because these people carry a lot of pain. There is fulfillment but no satisfaction in the White House on occasions like this.

Dick Schwarm accompanied the killer to Seduction's, the gift shop where Davis purchased the Rough Ryder condom found on Pythian Road. Twitching on the witness stand, tiny eyes darting around the courtroom, finding peace only in the gaze of his wife and the killer's sister Darlene. Dick said that the killer regularly indulged in alcohol, methamphetamine, and pot without ever "getting out of hand." The behemoth brother in law unsuccessfully tried to establish an alibi for the killer on the night of Polly's murder.

On March 11, 1978, the killer told Psychiatrist Llewelen Jones that he "Masturbates twice daily and thinks of tying up female victims of past crimes." In response to defense attorney Lorena Chandler's question Psychiatrist Leonti Thompson testified that he vividly remembered interviewing the killer on March 7, 1978. Davis showed, "No signs of remorse, no sign of sympathy or compassion for his victims and attempted to use the interview to try to con the examiner."

"No more questions," intoned Ms. Chandler.

Outside the courtroom the Schwarm's talked to reporters about their loss. "It affected everything," the confessed killer's sister sniveled. "I lost my job, my home and the FBI took everything of value out of my house. I lost everything," said the ruddy complexioned woman observed drinking liquor with Davis on a park bench one hundred and fifty yards from Polly's house two weeks prior to the crime.

Day Nineteen: End Game

The killer's defense team dispute that Polly was kidnapped for sexual molestation. They are apparently willing to concede all other points. This is the single reason that it is so important to prove that molestation was the sole reason for the crime. Otherwise, we give the killer exactly what he wants, and that is totally unacceptable.

The final witness for the people noted forensic psychiatrist Dr. Park Dietz used all previous testimony to illustrate the steps of the paraphile dance. Paraphilia is a continuing preference for some unusual sexual object, and sexual arousal outside the normal boundaries, through domination and sometimes including murder. Paraphilia is theorized to be a learned process, usually by men, of an abnormal style as a sexual preference. The sexual focus of a paraphile includes anything from children to inanimate objects.

The predictable patterns of paraphilia follow a strict pattern. Step one is the fantasy itself, promoted through masturbation. On March 11, 1978, the killer told Psychiatrist Llewelyn Jones that he "masturbates twice daily and thinks of tying up female victims of past crimes." According to Dr. Deitz, "This admission about what Davis thinks about during masturbation is totally under his control, and indicates his favorite sexual fantasy. This is a window into his mind."

Next, the paraphile formulates an action plan or makes the choice to escalate from fantasy to action. This includes figuring out what materials are needed to successfully carry out the crime, finding the time, and successfully covering your tracks. In Polly's case the killer needed transportation, bindings, scissors, a condom and the veil of darkness. After being busted by the deputies on Pythian Road, he asked his brother in law Dick to help him create an alibi.

The paraphile then needs to prepare his equipment. Since his earlier unsuccessful attempts depended upon securing transportation from his victims, this time Davis purchased a vehicle. He acquired a piece of cloth and cut it up into restraints. He also added a crucial element of his crime kit that was unnecessary in his crimes twenty years previously. The advent of modern technology mandated that the killer buy a condom to eliminate DNA evidence.

Davis then needed a suitable victim. Ms. Mays and Mrs. Frost are grown women who thwarted his advances, so the killer sought someone small who could not, would not fight back. To this end, he spent weeks if not months lurking in the streets of Petaluma, California, slowly encircling Polly's house until he found exactly what he needed to fulfill his perversion: A pretty little girl, slight of build and easily accessible.

This particular paraphile always gains access to his victim's by instilling fear through force. He put a knife into Frances Mays back and forced her into the passenger seat of her own car. He forced his way into the passenger seat of Hazel Frost's Cadillac and put a shotgun to her head. He broke into Polly's house and threatened to kill the three girls with a knife if they made a sound. At this point he is always in control.

He maintains control of his victim's by threatening, offering false assurances, which he gave to each of the victims who testified, and to Polly and her three friends: "I'm not going to hurt you," plus cons or ruses and physical restraint. He told Ms. Mays that someone was after him, forced her onto the floor of the car, but forgot to use the restraints he had with him. This enabled her to escape. He told Hazel Frost that he needed to make a phone call. However, when he produced physical restraints she escaped, pulled a gun and shot at him five times while he fled. The killer learned from his mistakes.

Dr. Dietz testified that such a pattern, preserved by masturbation fantasies, continues even after twenty years, when he chose a much smaller sex victim, not likely to pull a gun on him. For Polly and her friends, the bindings were already cut and applied immediately. He told them that his motive was robbery and that Polly would be back by the time they counted to 1,000. All three girls had hoods over their heads. Davis used his own car and forced Polly onto the floor of the Pinto.

In order to continue this perverse dance the paraphile needs a secluded location, pre-determined or found by chance, and a means to transport the victim to that site. He took Frances Mays in her Volkswagen to a deserted cement factory. Hazel Frost drove her Cadillac at gunpoint to an unlighted parking lot behind a service station. Poor little Polly lost her life on Pythian Road.

The paraphile then needs captivity so that he can sexually enjoy the victim. He worked far too hard and planned far too long to let the moment pass. The time finally arrived to enjoy the spoils of the hunt. The foreplay is finished. The conquest is at hand.

Dr. Dietz said, "Paraphile's enact sexual fantasy by asserting control." Just then the earth actually quaked with indignation. The building swayed for fifteen seconds and people in the courtroom gripped armrests and clenched their fists. After six weeks of silence we finally heard Polly Klaas' earth shaking testimony as the final step of the killer's perverse dance was explained to the jury.

Day Twenty: The Defense

“There is no defense.” -- Defense Attorney Barry Collins (5/29/96)

The criminal justice system serves the needs of the criminals much more than the needs of the victims. Only three witnesses took the stand for the defense today: A parole officer and two investigators for the District Attorney. Figuring that there is enough for everybody, the defense team attempted to spread the blame around. On Oct. 15, 1993, two weeks after Polly's death, parole officer Thomas Burns downgraded Davis' parole status from a high control parolee, meaning that there was violence in his background, to control service parolee. Defense attorney Lorena Chandler claimed that the downgraded status proved that the system failed her client.

How dare she make such a statement? The system did not fail Richard Allen Davis. The system failed Polly Klaas. The system allowed a vampire the opportunity to sink his fangs into an innocent. The system put him back onto the streets despite countless warnings from psychiatrists, empirical evidence that he would strike again and the boundaries of common sense. The system then allowed this pervert to slip out of their hands on the very night of the crime. The overburdened parole officer did not even know Polly existed. It is this kind of outrageous conduct that makes me lose all respect for defense attorneys.

The system is designed, legislated, defended, prosecuted, judged, and appealed by lawyers. The system is a full employment act for lawyers. They perpetuate the revolving doors of justice. Richard Allen Davis is representative of perhaps a million predators who have been and will continue to be released back into society only to strike again. This nightmare repeats itself across this land far too often. Almost every day I speak to yet another parent of a child victimized in some way by a recidivist violent offender. If Ms. Chandler wishes to spread the blame around, I suggest she look in the mirror.

The prosecution presented such a fine tuned, meticulously researched and proven case that there were no avenues left to explore. The defense never challenged the one point in dispute, the rape of Polly. The killer's downgraded parole proves that Polly's death meant no more than a forgotten toothbrush, and that Davis is not a human being, but a monster that shows no remorse for a life taken.

Two and a half years and two million dollars and it comes to this. A defense strategy that is nothing more than a fishing expedition. No point raised by the defense had any relationship whatsoever to Polly's tragedy. It is a mirror game designed to spread the blame for a crime that was committed by a single individual. If this incredible waste of time, money, energy and emotion proves anything at all, it is that there is no defense for the indefensible.

