

Judge rules against juvenile in Vite case

By JOHN KREROWICZ
Staff Writer

Circuit Court Judge William Zievers this morning found prosecutive merit in the aiding and abetting first-degree murder charge against Eric Nelson, 16, 28821 112th Place, Trevor.

The decision, similar to probable cause in adult court, means the judge believes the suspect probably aided and abetted the killing of Joseph Vite, 41, at his home, 20216 82nd St., Bristol, on Jan. 16.

The decision is necessary before a hearing can be scheduled to decide whether Nelson will be waived into adult court. The waiver matter was set for 1:30 p.m. today.

A Jan. 31 waiver hearing for co-defendant Daniel Dower, 16, Vite's foster son for eight years, was adjourned and is to be continued Tuesday.

Zievers said the facts of the case show Nelson was "ready, willing and able" to help commit the crime.

Nelson knew about Dower's claims of wanting to kill his foster father, the two got off a school bus together, an unusual occurrence, the day of the murder and headed for the Vite home, Zievers said.

The judge noted there were two bullet wounds of differing calibre to Vite's body, suggesting that each boy shot at the man.

"If it's a reasonable inference

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that Nelson fired the smaller-calibre weapon, then certainly it would follow that Nelson came within the purview of someone who was ready, willing and able to assist in a crime," Zievers said.

The judge ruled Nelson should continue to be detained because he was a "danger to the community." Juveniles in custody must be reviewed for release or continued detention every 72 hours.

The judge denied a motion to dismiss the charge from Lucien Piery, Nelson's attorney, for the same reasons he found prosecutive merit.

Piery argued the petition, or criminal complaint, did not allege Nelson "arranged for Dower ... or hired anybody" to shoot Vite.

Piery unsuccessfully argued that a fact-finding hearing should be held to determine prosecutive merit. Susan Remkus, assistant district attorney, asked the judge to decide solely on the petition.

Piery said he didn't have information that might contradict or explain the petition's allegations.

The News incorrectly reported Friday that Remkus had three witnesses to call at the continued Dower waiver hearing on Tuesday. Those witnesses were to support a prosecutive merit decision.

Hearing delayed

Psychiatrist to test Dower

(Continued from page one)

be waived to adult court. She said when interviewing him six weeks ago at school, Dower "said something like, 'I could harm somebody.' "

She said Dower had the emotional age of a 12- or 13-year-old. Mueller asked both witnesses

if Dower had the awareness and maturity necessary to be responsible for his actions. Both testified further psychiatric evaluations and testing would be needed to answer that.

"Until the homicide, I thought he was benefiting from the (high school) program," Salituro said.

But she added Dower tended to fantasize a lot and was absorbed by the fantasy game.

Eric S. Nelson, 16, 28821 112th Place, who is charged with aiding and abetting first-degree murder in the Vite killing, was waived into adult court Monday.

Bond set¹⁻⁶ for Nelson

A \$300,000 cash bond was set Tuesday for co-defendant Eric S. Nelson, 16, 28821 112th Place. Nelson waived his right to have a preliminary hearing within 10 days. The hearing, to determine if a felony has been committed and if the defendant was involved, is scheduled for 2 p.m., Feb. 19 in front of Judge Bruce Schroeder.

George Easton, in setting bond, said the crime was "one of the most well-thought-out premeditated acts I've ever seen as a court commissioner."

Easton noted a first-degree murder conviction as an adult means a mandatory life sentence and nobody would "want to stick around and face that punishment."

Nelson was waived from juvenile court to adult court on Monday by Judge William Zievers.

William Koos, assistant district attorney, sought a \$200,000 cash bond. He said Nelson violated a court-ordered 6 p.m. curfew, set just two days before the murder. The curfew stemmed from an armed burglary charge pending in juvenile court.

Koos said Nelson fled the area after the murder and was found in Bridgeton, Mo. several days after the crime.

"That is a good indication he would flee if the bond was not of a high amount," Koos said.

Nelson enters insanity plea 2-20

By DAVE BACKMANN
Staff Writer

Eric S. Nelson, charged with the first-degree murder of insurance salesman Joseph Vite at his Bristol home Jan. 16, pleaded not guilty by reason of mental disease or defect Tuesday.

Circuit Court Judge Bruce Schroeder approved a prosecution request that bail be denied the defendant. Bail for the 16-year-old Nelson, 28821 112th Place, Trevor, had originally been set at \$300,000.

The defendant's 14-year-old sister, Sheila Nelson, testified she overheard two telephone conversations between her brother and co-defendant Daniel Dower, a foster child of Joseph and Mary Vite, prior to the killing.

The sister said she overheard her brother tell Dower to "make sure it was in the house."

Sheila Nelson said her brother told her "it" meant a hatchet and that "Danny wanted to chop off his parents' heads." She said her brother told her that he and Dower wanted to leave the area because it was cold.

Schroeder said he denied bail because evidence given at the hearing indicated the crime had been "deliberated over a long time ... It is the unusual case."

Describing the murder as "an assassination," the judge said he had special concern for the public's safety if the youth was released from custody. Schroeder scheduled a trial date for 9 a.m. April 15.



Kenosha News photo

Eric S. Nelson

Both Nelson and Dower have been waived into adult court.

Because of the plea a jury will have to make two rulings: is Nelson guilty or innocent of the crime and was he mentally responsible for his actions at the time.

Defense attorney Lucien Piery said he wants his client examined by Wauwatosa psychiatrist Dr. William Crowley, the same doctor who issued a report on Dower before he was given adult status.

Piery argued against denying bail, stating "there is no evidence to tie my client to the first-degree murder at the home."

Assistant district attorney

William Koos said bail should be denied because, "They essentially laid in wait for Mr. Vite and executed him."

Pathologist Dr. John Sanson testified the victim was killed by a bullet that entered his skull near the left eye brow. Sanson said the trajectory of the fatal slug was downward and slightly forward.

A second wound, to Vite's left elbow, was caused by a smaller caliber bullet than that which caused the fatal wound, Sanson said.

Sheriff's Investigator Lee Copen testified he found spent rifle bullet casings in the living room of the Vite home, in a west wall leading to the basement and in a door frame of a west entrance to the home.

A gun cabinet in the Vite home had been broken into, Copen said.

Copen, along with another sheriff's investigator, traveled to Bridgeton, Mo. where the two youths were arrested in Vite's car. Copen said he found the victim's wallet in the car along with four rifles, a shotgun and a pellet gun. Three of the rifles were loaded, he said.

