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Graf not involved in fire, 294 P-1 deaths of boys, he testifies

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Capital murder defendant Edward E. Graf Jr. testified Tuesday that he had no involvement in the fire deaths of his adopted sons and denied testimony from his ex-wife about facets of their two-year marriage and events surrounding the fire.

Graf, 35, is charged with two counts of capital murder in the Aug. 26, 1986, fire deaths of Jason, 8, and Joby, 9, whom Graf adopted when he married the boys' mother, Clares Gerdes, in July 1984. The boys' bodies were found in a storage shed after a fire behind Graf's former residence at 505 Angel Fire Drive in Hewitt.

Graf spent about 6½ hours on the witness stand, including about 2½ hours under cross-examination from McLennan County District Attorney Vic Feazell. His eyes filled with tears and his voice shook on several occasions while he talked about the boys, their deaths and his relationship with his wife and new family.

Defense attorneys Charles M. McDonald and Lynn Malone, who called 22 witnesses during three days of defense testimony, rested their

case about 5 p.m.

On the day of the fire, Graf said, he took Jason, Joby and his infant son, Edward E. Graf III, to day care and drove to Temple, where he was a claims adjustor for an insurance company.

He said he left work about 3:30 p.m. and drove to Trinity Lutheran Church at 6125 Bosque Blvd. to pick up the two oldest boys. He then drove to a babysitter's house at 600 N. 62nd St. to pick up the baby. He said he got home with the boys about 4:45 p.m.

As an illustration for the jury, McDonald recently asked Graf to drive the same route he took on the day of the fire to record distances and times.

Graf said it took him 42 minutes to go from Temple to the church. Allowing five minutes to pick up the children, he then drove to North 62nd Street in eight minutes. It took him 17 minutes to get home.

According to his calculations, McDonald said, Graf would have been home 14 minutes

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Graf denies testimony of ex-wife on marriage

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before he reported the fire at 4:56 p.m. to the Hewitt Volunteer Fire Department.

During cross-examination, Feazell produced records from the church day care center that showed Graf signed the boys out at 4 p.m. on the day of the fire. According to Feazell's scenario, the additional time would have given Graf at least 28 minutes from the time he got home to pour gas on the shed, incapacitate the boys while they were changing clothes, put them in the shed and set it on fire, Feazell told Graf.

Graf told McDonald that when he got home, he turned on the air conditioning and the stereo and told the boys to change their shirts if they were going out to play. He said he took the baby, who was crying, into the master bedroom while he changed clothes. He said he heard the boys yell that they were going out to play, and he walked to the bedroom door, caught a glimpse of the boys and heard the back patio door close behind them.

He said that while he was walking to the baby's room to check his diaper, he saw flames and smoke coming from the shed. He said he went outside and saw that the shed was engulfed in flames. He put the baby in a playpen and called the fire department, he testified.

Realizing that the fire was more than he could handle alone, he called a friend, he said.

He ran outside and helped some volunteers push down a fence on the east side of his house. He then noticed that several neighbors and children were gathering in his yard and realized that he did not know where the boys were, Graf said. He asked children and firemen to help him find them.

A man later approached him and said: "We've found the boys. Everything is going to be OK," but as he started around back, a firefighter stopped him and said, "You don't want to go back there."

He said the firefighters took him inside, told him to sit down and asked how to contact the boys' mother. He said when she came home, he met her at the garage door and said, "Clare, it's the boys."

A Hewitt firefighter testified during the first week of the trial that Graf told his wife, "Honey, we've lost both boys" before

firefighters told him that a second child had been found in the shed.

"The last time you saw the boys they were going out the patio door, and a few minutes later you see the shed engulfed in flames," Feazell told Graf during cross-examination. "And there wasn't any kind of immediate alarm that went off inside your head that said, 'Where are the boys?'"

Graf said things happened so quickly he didn't think about the boys until he saw the children in the neighborhood.

Graf denied that he and his ex-wife were having marital difficulties and said she never told him she was going to leave him when school started. Clare Gerdes testified that Graf is a cold, possessive person who is obsessed with money, has "roller-coaster" mood swings and showed no compassion after the boys died.

She testified that their marriage was beyond salvaging in August 1986 and that she told him about two weeks before the fire that she was going to leave him.

Graf said he detected no problem in their marriage, even when she moved out of the house five days after the fire. He said he just thought she needed to get away from the place where her boys died.

On Sept. 3, 1986, he visited his wife and son at her brother's house and she said, "How would you like it if when this boy gets to be 9 years old that somebody would tie him up, put him in a shed and burn him up," Graf testified. He said he was "in shock," adding that it was the first indication he had that she thought he was responsible for the boy's deaths.

He said he was served with divorce papers two days later.

Graf also denied that he suggested burying the boys in one casket, disputing the testimony of his ex-wife and two of her relatives who were at the funeral home.

Graf, as his mother, Sue Graf, testified on Monday, said Bill Rice, the funeral director at Connally-Compton Funeral Home, suggested that the boys could be buried in one casket.

In prosecution rebuttal testimony late Tuesday afternoon, Rice said he did not suggest to the family that the boys could be buried in one casket.

Prosecution rebuttal testimony will continue at 8:30 a.m. today as the trial enters its 11th day.

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