Day Twenty-One: Travesty of Justice

The defense rested without calling any witnesses today. This twenty-eight month travesty of justice has cost millions of dollars in public money and held my family as emotional hostages. Barry Collins and Lorena Chandler should be held accountable for the enormous waste of time, energy and money on the defense of an admitted baby killer.

Countless parents of murdered children have told me that nothing can prepare you for the trial of your child's killer. In fact, many of them have accompanied my family into court at various times during the trial. We thought that we could withstand the constant assault on our sensibilities and that somehow we would be able to rise above the fray. Instead, we are dragged into the world of murder, mayhem, rape and depravity. There is no way out.

Nothing can prepare you for the trauma of a murder trial. We watched the Goldman family walk out of court every day during the Simpson trial, face the cameras and react to the revelations of the day with anger and disbelief. As a family we thought we could do better than that. We thought that we could leave the courtroom and discuss issues, but we were wrong.

Each morning we enter the abyss and brace ourselves as ever more disgusting revelations are presented as motive, discussed in side bar and placed into evidence. All the while, the killer sits at his table bantering with his attorneys, writing notes, reading files, and exercising his constitutional rights. He has a right to counsel, due process and a jury of his peers. Polly has a right to be referred to as the victim. The killer has a right to be informed of accusations, a right to confront and subpoena witnesses. Polly has a right to be referred to as the victim. The killer is prohibited from self-incrimination, double jeopardy and cruel and unusual punishment. Polly is dead, and the dead have no rights.

Forty-three million people become victims of crime every year in the United States. Statistics show that eighty percent of us will become victims of violent crime at least once in our lifetime. A child is murdered in the United States every ninety-two minutes. A violent crime is committed every sixteen seconds. A residential burglary is committed every nine seconds. The United States Constitution guarantees more than a dozen rights to those accused of committing

crimes. Not one word is written in the U.S. Constitution on behalf of crime victims.

The odds are heavily stacked in favor of the accused. Polly's killer wants one thing: To be sent to prison for the rest of his life. If he gets his wish, the crime will never end. By his own admission, he will “Masturbate twice daily and think of tying up female victims of past crimes.” Polly will be continually victimized until the day the killer dies. This is not fair. She deserves peace. We deserve peace. Therefore we must attend every phase of this travesty of justice. It is our duty to keep the focus of the trial on the target. The last few hours in the life of Polly Klaas.

Day Twenty-Two: The Myth of Closure

Prosecutor Greg Jacobs spent the entire day in court presenting his closing argument or summary of facts. Sweating profusely in the chilly courtroom he argued in a slow, deliberate and dispassionate manner under extreme pressure to tie the evidence together. The diligent litigator proved beyond a reasonable, no, the shadow of a doubt, that the killer had a plan and knew Polly's neighborhood. "Davis used a ruse and offered fake assurances to keep Polly and her girlfriends under control. He conned the girls into believing that the crime was robbery, not kidnapping and murder. Even children know not to resist a thief. Give him what he wants and maybe he will leave you alone." He did rob Gillian's nightgown and Polly's red tights. The Rough Rider condom found on Pythian Road proved the killer's sexual intent. "He then kidnapped Polly and killed her because she was a victim and witness to the sexual assault he committed upon her on the evening of October 1, 1993."

Courtroom props including photographs, charts and a dramatic life-size graphic of a plastic mannequin, representing Polly, drew audible gasps from the court. However, the most compelling argument for the prosecution sat fifteen feet from me at the defense table. Rarely looking up, Davis preferred to banter and joke with his court appointed attorneys. With eyes fixed on legal sized paper duplicates of the prosecutor's charts, the killer seemed uninvolved and unimpressed with the devastating summation.

Living alone in our home sixty-five miles north of San Jose, my wife Violet works forty hours a week in a real estate firm. Unable to attend most court sessions and not acclimated to the pace of the proceedings nor numbed to the constant onslaught of theory and evidence the closing argument consistently reduces her to tears. One can train and prepare for a fight with Mike Tyson, but that does not mean the blows to the head and solar plexus will hurt any less. Taking two days we could not afford to hear a summary of facts that she already knew may sound like a relatively simple task, but sometimes the truth is difficult, if not impossible to digest.

Violet loved Polly desperately and every point made by Greg Jacobs only reminded her again that Polly has been reduced to memories, a closet full of clothes, a series of fading photographs and plans and dreams never realized. Polly may sit at the right hand of God and be in a place where she can never be hurt

again, but we cannot hold her in our arms and she is not able to testify to the horrors inflicted upon her that fatal night so long ago.

The trial may be winding down, but today's session proved one thing that will not be reflected in the jury's decision. For some of us, this crime will never end. There is no finality and there is no closure.

Day Twenty-Three: The Last Word

Finally, the evidence presented and arguments made, the fate of Polly's killer is in the hands of twelve citizens, exercising their constitutional duty to sit in judgment. The maneuvers, feigns, and tactical ploys are words in transcript. Points of order and end runs around reason echo silently in the empty courtroom. There are no more excuses or delays, only the interminable wait for the last word.

Barry Collins is no Clarence Darrow and he leads no dream team. His final argument is brief, threadbare, skeletal, reflecting his lack of a coherent defense for an admitted baby killer, a monster beyond redemption. Collins submits that the prosecution used the testimony of Dr. Park Dietz and the resources of the FBI to tailor theories that answer the question of why this crime was committed. He argues that not only is his client's history one of burglary and not sexual assault, but the killer has been relatively clean for twenty years. There is no proof of molestation, only theory. The witnesses who saw the killer in Petaluma in the months, weeks and days prior to the crime are liars or mistaken. In fact, the killer is a model prisoner, is cooperative with law enforcement, therefore his statements to Mike Meese must be the truth. The presentation is noteworthy not for the points raised, but instead for facts left unsaid. Mr. Collins is trying to finish the race, but he has no legs.

Given only twenty-five minutes to prepare, Greg Jacobs delivers his rebuttal like a Southern Baptist preacher. Gone was the nervousness of the previous day. Gone too, was the dry, dispassionate recitation of facts and evidence. Instead, a father concerned about the safety of his own daughter answered the call of a higher order and allowed the music to explode from his soul and find voice in passion and reason.

Looking directly at the jury and rarely glancing at his yellow notepad, the assured staccato voice of the prosecutor drove home point after point after point. "The defense claims that we constructed theories tailored to our case using the testimony of Dr. Dietz and the resources of the FBI. If this were true, Mr. Collins would have found an expert to counter their testimony. He did not do so, because his client is guilty. Mr. Collins claims that his client's criminal profile is that of a burglar, but the crime against Francis Mays twenty years ago is so much like this case. Mr. Collins doesn't want you to remember the painful facts in this case, because his client is guilty." Amen, brother Jacobs: Tell me what I need to hear.

Mr. Collins again admitted that the only point of contention is the lewd act against a child. Again, I ask: What is more lewd than entering a child's bedroom with pre-cut strips from a women's negligee, tying up and terrorizing a trio of twelve year old girls, kidnapping and murdering one of them? A rhetorical question perhaps, but one that needs defining.

There are no more words to be spoken. The fate of the killer rests on the shoulders of the jury. Regardless of the verdict, the truth is clear. The beast who spent most of the his life in a place where he could not victimize innocent citizens is guilty of heinous crimes against a little girl who had great gifts to offer humanity. And, that is the last word.

Day Twenty-Four: A Day In The Life

And so, the waiting begins. The stakes are momentous for those intimately involved as the jury pores over the evidence, the Judge's instructions, their own instincts and attempt to render justice.

