

# **PART ONE**

**Murder and Mind Games:  
Stephanie and Michael**



# 1

## • SHE'S SO COLD •



The Crowe Family

Day One: Escondido, California

January 21, 1998

6:30 A.M.

**J**udith Kennedy stirred in her bed, awakened by an irritating buzz she couldn't identify.

Slowly, still not fully awake, she realized it was her granddaughter's alarm clock. It was time for Stephanie and the other two children to get up and start getting ready for school. Judith lay quietly for a few seconds, collecting her thoughts. *Come on, Stephanie, wake up! Turn off that gosh-darned alarm!*

Reluctantly, Grandma Judith Kennedy pushed back the covers and groped for her robe. She could see Shannon, still fast asleep, on the other bed. Stephanie's ten-year-old sister had not been disturbed by the alarm, and neither had anyone else. There were no signs of movement from any part of the house—the home of her daughter and son-in-law. Judith was sharing Shannon's room, as she always did when staying with the Crowes.

Still groggy, Judith made her way down the hallway. She was barely able to see. It was early and still not light outside. Twelve-year-old Stephanie's bedroom doorway was inset in a shallow alcove, so there was even less light there. She felt for Stephanie's partly open door, found it, then pushed it open further with her hand. Softly calling Stephanie's name, she moved into the room, striking something with her foot—something large and soft. She fumbled for the light switch and gasped.

On the floor lay Stephanie. She appeared to be covered with mud. *Mud!* Judith's mind madly screamed the instant assessment, while part of her knew that was absurd.

"Oh, my God!" she cried out in horror. "Cheryl! Steven! Come quick. It's Stephanie! She's covered in mud. Hurry, she's covered in mud!" Over and over she shouted the same thing, waking all the others.

All except Stephanie, who remained motionless on the floor.

Steve Crowe flew out of bed and raced down the hall. Reaching Stephanie's doorway, he collapsed to his knees. Still half asleep, he stared at his daughter in shock. His thoughts were a tsunami—he couldn't make any sense of what he was seeing: his daughter lying prone in a pool of brown, her sightless eyes wide and glassy.

Shuddering uncontrollably, he bent over her body and cradled her head. Her eyes were so vacant; her body stiff and cold. It wasn't mud that covered her body, but blood. He quickly scanned her body, unable to believe what he was seeing. Stephanie was covered in blood.

*No!* his mind screamed. Steve howled like a wounded animal. "No. No!" he cried out.

He couldn't stop his screams as tears poured down his face. "No. No. No!" His screams were agonizing.

The sound penetrated the very soul of his wife, Cheryl, who had climbed out of bed and made her way to the awful scene. Over Steven's shoulder, she took in the hideous view from the doorway.

*Why was Stephanie all covered in brown stuff? Why was she just staring like that? Why was Steve screaming?*

Cheryl melted to the floor and lifted her daughter's lifeless body into her arms. Cradling her fiercely, her mind pushed away all coherent thought. She was shaking so severely, she could barely form words.

"Stephanie, it's Mommy . . . Please talk to me, baby."

Gently, she stroked her daughter's face, which she could barely see through her wall of tears. "Mommy will make it all better," she whispered into the dead eyes of her daughter as she rocked back and forth.

*I need to warm Stephanie up. That's all I need to do is make her warm again. Once she's was warm, she'll be fine,* her tormented mind kept telling her.

Her wail was horrific. "God, please help me get her warm again," she sobbed. She looked up at her mother through tear-drenched eyes.

"Oh, Mom, she's so cold!" Cheryl Crowe wailed, pulling Stephanie more tightly against her. Rocking back and forth, back and forth, she fiercely clutched her daughter to her chest. "We're warm now . . . we're warm now . . ." she babbled, her eyes filled with terror.

When the paramedics arrived, Cheryl Crowe was still clutching her daughter's cold body to her breast, drowning in desperation.

Her face a map of anguish, Cheryl refused to let go of Stephanie. The paramedics gently coaxed her until she finally relented. But they may as well have let this mother cling to her child's body. There was nothing to be done by any medic.

Stephanie had been dead for more than six hours.

So began that dreadful day for the Crowe family. And so began a terrible and protracted ordeal that started with the brutal murder of a beloved child and spiraled into a law enforcement and judicial nightmare, indescribable in its impact and its cruelty.

It was the soon-to-be infamous "Crowe Murder Case."