During Tuesday's preliminary hearing, Schroeder said he was satisfied there was probable cause Nelson was involved in planning Vite's murder. He said the rifle used to kill Vite was recovered from the auto.

A preliminary hearing for Dower is scheduled for 1:30 p.m. Friday.

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Vite was shot with two weapons

By **DON JENSEN**
Staff Writer

Testimony was to begin today in the first-degree murder trial of 16-year-old Eric S. Nelson, charged in the Jan. 16 slaying of Joseph Vite, 41, in his Bristol home.

Monday afternoon, a jury of 10 men and four women — 12 regular jurors and two alternates —

was selected to hear the case in Judge Bruce E. Schroeder's Circuit Court.

The trial is expected to last all of this week and perhaps into next.

Nelson and co-defendant Daniel Dower, 16, are charged with the fatal shooting of Dower's foster father.

In his opening statement to

the jury today, Assistant District Attorney William Koos said evidence in the trial will show that Vite was shot with two different weapons, .22 and .38 caliber.

Defense attorney Lucien Perry, however, told jurors that Dower, not his client, had murdered Vite.

Perry said Dower had planned

to kill his foster father and had actually discussed it with classmates.

Perry told the jurors that on the day of the killing, both boys went to the Vite home, where Dower prepared to kill his foster father. He said evidence will show that Nelson did not participate in the shooting and tried to dissuade Dower.

Widow testifies in murder trial

By DON JENSEN
Staff Writer

Mary Vite came home to find her home dark, the front door locked and then, her husband, dead in the hallway.

Mrs. Vite testified Tuesday afternoon in the first degree murder trial of 16-year-old Eric S. Nelson.

Nelson and the Vite's foster son, Daniel Dower, 16, are charged in the shooting death of 41-year-old Joseph Vite in his Bristol home early in the evening of Jan. 16.

Nelson's trial began Monday in Judge Bruce E. Schroeder's courtroom. Dower is scheduled for trial next month. Both young men, whose juvenile status was waived earlier, have entered pleas of not guilty and not guilty by reason of mental disease or defect.

Assistant District Attorney William Koos contends the two

Central High School classmates and friends conspired to shoot Vite to death, then steal his car, money and property.

Defense attorney Lucien Piery maintains that Dower alone was responsible for the killing and, although Nelson was present in the Vite home, he did not participate and tried to dissuade his codefendant from the crime.

Mrs. Vite tearfully testified that she returned home about 6:30 p.m. and found her husband's body. A registered nurse, she called the rescue squad but was quite sure he was dead because she felt no pulse, she said.

She said Dower had lived with them since 1978 or 1979. She said Danny and her husband often shot basketballs at the nearby Bristol school, played volleyball and went fishing together.

However, Mrs. Vite said she did not know Nelson at all.

And the defendant's mother, Carol Nelson, Trevor, testified earlier Tuesday that she had never met Dower. She told jurors that she arrived home from work that day about 7:30 p.m., and found her son was not at home. She filed a missing person report with sheriff's deputies about a half hour later.

Nelson and Dower were arrested four days later in Vite's stolen car, in the St. Louis suburb of Bridgeton, Mo.

Nelson's 14-year-old sister, Sheila, was prosecutor Koos' first witness.

She testified that about a week before the killing, Eric told her that his friend, Dower, wanted to kill his parents with a hatchet, and that both boys wanted to leave their homes "for someplace warm."

The Wilmot elementary school eighth-grader said that she overheard a phone conversation in

which her brother said, "Make sure you have it in the house." She said he told her he was talking to Dower and that the "it" referred to was a hatchet.

A hatchet was found by officers in the Vite home, but it had not been used in the murder.

Vite, according to Koos' opening statement to the jury, was shot with both .22 and .308 caliber rifles, later recovered from the car the pair drove to Missouri. Death was due to a gunshot wound to the head with the large caliber gun.

Because of the insanity plea, if Nelson is convicted of the crime, the same Circuit Court jury must then decide whether he was suffering from a mental disease or defect at the time of the murder which rendered him not responsible.

The trial is expected to continue all of this week and perhaps into next.

Shot to head killed Vite

By **DON JENSEN**
Staff Writer

The prosecution concluded its case at 10 a.m. today with the testimony of two expert witnesses in the first-degree murder trial of 16-year-old Eric S. Nelson.

The defense was to begin its case about 10:30 a.m.

State crime lab fibers expert Michael Camp this morning testified that a tuft of fuzz removed from a bullet in the door frame in the Joseph Vite home was "consistent" with the fabric of Vite's jacket.

Pathologist Dr. John Sanson, who performed the autopsy on the 41-year-old Vite, was the second person on the stand today. He testified Vite had two bullet wounds, one to the elbow and a fatal massive head wound. Guns of two different calibers were used, he said, and from the trajectory the fatal shot to the head may have occurred when Vite was down.

The two men were the last witnesses for Assistant District Attorney William Koos.

Nelson, and co-defendant Daniel Dower, 16, the victim's foster son, are charged with

fatally shooting Vite in his Bristol home, Jan. 16.

Nelson's jury trial in Judge Bruce E. Schroeder's court began Monday.

Dower's trial is scheduled for next month. Both have entered pleas of not guilty and not guilty by reason of mental disease or defect.

In a Wednesday night court session, Reginald Templin, crime lab firearms expert, testified he had examined weapons recovered when the two defendants were arrested in Bridgeton, Mo., four days after the murder.

Templin said that he matched .22 caliber cartridges and a .308 caliber cartridge and bullet recovered by investigators with two of the weapons.

Much of Wednesday's prosecution testimony focused on identification of photographs and physical evidence by sheriff's investigators Ted Barnett and Leroy Copen.

Also testifying was Bridgeton police sergeant Louis Kuykendall, who arrested Nelson and Dower after a restaurant manager became suspicious of the two youths loitering in the area trying to sell some jewelry. A

license plate check revealed that the pair was wanted for murder in Kenosha, the officer said.

Koos told the jury at the start of the case that the evidence would show the youths acted together to murder Vite. Defense attorney Lucien Piery contends that although Nelson was at the Vite home at the time of the shooting, he was not a participant.

In the judge's chambers, Wednesday afternoon, Piery indicated he planned to call both Nelson and Dower as defense witnesses. Dower, however, is expected to "take the Fifth" and refuse to testify on grounds of possible self incrimination.

