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Fire chief testifies in Graf trial

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A Hewitt fire official responsible for removing a shed in which the stepsons of Edward E. Graf Jr. were killed said Monday he would not have moved the shed shortly after the fire if he had been more skilled in arson investigation and less emotional.

In opening-day testimony in Graf's capital murder trial, Tom Lucenay, chief of the Hewitt Volunteer Fire Department, recounted the events of Aug. 26,

1986, the day Jason and Joby Graf were killed in a shed fire behind Graf's house at 505 Angel Fire Drive.

Graf, 36, is charged with two counts of capital murder in the deaths of his two stepsons, who died in a fire that was determined to be arson.

In opening statements, McLennan County District Attorney Vic Feazell described Graf as a "very organized person, almost compulsive, a picture straightener."

"Ed Graf had an idea of what the per-

fect family should be and you are going to hear evidence that the two boys did not fit into what the perfect family should be to Ed Graf," Feazell told jurors.

Feazell said Graf's wife, Clare Gerdes Graf, a teacher, told Graf two weeks before the boys were killed that she was going to leave him when school resumed. Feazell said Graf persuaded her to stay late at school to get her school room ready, adding that the boys were killed in the fire on the second day she stayed late

at school.

Graf also purchased additional life insurance policies on the 9- and 8-year-old boys that included a double indemnity clause for an accidental death, Feazell told the jury.

Feazell said the boys were found lying on their backs, faces up and in a "relaxed posture." Smoke and soot in their wind passages and lungs proved the boys were alive when the fire was started, he said.

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"The way the fire started and the position of the bodies makes it impossible that the boys could have accidentally started the fire," Feazell said. "I think the evidence will show that Ed Graf is the only one with the motive, the opportunity and the means to kill those boys."

Lucenay, who was deputy fire chief in August 1986, testified he was working in his back yard at 912 Sierra Slope, about four houses down from Graf's, when he spotted smoke coming from the neighborhood. He said he reported a structure fire and heard two small explosions while running toward the smoke.

Lucenay said he was told that Graf's two sons were missing just as the firefighters were controlling the blaze, and he asked Graf for a description of the boys so a search of the neighborhood could be conducted. Before he could get out of the driveway, however, the boys' bodies were discovered among the debris, he said.

Lucenay said his investigation indicated that one of the doors to the shed was latched and the other was unlatched. He said the fire originated near the doors inside the shed.

After photos were taken of the shed, Lucenay, who has three children and said he became "emotionally involved, depressed and ap-

prehensive at the scene," went inside with Hewitt Police Chief Jack Caswell to offer condolence to the Grafs. It was then, after clearing it with police investigators, that he offered to remove the shed so the family would not have a constant reminder of the incident.

Lucenay said that while volunteers were clearing the debris, Graf picked up a small tennis shoe from the back yard and threw it into the back of a dump truck.

Lucenay said when he got home and reflected on the two deaths, the "quick, hot fire" and the black smoke possibly indicating an accelerant was present, he remembered seeing a 2½-gallon gasoline can on Graf's patio.

Under cross-examination from defense attorney Lynn Malone, Lucenay said he attached little significance to the gas can and did not return to examine it.

In his opening statements, Malone said he will offer evidence that the boys were not afraid of fire and sometimes smoked cigarettes. He said the boys built a fire in a neighbor's house and were often in possession of matches.

He said they were "rowdy and not well-behaved children," adding that Graf, who adopted them, was a positive influence on their lives.

Testimony will resume this morning.