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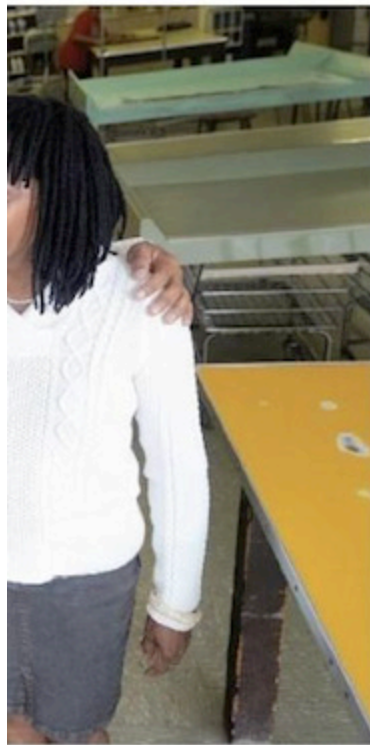


LOCAL & STATE 1B

**Principal decides
not to resign.**

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Ivy League schools
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Judge Sandra Ray ruled there was probable cause to hold James Bradley on first-degree murder charges in Shannon Rippy Vannewkirk's presumed slaying. Vannewkirk's body has not been found.

A murder accusation, but no body

Murder conviction with no
corpse rare but not unheard of

By Adam Wagner
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James Bradley is accused of murdering a Wilmington woman whose body police have not found and, experts say, could be convicted even if Shannon Rippy Vannewkirk is never located.

On May 16, New Hanover County District Court Judge Sandra Ray Criner ruled there was probable cause to hold Bradley, of Wilmington on first-degree murder charges in Vannewkirk's presumed slaying. Bradley is being held without bail in the New Hanover County jail.

During the probable cause hearing, Rick Miller, Bradley's publicly appointed attorney, contested the introduction of at least two pieces of evidence on the grounds that they presumed Vannewkirk was dead.

"At this point of this investigation, at this very minute, we do not know what happened to Shannon," Miller said.

There is, however, a lengthy track record of prosecutors using circumstantial evidence to show someone was killed when there is not a corpse present and also to convict a suspect. At least one "no-body" case has been tried in every

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state except Idaho and New Hampshire, with a conviction rate of about 88 percent, according to www.nobody-cases.com.

Prosecutors in these cases face two hurdles: establishing that a missing person is, in fact, the victim of a murder and proving the defendant is guilty beyond a reasonable doubt.

"It's like a 100-meter race where the murderer starts at the 20-meter mark, and I don't care if you're Usain Bolt, you're going to have a hard time beating anyone who has a 20-meter head start," said Tad DiBiase, an attorney who runs nobody-cases.com.

James Payne, a local defense attorney, agreed with DiBiase that no-body cases can be tough for prosecutors, particularly considering that the absence of a body means the absence of information such as the cause of death, circumstances tying the defendant to the death and the fact that the presumed victim is, in fact, deceased.

"In my perspective, I think (lacking a body) makes it more difficult for prosecutors," Payne said.

If Rippy's body is not found, DiBiase has some idea of what New Hanover County District Attorney Ben David and his prosecutors must accomplish to convict Bradley.

"No-body murder trials tend to be lengthy and full of little pieces of evidence," DiBiase said. "I talk about the puzzle, because puzzles

are made up of many, many pieces, and that's what your case has to be."

Proving death

The first step in any no-body prosecution is establishing that the presumed victim is, in fact, dead, a task that's become easier as cellphones and other technology have become ubiquitous.

"With all of the electronic trails people leave behind you can tell very quickly when somebody is missing and probably dead," DiBiase said, pointing to cellphone and social media use.

Chris Ross, the district attorney of Pontotoc, Hughes and Seminole counties in Oklahoma, has gained three convictions in two separate no-body cases.

"What you generally see is everything they did in their life in a given day all stopped at the same day and time," Ross said.

Establishing that a person stopped communicating with family members and that their cellphone and bank activity stopped at the same point in time is one method of proving a disruption.

Then, prosecutors look at what the supposed victim left behind. For Ross, the leaving behind of routine objects such as luggage, a toothbrush, a hairbrush and, for women, makeup and jewelry can point to death.

"The question isn't that you couldn't live without that because you could," Ross said, "but if you were leaving voluntarily, why would you leave all that behind? And the common-sense answer is if you were leaving volun-

tarily, you wouldn't."