He also indicated he hoped to recall the Missouri officer to testify about statements made by Dower concerning the murder.

The case could go to the jury on Friday. Because of the insanity defense, if Nelson is convicted of murder, a second phase of the trial will be necessary. The same jury would then hear testimony from three psychiatrists and several psychologists — either Saturday or Monday — to determine the defendant's mental state.

Nelson denies assisting in murder

By **DON JENSEN**
Staff Writer

With a "sinister laugh, like in science fiction," Daniel Dower fired the rifle shot that killed his foster father, Joseph Vite.

That was the allegation by Eric Nelson Thursday afternoon when he took the witness stand in his first-degree murder trial.

The 16-year-old high school freshman denied that he had anything to do with the Jan. 16 murder of the 41-year-old Vite in his Bristol home.

Nelson's trial began Monday and will conclude early next week. Dower, also charged with the murder, faces trial next month.

After Assistant District Attorney William Koos rested the prosecution's case at mid-morning Thursday, Nelson's lawyer, Lucien Piery, began the defense.

One of his first witnesses was Dower.

The 16-year-old co-defendant refused to answer any questions about the slaying, repeating, dozens of times, "I wish to take the Fifth Amendment, your honor."

Having established Dower's unavailability as a defense witness, Piery was permitted to introduce testimony from others — several classmates, a Central High School cafeteria worker and two Missouri police officers



Daniel Dower
... takes Fifth Amendment

who apprehended the runaway suspects after the murder — about earlier statements.

Those statements by Dower included a number of threats to the lives of his foster parents made last fall and admissions made after the crime.

That set the stage for Nelson's own testimony.

Nelson said he first met Dower when they began Central High School in Paddock Lake last fall. They were friends, but not close friends, he said.

The defendant said that last



Kenosha News photos

Eric Nelson
... denies shooting Vite

November, Dower began talking about killing his foster parents because they "were always on his case." Nelson said he didn't believe Dower was serious and that after December there was no more talk about killing.

He said he went to the Vite home with Dower on Jan. 16 to play the Dungeons and Dragons game, but Dower began gathering weapons and ammunition.

Nelson testified that Dower gave him a shotgun and told him "this is what you're going to kill my Dad with." The witness said he told Dower "I wasn't going to have any part of it."

Nelson said that when he saw the lights of Vite's car approaching the home, he waited, without a weapon, in a bedroom, while Dower, with several rifles,

hid behind a chair in the living room.

When Vite entered the house, Nelson said, he heard two shots, then someone moan, "ahhh," the sound of glass breaking and then a thud.

The defendant claimed Vite said, "Danny, why did you shoot me?" He testified he then heard the sound of something heavy hit the floor, the sound of footsteps, the "sinister laugh" and then the "big boom" of a high-caliber weapon.

Nelson testified he stepped out of the bedroom then and saw Vite on the floor of the foyer.

The defendant contended that Dower then said, "Did you see the dance my Dad did when I shot him?"

Nelson said he then became ill, went into the bathroom and vomited.

The prosecution contends that contrary to Nelson's testimony, he was a willing partner with Dower in the murder and also fired one of the weapons.

After the murder, the two youths fled in Vite's car, reaching the St. Louis area several days later. There, four days after the killing, they were apprehended.

Nelson said that after the murder, he went along with Dower because "I didn't want to get shot." But he admitted under cross-examination by Koos that he was bigger and stronger than Dower and knew he could "take him" in a fight.

Nelson has pleaded not guilty and not guilty by reason of mental disease or defect.

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Jury hearing second part of Nelson trial

The Circuit Court jury that earlier found Eric Nelson, 16, guilty of first degree murder, today began hearing psychiatric testimony in the second half of the two-part trial.

The jury of eight men and four women took less than two hours Friday to convict Nelson in the Jan. 16 slaying of Joseph Vite, 41, in his Bristol home.

Because Nelson has pleaded not guilty by reason of mental disease or defect, the jury now must decide if he was mentally responsible for committing the crime.

In the sanity portion of the trial, defense attorney Lucien Piery said he intended to call a Madison psychiatrist and four school psychologists to testify. Assistant District Attorney William Koos intended to call two psychiatrists to counter the contention Nelson was suffering from a mental disease or defect.

Judge Bruce Schroeder indicated he expected the jury to consider the psychiatric testimony today and reach a verdict on Tuesday.

If the jury finds Nelson sane, he will face a sentence of mandatory life imprisonment. Nelson's juvenile jurisdiction was waived in part-one of his trial.

Still facing trial in June on an identical first degree murder count is Nelson's co-defendant, 16-year-old Daniel Dower. The prosecution contends Dower, wanting to kill Vite, his foster father, recruited his Central High School classmate to participate in the crime.

The prosecution in the Nelson case argued Nelson and Dower each were armed and fired rifle shots at Vite. Nelson, in his testimony, said he was hiding in a bedroom without a weapon when Dower shot his foster father to death.

Psychiatrists testify

Sanity question to jury

By **DON JENSEN**
Staff Writer

A Circuit Court jury is expected to rule this afternoon on the sanity of 16-year-old Eric S. Nelson when he shot and killed Joseph Vite of Bristol.

The Central High School freshman was convicted last Friday of first-degree murder in the Jan. 16 gunshot slaying of Vite, 41, in his home.

But because Nelson pleaded not guilty by reason of mental disease or defect, the same eight-man, four-woman jury remained sequestered to hear psychiatric testimony Monday and this morning.

The murder trial began nine days ago in Judge Bruce E. Schroeder's Circuit Court.

The burden is on the defense to prove Nelson was not responsible for the murder because of his mental condition. If the jurors reject that contention, the youth, whose juvenile status was waived earlier, faces life imprisonment.

Chief among defense attorney Lucien Piery's witnesses Monday was a Madison psychiatrist, Dr. Burr Eichelman, who said

based on his interviews with the defendant, he believed Nelson suffered a conduct disorder that hampered his judgment under stress. Eichelman described this as a mental disease within the meaning of the law.

He said he believed what Nelson told him about the Vite shooting, but admitted if the young man had lied about the facts of the case, his conclusion would be different.

School psychologist June Menge told the jury she tested Nelson last year. His 95 IQ, she said, was about average, but in some subjects, especially math, he was doing poorly.

