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# Graf jury to hear summations

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Jurors in the capital murder trial of Edward E. Graf Jr. should begin deliberations at about 1:30 p.m. today after attorneys for both sides present final summations this morning.

Prosecutors Vic Feazell and Karen Amos rested their case Wednesday afternoon after calling eight rebuttal witnesses who contradicted several statements Graf made Tuesday during 6½ hours on the witness stand.

Defense attorneys Lynn Malone and Charles M. McDonald offered no additional evidence after prosecutors rested their case.

Graf, 35, is charged with two counts of capital murder in the Aug. 26, 1986, fire deaths of his adopted sons, Jason, 8, and Joby, 9. The boys' bodies were found in a

storage shed behind Graf's former residence at 505 Angel Fire Drive in Hewitt.

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

Judge George Allen of Waco's 54th State District Court, who will read the court's charge to the jury at 9 a.m. today, has given attorneys for both sides 75 minutes to present jury summations.

Jurors probably then will go to lunch and start deliberations after they eat, Allen said.

In rebuttal testimony Wednesday, the 11th day of Graf's trial, John Snapp, a longtime friend and Baylor University classmate of Graf's, said Graf called him at about 4:45 p.m. on the day the boys died to ask for assistance in putting out the fire in the shed. He said he saw a great deal of smoke on the way to Graf's, and when he arrived, Graf was in the den

with his infant son.

Snapp said they walked outside and the shed was fully engulfed in flames. Three men were spraying water on the shed and fence. He said Graf told him the baby's face was getting hot, so he went back inside to put the boy down.

Snapp said they walked back outside and saw some children gathering in the yard, when "something just hit" him that he had not seen Joby or Jason. He said he asked Graf if he had seen the boys and Graf said he had not. Snapp said he then ran to the front yard to see if he could find them among the other children who had gathered to watch the fire.

He later asked Graf if the doors to the shed were open or closed and Graf said they were open. "When he said that, I said, 'That's it. They're gone,'" Snapp said.

Snapp said he returned to the front yard to continue his search for the brothers. He testified that his questioning of Graf about the boys appeared to be the first time Graf had thought about them and the first time to his knowledge that anyone had mentioned them.

Snapp said that when he returned from the front yard, Graf was inside the house with firemen, who had told him a body had been found in the shed.

Snapp said he left and took the baby home with him because he did not want to see the boys' bodies or be there when the boys' mother, Clare Gerdes Graf, was told of their deaths.

During cross-examination from Malone, Snapp acknowledged the possibility that Graf could have told one of the fire-

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men that the boys were missing before Snapp arrived.

Snapp told Feazell that Graf had told him on several occasions that he and his wife were "not getting along." He said Graf did not seem happy in his marriage and appeared to be under stress. Graf also complained that he and his wife argued a great deal and that Graf was "carrying more than his share" of household responsibilities, Snapp said.

Graf testified Tuesday that he and his wife had no marital problems, despite her testimony that she had told him two weeks before the fire that she was going to leave him when school started.

Feazell asked Snapp for his response if Graf testified that he was having no marital problems. "I would say that is a mistake," Snapp said.

In other testimony, Snapp's wife, Katy Snapp, said she had no-

ticed that Graf and his wife had begun to argue more after their baby was born. Clare Gerdes told her that she thought Graf was "partial" to the baby and too strict on the older boys, she testified.

Also, Joseph Porter, an arson investigator with the state fire marshal's office, testified that he concluded that no violent explosion occurred within the shed.

During cross-examination, Malone asked Porter if he told a *Tribune-Herald* reporter that he considers Graf his "No. 1 suspect" in the April 2 explosion of a barge at Lake Waco's Speegleville Harbor that injured Earl Schafer, the husband of Clare Gerdes' best friend, Carol Schafer.

Porter said he told the reporter that he considers Graf a suspect in the explosion. Mrs. Schafer, who testified during the first week of Graf's trial, said Porter told her the explosion was not an accident and that the boat's motor had been tampered with.