The last no-body case Ross tried was the murder of 6-year-old Logan Tucker by his mother, Katherine Rutan Pollard, in Woodward, Okla., on June 23, 2002.

"He is not capable of going out and living on his own, so that would be something you look at," Ross said.

During Bradley's probable cause hearing, David used a list of points to attempt to establish that Vannewkirk was likely dead.

Among those were Vannewkirk's plans to have brunch with her mother the day after she disappeared, that Vannewkirk was enjoying life, that she hadn't disappeared without explanation before, that she was a happy person and that police couldn't find any evidence that she is alive.

"There's probable cause to believe she's not just missing, but that she's dead today," David told Judge Ray on May 15.

Establishing guilt

Lies, or seeming lies, can be damning pieces of circumstantial evidence in no-body cases.

John Lewin, a deputy district attorney in Los Angeles County, Calif., has prosecuted at least four murder cases without bodies.

"I make my cases, generally speaking, because defendants cannot keep their stories straight about material parts of the case," Lewin said. "I'm not saying they forget what happened. I'm saying they will give very detailed descriptions of things that happened, but

they're different."

For instance, Carol Jeanne Meyer Lubahn disappeared from her Torrance, Calif., home on March 31, 1981. In a case Lewin prosecuted, her husband, Michael Lubahn Clark, initially told police the last time he'd seen or heard from his wife was when he heard a door slam.

Then, Clark said he'd seen Lubahn drive away.

Then, during his 2012 murder trial, Clark told a jury that he knew his wife had come home the night she disappeared because he tracked her footprints with powder.

"When you can't keep the same story, that's not a lack of memory," Lewin said. "That's a lie. And when you're lying about something that you should be able to remember and you have detailed recollections that are just different, that's a problem."

At a sentencing hearing in early 2013, Lewin read from a letter Clark wrote to Lubahn's mother in which he detailed Lubahn returning home about 1:30 a.m. on March 31, 1981, and revealing she was with another man. An argument ensued, Clark wrote, during which he pushed his wife and she hit her head on a coffee table.

Later, Clark said he had punched Lubahn and, believing she was dead, sank her body about 200 yards into the Pacific Ocean near a Rancho Palos Verdes, Calif., lighthouse.

During Bradley's probable cause hearing, WPD detectives told Ray that, like Clark, Bradley lied to investigators.

Bradley initially told po-

lice he'd last seen Vannewkirk on April 3, two days before she disappeared. Using traffic camera videos, though, they knew he'd gone downtown on April 5, and security camera footage from a gas station showed a woman police believe was Vannewkirk in his red, two-door Tahoe, said Kevin Tully, a WPD detective.

On April 15, police served a search warrant on Bradley's apartment and told him they knew he'd been downtown. Immediately, Tully said, Bradley's story changed, with him now telling police he'd picked Vannewkirk up on April 5 and driven her around Greenfield Lake for 60 to 90 minutes, dropping her off at Village Market.

Tully, though, testified that he knew Village Market's security footage didn't show Vannewkirk, and he told Bradley that.

"His demeanor changed immediately," Tully said of Bradley. "He was extremely wet. At one point I thought he was crying because there was so much water running down his face."

Ross, the Oklahoma prosecutor, said lies can be crucial evidence in no-body cases.

"Oftentimes what a defendant does is spin a web of deceit," he said. "They end up getting caught in it because they don't know what you know, and their first story is capable of being disproven, and you confront them with it and they end up having to change their story."

Lies can be an effective tool for the prosecution in

no-body cases because juries use common sense, and Ross added, if a juror's child or loved one changed their story, it would likely be indicative of some wrongdoing.

What's next

Ray's verdict that there was probable cause to hold Bradley in Vannewkirk's killing has given investigators the time to continue building the case against him in another slaying, David said on Friday.

While looking for Vannewkirk's body April 29 in a Hampstead field owned by Steve Mott, who employed both Vannewkirk and Bradley, police found another body. Investigators initially believed they had found Vannewkirk, but medical tests showed it was actually Elisha Tucker, 34, of Wilmington. Tucker's mother, Rose Waldron, last saw her Aug 15.

To determine whether Bradley can be charged in Tucker's killing, David asked Ray to sign off on expedited forensic analysis of items collected during searches of Bradley's apartment. She did, and the analysis, which cost \$3,500, is underway.

David said he was told he and investigators will have results within two months.

"There's no more time deadlines, and we anticipate proceeding normally with going to a grand jury (in Vannewkirk's case) in the not-too-distant future," David said.

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