Tests, Menge said, also suggested emotional problems, insecurity, aggressiveness, withdrawal, shyness and possible depression.

Nelson returned to the stand to tell about a kidnap incident when he was about 10 and living in West Allis. A neighbor abducted the defendant and his younger sister, locked them in a shed without food and threatened to kill them with a knife. Two days later, police rescued the children and arrested the neighbor.

Carol Nelson, the victim's mother, confirmed the kidnap story.

Nelson may have suffered "far-reaching effects" from the incident, Eichelman said.

After the defense rested its case Monday afternoon, Assistant District Attorney William Koos called Milwaukee psychiatrist Dr. William Crowley as the first of two expert witnesses for the prosecution.

Crowley disagreed with Eichelman, concluding that although Nelson "is a very troubled young man," his conduct disorder "did not reach the level of a mental disease."

Crowley said he believed Nelson could appreciate the wrongness of his actions and could conform them to the requirements of the law.

The state's other psychiatric expert, Dr. Frederick Fosdal, Madison, was expected to testify this morning that Nelson was mentally competent under the law when he and co-defendant Daniel Dower, 16, Vite's foster son, shot the victim.

Dower's murder trial is scheduled to begin June 3.

Guilty in Vite death 5-15

Nelson sane, gets life

By **DON JENSEN**
Staff Writer

Jurors took only 15 minutes Tuesday noon to agree that Eric Nelson was not suffering from a mental disease or defect when he took part in the shooting death of Joseph Vite, 41, in his Bristol home.

The same eight-man, four-woman jury last Friday convicted the 16-year-old Camp Lake youth of first-degree murder in the Jan. 16 shooting.

Minutes after the jury ruled Nelson sane, Judge Bruce E. Schroeder imposed the mandatory life sentence, plus a five-year additional term for the use of a firearm in the crime.

Nelson will not be eligible for parole consideration for more than 14 years.

In the second half of the two-

part trial, required because of Nelson's insanity plea, the burden shifted to the defense to prove the defendant was not mentally responsible for his acts.

After hearing testimony from three psychiatrists, four school psychologists, the defendant and his mother, Mrs. Carol Nelson, the jury rejected the claim.

Dr. Burr Eichelman of the University of Wisconsin Medical School, testified that Nelson suffered from a conduct disorder, which he equated with a mental disease. However two prosecution witnesses, Dr. Frederick Fosdal and Dr. William Crowley, while calling Nelson "troubled" and suffering from a mental disorder, said it was not a mental disease under Wisconsin law.

In closing arguments, defense attorney Lucien Piery contended that the prosecution witnesses, older and more experienced in testifying in court on legal responsibility questions, may have become "sloppy" in their diagnosis.

However, Assistant District Attorney William Koos elicited from Fosdal testimony that only a minority of forensic psychiatrists in Wisconsin agree with Eichelman that mental disorder and mental disease are synonymous terms.

Koos argued that the defense didn't "even come close to meeting the burden" of proving Nelson unable to appreciate the wrongfulness of his actions or conform them to the requirements of the law.

Prosecutor: Dower shot to kill

By JOHN KREROWICZ
Staff Writer

Daniel Dower intended to kill his foster father Jan. 16, said Assistant District Attorney William Koos this morning in closing arguments of the 16-year-old's trial.

Koos said intent — needed to convict the suspect — was shown in several witnesses' testimony. One instance was during an argument with a Central High School classmate when Dower said, "You don't have to worry about me any more. I'm going to kill my father and leave."

"Dower tried to kill Joseph Vite," Koos said. "Was he just trying to scare Vite? Was he trying to get close enough to hit him in the elbow yet not to kill him? That's absurd."

Testimony has been given that Dower waited for Vite to come home and then shot him in the elbow, and that co-defendant Eric Nelson fired the fatal shot.

Jerold Mueller, defense attorney, said no one can look into a person's mind to determine intent. He said the testimony of Mary Vite, the victim's widow, showed Dower and her husband were close.

"Is that consistent with telling someone at school he was going to kill his father?" Mueller asked.

Mueller said Dower's actions show more that he intended to leave the area.

Dower and Nelson were arrested Jan. 20 in Bridgeton, Mo. Jury deliberations began this morning.

Koos and defense attorney Jerold Mueller gave their summations of the case beginning about 9 a.m.

Dower, 16, 20216 82nd St., Bristol, is accused of first-degree murder with a weapon in the Jan. 16 shooting of his foster father, Joseph Vite, 41, at their home.

Koos finished his presentation of evidence early Wednesday afternoon after a day and a-half of calling witnesses. Mueller rested his case without calling any witnesses.

The defense attorney told Judge David Bastian he didn't call any witnesses because testimony he elicited from prosecution witnesses on cross examination was sufficient.

If the jury finds Dower guilty, the second part of the trial is expected to begin Friday morning. In that trial the defense will try to prove Dower was insane at the time of the crime.

Dower has pleaded not guilty and not guilty by reason of mental disease or defect.

John Louis Kuykendall, Bridgeton, Mo. police sergeant who, along with another officer, arrested Dower and co-defendant Eric S. Nelson, 16, 28821 112th Place, on Jan. 20 in Bridgeton, testified Wednesday

that Dower talked about an incident the day before the murder.

Kuykendall said he was told that a social worker came to the Vite house and spoke with the Vites and Dower about an allegation that the suspect molested a 4-year-old niece.

"They wanted him to see a psychiatrist and lock him up," the sergeant said Dower told him.

Kuykendall testified that Dower and Nelson — who was found guilty of first-degree murder and sentenced to the mandatory life imprisonment in May — had planned the shooting of Vite for about a week.

Dower hid behind a chair in the living room and shot Vite three times when he was about three feet from him, the officer said. "Dower said Nelson shot Vite once from the kitchen," Kuykendall said. "Dower said nothing could be done with Nelson because his father was dead before Nelson shot him."

Kuykendall said he asked Dower how he felt about the situation, and he said he was upset. "I asked why, and he said because he got caught."

Testimony from Thomas Usinger, a public safety building jail inmate, conflicted with Dower's comments to the Bridgeton sergeant.

Usinger said Dower told him on Feb. 26 that on the day of the murder, "when he knew it was

his foster father coming through the door, he opened fire twice, hitting his father in the left elbow.

"He said his father fell to the floor and asked, 'Why did you shoot me?' Then he said Nelson came out of the kitchen and fired and hit him in the left temple."