# 2

## • PSYCHOPATHIC KILLER •

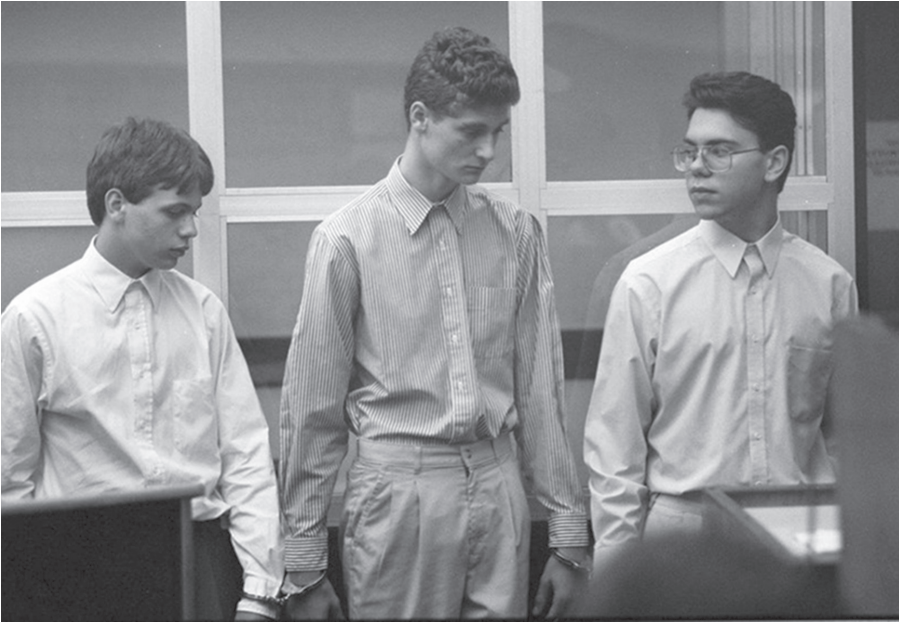
San Diego, California

February 13, 1998

**T**he *San Diego Union Tribune* and the *North County Times* carried front-page stories of the Crowe murder case with explosive headlines. Everywhere I went, people were talking about the three evil boys who killed a twelve-year-old girl, but on February 13, 1998, I still didn't know much about the case, other than what I had read about or heard on TV or radio.

By all accounts, it seemed the police had done a great job, and the guilty kids—Stephanie's older brother, Michael Crowe, and two of his friends, Aaron Houser and Joshua Treadway—had been caught. But then I got a call from Ron Sealey, a retired deputy sheriff with whom I had a good relationship. He asked if I'd be willing to meet with one of the boys' parents to talk about legal representation, so I agreed, and met with Gregg and Susie Houser, the parents of Aaron. Adam, Aaron's older brother, also sat in the meeting.

While it's true that prospective clients scrutinize the attorney they are thinking of hiring, good attorneys also analyze each prospective new client. I was extremely cautious the day I met the Housers—skeptical, even. First off, there's nothing unusual about loving parents believing their son or daughter incapable of criminal behavior. No parent intentionally raises their child to



Michael Crowe, Joshua Treadway, and Aaron Houser  
at their arraignment.

do bad things, and there's a natural tendency to be protective no matter what the kids have done.

Gregg and Susie Houser were convinced their 15-year-old son had been falsely accused and unjustly arrested and jailed.

But two of the boys had confessed.

Of the three boys accused in the Stephanie Crowe murder, only Aaron had refused to confess.

Confessions lead to convictions, and though I told the Housers this, as an attorney I also knew that not all confessions are valid. Only a crazy person would confess to a crime when actually innocent, especially murder, so I was intrigued but not optimistic. Two confessions had been extracted, both of them implicating my prospective client. Not the best situation for building a strong defense.

As a general rule, I am good at reading people. Susie Houser was easy to read. Her anger and pain were intense, but she was sincere and open. Gregg Houser, however, was not such an easy read, and he contained his anger. One



of the points made by Mrs. Houser that day played heavily on my decision to take the case. Aaron had never been in trouble, she told me. He was an excellent student, played in the school band, loved to read and was well liked, was even admired by his teachers. This was not enough to convince me of his innocence, but there was something about Susie Houser herself, something that told me she knew her son well. And she had an unwavering faith in him. Some parents don't know their kids as well as they think they do, of course, but it was apparent Susie was a hands-on parent, a good mom. There was this special kind of concern in Gregg's tone as well. This anxious couple had every reason to seek help.

