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# Belyeu defense rests case

## Final arguments set in Bolton murder

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A 54th District Court jury will decide the guilt or innocence of capital murder defendant Clifton Eugene Belyeu on Wednesday after hearing final arguments.

The defense rested its case Tuesday morning after calling a footprint specialist who testified that he could not positively match muddy footprints found in the home of Melodie Bolton on Dec. 10 with a pair of tennis shoes found in Belyeu's trailer home later that night.

Belyeu, 27, and Earnest Ray Moore, 21, both of Cleburne, are charged in the stabbing and shooting death of Mrs. Bolton, whose body was found in the bedroom of her West home.

Waco attorneys Ken Ables and Fred Horner, appointed by District Judge George Allen to represent Belyeu, called two witnesses Tuesday who testified less than 30 minutes.

Roger Smith of the Dallas County Institute of Forensic Sciences told the jury of seven men and five women that he compared muddy footprints found on carpet inside the Bolton home with the soles of tennis shoes found in Belyeu's trailer home.

Smith said the left tennis shoe could "neither be identified or eliminated as the shoe that made the marks on the carpet."

On Monday, prosecutors called Dr. James Ebert, a forensic photography expert from New Mexico, who testified the left tennis shoe found in Belyeu's home made a muddy footprint on a tile inside the Bolton home.

Ebert said he found "three unique, individual correspondences," and said "there is no likelihood any other shoe made that impression."

Under questioning by Ables on Tuesday, Smith said that in making a fingerprint match he requires at least eight points of comparison. However, Smith said, three or four individual characteristics could be enough to make a shoeprint identification.

The defense also recalled Richard Goddard, a Cleburne man who testified he was renting a Cleburne trailer home to Belyeu in December.

Goddard said Tuesday he was aware that Moore also had been living in the trailer home for two to three weeks prior to Dec. 10.

The state called no rebuttal witnesses.

After Allen reads the court's official charge to the jury Wednesday morning, attorneys for the state and defense will present final arguments.

The case then goes to the jury.

If convicted, Belyeu faces either death by injection or life in prison.

If the jury finds Belyeu guilty, jurors will be asked to answer two questions during the punishment phase.

First, the jury would be asked to decide if the defendant's conduct was committed "deliberately, with the reasonable expectation that the death of the deceased or another person would result."

Second, the jury would be asked to decide if there is a "probability that the defendant will commit criminal acts of violence that could constitute a continuing threat to society."

If the jury should answer yes to both questions, Allen would sentence Belyeu to the death penalty. If the jury should answer no to either question, Allen would sentence Belyeu to a life prison term.

The co-defendants are being tried separately because Belyeu has a prior felony conviction and Moore does not. No trial date has been set for Moore.