

[print](#)

Trial underway in 24-year-old murder case

by Lori Hunsaker - Managing Editor

11.04.08 - 04:19 pm



DEFENDANT GLENN HOWARD GRIFFIN watches as attorneys argue the capital murder case involving the murder of Bradley Newell Perry in 1984. The case is being heard in Logan with First District Court Judge Ben Hadfield presiding. Griffin faces the death penalty. Photo courtesy Tom Smart, Deseret Morning News

Twenty four years after the murder of Bradley Newell Perry, a capital murder trial got underway for defendant Glenn Howard Griffin, age 51. Griffin faces the death penalty for Perry's death on May 26, 1984. Perry was killed while working the night shift at the Texaco station in Perry just south of 1100 South on Highway 89.

The trial is being held in Logan with First District Judge Ben Hadfield presiding.

Last week prosecutor Brad Smith told the 16 member jury in his opening statement that the only question they

should be concerned about is the guilt of Mr. Griffin.

"Murder in the first degree is the knowing and intentional taking of a life with aggravated circumstances, murder committed in the course of a robbery or kidnapping, aggravated in this case," he explained.

Brad Smith said, "A murder case is unique because the one witness you want to be here is not, he can't be here."

Two other vital witnesses are also missing from the proceedings. Box Elder County Sheriff's detectives Alan Beard and Bruce King were the principal investigators in the case. King died in 1995 and Beard died in 2005, both of natural causes.

The evidence at the heart of the case is DNA, Brad Smith continued. Nuclear DNA was found in blood on the \$1 bill given in change by a suspect to a customer (Bassem Braish) who wanted to buy cigarettes on that early morning. The blood DNA matches Griffin's DNA. Other evidence includes hairs gathered at the scene and a new DNA analysis positively correlates with Griffin.

"In 1984 DNA evidence, as we understand it, didn't exist. We typed the blood and determined whether or not it was human. The cutting from the \$1 bill was maintained at the state crime lab until 2005 when a DNA test was done," Brad Smith said.

Defense attorney Dee Smith told the jury in his opening statement, "The state spent two decades investigating. "This was a cold case. There were 200 suspects who were looked at and warrants were issued. Glenn Griffin was never on the

radar until 2005, with a little bit of blood.”

Referring to the \$1 bill with a spot of blood, Dee Smith said “One of the witnesses (Ali Sabbah) gave the attendant five \$1 bills he just brought with him from Logan. We know the blood came from Logan where Mr. Griffin worked with sheet metal. He often had small cuts on his hands.”

Sketches of the suspect drawn by Sabbah were published in area newspapers, Dee Smith continued. No one identified Griffin at that time.

Dee Smith also referred to the many fingerprints found in the store, on the gasoline pump, a screwdriver, cellophane from the package of cigarettes. None of the prints were Griffin’s.

A lot of the blood in the store was analyzed and none was Griffin’s, Dee Smith said.

As far as the chain of evidence is concerned, Dee Smith gave a specific example of a potential problem with the prosecution being unable to say exactly where strands of hair were found in the store.

Griffin has always worn glasses, Dee Smith explained. The suspect didn’t have glasses. The witnesses were shown a photo lineup and one of them picked out one of the early suspects.

“The prosecution will ask you to do something the two witnesses couldn’t do - identify who killed Mr. Perry,” Dee Smith concluded.

The two witnesses who stopped at the Texaco sometime after midnight both testified. Ali Sabbah now lives in Salt Lake City. He was a student at Utah State University at the time of the murder and was traveling from Logan to Ogden with his friend, Bassem Braish. Braish now lives in Michigan.

Sabbah said he was surprised when an attendant came out to the self serve pumps. “I thought the attendant was wanting a tip,” he stated.

While the attendant was pumping the gas, Sabbah noticed his hand had bruises and some blood, maybe he got into a fight. His shoes had blood on them that looked shiny and fresh. “That’s when I thought something was wrong. I gave him \$5 for gas.”

“Bassem started into the station. My reaction was ‘Uh-oh. Don’t go in.’”

The attendant intercepted Braish and asked if he could help him, Sabbah testified. Braish wanted cigarettes. The attendant said they would cost \$1. Braish gave him a \$5 bill and the attendant gave him four of the \$1 bills Sabbah had just given him.

When the attendant went inside, Sabbah told Bassem not to go in there. Something was wrong.

After getting the cigarettes the two men drove away.

During cross examination, Dee Smith asked Sabbah where he had the \$1 bills he paid the attendant. Sabbah answered he couldn't remember if the money was in his wallet or a pocket.

Braish then testified that when the attendant gave him the change, he noticed damp blood on one of the bills. "I carried them carefully until I put them on the dashboard," he said.

In cross examination by the defense, Braish testified he saw a Chevy or Ford full-size white pickup truck next to the building. It was a 1970s model.

According to testimony, Sabbah and Braish drove south on Highway 89 and stopped at a pay phone and called police. They waited until a Box Elder County Sheriff's officer arrived. Braish gave the officer the four \$1 bills at that time. They followed the sheriff's vehicle to the sheriff's office where they wrote statements.

The crime scene

The first witness called in the trial was Brigham City Police officer Dennis Abel. At the time of the murder he was a detective with the police department.