They had been told to be in the district attorney's office for a meeting the next day. The evidence against their son would be presented to them at that time. They felt they should have an attorney present, and I readily agreed to go with them.

As we assembled at the Hall of Justice in San Diego, thirty miles south of Escondido, everyone seemed apprehensive. Gregg talked nervously, while Susie said very little.

We rode the elevator together up to the public reception area of the district attorney's office on the twelfth floor. After a few minutes, Deputy District Attorney Gary Hoover, the fair-haired, hard-charging favorite prosecutor of District Attorney Paul Pfingst, greeted us. He seated us in a conference room, where Detective Claytor was present. The detective did not seem at ease. He scowled often.

Hoover told us he was saddened by Stephanie Crowe's murder and the involvement of Aaron. What quickly became evident, however, was that the purpose of the meeting was to convince the Housers their son was guilty. They were actually told the police and the DA himself had very grave concerns for their safety—Aaron could be a threat to his own parents.

Susie Houser, horrified, asked why they felt that, and Hoover, with a politician's guile, said, "I can't explain it all right now, but that's why we brought you down here."

"But you said you wanted us here to explain why our son was arrested, what the evidence is against him," Gregg Houser pleaded.

Hoover responded thoughtfully: “Yes, we will explain all the evidence against your son, and why we know he was involved in the murder of Stephanie Crowe.” As would later come out, Hoover knew that, beyond the confessions by Michael and Joshua, there was not a shred of hard evidence, not even a murder weapon. But it didn’t seem to matter. Hoover was not about to get too far into the subject of evidence, at least not then. He said, “Before we do that, however, District Attorney Paul Pfungst would like to meet with you.”

The five of us—Hoover, Claytor, Susie, Gregg, and I—walked out of the conference room and rode the elevator up to the thirteenth floor of the Hall of Justice, where the district attorney’s private suite was located. We entered through two large doors, and Hoover told the receptionist we were there to see Paul Pfungst. The DA’s office was impressive and overbearing, a symbol of bureaucratic stature and power. Paul Pfungst walked out and greeted the Housers warmly, but he seemed surprised to see me. I had played a key role in Judge Larry Sterling’s run against this man for the DA position. Pfungst’s reaction was obvious when I told him I was representing the Housers. Nevertheless, he invited us into his office.

“The reason we asked you up here is because we’re concerned for your safety,” Pfungst said, “and we are fearful of you being harmed.”

“Harmed by who?” Gregg asked, disbelief in his voice.

“Well, we hate to tell you this, but your son was involved in the Stephanie Crowe murder, and he might harm you.”

This was too much for Susie Houser. “There’s nothing wrong with my son,” she stated flatly. “So why would you say that?”

Pfungst didn’t flinch. “We believe Aaron has mental problems and could be a threat to you,” he said.

“I know my son,” Gregg Houser said, his temper rising. “He is not a danger to us or to anyone else.” Susie Houser was fighting back tears.

“Tell us what brought you to the conclusion Aaron is a psychopathic killer,” I said. “That is what you’re saying, isn’t it, that Aaron is a psychopathic killer?”

“What we really want is your cooperation,” Pfungst said.

“My clients aren’t going to cooperate until you tell them what led you to your conclusions.”

Gregg Houser seemed to have had enough. Anger flared in his eyes as he said, “Look, Aaron’s a good kid, and he had nothing to do with this murder. So tell us what you know.”

It was a simple enough request, one any parent would make. But there was no response. In fact, the meeting was over. Paul Pfungst stood up and said, “I think it best if we don’t get into the evidence at this time. Thank you for coming.”

This confusing and unhelpful experience set the wheels in my mind turning, and I wondered just how much they really had on Aaron. But it didn’t matter; Hoover escorted us out of the DA’s private suite and we returned to the twelfth floor, to the conference room where we had been before. By then I was becoming irritated by the treatment of my clients. I told Hoover we were not going to tell them anything until they revealed what evidence they had.

“I can’t do that,” Hoover said.

“But that’s why you asked us here,” Gregg Houser snapped. He was right. The false pretense was now evident. There was a long silence, and I repeated the request.

Hoover’s answer remained the same: “We’re not going to do that at this time,” he said, his tone irritating, almost smarmy.

“Then I guess there’s nothing more to talk about,” I said, and that ended the meeting.