Vite died from a bullet wound to the head.

Usinger said Dower told him "he didn't really care who came through the door, he was still going to shoot."

Dower told deputy sheriff Gary Preston, while the officer escorted him from a courtroom to the jail, that the court system was working slowly.

"He said, 'I don't know why everybody has to go through all this. Everybody knows I'm guilty.' He also said, 'I'm not going to cause any more problems. The only reason I killed him is because he got me so upset ... because my parents were always on my case. If they wouldn't have brought up the sex assault charge and thrown it at me, I wouldn't have gotten so' angry."

Fred Mechling, Bridgeton officer who transported Dower and Nelson from the Bridgeton jail to a county facility, said he heard Dower say "they couldn't gas us because we're just kids."

Mechling said the suspect said "it was no big deal, that sort of thing. He said they couldn't get the death penalty."

Protest drive to Madison planned

Defense witnesses don't convince jury

Continued from page A1

is that a suspect didn't know the crime was wrong.

"He said he didn't realize he'd done anything wrong until he got caught in St. Louis," Radecki testified. "I don't think he realized it even then."

The psychiatrist also said Dower told him in a two-hour interview March 27 that "he had no idea why he killed his father. He said he liked his father very much."

Dower's attraction to the role-playing, fantasy game Dungeons & Dragons played a key part in understanding the crime, the witness said.

"He was tremendously im-

mersed in a fantasy world of violence where premeditated murder, theft and fleeing are standard parts of the game," Radecki said.

Game players act out fights with monsters and gain power by using sorcery to survive.

The game may have influenced him, Frederick Fosdal, a Madison forensic psychiatrist testified for the prosecution. But Dower "clearly knows it's wrong to kill people and to kill his foster father," Fosdal said.

"However, it's less wrong to him than with a person with a stronger and more healthy conscience."

Kids who killed

Tried as an adult; doing time as an adult

By Joe DiGiovanni
Staff Writer

Teenagers do a lot of daydreaming.

They pretend to be basketball stars, football players, firemen and race car drivers. Many view life through rose-colored glasses with no comprehension of the complexity of the world around them.

Sometimes teens have a difficult time adjusting to society.

Imagine being a teenager and facing a life prison sentence. Imagine being a 16-year-old killer and staring at decades behind bars with hardened, adult criminals.

It wasn't part of the dream for some Kenosha County teenagers.

Imagine being the parent or the brother or the sister of someone who was killed, taken away forever by a senseless act of violence by a youngster not even out of high school.

That wasn't a dream either.

The Kenosha News in November visited three maximum security prisons in Wisconsin to interview five men who were juveniles when they were convicted of murder in the mid-1980s. Four were sentenced to life; one to 31 years in prison.

One of them, Richard Winters, was convicted of fatally shooting his mother's boyfriend and wounding his mother. He was 17 when the shootings occurred Dec. 31, 1984. He was given a life sentence and is eligible for parole in 2002, 18 years after the slaying.

"I was 17 years old, I didn't know what 18 years was," he said during an interview at the Columbia Correctional Institution in Portage.

The other men sentenced to life are eligible for parole in the next nine to 13 years.

The sentences for the victims were even longer, though.

Family members of the victims want the men to remain behind bars beyond the time they're eligible for parole.

They feel the system failed them by permitting lenient sentences. Some believe a life sentence should mean life, with no chance of parole. Some believe inmates are treated too well in prison. They are upset that inmates get an education at taxpayers' expense and that they are permitted recreational activities like basketball and weightlifting.

The inmates also feel the system failed. Many had had a history of problems as juveniles. Looking back, they feel there should have been some program to have helped them in their childhood and prevent the murders.

Some of the inmates feel it is not proper to waive a teenager into adult court. They believe they were immature at the time they committed the murders and could contribute to society if released.

The inmates and the victim's families have vastly different views on the subject. And each of the inmates has his own, unique story, despite being linked by murder:

Richard Winters

Convicted at age 17 of murdering Donald Sims, his mother's boyfriend

Richard Winters has started a family while in prison. Yes, a family.

Winters, imprisoned since Jan. 1, 1985 as a 17-year-old in the gunshot slaying of his mother's boyfriend and the wounding of his mother, has a girlfriend and a 1-year-old son, Richard Henry Winters.

Inmates are not allowed conjugal visits, but Winters and his girlfriend were able to find private time one day at the Green Bay Correctional Institution. The result was Richard Henry Winters, born Oct. 3, 1990.

Prison officials were not amused, Winters said.

"They've asked me about it," Winters said. "I said, 'Come on, if you guys don't know how babies are born it's not my fault.'"

Winters, 23, now is at Columbia Correctional Institution in Portage, which is considered stricter than the Green Bay prison. He said he was transferred to Columbia in June because of the child and because he had a problem with another inmate.

The move left him farther from his son and girlfriend. He is eligible for parole in 2002, when he will be 35.

"It is really hard to say goodbye," he said. "I'd say I really want to go back with you but I can't. That's the hardest part of being locked up. I can't be with him."

Winters fatally shot Donald Sims and wounded his mother, Deliamarie Winters, in the shoulder at their Paddock Lake home. Richard Winters said Sims, who lived with the family 14 years, had been beating his mother and him. Winters also said Sims had been sexually abusing a relative.

"Me and my mom are real close now," he said. "She understands now that I didn't mean to kill her.

The first officers to arrive on the scene found Winters crying and holding Sims as he lay on the floor.

"It was the heat of the moment," he said. "My ma was getting beat and so was I. I felt like I had no place to turn to. When I killed Don, I didn't really know the consequences of what I was doing.

Deliamarie Winters, who now lives in Silver Lake, testified during the trial that Sims often was abusive to her son but did not often hit the teenager.

"The thing I did the most was look at why I am here," he said. "And look at what I need to do to stay out once I do get the chance to get out. I can't change being in here now. I can stop from coming back, though."

Juveniles in the prison system must prove to the "long-timers that you aren't a punk," Winters said. He said young inmates must show that they will defend themselves.

"I think the State of Wisconsin doesn't do enough to deal with minors," he said. "They just want to put them away. As far as people that commit murder, they don't want to deal with it. They don't give us a chance.

"There's nothing in the state for kids anyway. I wish there was a place where I could have went for kids that were being beat up. And my mom could have gotten help.

"Now, they are having places for battered spouses and for kids. I would like to see more of those places."

