ARIZONA ATTORNEY MAGAZINE

BY GARY L. STUART

A Place of Peace—A Place of Blood

By 10:00 a.m. on August 10, 1991, the little thermometer

at *Wat Promkunaram* registered 94 degrees. Like everything else at the Arizona Buddhist temple, the thermometer was a simple indicator of impermanence and change. The one at the temple, plain and unadorned, was a metaphor for how the monks lived, worked and worshiped their God in peace. While it accurately recorded the temperature of the moment, change was inevitable, for better or worse as the day, and the seasons, unfolded. The current temperature was a given truth at a moment in time. It was never in a hurry. The monks lived in the moment, were unfettered by the passage of time, and were, above all else, truthful. None of them could utter a falsehood, much less falsely confess to something they had not done. But of course, they were not in custody; they were in a *Wat,* a monastery, and they were safe. They accepted days, weeks, seasons and years without much fuss. The Phoenix metropolitan forecast said temperatures in the "Valley of the Sun" were going to climb to 113 degrees by 4:00 p.m.

Luke Air Force Base sits some 20 miles west of the center of Phoenix. The temple is a mile farther west, surrounded by the large irrigated plots and well-kept farmhouses that make up the little community of Waddell, Arizona. The hungry sprawl of America's fastest-growing and fifth-largest city peters out near the base. Cotton farms and bean fields flourish, nourished by precious Colorado River water carried by a 133-mile canal snaking east through the desert. The roar of F-16 fighter jets from Luke taking off and landing about 150 times every day pummels the ground surrounding the temple, but little else intervenes in *Wat Promkunaram*'s pastoral tranquility. While the Thai monks at the monastery meditate and withdraw, fighter pilots in training from around the globe head for the Barry M. Goldwater Bombing Range, an area roughly the size of Connecticut. There, they practice dropping "smart bombs" and air-to-air combat. The monks do not engage, much less contemplate, such things.

The shimmering rise of heat waves surrounds the temple and forms a dancing, almost opaque barrier around the tall, concrete-block wall that surrounds the temple and its five acres of vegetable gardens and meditation paths. The wall's very plainness lends a false sense of safety to the monks, nuns, acolytes and bell ringers who live and meditate in the stark, somewhat garishly painted, red-roofed, single-story building. The temple's single distinguishing architectural feature is a 40-foot section of the wall, where bright red letters painted on a white background modestly announce "*WAT PROMKUNARAM*, Buddhist Temple of Arizona."

Chawee Borders, a 51-year-old Thai woman, lived on West Keim Road, about halfway between the temple and the Air Force base. It was a typical Saturday morning for her; as her husband put on his uniform and went to work at the base, she dressed modestly for her work at the temple. This particular Saturday, at exactly 10:40 a.m., Borders and her friend Primshat Hash, another military spouse from Thailand, parked their car in the front parking lot normally used by the 400 or so members of the third-largest Thai Buddhist community in the United States.