Having exercised his constitutional rights and received his day in court the killer sits in his cell awaiting his fate. Does he spend the rest of his miserable life behind bars as a child killer or a child molester? The difference is significant, because the prisoner's code of honor dictates his admission into the fraternity of inmates or outcasts. Does he waste away in old age or face lethal injection sometime in the distant future? In either case the light of day is one supervised hour in the yard daily throughout his eternity. Regardless of the outcome, he will never have another opportunity to victimize an innocent.

The lawyers huddle with their teams, pondering their presentations. "Should we have put a greater emphasis on this bit of evidence? Should we have introduced more theatrics? Did the other side overwhelm us with reason and evidence?" The jury decides who will win the prize. A career case dissected and analyzed to the point of minutiae over the course of thirty months. A case based on the foundation of sexual intent, meticulously prepared by a prosecution team overwhelmed by the murder of a little girl. The defense, pursuing vindication for defending the indefensible, seeking an opportunity to hold their heads up high and say "I told you so."

For the chroniclers of history it is another day in the life. The media patiently waits for the verdict as they have done so many times previously. An opportunity to capture the inevitable sound bites, observe action and reaction and regurgitate events into digestible thirty or sixty-second packages. They observe, ready to vault the verdict into a one-day headline, unless a catastrophe or a head of state eating a bullet bumps it below the fold. However, they are also our friends, and in many case our confidants. For many, they too are committed to justice in this case, as they have been working it from the beginning.

For Polly's family there is no prize. Only continued sorrow at the realization that the verdict will not alter our reality. We spent the day nervously second-guessing an intelligent panel wrestling with a monumental responsibility. If it is all so obvious, why are they taking so long? We sit on pins, walk on needles

and attempt to divert ourselves from the intimate details of a case that we seem to have been living forever. My stomach growls and I think that it is my pager, vibrating with the secret code that will deliver us back into the courtroom for final justice.

Day Twenty-Five: No More Music

This is like waiting for your children to be born. Nerves stretched like violin strings wound to tight, ready to snap. We laugh at nothing and worry about everything. What in God's name is taking so long? It's so obvious that he did it. So let's move on to the penalty phase. We pass the time talking about Polly. The good times, before the nightmare. I was in heaven sitting on the couch in our condo, sandwiched between Polly and Violet. Polly, flicking her tongue like a lizard, rolling her eyes up into her head, cracking her knuckles, knowing how much it annoys me. Violet is laughing. Her laugh is musical, but there is no more music.

Is there distention in the jury room? For the second day in a row they ask for clarification. The buzzword is deadlock. It carries emotional weight and makes good copy. Apparently, a problem exists regarding one or more of the special circumstances. I hope it is not the lewd act. If they give him that, then he wins. Was the jury attending a different trial than we were? My mother and sister in law are crying. How will this affect the penalty phase? My father and I are angry. Why does Barry Collins look so smug? Violet expresses bewilderment. We are reduced to second guessing rumor and innuendo.

It was the same feeling I had when we were looking for Polly. Only then hope for a successful resolution existed. A conviction does not define success. There will be no victorious popping of champagne corks. We will not slap each other on the back and toast a job well done. This is about a moral victory. If he is convicted on all charges and receives the death penalty, he still languishes in prison for years. Nothing will bring Polly home.

This morning Barry Collins said, "Reasonable doubt is not an exact science." How right he is. In fact, it has gotten to the point where reasonable doubt means documentation or videotape. If they could not convict O.J. with overwhelming scientific and circumstantial evidence, maybe there will never be another conviction. It is time that we address the judicial system, streamline it and ensure that it is responsive to the needs of the innocent, not the guilty.

The jury is intelligent and conscientious. They cross all the T's and dot all the I's and understand the weight their decision carries. The fate of a so-called human being hangs in the balance. They do not want to be criticized, second-

guessed or offer cause for appeal. They do not wish to be perceived as the next idiot jury. This is as it should be. It's just so damn nerve wracking. Knowing that there is nothing you can do but wait and hope for the best.

Day Twenty-Six: The Gesture

The family is pleased. The sun has risen and the vampire is burning. Following three days of deliberation, the jury convicted the killer on all counts. If this was not enough, the killer opened a little window and allowed the world a glimpse into his vacuum of a soul.

It took Tonya Hunter, the court clerk, approximately fifteen minutes to read the verdict. Every time she said guilty she recited the specific charge against this monster in a man's skin. Sadness tempered our satisfaction at this just rendering of justice as specific charges were repeated in cold clinical terms. The terror she withstood during a two-hour nightmare on October 1, 1993, still causes sleepless nights.

As the jury filed into the courtroom, tension was thick and anticipation was palpable. Juror number two, the smiling lady, looked directly at my father and beamed. This is when we realized that justice was served. Vindication is sweet, but too long in coming. The knowledge that this little piece of slime will never victimize again removes a tremendous burden from my shoulders.

With the verdict read, the courtroom standing and all eyes turned toward Polly's killer, he gave us a gift. In one of the most ill conceived moves in courtroom history Polly's killer slowly turned, winked, pursed his lips into a kiss and raised both hands to his chest, middle fingers extended in the air. The gesture lasted no more than five seconds, yet the unyielding eyes of video and still photography captured the profanity for all eternity.

Too hot to ignore, network newscasts broadcast the gesture and newspapers across the country published it on page one above the fold the next day. Viewers and readers were aghast at the audacity of this double insult. "Who is this monster flipping off society, and how dare the media invade our existence with the gross reproduction of his act?" Emotions ran high as protests poured in from everywhere. "What do I tell my children?" "This is taking the first amendment to extremes." "The media is tasteless and panders to the lowest common denominator." Tell your children that if they put up their middle finger they will look just like Davis. Tell them that they are lucky that he was in Petaluma and not your town. This is reality and now you know what I have known for more than two years.

Society tends to deny evil. It is difficult to explain and even more difficult to accept. Unfortunately, it is everywhere. Polly's killer is in jail, but there are many more just like him in your town. We have designed a society that creates, nurtures and returns monsters to the street time and time again. Until recently, we stuck our head in the sand and pretended that it was not so. Wake up and scrape the crap off your shoe. If we do not do something about the monsters in our midst today it may be too late tomorrow.

Day Twenty-Seven: Top Ten Reasons Davis Should Die

- 10) He wants life without the possibility of parole. That is not punishment; it is a gift.
- 9) Polly's killer does not understand the value of life and nothing drives that lesson home more profoundly than the loss of life. Only when he faces his own mortality will the killer comprehend this fundamental truth. I suspect he will receive enlightenment as he takes the dead man's walk to the his own execution.
- 8) This came from Hell and the sooner it is returned to Hell the better off we will all be.
- 7) If he gets his wish, the crime will never end. By his own admission, he will "Masturbate twice daily and think of tying up female victims of past crimes." The killer will continually victimize Polly until the day he dies. This is not fair. She deserves peace.
- 6) Life without the possibility of parole does not necessarily mean that the killer will never be released from prison. Should the political climate or prison policy change in the future, he could very well be released back into society to re-commit yet again.
- 5) By giving Polly's killer life in prison for taking Polly's life, we are giving him a power usually reserved for God: The power over life and death. Thus, we admit that Polly's killer is more powerful than we are.
- 4) If condemning Polly's killer to death is beneath the morals and standards of civilized society and is considered barbaric, why do we send innocent young men overseas to die in war for the freedom of foreign lands? Why is America the biggest arms dealer in the world? Why is research into nuclear weapons still allowed?
- 3) In a just society the punishment must fit the crime.
- 2) The death penalty is a deterrent. Bundy, Dahmer & Gacy will never victimize again, for they have been deterred.
- 1) Two words: Richard Speck.