Winters said he would like to move north, away from people, with his girlfriend and son if he is paroled. He said he would be apprehensive about interacting with people if he is paroled.

"Sometimes I don't deal well with people," he said. "I don't want to be put in a position where I got to do something.

"If I go out drinking, I don't want to have to fight with someone over something stupid. I just want to go fishing and be with my kid."

Daniel Dower

Eric Nelson

Convicted at age 16 of the murder of Dower's foster father Joseph Vite

Inmates handle prison life in vastly different ways.

Eric Nelson is eager to get married, start a job and have children if he's released from prison.

Daniel Dower is sullen, depressed and feels there is no hope for him even if he ever is sent back to society.

The 23-year-old men have one thing in common. They were 16 years old when they were given life sentences in the January 1985 gunshot slaying of Joseph Vite, Dower's foster father.

"I killed a man that I loved," Dower said during an interview at Columbia Correctional Institution in Portage. "And he wasn't the one I was pissed at, he just got caught in the crossfire. He was my friend before he was my foster father.

"Prison is not to make a person better," he said. "Officials say it's to rehabilitate them. That is bull. Prison has made me worse than I've ever been. I don't see anything positive now.

"I sit back here in my cell and think, now what? There ain't going to be anything for me. I sometimes wish the state of Wisconsin would bring the death penalty.

"For that I would like to be the first to go because I don't want to put up with this anymore," he said.

Dower said he still feels guilt and pain for killing Vite. He says he needed mental help and committed the murder to make a point.

Dower's high school chum Nelson, however, hopes to have a normal life if he's paroled. He said he was just at the wrong place at the wrong time and was unaware a killing was going to take place before going to the Vite home.

Both men are eligible for parole in 1999.

"I'm working on trying to get into college and trying to make something of myself," Nelson said during an interview at Waupun Correctional Institution. "I see a lot of people come in and they don't do anything and they end up worse.

Authorities said Dower and Nelson waited for Vite to return from work on the cold, January day. Vite was shot by two guns when he walked into the house. The boys stole Vite's car and headed for Miami, but were apprehended four days later in Bridgeton, Mo.

Dower testified that Nelson fired the fatal shot to the head that killed Vite. Nelson testified that he did not fire any shots.

Nelson said at the time he didn't realize the consequences of killing. "I didn't think it was permanent. It just didn't seem that way to me. I guess at a young age you don't realize that when you're dead, you're dead," he said.

"We had talked about something in the past," he said. "We talked about it, but I didn't take it seriously. We'd say something like we could do this and then go off in the mountains and live like Grizzly Adams, but it was just all for fun.

"At least that's what I thought. But I guess the other guy (Dower) took it seriously."

Dower said there was a history of sexual abuse in his family. The stepfather he lived with as a child was convicted last year of sexual abuse in Racine County.

Shortly before the murder, Dower's foster parents accused him of fondling a young relative. Dower said he loved his foster parents, but was angry at his foster mother. His explanation of the killing is vague.

"I have had thoughts, I don't know if they would be new to you, that were just total blankness," he said. "It went beyond anger. I saw and heard things that drew me to what I've done. I felt I had no choice in the matter."

The Vites were Dower's third foster family and he had a history of mental treatment. He lived with the Vites from the late 1970s until the murder, and said he enjoyed the first few years with the foster family.

"But when I got older, I started to see things differently," he said.

Dower said he began to believe his foster parents were living a life of lies. "They were saying to me things I should not do, but yet they were going out and doing the same thing," he said.

In retrospect, Dower said he would have not shot Vite, he would have tried some other way to get mental help.

Authorities said, however, that several people tried to get the teenager help, but he refused.

The boys pleaded insanity and their attorney said a roleplaying game, Dungeons and Dragons, encouraged their fantasies of murder. The young men now say the game had nothing to do with the killing.

"I played the game religiously, but that had nothing to do with it," Dower said. "It was just a prank to try and get an insanity plea. You will see a lot of that in cases. It didn't work anyway, but it was a good idea."

Nelson said that during his first months in prison he just sat in an empty cell and did nothing. "Then it started to dawn on me that it's not glamorous or anything like that. It's real slow and it

wears you down real quick," he said. "Plus the fact I was young and had never been around grownups and had to function as an adult and fend on my own."

Nelson received his general education degree and has graduated from the Madison Area Technical College. He also was enrolled in an anger control program at the Winnebago Resource Center that he said has helped.

"It gave me the opportunity to realize some of the things that had been going on in my life," Nelson said. "I saw there was a better way to handle aggression and depression."

Dower blames the foster care program and society as a whole for failing him. He said something needs to be done to stop other cases like his.

But he does not want help now.

"I think about a lot of things about what could have happened," Dower said. "I could have probably been a big business lawyer, or I probably could have made a business out of my art. (He does calligraphy and plays guitar.) I don't know what the hell I could have been because sometimes I don't even know who I am."

"Society doesn't want to see the reason why somebody lost their mind to do what they did," he said. "They only see, hey, he killed, let's send him to the joint. Even if he's 16. If I was 15 they probably would have screwed me because of the way things were then. I have a lot of hostility, I've got a lot of it, oh I've got a lot of it."

Dower also graduated from the MATC program in building services. If he is ever released, he wants to be with his biological parents. He said he thinks of "robbing the state of the time I owe," a reference to committing suicide.

"I see a lot of ways to get around it, but it would only make my biological parents feel a lot worse than what they are feeling now," he said. "Really, I think we've got to start helping the younger people and not turn them away."

**Christopher Knight
convicted at age 16 of hold-up murder of Rhonda Smith**

Christopher Knight, convicted of brutally gunning down a gas station clerk in 1984, wants to help troubled juveniles walk a straight path.

Knight, now 23, was 16 years old Nov. 10, 1984, when Rhonda L. Smith was shot in the head during a robbery at the then-Benco gas station, 3404 52nd St. He was sentenced to life imprisonment plus 25 years for the murder and will not be eligible for parole until 2004, when he is 36 years old.

"I've already dealt with about 1,000 kids," he said during an interview in a small room at the Green Bay Correctional Institution.

Knight is a co-coordinator of the Blood Related by Inner City Children through Communication (BRICK) program at the prison. Under the program operated in conjunction with area agencies, troubled teenagers are brought to the prison and told the harsh realities of being an inmate.