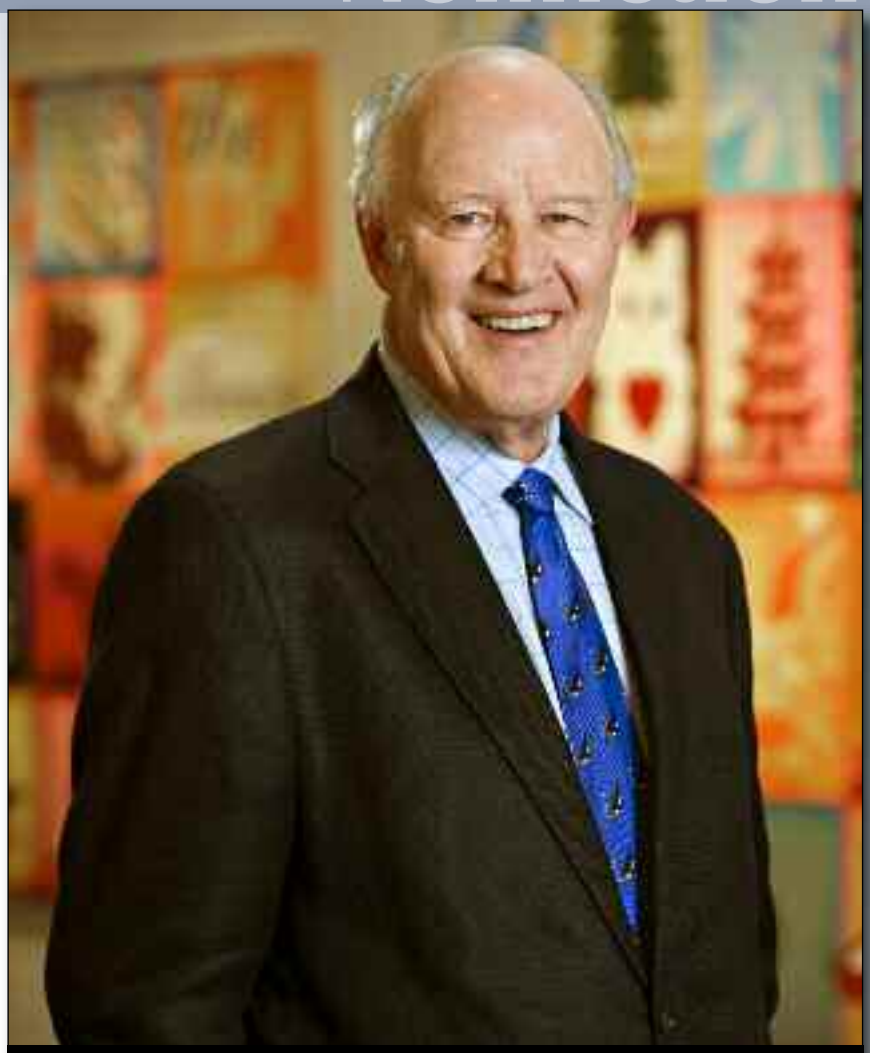
A shy and retiring woman, and not given to excitement, Borders saw that the area was flooded with water and wondered what could have happened. Had the monks forgotten to turn off the irrigation water? That had never happened before. And where were the monks? There was no one tending the garden, no one walking on the paths, and no one at the door.

To avoid the six-inch-deep, 50-foot-diameter pool of water

blocking the main entrance, Borders led the way through the mud to the door. She and Hash were used to the shudder and roar of the booming jets, but they were relieved, as always, to be inside the cushioning concrete block walls of the temple.

Assuming that the monks had simply forgotten to turn off the irrigation system, the women entered and took off their shoes, as Buddhist tradition dictated. They put the fresh-cut flowers they'd brought for the monks in front of the Buddha in the main hall. They were about to enter the living room to deliver the food when Borders thought she heard a telephone ringing somewhere in the temple. She moved quickly to the pay phone in the kitchen, only to find, to her amazement and growing fear, that the phone line had been cut, the two ends of the line dangling at an odd angle to the plain whitewashed wall.

It was at that moment, with the cut phone cord still in her hand, that she saw monks lying on the floor in the living area, alongside the abbot. She was startled to see that an elderly nun was also on the floor, next to the abbot. This was alarming to Borders, a devout member of the temple, because in Buddhism, it is forbidden for women to sleep next to monks, who take vows of celibacy.



Gary L. Stuart earned degrees in business and law at the University of Arizona in 1964 and 1967, respectively. He joined Jennings, Strouss & Salmon in 1967, and early in his career, he began to teach, write, and lecture at both the local and national levels. He has tried more than 100 jury cases to a conclusion and earned the rank of Advocate as a juried member of the American Board of Trial Advocates. The State Bar of Arizona certified him as a Specialist in trial practice. He serves as Adjunct Assistant Professor of Law at the James E. Rogers College of Law at the University of Arizona and at the Sandra Day O'Connor College of Law at Arizona State University. He also has served an eight-year term on the Arizona Board of Regents. In 1998, he left the full-time practice of law, quit trying big cases, and began writing about them.

He has written a dozen law review articles, many op-ed pieces, essays, stories, more than 50 CLE booklets, and four books, including *The Ethical Trial Lawyer, Litigation Ethics, The Gallup 14,* a novel, and *Miranda—The Story of America's Right to Remain Silent.* His next book, *"CONFESS!,"* the story of the 1991 Temple Murders and the Tucson Four, is expected to be released in Spring 2009.

Nonfiction

A Place of Peace—A Place of Blood

Gary L. Stuart

The monks were face down on the floor and appeared to be asleep, but with limbs oddly askew. Their hands were intertwined, legs straight, and most of them were fully dressed, as if they had never gone to bed the previous night. Most were flat on their chests, but one or two were on their sides, as though caught between lying down and falling down. Their heads were mostly facing one another, as though each had been trying to see the others one last time.