Day Twenty-Eight: The Abuse Excuse

The defense bases their opening remarks for the penalty phase on the abuse and neglect of sensitive, quiet, shy little Ricky, and the alcoholism and drug abuse of the adult Richard Allen Davis. Attorney Lorena Chandler reminds the jury that they must choose between the two most severe punishments possible: Life without the possibility of parole; or the death penalty. "He is a damaged human being and we offer no excuses for his crime against Polly Klaas. But..."

"You must consider the mitigating circumstances. Those things in the background that led to the crime." Ms. Chandler instructs the jury to consider the factors that impacted his formative years, and caused his family to fall apart. Ms. Chandler said that his alcoholism and drug abuse began when he was sixteen. "Make room and hear about the pain and anguish in his life."

The five Davis children grew up in a dysfunctional environment. Drunk, abusive parents failed to properly supervise the children. After years of screaming and fighting, Mrs. Davis abandoned the family when the killer was nine years old and never contacted them again. Little sister Patty fell down a flight of stairs and died at age five. The forging of a ten-dollar money order at twelve resulted in his first arrest. He stopped attending school in the ninth grade. A teenaged acquaintance inexplicably committed suicide at her farewell party on the eve of her admission into Naval Officers Training School and guess who discovered the body? Little Ricky. "Mitigating factors tell you who he is and what to consider upon reaching your verdict. Something as big and horrible as happened here came from something."

It came from hell, and the sooner it returns to hell the better off we will all be. The defense conveniently omitted several important points. The killer's brothers grew up in the same environment yet they live within the law. His younger brother is an Indian tribal judge in Nevada and his older brother holds a high security position at a Silicon Valley defense plant. Even sister Darlene, with all her faults, abides by the law. They used free will to make the correct choices, just as the killer used free will to follow the path of evil. In civilized society we accept responsibility for our actions. We make mistakes, admit them, and hopefully attempt to rectify our blunders. But, not Davis: His past dictates his behavior. He is the real victim, not Polly Klaas.

Many people abuse drugs and alcohol, especially in their youth. They are invulnerable, and life is an endless party. However, at some point most realize the error of their ways and quit or temper their substance intake. This long term alcoholic and drug abuser never entered a drug rehabilitation program. As far as anybody knows he never even attended an Alcoholics Anonymous meeting. A litany of victims have testified over the past two days that Davis always seemed sober during the commission of crime. Yet he excused his crimes against Polly by building a defense based on alcohol and drug induced behavior.

Victims of abuse, neglect and abduction approach me on a daily basis. People who led horrific lives and are ashamed of their past. Damaged souls victimized and controlled by forces more powerful than they. Not every victim of abuse or neglect becomes an abuser. The victims I know rise above their circumstances, escape the cycles of violence and are stronger and more formidable for the experience. They nurture, love and protect their children, comforted by the knowledge that they have been in the dark room and found a way out.

The American criminal justice and judicial systems are far too lenient toward those who point to the past as an excuse for the transgressions and crimes of the present. We are all influenced by the past, but I am sick and tired of listening to monsters justify their miserable existence as excuses for heinous crimes against humanity.

Day Twenty-Nine: Victim Impact Statements

J=Prosecutor Greg Jacobs' questions M=Marc Klaas' response

J-How did your daughter get her name Polly Hannah?

M-Polly sat in a baby carrier on our dining room table for three days as we contemplated the perfect name. Finally, my mother suggested naming her Hannah to honor her maternal grandmother whose European name was similar to Hannah. From there we chose Polly and all agreed this was the perfect name.

J-How long were you married to Eve?

M-Seven years.

J-What kind of access did you have to Polly after your divorce?

M-Our marriage was a failure, but our divorce was very successful. We put Polly's needs above our own. Eve was wonderful about giving me access to Polly. I saw her every week and talked to her on the phone almost every night. We took vacations together and Polly spent most holidays with my family.

J-Did you visit Polly's school?

M-Yes, often. In fact, I volunteered at Polly's school at least once a week. I would assist the teacher and spend time with my daughter and the other children in her class.

J-Did that include a school in Sebastopol?

M-Yes.

J-Was that Peggy Dunn's class?

M-Yes, (beaming), this is me surrounded by Polly's classmates, and this one is of Polly decorating a T-shirt; Polly is putting the finishing touches on her T-shirt that said "Number One Dad" -- for me.

J-Tell me about Polly's activities.

M-She wanted to play with the boys. She didn't want to be left behind, so I taught her to swim. We spent a summer doing that and I didn't think the lessons went that well because her progress was slow. But the next year when she jumped in the pool, she immediately swam laps with beautiful style. She was interested in baseball, and so we were working on throwing, catching and hitting the ball.

J-Tell me about her personality at the time of her death.

M-She was outgoing, expressive and enjoyed the stage. She was funny and would give her last dollar to the homeless. She also had fears. She liked music, took piano lessons for about 6 years. She played the clarinet for about a year and I believe she was the best clarinet player in her junior high school band.

J-You said she had fears?

M-She was afraid of the dark; afraid to be alone, afraid a man would come and take her in the night. She would come and stay with Violet and I. We bought a 2-bedroom condo so she would have her own room. She liked that idea, but it was a big room and she was all by herself and her fears took over. I bought her a night-light, which wasn't enough. So I would leave her door open, leave a light on and stay in her room until I was sure she was asleep. I told her it would be all right and that I would always be there to protect her.

J-Who were the public figures she admired?

M-Winona Ryder who helped us so much, and Hillary Clinton were her role models.

J-You had a business at the time of Polly's abduction?

M-Yes, I owned the Hertz car rental franchise at the Fairmont Hotel in San Francisco. Prior to that I worked as a bell captain and concierge at the Stanford Court Hotel. I was slightly concerned about the franchise, as it had not done well in the past. However, I took it over and made it successful almost immediately. This pleased me very much. My business was good, and my family life was good. After years of feeling each other out Polly and Violet were very close. They did many things together. I was spending a lot of time with

my daughter and hoping she would chose to come and live with us, and I remember thinking, "What's going to happen to wreck this?"

J-How long have you known Violet?

M-We've been together 12 years now.

J-When was the last time you saw Polly?

M-The week before the kidnapping. Violet and I picked up Polly and her sister Annie at their home on 4th Street in Petaluma and went out to a children's entertainment center. We played miniature golf, raced in mini formula-one cars and went out to dinner. We probably spent 6 or 7 hours together.

J-Did you often take Annie with you?

M-Not often, Polly was my daughter, but Annie was always welcome. We always enjoyed Annie's company and she enjoyed our company. Annie adored Polly.

J-Did you have other contact with Polly the week before her abduction?

M-Yes, several phone calls, about 10 to 20 minutes each. Often times we would just shoot the breeze and talk about nothing much at all.

J-Did you talk with Polly on October 1?

M-Yes, I checked my phone records and I called at 6:22 p.m. Polly was excited about a slumber party her mother was letting her have because she had cleaned up her room. Eve was going to Monterey to visit and would drop Polly off with us on Saturday for the weekend. Being in Polly's company made people feel good. She had an aura that rubbed off on people.

J-You remember those things?

M-That's all I've got sir. I remember the last thing I said to Polly and I'm really glad I said it. We always ended our conversations the same way. "Polly, I love you." And she said to me, "Daddy, I love you, too."

J-How did you hear about Polly's abduction?

M-My nightmare began the way most people's nightmares end. It was 11:39 p.m. and I was asleep. I had to get up early for work the next morning and I was awakened from slumber by a scream. Violet was on the phone with Eve's husband Alan. She said, "tell Marc" and she pushed the phone away. I think she felt that letting go of the telephone would make the bad news disappear. Alan told me that Polly had been kidnapped and he didn't have a lot of details, but I should call Eve. So, I called Eve and she said a man came in and tied up Polly's friends and took Polly.