"Before they get here, I get a sheet of what kids are coming here, why they are coming here and what types of crimes they committed," he said. "I give them a tour and teach them to stay out of trouble."

BRICK officials also put the teenagers in contact with people on the streets that can help.

Knight has appealed his conviction to the Wisconsin Supreme Court and would like a new trial. Tyrone Watt, then 16, was sentenced to 25 years in prison for armed robbery and second-degree murder as an accomplice in the slaying. He declined to be interviewed.

Knight had been sent to a boys home in Wisconsin for three months and said he had been involved in battery cases and auto thefts before the hold-up and murder. Authorities said Knight went into the gas station, took the cash register drawer, took Smith into the back room and brutally shot her once in the head. He was arrested five days later and the cash register drawer was found at his home.

Watt told authorities that Knight committed the robbery and other people told officials that Knight waved a gun at a party the night of the murder and bragged that he was going to rob a gas station.

Knight declined to discuss the case pending his appeal. Members of his family testified during the trial that Knight was home the night of the slaying.

Knight, who also is vice president of the African Heritage group at the prison, would like to begin operating the BRICK program in Kenosha County. He said the program may have set him on a better course if he had been placed in it during his teen years.

"I don't know if I wouldn't be here, but my thoughts would be totally different," he said. "All the people I had on my side, even before I got involved in that (murder) case, I would have taken them more seriously.

"I would have accepted their kindness better. I really regret playing that Dr. Jekyll and Mr. Hyde role."

Tammy Leiterman, coordinator of the BRICK program at the Brown County Social Services Department, said the program appeared to be successful but no statistical information was compiled. She said people between 12 and 18 years old are brought to the prison twice a month.

"We get referrals from a number of different cities around here," she said. "When the program first started (three years ago) it just skyrocketed."

Knight wants to become a social worker if released from prison. He has earned his general education degree while in prison and wants to take a sociology class through the University of Wisconsin-Green Bay.

There are gangs at the prison that try to manipulate juveniles living at the facility, Knight said. "Being a juvenile and coming in here, if you're not strong, you're not going to make it. I've seen many juveniles come in here and get taken advantage of."

The experience allowed him to mature, he said.

"It has its advantages and disadvantages," Knight said. "Myself personally, I took advantage of being here. I have taken time to kind of find out who I am.

"Don't get me wrong. It's hard being here day after day. It's very hard, especially if you're not a strong individual. What you have to do is deal with yourself. I learned the facts of life here."

Steven Horton
convicted at age 17 of knife murder of Michael Willems after a party

Steven Horton hopes his drug and alcohol problems are behind him. He believes they helped lead him to the Green Bay Correctional Institution as a teenager.

Horton was 17 when he was convicted of second-degree murder in the April 5, 1986 knife murder of Michael R. Willems and injuring Brian Bacher. He said he was too intoxicated to remember stabbing Bacher and his drug-induced state was a factor in the murder.

He said he has been clean of drugs for some time now. At the end of an interview in prison, Horton apologized to Bacher and the families of both victims.

"I wish that I could change what I did but I can't," he said. "I hope that you accept my apology for what I did."

"When I first got in here, I did get high (on drugs available in the prison)," Horton said. "The people I was hanging around here did it. I wanted to be like everybody else."

"Later, I turned around and said. 'Wait a minute, I should be myself here,'" he said.

Horton said he had had several beers and smoked marijuana at a party before he became violent.

"I don't know what transpired it, all I did was ask for a ride home," he said. "There was no fight, there was no conflict."

"After I asked for the ride home, I walked out of the party and I just stabbed him. I was sitting on the car of the dude who I asked a ride home, and I stabbed him."

"I don't even remember the first stabbing. I guess I just flipped. It's like it was meant to happen. That's what was supposed to happen to me so I could straighten my life out."

As a juvenile, Horton had been found delinquent, similar to being found guilty in adult court, of shoplifting, burglary, two counts of damaging property, theft and endangering safety by conduct regardless of life. The endangering safety charge involved Horton waving a knife at police and saying he was going to kill them and his mother, officials said.

"It's always the town, the father, alcohol or drugs, but it's never Steven Horton accepting responsibility for what he did," Assistant District Attorney William Koos said at Horton's sentencing in 1987.

Koos during the trial said Horton was not as intoxicated as he said he was during the stabbings. He said it was peculiar Horton said he could remember all the details of the night except the stabbing.

Horton is eligible for parole in 1993, but does not realistically anticipate being released until 1998 at the earliest.

"When I first got in here I was getting into a lot of trouble," he said. "I was really trying to be an outsider instead of going with the system. I've really had to mature and grow up and put my feet down and get a solid base to stand on."

Horton said he had a "broken-up family" that may have contributed to his alcohol and drug use at an early age. He said he has become a Christian in prison and hopes to have a normal life with "a lady friend" he met through a Christian Fellowship program.

Gangs took advantage of Horton when he entered the prison as a teenager, he said. He was in a gang at Green Bay for about six months.

"I got caught up in a few things that made my time harder," he said. "There's gangs in here. When I got in here, I figured the only way to go was get into the gang.

"So, if I ever got into trouble, I could use their help. It didn't work that way. They used me. I never got anything back and they were like, 'screw you.'"

A prison fight finally earned him the respect of other inmates.

"It wasn't too bad of a fight," Horton said. "After that, no one really bothered me anymore. They show more respect for you."

"I really thought that this would really work out to my benefit," he said. "I figured I'd come to prison and just do my time with no problems. I really thought I was going to have everything. It would all work out, I would only do a couple years and then get out.

"I was still in a state of shock over what happened, what I did and just how it happened. I didn't know how to deal with the problems I was having. A lot of the times I wanted to play 'Mr. Tough Guy.' I wanted to be like everybody else."

"That's where your problems come in, when you want to be like somebody else. It really frustrated my time."



“I m working on trying to get into college and trying to make something of myself. I see a lot of people come in and they don't do anything and they end up worse.”

*Eric Nelson
Life sentence*



“I sit back here in my cell and think, now what? There ain't going to be anything for me. I sometimes wish the state of Wisconsin would bring the death penalty.”

*Daniel Dower
Life sentence*

Families of victims live in a prison of their own

By Joe DiGiovanni
Staff Writer

Paul Willems keeps a thick black binder filled with memories.

The first page has the somber inscription:

"Michael R. Willems August 11, 1966
To
April 6, 1986"

There are two crosses on either side of the name "Michael R. Willems." The name is surrounded by a thick, black rectangle.