Then Borders saw blood. A shudder later, she sensed that the pile of bodies and the array of orange robes were not just her monks. She said she felt, rather than saw, a boy and his grandmother, the elderly nun, lying next to the abbot. Nine in all; six monks, a nun, an acolyte, and a 17-year-old boy. Borders did not think they were asleep but could think of no other explanation for their stillness. She had never seen death this close, and her heart sent a scream up into her throat. She was sure, now that she looked more closely, that her monks were gone—and she fell to her knees.

She might have stayed there, crushing her eyes shut and trying to breathe where there seemed to be no air, but her friend wailed. Without thinking or looking at anything else, the two women pushed one another backward, out through the side door, and stumbled into the main hall. As though being chased by what they had seen, they ran barefoot as fast as they could, up to the paved road and down it to nearest neighbor.

The houses are generously spread out in this old farming community, with the next-door neighbor situated almost 200 feet from the temple's perimeter wall. The neighbor had dogs, which scared the women as they started up the path leading to his house. They turned and ran another hundred feet to Joseph Ledwidge's house. In halting and frantic English, Borders described what she had seen. Hash, sobbing uncontrollably and nearly out of breath, added very little to this first description. Together, Hash, Ledwidge and Borders ran back to the temple.

Ledwidge would later describe what he saw as an "execution." He and Borders ran back to his house while Hash waited outside in the temple parking lot. The Maricopa County Sheriff's Office logged in the first 911 call at 11:09 a.m. The grisly discovery they made that morning would soon ripple through the Valley of the Sun. By 11:45 a.m., radio coverage was widespread; TV stations followed suit with "breaking news" for the rest of the day. The first print coverage came the next morning, when the *Arizona Republic* devoted much of its Sunday morning front page to Borders' first glimpses into the horror that turned a place of peace into a place of blood.

The *Wat Promkunaram* temple is in one of Arizona's "county islands." Local police departments serve the larger communities of Phoenix and Glendale to the east. Smaller towns like Waddell contract with Maricopa County for law-enforcement coverage. Accordingly, the county sheriff's dispatch center took all 911 emergency calls from Waddell. The female caller, Mrs. Ledwidge, shrieked, "Yes, emergency at the Buddhist temple — " As demanded by her training, the 911 operator made a note of the address from her call screen and tried to calm the distraught woman. In the process, she sent an automatic signal to all patrol cars in that area advising them of "unknown trouble." The 911 operator told Mrs. Ledwidge, "Police are on the way."

Then Chawee Borders took the line, barely able to contain her hysteria. "Hi, lady. I've got a membership in the temple. I come feed them lunch today … I come feed them lunch today, my monk . … They all die the same place." Trying to remain calm, the 911 operator asked for more details, but Borders said, "No, I don't know. Nobody answer. I see blood all over. Come see, please, officer. Please! Now! Go see now."

The first officer to arrive at the crime scene, Deputy T. Wipprecht, slid into the parking lot at high speed at 11:13 a.m. Deputies P. Ellis, T. Lopez and M. Pender immediately followed him. Within the hour, scores of deputies, dozens of technicians, and most of Sheriff Tom Agnos's command-staff officers arrived from their downtown Phoenix headquarters.

Arizona, the last of the lower 48 to be granted statehood, had its first mass murder. The deputies cordoned off the parking area with yellow crime-scene tape, technicians moved the cars in the front lot, and the first responders, gloved and wearing cloth booties over their boots and high-top shoes, cautiously stepped into the meeting hall through the front doors. It was more than a little crowded, because every command officer insisted on getting inside as quickly as possible.

These doors open directly onto a 50-foot-square room. At the far end of the room, visitors are treated to a kaleidoscope of color and pageantry. Bright white walls support a cantilevered, 12-foot-tall ceiling holding eight large ceiling fans with large clear bulbs. At the end of the hall, away from the double entryway, a six-foot-deep, 25-foot-wide alcove houses a life-size golden Buddha. It towers eight feet above the floor on an altar festooned with statuary, pictures, flower arrangements, candles and Buddhist religious symbols. Flanking the alcove on either side are plain white single doors providing access to the kitchen and dining area and a sitting room. The main hall holds the temple's "money-tree," where dozens of one-dollar bills dangle in its low-hanging branches.