J-You didn't go to Petaluma right away?

M-No, sir. Alan said the police didn't want a distraught father trampling evidence. So, I called the Petaluma Police Department who confirmed the kidnapping and I called the FBI. Violet and I stayed at our home in Sausalito, awake for what would be the first of several nights. We kept all the lights on in hopes that they would bring Polly home. We heard an announcement at 6 a.m. the next morning on KCBS that Polly had been kidnapped. And, it began to sink in. Then I began one of the most difficult tasks of my life ... calling my family, one by one, and listening to my mother scream, listening to my sister's cry, listening to our world fall apart.

J-And you waited for word of your daughter?

M-Yes sir, for 65 days.

J-What were you thinking during those 65 days?

M-Fear for my daughter ... "fear" doesn't even come close. We never gave up hope.

J-Did you take steps to find Polly?

M-Petaluma Police were overworked and understaffed, so we opened a volunteer center and searched for Polly. The volunteers searched over 3,000 sq. miles by air and between 500 to 1,000 sq. miles by ground grid search.

J-What happened to your business during this time?

M-After about a week, Violet reminded me we had a business, so I called another franchisee and arranged for her to cover for me. Once, I returned for two hours to train my sister, but I've since given up the business.

J-How has this affected your health?

M-I've lost 30 pounds and I take sleep aides to this day. I can't sleep without them.

J-Have you had counseling?

M-I've been in constant therapy, one hour per week. I never did it before, but I can't live without it now.

J-How did you learn Polly had been killed?

M-I believe it was Saturday night. I was called over to the Petaluma PD and Captain Pat Parks was there, Agent Mark Marshon from the FBI was there. Eve was there silently weeping. Everybody was crying, the police were crying and the FBI was crying. Every one was invested in bringing Polly home alive. And they told me she was dead. I was in denial. I asked for my parents and called in my family. There must have been 12 people there, and there was this collective groan unlike anything anyone should have to experience. I went home in my father's car. Two hours later the news sank in for me. I went berserk, absolutely crazy. I had to be held down by several male members of my family.

J-What did you feel?

M-Anger. To this day a lot of anger.

J-Yes, actions determined this should not happen to another child or their family. I decided with my family that Polly's death would not be meaningless. We would try to spare other children her fate. Some \$300,000 had been contributed to help find Polly, and we felt a sense of urgency, felt we had three months before the world would forget what happened.

J-Do you have nightmares about this?

M-I have nightmares about this case, as do many people. I only visit Polly in my dreams. The first two visits were very unnerving. I woke in a cold sweat and I lost it. Now I'm comfortable in dreams. I had a dream where I was in a motel room with a man. He was sitting on the bed and I was sitting on the floor. Someone came to visit the man, and Polly walked into the room. She sat down across from me and I said, "I love you Polly," and she said, "I love you Daddy". And then she said, "I have to go now Daddy. Good bye Daddy."

J-What reminds you of Polly?

M-Waking up in the morning. Anything, everything, you can't predict what or when. I was driving to this trial one morning when I heard about a fatal accident on the highway near Gilroy. I remembered when Polly and I were driving to Carmel on highway 101 near Gilroy during a driving rainstorm and saw a near accident that could have been very serious. It snaps you right to it. Every time I see a 12-year-old girl I'm reminded of Polly.

10:30 a.m. Jacobs called Eugene Reed, Polly's maternal grandfather.

J-Eve is your only child and Polly was your first grandchild?

E-Yes. Yes, Annie was the second.

J-Tell me about your background.

E-I was born in Vienna, Austria. I was a first year medical student in 1938 when the Nazi's took over Austria. Because I am a Jew, I was immediately expelled from medical school.

J-Did you suffer at the hands of the Nazi's?

E-Yes, often. Then we fled to London, and half of my family perished at the hands of the Nazis. Then we, my wife and I, we weren't married at the time survived the air raids in London. There were many close calls. We moved to the U.S. where I joined the army and went back to Europe as an intelligence officer for the final stages of WW2.

J-Were you present when Polly was born?

E-Yes, we were visiting from New Mexico and saw Polly in the hospital one day after she was born.

J-How often did you see Polly?

E-Eve and Marc brought Polly down to Carmel where she divided her time between us and her other grandparents.

J-Tell me about Eve.

E-She is extremely well educated, a very lovely person. I don't quite know what you mean. She was extraordinarily fond of Polly.

J-What activities did you share with Polly?

E-We picnicked on the beach, walked in the forest, played music together, I play the violin and she played the piano. We did homework. We had great times, and all that is left is a memorial bench.

J-Tell me about Polly.

E-Absolutely extraordinary. She was lovely, beautiful. She had a sunny disposition, liked jokes, and was very good at imitating foreign accents.

J-Including your accent?

E-Yes, including mine. She liked movies, theatre, school plays. She was a fine student.

J-She liked to joke?

E-Yes, every time she came she had a couple of jokes prepared for me.

J-When was the last time you saw Polly?

E-She visited with us on Mothers' Day, May 1993, I believe those were the last photo's we took of her. We talked once a week on the phone, to hear how she was doing in school. We were very close. Yes, and my wife too, absolutely.

J-(Introduces 5 photographs of Polly and Annie at the Reed home, May 1993.)

E-Polly and Annie were very close. Annie was extremely well taken care of by Polly, as if she were her child.

J-How did you learn of Polly's kidnapping?

E-Our nightmare started Saturday morning October 2. A police car turned into the driveway and I thought they were collecting for some fundraiser. Then they dropped this bombshell.

J-Did you do anything immediately?

E-We rushed up to Petaluma and found our daughter in shock, too numb to cry. The house was full of police, FBI, friends and neighbors. I tried to comfort Eve, and my wife did too. The next days were really traumatic. The police told us that live rescues happen within 3 days and the probability decreases rapidly thereafter. We waited and hoped: the phone in Eve's home was manned day and night waiting for word from Polly or her abductor. There were many hoaxes that went on over the 9 weeks. Girls called pretending to be Polly. A man called claiming to have her. An imposter.

J-How was Eve during this time?

E-Her pain was too great for tears. A numbness. She kept clutching her younger daughter.

J-What was the effect on you?

E-Just the worst time in our lives, and we've had many. Now we've lost a very precious grandchild.

J-How did you learn of Polly's death?

E-We had just returned home from Petaluma and got a call from Eve's husband that Polly's body had been found.

J-What was your reaction?

E-Really awful. It couldn't have been worse.

J-So this really affected you?

E-It really has. We survived the holocaust and the blitzkrieg in London, the end of World War 2, and now in our old age, this devastating act, the death of our beloved grandchild.

Day Thirty: Boomerang

In the opening statement for the penalty trial Lorena Chandler asked the jury to consider the mitigating factors that led to Polly's murder. She said that there were things in the background; things that happened in his formative years, things that caused his family to fall apart that created this damaged human being. As has happened so often in the past the defense tantalized us with dramatic tidbits only to present us with a much less dramatic reality that explains nothing.

The killer's mother was not an affectionate woman and she drank too much. Evelyn Smith kept a clean house, made her children bathe every night and dressed them in clean clothes. They attended school regularly and by all accounts were average children. Because of the erratic nature of the testimony it is unclear when she left her failed marriage to Robert Davis and abandoned her five children. One thing that is very clear is that Evelyn was not and is not an evil woman.