As we left, I was deep in thought. Both Hoover and Pfungst were playing games, and as soon as we were in the elevator I shared my convictions with the Housers. “They brought you down here to pump you for information, and to turn you against your son. Otherwise, they would have told us what evidence they have. They are trying to scare you by saying he’s a killer, a psychopath.”

The Housers were concerned, obviously, and wanted to know what the point of it all was. I explained that what the prosecutors most wanted was for Gregg and Susie to go to Aaron and tell him to cooperate, to confess. “But you know what?” I said. “They don’t have a damned thing on him, or they wouldn’t have pulled this trick.”

Back at my office we talked more about the events that had led to Aaron's arrest, and I instructed the Housers to tell Aaron not to say a word to anyone until I had talked to him. I determined I'd meet the boy for the first time that very afternoon.

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At San Diego Juvenile Hall there are several rooms surrounded by glass, cubicle conference rooms where lawyers meet with their clients at simple metal tables. While I strongly suspected the police had no concrete evidence on Aaron Houser, I was a long way from assuming his guilt or innocence. For an attorney, guilt or innocence is, or should be, irrelevant. What I cared most about, always do, was that my client would get full representation and the due process of the law, and a vigorous defense. But the guilt/innocence question nagged at me. How could a child kill the sister he played with on a daily basis?

Aaron looked weary when I introduced myself, which was not a surprise, and when we sat down to talk he looked at me with suspicion. Adult authority and the way he'd been treated had soured him. Guilty or innocent, his world had crumbled, so he didn't trust me. He said Juvenile Hall was difficult to deal with, and he missed his parents and his brother. He wanted to know when he could go home.

I didn't hedge. I told him it was probably going to be a long time; he was going to have to deal with his confinement. I told him not to make friends in "juvy" but to get along with everyone, if he could. I was especially firm in my warning not to talk to anyone about his case. I was well aware that the police were apt to set him up with someone whose only purpose would be to get him to confess, or say something incriminating. He said he was isolated, in solitary confinement. Before I left Juvenile Hall that afternoon I asked that Aaron remain isolated and was assured that they would do that.

Aaron told me he was innocent. *Well, so what's new?* Prisoners are known for denying guilt. Yet, there was something about this kid. First, I was very impressed with the way he seemed to think before he spoke—unusual for a

child his age. His vocabulary was equally impressive. *A smart kid*, I thought. *Just how smart was he? Was there a killer hiding behind that intellectual front?* The truth was I didn't know enough to make a real judgment. I had a lot of work ahead of me.

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The next day was a Saturday and I went to my boat. There is something profound in the freedom I feel out on the water, and it helps me clear my head. I had plenty to dwell on that day: a murder case in which confessions had already been made; a case that was going to be costly, far beyond the means of my clients' parents. *Why had I done it?*

I began thinking out my strategy and about the defense team. I needed an extremely sharp and experienced motions specialist; that would be Liz Wise. Pat DeLucia was also chosen. He's a private detective highly respected for his expertise. My partner, Greg Garrison, and our associate, Jay d'Amembrocio, would round out the team. On Monday, I called everyone together and began the meeting with an overview. "Our client is Aaron Houser," I said. "He's one of the teenagers accused in the Crowe murder." I waited for a response.

"Is he guilty?" Jay asked.

"He tells me he's innocent, but I don't know at this point. I've taken the case and will defend him regardless. Gut level? Maybe. He's a very, very bright kid. Talking to him was unlike talking to an ordinary teenager with cars and girls on his mind. He impressed me because he thinks before he talks, but he comes across very calculating, maybe even sullen. We'll have to work on that if he's ever to take the stand. The first thing we need to know is how much evidence the DA has. They claim they have evidence, but they refused to share it. That's where you come in, Liz. You'll handle the discovery motions to assure that we get to see all the evidence. We need to do our own DNA testing, hire an investigator and pull in forensic experts, blood spatter experts, the works. The parents can't afford any of this, so we need funding from the county."

I turned my attention to Pat. "I want you to investigate the murder scene and do background checks. I want to know if there are skeletons in the closet. Has the victim's dad or uncle had mental problems, been arrested for anything? You know the process. I also want a background on all potential witnesses. And I want to know all we can about the other two boys involved. Get all you can from their peers, teachers, old friends, new friends. Cover it all."