Even though the shutters were open, every light in the Temple was on, allowing the harshness of a hot desert day to flood the room. From 50 feet away, the deputies saw exactly what Borders and Hash saw when they entered from the side door: The brightly lit room stood in dark contrast to the bodies arrayed like logs in a pond of blood, wedged between two sofas and a love seat. As the first deputy gingerly pushed on the door, carefully avoiding the bloody leg within inches of the door's opposite edge, he involuntarily raised his hand to his mouth and nose, took a stutter-step forward, and sucked in the already fetid air. The deputies, all hardened crime scene veterans, were hit with a repulsive acidic smell that

gagged most of them.

The smell of stale cigarette smoke hung in the air. It lingered ominously, because this room was restricted to the monks, whose religious beliefs prohibited smoking. The other stink, the one a cop never gets used to, was overpowering. The intensely harsh smell of gunpowder and large pools of clotting blood fought for attention with the stale smell of burned ashes. This was a charnel house, a place of eternal sleep—nine lives blotted out.

All but one was face down on the floor. Each monk in the shoulder-to-shoulder oval was face-to-face, across a six-foot narrow space with everyone else. The victims' tonsured heads lay from two feet to only five inches apart. Arms, hands and elbows touched in many places. Their feet were bare, as usual, but now, their bright orange saffron robes seemed to blanket the pile of bodies. Most who know Buddhist doctrine feel that from the moment the killers stormed the monastery, the monks began to withdraw into a state of inner peace from which all trappings of resistance dissolved. Taking refuge in the Buddha, they removed the armor of life. In death, they no longer wore the constant grin, a spontaneous gesture of fare-thee-well, so common to Thai monks.

The important details, last sounds, how they accepted their fate, and how the death knell sounded in the closing seconds of secular life are, to this day, known only to the killers. Only they can still hear the sounds of dying, see the blinding flash of muzzle fire, and sense the sickening thud of bullets ripping through flesh, cartilage, muscle and bone. Although no one can ever really fathom the depravity that allowed a human being to execute nine others under these grotesque circumstances, the true story of what happened in the temple eventually came to light. Along the way, the shameful story of how the Arizona legal system dealt with its first mass murder added a new layer of blood onto what had been a place of peace.

The crime scene forensic evidence and the ballistics testing established that there were at least two killers, probably male and probably young. They drove to *Wat Promkunaram* just before midnight on Friday, Aug. 9, 1991. One carried a Marlin bolt-action, multi-shot, .22-caliber rifle with a standard-length black barrel, a cheap sight and a simple wood stock. When used at extremely close range, as it was that night, it was deadly accurate. The other killer had a Stevens 20-guage, pump-action shotgun, which was not accurate beyond 40 feet, and absent a head shot, it was not deadly at three feet.

Although there is some dispute about the exact time of the attack, most investigators mark the initial break-in somewhere between 10:00 p.m. and midnight. Some of the monks were in the living room talking. This small group was jerked up off the couches and ordered to "hit the dirt." The invaders rousted other monks from their sleeping cubicles and shoved them into the six-foot-wide space between the two-person love seat on the east wall of the sitting room, and the six-seat couch against the opposite wall. All seven men, and the 17-year-old boy, were prodded by gun barrel until they knelt facing one another in a rough oval. Passive by both culture and intense training, the monks laced their fingers around the backs of their heads and kneeled on the edge of the unknown. The older monks understood that things become clear when there is nowhere to escape.

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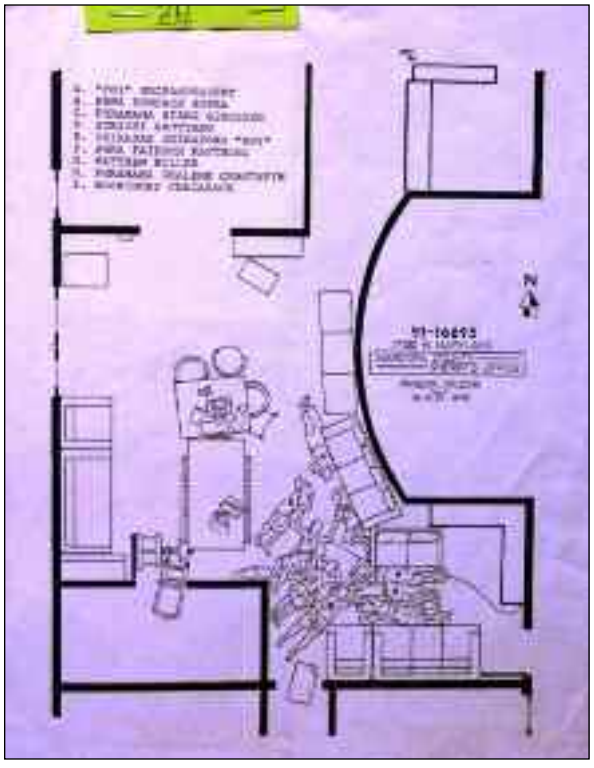
The killers clomped on and over legs, backs, couches and the loveseat. They swaggered, cursed and poked the monks with their guns. Smoking incessantly, they stubbed out their butts in a large glass ashtray placed in the middle of the oval. They did not know much about crime scene evidence, because they left behind, on the floor in the center of the oval, a nearly depleted pack of Marlboros, and a recently purchased yellow Bic lighter. Maybe, because there were no fingerprints on either the package or the lighter, they were at least smart enough to wear gloves. Knowing that monks don't smoke, they took delight in bedeviling them and their ideas about long life and inner peace. They desecrated the air with their cigarettes, beer-fouled breath and the banality of youth, bent on killing.