Longshoreman Robert Davis intimidated and sometimes frightened those he encountered. He loved his children and worked two or three jobs to ensure that their needs were met. To compensate for his absence he made sure that there was always a strong female role model in the family. One permanent babysitter, Pearl Willhite, moved onto the Davis property in LaHonda, California with her two daughters and raised the Davis children as if they were her own. Her love for the kids is obvious. When describing the funeral of little Patty Davis, Pearl said that she felt she was filling the role of the missing mother. In her heartfelt testimony Pearl said that Robert helped her to escape a failed relationship with a physically abusive husband. They took the children to the beach and on other outings. These are the sins of the father.

There is no indication of the dark forces that created the monster on trial for killing little Polly. Instead, we are presented with a portrait of a family struggling to survive with dignity as have so many before and since. Robert Davis did not beat his children, did not drink or abuse drugs. A series of women: Aunt Irene Davis, Grandma Davis and Pearl Willhite loved and raised the children. Three of the four surviving children chose to live within the law and become productive citizens. Only one, the monster Ricky chose to boomerang upon a society ready to accept him into the brotherhood of mankind.

Day Thirty-One: Jonathan's Gift

During the course of one year I lost my only child to violence, my youngest brother to the ravages of illness and a grandmother to time. I survived these tragedies a better, stronger, and more determined person, because I was nurtured by the grace of angels.

The hand of God touched me on the day Polly was born. The first time I held her in my arms I experienced the power of unconditional love. This perfect baby was mine, and I would love and protect her forever. For me, this was the miracle of birth.

I was fortunate that Polly was my companion on this earthly pilgrimage. The strength of her commitment enhanced my understanding of the human condition and provided me with clarity of vision. The depth of her emotion taught me that caring for others could strengthen my own self worth and expand my horizons beyond material values. The purity of her love defined her final act. She faced her worst fears with courage worthy of the most seasoned combat veteran. On shaky knees, as the devil was stealing her into the night, her final words were, "Please don't hurt my mother and sister." My greatest teacher was only twelve years old.

That night the angels dipped their wings over Petaluma and re-claimed one of their own. In life Polly shared her gifts with those who were touched by her presence but in death she touched us all. The welfare of a little lost girl surmounted religious, ethnic and political barriers. Millions of eyes were looking for her and millions of hands were clasped in prayer for her safe return. Her presence on earth set a course that millions of years of evolution, thousands of years of legislation and hundreds of years of struggle and strife couldn't accomplish. She brought us together as one. These were Polly's angels.

The nation's anger rose like a phoenix in the wake of Polly's tragedy and demanded answers. For sixty-five days we navigated the murky waters of despair toward a fate that tantalized us with glimmers of light, then doused our hopes with uncertain veils of darkness. Finally the prayers of Polly's angels were answered, but not as we expected. Polly's unselfish bravery in the face of doom provided the target and her commitment of love gave us the weapon to use in the eternal

struggle between good and evil. In bitter irony we discovered that in order to win the war, we sometimes have to lose a battle.

Seven months later I visited my brother Jonathan on his deathbed. He seemed to be recovering and was excited to see me. I held his hand as he told me the following story. “Earlier today Polly visited me. She fluttered above me like a butterfly on tiny wings. I asked her why her wings were so small? She said that it was because she wasn’t ready to go yet. Then Polly said, ‘Get ready Uncle Jonny, because you will be joining me soon and there are a great big pair of wings waiting for you.’ I asked her if I should hurry? Polly said, ‘No, Uncle Jon, you want your wings’ to get as big as they can, and together we will take a ride that is better than anything at Disneyland.’ Two days later Jonathan died. Now he is with Polly on a fantastic voyage.

My grandmother was very old, bed ridden and fragile, so we didn’t tell her about either of these misfortunes. Besides, she was riding horses, and wanted to get to the top of the mountain where Polly was waiting for her and the sun was disappearing over the horizon. She is now with Polly, the sun has set and I know something that I never realized before. The angel we were seeking was guiding us all along.

Day Thirty-Two: Spin Doctor

The defense team hired clinical psychologist Lorelei Sontag to create a portrait of little Ricky Davis' early life. Her personal social history describes a troubled environment of abuse and neglect that resulted in the brutal kidnap, molestation and murder of my daughter Polly.

The analysis of the Davis family background is a three-step process that includes interviews, documentation and the comparing of this information with the minimal needs of a child. Dr. Sontag based the development and interpretation of the family background and attachments on twenty-seven hours of interviews with relatives and neighbors and thirteen hours of interviews with the killer. The paper trail included; school records, juvenile probation reports and Davis' parents divorce papers.

Dr. Sontag states that severe psychological and physical maltreatment of the Davis children based on multi-generational patterns of abandonment, parental detachment and poor parenting skills left them confused and traumatized. Examples included incidence of hair pulling, hitting and a forty-year old eyewitness account of Ricky's mother holding his hand over a flame to discipline the boy. Prosecutor Cliff Harris challenged Dr. Sontag's conclusion that his failure to react to the burn proved that there is something developmentally askew by suggesting that Mrs. Davis simply placed the child's hand over the flame to teach him that fire is hot and dangerous. Dr. Sontag admitted that the eyewitness did not indicate blistering or even reddening of his hand and that perhaps Harris suggested a more realistic account of the incident.

The killer's parents tried to do more for their children than was done for them. She gardened, went to school functions, maintained a clean house and kept the children clean and tidy. Davis admired the hard working father who coached little league, and ensured the financial security of his children throughout their adolescence.

A turning point in the killer's development occurred in 1965, when his choice to live with his father resulted in broken ties with his mother after the divorce. Dr. Sontag contends that court's consideration of children's feelings put them in a difficult position by drawing them into the bitter conflict between

fighting parents. The quiet little boy felt responsible for the abandonment and may have abdicated responsibility forevermore.

The risk factors that predetermined the course of Davis' life are multifaceted. A psychologically destructive parent-child relationship that included too many fights and not enough affection. Multiple forms of victimization including: psychological maltreatment, rejection, isolation, exploiting and corrupting. He suffered physical abuse and emotional neglect, recurrent abandonment and loss. His mother left, his sister died and a series of caring, loving women came and left his life. The killer experienced chaotic family living situations and a lack of appropriate intervention. I am not impressed by risk factors that we all encounter and overcome. We have all faced rejection and isolation. Who does not feel alone at one time or another? My daughter moved on an average of every eight-months, and I could not intervene when she needed me most.

Dr. Sontag is not an anti-death penalty advocate, yet she only works for the defense. She keynotes defense attorney conventions and refused to talk to prosecutors on this case. Her resume includes prison seminars on how to control environment. She discounts free choice and responsibility. Only under cross-examination did she admit that Davis' told her that, "Many people have had worse childhood's than mine." Only under cross-examination did she admit that Davis has some sweet memories of childhood. What is so different?

One area not addressed by the defense is the pattern of cruelty and viciousness established by Davis as an adolescent. Somebody, please tell me why his brothers and sister obey the law and lead productive lives and he killed my daughter? Somebody, please tell me why we give a psychological spin doctor \$45,000 over a two month period to explain the obvious? Somebody, please tell me why we invest millions of dollars into a defense industry that exploits and endangers the innocent among us?

Day Thirty-Three: Ripples In The River

After court today I took a walk by the river, unconsciously picked up a flat stone and skipped it across the water. The stone skipped three times, and each time it contacted the water it rippled concentric circles that extended outward until they intersected. These intertwining ripples symbolize the connection of lives that resulted from Richard Allen Davis vicious attack upon little Polly. He has touched all of our lives in some way and made connections that otherwise would not have been possible.