At our second meeting, days later, we all had had an opportunity to review the case in more detail. We had even seen videotapes of the interrogations and the two confessions. We agreed that though the evidence was flimsy, or worse, the confessions presented us with a challenge. "But I watched the interrogations last night on video," Pat said. "It was atrocious. I hate to think what I'd do if the cops treated my kids like that."

"Nevertheless, confessions are confessions," Greg said with a shake of his head. "The court is not going to disregard someone saying they did it. What do you think, Jay?"

"If someone confesses to murder, it is usually assumed he's guilty. I mean, who would confess to a murder he didn't do . . . except for some nut case, but—"

I interrupted him: "But false confessions are made every day. I'm not saying these confessions are false. I don't really know, yet, but I am saying that the means used to obtain them can be one possible defense for us to take. The tactics used were just horrific. And I believe the police crossed the line of legal methods. I'll get into the details later."

"What about the polygraph tests?" Jay asked.

"They used a CVSA, and an arrogant cop from Oceanside administered it," I said. "I say arrogant because he's supposed to give the test without bias. Hell, he ran a third of the interrogation. He was out to gain confessions and he succeeded, twice. Our boy, Aaron, however, did not confess. What a vocabulary this kid has," I added.

"If it turns out these boys didn't do it, who did?" Liz asked. "If what I've read is true, the house was locked up and there were no signs of forced entry, so that all but eliminates a random homicide. It almost certainly means someone in the house did it, or was complicit."

I nodded in agreement. “That’s why the police are so certain the boys are guilty. And the folks over at the DA’s office are sure they have a solid case. This brings me to a vital point: The detention hearing is coming up and at this time I’m going to ask that Aaron be allowed to go home.”

“If he’s guilty, wouldn’t that be letting a killer loose on the street?”

“Our job is to do all we can for our client,” I answered. “Besides, it would allow us to test the DA’s evidence early. The DA will have to reveal why Aaron is involved and should not be released. Right now, I don’t see anything that implicates Aaron but Joshua’s confession. So why not push? See if they have more.”

“Who’s representing the other two boys?” Greg asked.

“Paul Blake is Michael Crowe’s attorney. I don’t know much about him. Mary Ellen Attridge has Joshua, and he’s the key here. The DA is already trying to make deals to have him go state’s evidence. If that happens, those boys will go to adult court and their lives will be ruined.”

Greg chuckled. He knew Mary Ellen Attridge’s reputation.

“Look,” I said to the others, “what Greg is enjoying is that I’m going to have to be working with Attridge, and he knows that could be difficult.”

“She’s not a good attorney?” Jay asked.

“She’s a great attorney. But she can be a handful; overly tenacious and a pain in the . . .”

“So how do you plan to make it work?” Greg asked in a serious tone.

“We need her if we’re going to win this case, so I’ll do whatever it takes.” The very thought of working with Mary Ellen Attridge was frustrating. But we really did need her; it was her client who seemed willing to save his own neck at the expense of the other two. If Attridge decided not to fight the confession, have Joshua admit his guilt, my client wouldn’t have a chance, and neither would Michael Crowe. However, Mary Ellen Attridge wouldn’t just roll over. I had to make her believe she had a fighting chance. Otherwise, I’d have no choice but to consider pleading out Aaron.

I spent a lot of time going over the confessions and the other information coughed up by the police, and I saw Aaron as often as I could. By the time I had read all the transcripts of Michael’s confession and seen all the videotapes

of the three boys' "interviews," I was livid, angry at a system that would allow such injustice.

But there was something even more upsetting, something I would learn later, at Aaron's juvenile custody hearing. During Michael Crowe's interrogation, and just before he broke, officer Sweeney took him out of the room and away from the camera. He told Michael his parents believed he killed Stephanie and they never wanted to see him again. The thought of this was nothing short of sickening. No wonder Michael accepted the officer's fanciful ploy of there being two Michaels—one good, the other an evil Michael.

Aaron and I met several times a week, first getting to know each other and then going over the evidence bit by bit, line by line. As we did, I grew closer to Aaron. Sure, I was experienced enough to know that a clever guilty person, young or old, would try to suck me in. After all, I was his only hope of going home. But I didn't believe this about Aaron. Soon, I became convinced of his innocence, his and that of the other two boys. I was not alone.

Yet, if that were true, that they were innocent, why would Michael Crowe and Joshua Treadway confess to a crime they didn't commit? Their attorneys, Paul Blake and Mary Ellen Attridge, were asking the same question.