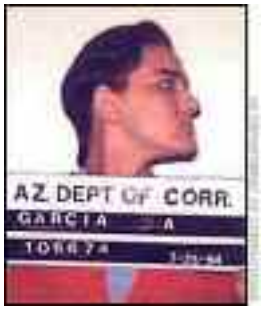
Things took a turn for the worse about 30 minutes after they arrived. While pillaging the sleeping rooms, one of the killers discovered an elderly woman, a nun, cowering in a closet. He herded her at gunpoint into the kitchen and dining area and ordered her to join the others on their knees. She, too, clasped her hands behind her neck and faced her longtime friends. She was gray-headed, wrinkled and submissive. Her dark brown eyes shone in her forgiving face, and everyone there knew her as a woman who laughed a lot. Her family remembered her as the grandmother who loved life with the zest of someone entirely content and at peace with the world. Unlike the saffron-robed monks who surrounded her, she wore a plain white cotton shirtwaist, and pants to her ankles. Like the others, she was barefoot. Neither her age nor her sex meant anything to the invaders. They wedged her into the open end at the top of the group.

For the next hour, they took turns guarding the monks, the nun and the acolyte, while one or the other ransacked the sleeping rooms. They upended sleeping mats, knocked over simple tables, pulled drawers out of chests, and swept everything off shelves and walls. One screamed that all this stuff was worthless—as it was, except to the impoverished monks whose sole earthly possessions were neatly shelved in those cubicles. They found the temple's safe but not its key. They badgered the monks but got nowhere. None would say anything about the key to the safe.

The life-size statue of Buddha revealed only gold paint. In the end, there wasn't much to steal: some cash, two stereos, six inexpensive still cameras, a low-end video camera, a pair of binoculars and a handheld bullhorn. An hour or two of rampaging and pillaging produced what they later described as "big party money." They made a pile on the kitchen table for the $2,650 in bills, $140 in coins, and a dozen sets of keys to the temple's well-traveled but always clean van. Everyone who lived in the temple had a key to the van, which was used in true communal style. Some of the car keys were on rings with other keys.

The crime-scene photographs of the monks' rooms bear witness to the fact that these holy men had little need for the material things their killers seemed so desperate to find. Typical of sleeping rooms assigned to monks in monasteries all over the world, the rooms at *Wat Promkunaram* were small spaces suitable for rest, meditation and reading. These drywall cubicles blocked out a world obsessed with material things. In these rooms, the killers could see in seconds every





Clockwise from top: The Buddhist temple in Waddell, Ariz.; camouflage used by the assailants; convicted murderers Jonathan Doody and Alessandro Garcia; Sheriff's Office crime-scene diagram; weapons used in the murders.

worldly possession each monk owned: one or two saffron robes, a day's supply of undergarments, a coat, a sleeping mat, basic toiletries, a photo or two, and very little in the way of the bric-a-brac or posters that the killers had in their own bedrooms.

Language was not a barrier: Everyone there spoke some English as well as fluent Thai. But these were stoic and resigned monks. Apparently, none of them saw any need to unburden their souls to these out-of-control killers, or to divulge the location of the key to the safe they so desperately wanted to find. The monks maintained their silence; their safe remained intact. Not only did the killers never crack the safe, they inexplicably left dozens of dollar-bills hanging on the money tree next to the Buddha. They stole on impulse, loaded their loot, and decided to leave no one behind "to tell on us."