Darlene Schwarm took the stand to plead for his life. She probably cares more for her damaged brother than any other living person. When he is in prison she visits and writes and when he is free she helps. Darlene is trying to repay her brother for the care he showed her when they grew up together in La Honda California. I do not doubt for one second that she truly loves her brother and fervently hopes he escapes the death penalty. She desperately holds onto the belief that he did not work alone on that fateful evening in October 1993 when Davis skipped his rock of destruction, rocked our world and ended Polly's life.

Like Francis Mays, Hazel Frost, Serena Faust, Polly Klaas, her family and numerous others Darlene Schwarm is also a victim of her brother's mayhem. He will not and cannot reciprocate the obvious love and concern Darlene poignantly displays for her brother. When he made his infamous gesture in front of the television camera it was directed at Darlene as surely as it was directed at us all. He forced his closest relative to open her heart against her will to the whole world and expose personal scars that are nobody's business but her own. Her children sat in the back row of the courtroom and watched their mother twist in torment as she begged for the life of a damaged soul that cares not for her life.

I empathize with Darlene's sorrow. I, too, understand deep personal loss. I, too, know what it means to have your family dissipate before your eyes. I, too, realize that loss is forever. That is the finality of death. However, Darlene was mistaken when she answered the final question posed by the defense attorney. She said that, "He is all that is left of my family." She forgets that sitting in the gallery is her husband of nineteen years and the four children she is determined will receive what she did not receive in her unhappy childhood; a stable home life and a mother, "Whether they like it or not."

Like the ripples in the river, the mayhem created by Richard Allen Davis, the vampire, will fade with time. But, unlike the ripples in the river, the sorrow will never disappear.

Day Thirty-Four: Fair Play

The defense called forensic psychiatrist Dr. George Woods to testify on behalf of Polly's killer today. A forensic psychiatrist examines issues relating to mental health and the law. He evaluated the killer's history through documentation and available psychiatric information. Because of the extensive criminal history in this case voluminous information was available from which to render his diagnosis.

The three areas of evaluation included genetic history, environment and psychological background. Like the expert witnesses that preceded him, Dr. Woods exaggerated the dark elements and ignored the light. His testimony seemed credible only as long as he stuck to the script. The son is being punished for the crimes of the father. The circumstances of his life doomed him and his chronic alcoholism and distinctive personality disorders predetermined his fate. In other words, he could not help himself.

Under cross-examination everything falls apart. We learn that it is not quite so bad after all. The explanations and justifications do not add up to a little girl decomposing under plywood on the side of a freeway. Then there is the real standard of balance in the Davis household; the siblings, determined that the world their children inherit from them is safer and more secure than the world they inherited from their parents.

One of the problems in achieving equity in a criminal trial is the issue of discovery. The California State Legislature has determined that the prosecution must turn all reports, notes and other relevant information over to the defense. However, it is not a reciprocal arrangement. The law says very clearly that the defense need only produce reports. Therefore, when an expert like Dr. Woods prepares his testimony, he does so from notes that need not be given to the prosecution. Since no report exists, the prosecution is at a distinct disadvantage. They are unable to prepare adequate cross-examination and may overlook relevant points. Of course, this is not in the spirit of fair play.

We have listened to three consecutive days of psychobabble whose sole purpose is to defend the indefensible. Does it really matter how much junk resides in the background of this monster's mind? So what if he has three distinct

personality disorders that predetermined his actions. Perhaps we should execute him three times to make sure they all die.

Day Thirty-Five: The Faces of Evil

We know it exists yet we fear it and are reluctant to acknowledge it. We excuse it and justify it even as it erodes our society and protect it as it destroys our foundation. We doubt it yet it doubts us not. We philosophize about its origins, protest its existence and allow it to confuse our minds. We invest resource to eradicate it as we allow it to control some part of our lives and promote it in our arts. Yet we are Americans and we pride ourselves in overcoming adversity and triumphing over evil.

When a manufacturer produces 1,000,000 widgets he knows that some small percentage of those widgets will be defective. It has nothing to do with his technique. It is just the law of averages. No amount of engineering or restructuring will overcome that fact. The best he can hope for is that diligent screening and proper management will keep the defective widgets to a minimum. He maintains quality not by luck or by science, but by hard work and common sense.

So it is with humans. Airplanes blown out of the sky, children massacred in school, exploding buildings and hundreds of murdered and maimed in the name of third-rate philosophies. It dominates the evening news and plays havoc with our sensibilities. We have compassion for the victims, but no solutions for its causes.

So it is with Polly's killer. He is a defective widget for which there is no excuse or justification. He symbolizes evil incarnate. All the so-called expert witnesses in the world will not change that fact. He is the reason we watch that triumph of the human spirit called the Olympics, knowing deep within our souls that some terrible occurrence might render it all for naught. He is the reason that the balance between good and evil is so tenuous, so askew and so frighteningly unpredictable. He is the face on the other side of the mirror mocking us and making us turn away.

Unlike the manufacturer, we promote his agenda and fail to acknowledge his true purpose by excusing and justifying his actions. We deny his reality and instead promote his continued existence. There are those who serve his purpose and excuse their own actions in the name of fair play. We allow the malignancy to spread and pretend that all is well. Evil rears its ugly head and we decorate it with ornaments and baubles.

The soldiers of virtue far outnumber the destructive forces of evil, but we will never win the war as long as we turn away from the enemy. One dead child, one airplane falling from the sky in a fiery shower of twisted metal and charred remains, one building reduced to uneven chunks of concrete and powder are difficult battlefields on which to triumph. Instead, we must achieve victory on our terms. By properly managing evil when we see it, by diligently screening evil when we acknowledge it, and by creating an environment that does not allow hate and ignorance to fuel it.

Day Thirty-Six: The Blame Game

On the seventh day, God rested. Just before noon on the 35th day of the Polly Klaas Murder trial her killer's defense rested. His attorney's final premise was that twelve-year old Polly's kidnapping; rape and murder were the no-fault end of a "cycle of violence" that began with questionable accounts of comparatively mild abuse by a frequently absent custodial father and infrequent visits by a non-custodial mother.

Defense attorneys relentlessly cross-examined prosecution witness Dr. Kathleen O'Meara, a forensic psychologist regularly employed by county courts and California prison authorities. They laboriously sought to shift focus from the victimization of Polly to an off-the-wall notion that Richard Allen Davis is the real victim whose life should be spared because of dysfunctional parents.

It is a currently fashionable psychobabble excuse for the ills of the last two generations. The vogue of two decades is to blame the parents for crimes of their children.

The defense would have the jury believe Davis' mother and father killed Polly. They should be sentenced to death, not Davis. But the father is dead. After dozens of crimes, including multiple kidnappings and assaults with a knife, three previously attempted rapes and more than twenty armed robberies before the kidnapping, rape and murder of Polly, Dr. O'Meara's testimony revealed that Davis' mother and two brothers are mortified by him, want nothing to do with him, and refused to talk to his defense attorneys or help them in any way.

Davis' mother, Evelyn Smith, a respectable sixty-six-year-old housewife, had to move to get away from the hell of his crimes. His two brothers, Don Davis, a top-security career employee with a Silicon Valley defense contractor, and Tribal Judge Ron Jonnie, a former California Highway Patrolman who became a lawyer in the service of the Nevada Indian Reservation, also refused to talk with the defense team. Both are occasionally harassed because of their brother's outrageous crimes. His sister, Darlene Schwarm, nineteen-years-married mother of four agreed to testify because she still believes Davis only "had something to do with" Polly's murder, but isn't really guilty. Stepsister Brenda Kidd, who hadn't seen Davis for twenty-five-years before April of this year, pleaded for the jury not

to sentence Davis to death because she has “walked with the Lord” and thinks he can still be saved.

When Prosecutor Greg Jacobs asked what she thought about Davis strangling Polly, Kidd snapped back: “Moses killed!” Presumably because Moses was abandoned by his mother.

