

FORT WORTH

DALLAS COUNTY

DNA points to witness in 1986 trial

Jerry Pabst had testified that another man was the shooter. That man has been serving a life sentence.

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DALLAS — Working with new DNA evidence, Dallas County District Attorney Craig Watkins is seeking capital murder charges against an Ohio man for his role in the rape and slaying of a Garland woman more than 21 years ago.



Pabst

Jerry Pabst, 55, was brought back to Texas on Tuesday after DNA tests showed he raped Galua Crosby. Pabst testified at a 1986 trial that he tied Crosby up but that his accomplice, Clay Chabot, raped and killed her.

Mike Ware, a special assistant to Watkins in charge of DNA review of old cases, will prosecute Pabst. It will be the former Fort Worth defense attorney's first major case since joining

More on DNA on 6B



"We arrested someone who almost got away with it," said Mike Ware, special assistant to Dallas County District Attorney Craig Watkins and prosecutor in the Pabst trial. S-T/RODGER MALLISON

Mike Ware and Terri Moore talk about their new jobs, the Innocence Project and justice in a video at www.star-telegram.com/extras

6B | Wednesday, August 1, 2007

DNA: Test excluded the man serving a life sentence

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the district attorney's office last month.

While Dallas' other DNA-related cases have exonerated 13 inmates, leading to their release from prison, Watkins' office said the Pabst case shows



Chabot

that these tests will sometimes put the right person behind bars.

"We arrested someone who almost got away with it," Ware said.

Watkins and Ware said Pabst's arrest will not necessarily get Chabot out of prison, where he is serving a life sentence, but he may get a new trial. Since his arrest, Chabot, 48, has denied being involved in the slaying; prosecutors say they are still reviewing the case.

Nina Morrison, a lawyer with the Innocence Project in New York, which has been representing Chabot for four years, said there is no credible evidence against their client.

"For 21 years, Clay Chabot has maintained he is innocent and that Jerry Pabst committed this horrible crime. That is exactly what the new DNA evidence shows," Morrison said.

Pabst was arrested in Geneva, Ohio, a small town east of Cleveland near the shore of Lake Erie. A grand jury indicted Pabst on Friday, and Dallas County investigators and Ohio authorities arrested him at a bar early Monday afternoon. He waived extradition.

Changing stories

Crosby was killed April 29,

1986. She was found facedown in her bedroom with her hands and feet tied and her underwear used as a gag. She had been shot in the head three times through her pillow. An autopsy determined that she had been raped.

What happened the morning of the murder depends on who is talking, according to case documents.

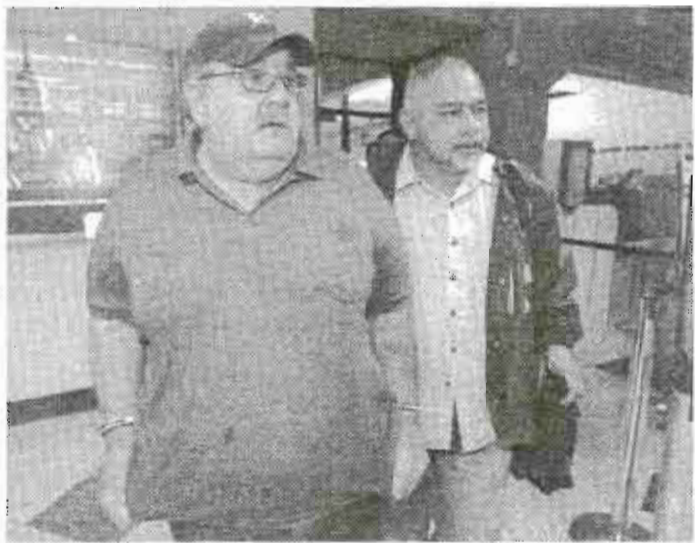
Chabot was a friend of Crosby's husband, David Graham, and occasionally bought drugs from him. Chabot has said he was not at Crosby and Graham's home that day. He told police that Pabst, his brother-in-law, had a car matching the description of one seen near Graham's home.

Chabot said Pabst went to Graham's house to buy drugs. After Pabst returned empty-handed, Chabot said, Pabst handed over a gun that he had taken from Chabot's sister's purse for protection. Pabst also told Chabot he saw men running from Graham's house. Ballistic tests later confirmed that the gun was used to kill Crosby.

Initially, Pabst told Garland police he was nowhere near Graham's home that day. He said Chabot had borrowed his car.

Detectives told Pabst they had found a pawn ticket in his pocket for a portable stereo stolen from Graham's home. They also told Pabst that they had found a pocketknife with Graham's initials in Pabst's car.

Despite that evidence, Chabot was charged with murder a few days later and Pabst was released. He was not charged with murder until that September, more than four months later and about a



Jerry Pabst arrives at D/FW Airport on Tuesday, a day after his arrest in Ohio. Pabst, escorted by officials from the Dallas County district attorney's office, has been charged with capital murder in the 1986 rape and slaying of a Garland woman.

STAR-TELEGRAM/TOM PENNINGTON

month before Chabot's trial.

It was then that the state offered a new story from Pabst.

'Drug deal gone bad'

During Chabot's trial, as the prosecution's chief witness, Pabst supported the prosecutor's scenario that Chabot had gone to Graham's house to seek revenge for a \$450 "drug deal gone bad."

Pabst testified he had gone with Chabot to Graham's house, admitting he had lied to police earlier about his whereabouts. Chabot pointed a silver automatic pistol at Crosby, Pabst said, and forced her to help him search the home for drugs and money. He then pointed the gun at Pabst and ordered him to tie Crosby's feet and hands while she was lying face down on the bed.

Pabst said he went into the living room to work on a television set they planned to steal

when he heard Crosby cry out. He heard gunshots about 10 minutes later, he said. Pabst said he and Chabot eventually left with the television set and the stereo.

After the jury sentenced Chabot to life in prison, murder charges against Pabst were dropped. He was released for time served on a misdemeanor or theft charge.

Two decades later, the new DNA results show that Pabst is the only man to have left physical evidence found on Crosby. Chabot and Graham were specifically excluded by those tests.

Watkins said he does not want to "second guess" his predecessors, but that his office has no trouble running new DNA tests "to make us comfortable about what we are doing down here."

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