Oblivious to the banter and resigned to their fate, some of the captives chanted softly. Others just waited. No one said anything. Which killer "screamed death" was hotly contested two years later at the widely covered trial in Phoenix. As is usually the case, each perpetrator later pointed his finger at the other. What they agreed on was that one of them jumped on top of the big sofa that flanked the circle of monks, the nun and the acolyte. Then, moving slowly around in a circle, and with a guttural snarl rolling over his lower lip, he shot each victim.

Some monks got three bullets, all got at least two, and three got close-range shotgun blasts as well. Each .22-caliber bullet ground its way into the back of the head, at the base of the skull, penetrating the occipital bone, and in some cases, settling in the *foramen magnum*. Most shots were fired with the tip of the gun barrel inches away from the brown skin of every victim. The .22-rifle killer reloaded several times. Proving his utter lack of skill or planning, he left spent cartridges scattered among a tangle of arms, legs and saffron robes. He took his time. This was no frenzied, rage-ridden attack. It was a methodical massacre executed with remarkable pause and aplomb.

The technicians found 17 casings and three spent shotgun shells. Moreover, to the team's astonishment, the type of .22 casings varied dramatically. Ten were .22 shorts and the other seven were .22 long rifle rounds. Whoever loaded the weapon knew very little about the different firing patterns or uses of short versus long rifle rounds. More important, he reloaded several times, establishing deadly intent beyond any reasonable doubt, and proving that he was not a risk-taker. He shot several of his victims several times. It was obvious that some were dead long before the second and third rounds of bullets rained down on them from a distance of no more than two feet.

The most important observation made by the forensics team was that, despite the execution-style layout of the bodies, the weapons were clearly those of an amateur, not a professional killer.

The other killer, on guard from a distance of 10 feet, stood ready with a 20-gauge shotgun. Whether in the heat of the killing spree by his buddy, as his buddy said, or by accident, as he later testified, the 20-gauge boy sprayed birdshot into the crowd. Birdshot, as any gun owner would know, was not something you take to a killing. It could wound but not kill, but not from lack of effort on his part. Though the assailant minimized his effort and involvement after he was caught, the forensics made his shots, even if done in the fury of the moment, grisly and terrifying. One monk nearly had his kneecap blown completely off by a close-range shotgun blast. Another had dozens of pellet wounds in his head, neck and upper back. Several had what the medical examiner called "multiple grazing wounds." Within inches of the bodies, the forensics team carefully catalogued three 20-gauge shell casings, indicating the shotgun boy was very close to circle when he fired. Even if the shotgun blasts weren't lethal, they must have been utterly terrifying because of the incredible difference in sound and velocity. The "pop" of a .22 rifle sounds like bumping your car into the garbage can as you back out of the garage; being shot by a shotgun from 10 feet away is the equivalent of getting hit by a semi-truck once you get on the highway. As a weapon of terror, the shotgun has no peer.

There was no sign of a fight, no sign of resistance. All had seemingly died in a state of acceptance. Two had fallen over in such a way as to be partially on top of another body. They left no witnesses but lots of clues—the spent shell casings, footprints and the saliva-stained cigarette butts would eventually tie them directly to the crime scene. They left a telltale track of movement around the oval, which gave the investigators the exact rotation and timing simply by studying the firing patterns. They implanted their boot prints in several obvious places, and discharged two fire extinguishers in boyish acts of vandalism. They had stormed in as common robbers, then decided to kill in cold blood, and left as garden-variety vandals.

In an attempt to lead the investigators astray, one of them carved the word "Bloods" on the wall, just a few feet south of the bodies. They used their harness-supported military knives to desecrate a temple, and they sped away sometime before dawn.

A month later, the deputies rounded up five young men from Tucson, extracted confessions from four of the five, and persuaded the County Attorney to indict them. But their alibis checked out, and they recanted their confessions. It did not take long for the shameful story to come out. Coercing four innocent men to confess gruesome crimes ultimately resulted in big money civil suits, a wide sweep of sheriff's deputies back out into the private sector, and the public humiliation, not to mention the loss of public office, for a man many knew to be a fine police officer.

In time, the real killers were caught, interrogated, indicted, tried and convicted. Over time, their bizarre story surfaced, with a little help from some of the same deputies who were among the first responders that Saturday morning in 1991. Though they saw the case from different perspectives, the prosecutors, judges, lawyers, jurors and victim's families all eventually came to accept the core facts. But with such wanton evil, the story took many turns on the way to acceptance. AZAT