Dr. O’Meara researched Davis’ childhood and found “no pattern of abuse.” His brothers and mother remember no family violence. Presumably a “cycle of abuse” would result in a child who was beaten growing up to beat his own children, not someone else’s. Davis’ crime for which the state asks the penalty of death does not qualify under a “cycle of abuse.” As a child he wasn’t kidnapped, raped, or strangled. No such obscene abuse occurred in his childhood. He experienced no such childhood obscenities to pass on to anyone.

The crime began with Richard Allen Davis. He dreamed it, planned it, and carried it out. Davis alone kidnapped, raped, and murdered Polly Klaas. The punishment for that should be death.

Final arguments are scheduled for Friday, but what is there to argue about?

Day Thirty-Eight: Sympathy For The Devil

Finally, the thirty-four-month legal marathon known as the Polly Klaas Murder Trial went to the jury at 3:00 pm today. The ultimate fate of Polly's killer is in the hands of six men and six women. One way or another the jury will dispense final judgment and we be able to put this sad chapter of our lives on the shelf to collect dust.

In her final argument, defense attorney Lorena Chandler continuously violates the boundaries of good taste and morality. "When he was arrested he became a symbol of crimes against children. They want you to execute a symbol. They want you to focus on him as an object, not as a person." Prosecutor Greg Jacobs reminds the jury "public attention was not focused on this case because he is a symbol. It was focused because of the facts of the case." This is just one example of the convoluted logic used to defend the actions of the most hated man in America.

Chandler argues that "Rick's efforts have saved the state of California a lot of money," by working in the machine shop during his last incarceration. She implores mercy because, "He has confessed to crimes he wasn't even accused of: His victims should thank him for that." Then she follows with the rhetorical question. "Who suffers more; the families of the murdered or the families of the missing?" The presumption of this woman is boundless. Having stood in those shoes I cannot definitively answer that question. What I do know is that the families of the missing hold onto hope and the families of the murdered are only able to hold onto memories.

As she has so many times in the past, Chandler tries to shift blame onto the shoulders of the dead patriarch who raised three productive children and one psychopath. "To show mercy is to imitate God. I would like you to show mercy, because Richard Allen Davis is one of God's children." This monster is not God's child. It is God's aberration.

Chandler told the jury to decide "whether you will choose life over death, whether you will choose hope over despair and whether you will choose mercy over vengeance." In other words, give my client all the consideration he failed to offer his victim. This patter of defense attorneys and anti-death penalty advocates ring hollow for those who were not given the choices. We have spent nearly three

years considering these options for a monster that chose death, despair and vengeance for his final victim. This trial is not about vengeance. This trial is about crime and punishment.

In closing, Ms. Chandler invokes the legacy of Polly Klaas. “Do not allow her legacy to be one of death. More death does not solve anything. Let the legacy of Polly Klaas be one of mercy.” How dare this woman consider Polly’s legacy for even one second? That is the job of Polly’s family and others working to create a safe society for our children. Lorena Chandler should keep her focus on her target: Denying personal responsibility and creating sympathy for the devil.

Day Thirty-Nine: The Devil's Advocate

For the second day in a row, Lorena Chandler brought her ten-year-old daughter to court. Although she has not directly pointed the little girl out to the jury, the child who bears a remarkable resemblance to the defense attorney sits next to one of Ms. Chandler's investigators. She mentioned her daughter twice yesterday during her closing argument.

The entire defense is premised on the issue of child abuse. In their version, the actions of the adult Davis are a direct result of the abuse and abandonment of the child Davis. The defense never raised the issue of the killer's conduct and actions as an adult without first reminding the jury of the terrible mistreatment he suffered as a child. We are not watching a movie. This is grim reality. How can anyone who places such emphasis on the treatment of children subject her child to the graphic testimony and chilling detail emphasized during closing arguments? Is this not a form of child abuse?

The jury asked Judge Hastings for a copy of the closing statements this afternoon. Fortunately the judge refused their request because their decision must be based upon the evidence presented, not the attorney's interpretation of that evidence. Ms. Chandler's final words to the jury prior to the reading of instructions were: "The execution of Richard Allen Davis is not the legacy you would like to leave for Polly Klaas. Please show mercy on Rick Davis. For he is one of God's children." My entire family is greatly offended by this woman who flaunts her own child in our face while invoking the legacy of our dead child as a reason to spare him from execution.

Lorena Chandler has totally minimized the extreme, agonizing abuse of little Polly, who had so many gifts to offer the world. Well, Polly is dead so she no longer factors into the equation. Instead, she maximizes the abuse, documented in only two instances, of her client, Polly's executioner. Given what we know about this monster, I suspect that he deserved every punishment he ever received. The tortured reasoning and intellectual gymnastics of this so-called advocate are a disgrace to her profession and the criminal justice system designed to protect the innocent.

Given all that we now know about child abuse and its effects it is highly inappropriate for Lorena Chandler to conduct herself in this manner. Her

audacious attempt to influence the jury by sitting her child and Darlene Schwarm's four young children in the front of the courtroom is an act of flagrant hypocrisy.

Day Forty: Victims Of Irony

The longer the jury deliberates the more depressed my family becomes. We fully expect the jury to return with the death penalty verdict. However, this extended waiting period forces us to again relive and re-focus our attention on the very unpleasant details of the past three years. We are hostages to a psychopath and his constitutional rights. We are forever unable to re-capture the relative serenity that existed before October 1, 1993. Regardless of the final judgment, the killer is still alive and we will never again be graced by Polly's bright smile and cheerful disposition.

Training manuals and lesson plans to prepare victim families for the ordeals of a trial are non-existent. Although courtroom drama is suspenseful and entertaining, it has no grounding in reality. The family alone represents the victim. If a victim family is fortunate, the prosecutor will keep them informed on the progress of the case. A good prosecutor will meticulously prepare a case and seek a realistic, achievable penalty. Unfortunately, by definition the prosecutor serves the state and the best a family can hope for is that the district attorney will help prepare them for the trauma of the courtroom experience.

Heroic defense lawyers fighting for the rights of innocent underdogs tend to be a myth. Instead we are subjected to highly paid spin doctors with cards up their sleeve and tricks in their bag that enable them to return every type of criminal, including recidivist violent offenders, to the streets. Victory for the defense has no relation to justice. Instead it is measure by their ability to return their clientele to the killing fields. They justify their behavior by saying that "It is better to return a hundred guilty men to the street than convict one innocent man". Ultimately, we are all hostages of a convoluted system that works against our best interests.

Victim families are also victims of irony. Their relative is either maimed, dead or psychologically damaged. No amount of punishment will ever change that fact. Therefore, we can only hope for the most severe punishment possible, knowing that, ultimately it changes nothing. Society looks upon us as retributive and vengeful. We cannot win. If, as in this instance, the killer receives the death penalty, there are still countless appeals, millions of dollars and endless years of waiting for final disposition of the verdict. Tragedy only piles grief upon frustration upon despair. The only possible winners sit at the defense table, plea

bargaining, maneuvering and negotiating indefensible crimes to less severe penalties and, if successful, the guarantee of future tragedy.

The Constitution guarantees many rights to predators, psychopaths and lawbreakers. Unfortunately, the dead have no rights. This is very convenient for the accused. Not only does he receive the guarantees of our most sacred document, but he also co-opts the sympathy that is the right of the dead. Not only are we required to finance his mayhem, but he also co-opts our right to be protected against him. Not only is he guaranteed continued birthdays, but also he forever co-opts our right to celebrate Polly's birthday.

So, we spin in the wind, waiting, venting and hoping for a disposition that guarantees our right to continued grief, frustration and despair.