Abel said he was called to the scene to make a video, about 5:30-6 a.m. on May 26. Abel narrated the video as he filmed and pointed out specific items for an accurate representation.

The video was played for the jury and all those in the courtroom.

Although Brad Perry, 6'4" tall and 23 years old when he was murdered, is not a witness in the proceedings, as pointed out by prosecutor Brad Smith, the video brought his final moments to the jurors' minds.

The video showed Perry's body, which, as Brad Smith described in his opening statements, was stabbed, brutalized, bound and bludgeoned to death.

The video also showed evidence of a struggle in the arcade area of the store as well as in the storage area where Perry's body was found.

Abel described the signs of struggle in the storage area - things were knocked over, things were broken. There was a bloody piece of brown paper bag on the handle of a Dr. Pepper syrup canister. There were blood spatters and bloody footprints. Perry's partial dental bridge was found on the floor.

In the arcade area, there were scuff marks on the floor. A large potted plant had a branch broken off, potting soil was on the floor and the planter had been moved, Abel told the jury. There was a smear of blood about three feet from the planter with a dark hair in the smear. Eight to ten other strands of hair were found in the

area of the struggle.

During cross examination Abel told defense attorney Randy Richards he wore a baseball cap while he was making the video and did not wear latex gloves because he wasn't touching anything and the latex was too slippery to hold the 45 pound camera securely. His priority was preserving the evidence on tape.

Several expert witnesses described the wounds inflicted on Perry. Rudy Riet, a forensic consultant, worked at the state Medical Examiner's Office at the time of the murder. He characterized the scene, concluding "A life or death struggle took place there."

Riet said Perry had a defensive wound on his hand, possibly an attempt to ward off a knife. Blood on his clothing indicated Perry appeared to be in a sitting position after injuries which caused his head to bleed.

Riet said although Perry was injured and bloodied, he got back up - hunched or seated.

During his testimony Chief Medical Examiner Todd Grey described Perry's many injuries. Perry had six stab wounds from at least two weapons, neck wounds that suggested strangulation, a completely fractured right jaw and a fracture to the base of his skull. He was also covered in bruises, scrapes, abrasions and lacerations.

Grey said the cause of death was the blunt force injury to his head and several of the stab wounds.

Chain of evidence

Box Elder County Sheriff Lynn Yeates testified last week. Yeates was on patrol for the sheriff's office at the time of the murder. He told the court he had worked with detective Alan Beard for years. Beard's investigative notes from the Perry case had been maintained as a part of the file since 1984. Yeates said he recognized Beard's handwriting on the report.

During cross examination, Richards stated the report was double hearsay, apparently from notes when Sabbah talked to Beard. "This violates my client's constitutional right to confront a witness.

Judge Hadfield reminded council he ruled in January, 2008, that the notes would be allowed as a foundational document to establish the chain of evidence.

Expert witness Scott Pratt is with the Utah Crime Lab. He testified, "I knew Bruce King. He brought this report to me personally and signed it in at 5:45 p.m. on May 26, 1984. Pratt said he examined \$1 bills, a canister, a Merit cigarette, a Merit cigarette package and a screwdriver.

Richards cross examined Pratt, asking him that if an investigator noticed a hair on the ground, wouldn't they write down the location at some point and the name of

the individual who collected it? Pratt answered that was proper procedure.

On redirect questioning Brad Smith asked Pratt if it would be appropriate in the chain of evidence to document the location of evidence by video tape. Pratt answered, "Yes, that is reasonable."

More witnesses

Other witnesses called by the prosecution included the area manager of the station, Jeff Manning. Manning testified about how to open the cash register and how to reset the fuel pumps.

He also testified less than \$100 was missing. A bundle of 25 \$1 bills under the cash register tray were not taken and the safe was still locked and seemed undisturbed.

Expert witness Pilar Shortsleeve of the Utah Crime Lab testified that her DNA profile of the blood taken from the \$1 bill matched the Griffin's DNA profile.

Expert witness Jay Henry, lab director for the Utah Crime Lab testified he sent 10 hairs to another lab for mitochondrial analysis. The hairs were vacuumed from the crime scene.

A jail house informant was brought into the courtroom without the jury present. According to Brad Smith, the informant would testify he overheard Griffin talking to another inmate in an adjoining cell, telling him that Perry bit Griffin on the hand during the struggle.

The state has agreed to write a favorable letter to the parole board if the inmate answers truthfully.

The defense asked that the testimony should be excluded because it is double hearsay.

The informant was unable to identify Griffin in the courtroom on Friday. Griffin currently has a neatly trimmed mustache but no beard and his hair is short.

The informant came forward in July, 2005, when Griffin had a grey beard and long grey hair. A photo lineup will be presented to the informant today with a photo of Griffin when he had long hair and a beard.

If he is unable to identify Griffin, the informant will not testify before the jury.

The final witness Friday was Griffin's co-defendant Wade Garrett Maughan. Maughan was arrested in Spokane, WA, in November, 2005.

Maughan is being compelled by the state to testify. When asked what his name was, Maughan answered, "I choose not to answer any questions at this time."

He was asked by Brad Smith if he were aware the state was granting him

immunity. "I choose not to answer any questions at this time." After several other questions with the same answer, the witness was excused.

© boxelder.uber.matchbin.com 2008