The actions of a juvenile created the need for this memorial.

Steven Horton was 17 when he fatally stabbed Michael Willems, 19, outside a party. The black binder chronicles the slaying and Horton's trial.

Horton said he was drunk and high on drugs at the time. A jury convicted him of second-degree murder and sentenced him to 31 years in prison. Horton is eligible for parole next year. He hopes to get out in 1998, but the Willems' family wants to keep the convicted killer in prison until 2006 at least.

It is almost assured that Steven Horton will eventually get a second chance in society. It is certain that Michael Willems won't.

Because of the seriousness of the crime, Horton was waived out of juvenile court. He was tried as an adult and has served prison time as an adult would. Controversy about at what age children should be treated by the law as adults has persisted for decades.

Most juveniles who were convicted in adult court think the system is too harsh on young criminals because they can be placed in maximum-security prisons with hardened inmates.

On the other side of the argument, family members of victims often argue that laws should be tougher on juveniles. Prisons cater to inmates, they say.

"If they can commit the crime they should be waived into adult court," said Barbara Willems, Paul's wife.

Paul Willems believes the juvenile code is outdated. He said it was written for children who commit petty offenses.

Terry Vite-Anderson, whose brother, Joseph, was murdered by two juveniles in 1985, said children have different maturity levels, and the case of each child criminal "would have to be weighed individually. Each has to be looked at and each is at a different stage."

The Willems' black binder includes 81 articles on Michael Willems' death, efforts to strengthen victims' rights and victim support groups. It is filled with photographs, including a plaque in memory of murder victims inscribed with Michael Willems' name and placed at Kemper Center in 1987.

It has 31 business cards from people the Willemses have met since their son's death. It has several periodical articles chronicling the push for the state to enact a law that could keep convicted killers in prison for life.

"I think they have it better in prison than people on the outside do," Paul Willems said. "Other than losing their freedom, they have everything.

"They have better medical care than people on the outside, they can go to school, they have college courses they can take. And this is all provided by the taxpayers. My other son has to pay for everything he does."

The black binder has awards given by then-Attorney General Donald Hanaway in 1989 to the Willemses for their volunteer work with the county victim-witness assistance program. It also has a certificate of appreciation given by then-District Attorney Robert Zapf in 1988 for the couple's work to provide victim family support.

"It's more of memories and what we accomplished in the past," Paul Willems said of the binder. "It kind of helps me keep track of things that we've done. You can call me the historian because if anybody else wants information, they come to me for it."

In the mid-1980s when the five men interviewed were convicted of murder, a person sentenced to life imprisonment was eligible for parole after 13 years, four months.

Several Kenoshans including State Sen. Joseph Andrea, D-Kenosha, were instrumental in getting the law strengthened. A judge now decides how long a person sentenced to life imprisonment must serve before being eligible for parole. Seven Kenoshans spoke to an Assembly committee debating the bill.

"They waited for the right moment, like an animal on its prey, to make the kill," Judy Smith, whose daughter was fatally shot at a gas station in Kenosha in 1985, told the committee. "She was 18 years old and my only daughter. The length of time they will be serving is not justifiable for her death."

"To put it bluntly, my brother can never be paroled from the grave," Vite-Anderson said in Madison after Gov. Tommy Thompson signed the bill in 1988.

The Willems, members of the Attorney General's Task Force For A Constitutional Rights Amendment to strengthen victim rights laws, thinks most local officials are doing what they can to toughen juvenile laws. They blame State Sen. Lynn Adelman, D-New Berlin, the chairman of the Senate Judiciary and Consumer Affairs Committee, for placing roadblocks on legislation that will toughen juvenile laws.

The Willems facilitate a victim support group, "Families of Murdered Victims."

"We're like one big happy family," Paul Willems said. "We're very close, all of us victims. We can say things to each other that no one else can say because we do understand."

Lynn Copen, an assistant district attorney, has coordinated many events for victim's families. They have held dances, attended seminars and planted trees in memory of slain loved-ones.

"They've moved mountains," Copen said. "It really just takes a group of committed people to make things happen. I can't make changes but it's very difficult to turn down a homicide survivor."

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David Dower, left, and Eric Nelson in 1985

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Psychiatric exam ordered

Judge postpones youth's waiver

By JOHN KREROWICZ
and
DENNIS A. SHOOK
Staff Writers

Judge William Zievers today postponed a request to waive Daniel Dower, 16, into adult court until a psychiatrist can determine if the boy is competent to aid in his own defense.

Dower, 20216 82nd St., Bristol, is charged with first-degree murder in the Jan. 16 shooting death of his foster father, Joseph Vite, 41.

Zievers said he was worried about judicial error in waiving Dower and later finding he was not competent to proceed.

Defense attorney Jerold Mueller argued that the boy should be examined before a waiver decision was made.

Assistant District Attorney William Koos agreed it would be better to have a competency evaluation now, rather than risk delay through the appeals process.

Koos said he didn't believe there was precedent in law re-



Kenosha News photo

Daniel Dower

**Bond set at \$300,000
for co-defendant**

— page 5

garding whether a competency exam should be conducted before or after the waiver decision.

At Tuesday's waiver hearing, Dr. Lee Roberts, a psychiatrist

from the University of Wisconsin-Madison, said Dower has the intellectual maturity of "an early adolescent."

Roberts also testified Dower spent several hours a day playing the fantasy game "Dungeons and Dragons" and "was preoccupied with it and it replaced other interests."

"Since the age of 10, he has been involved in themes of violence, hostility, and power. He had a limited amount of socialization with his peers and he fails to develop close relationships," said Roberts.

Roberts said Dower would need further testing to determine if he suffered from any "organic" brain disorder.

Patricia Salituro, a social worker with the Kenosha County Department of Social Services, said Dower received counseling and was in a class for the emotionally disturbed at Central High School.

Salituro recommended Dower

(continued on page 5)

Psychiatrist to examine Dower ²⁸

A Milwaukee psychiatrist will examine Daniel Dower on Monday to determine if he is competent to aid in his defense.

Dower faces first-degree murder charges in the Jan. 16 death of his foster father, Joseph Vite.

Dr. William Crowley,

Wauwatosa, may have the report ready by Tuesday, and a hearing on the matter could be held Wednesday.

Dower, 16, is charged with shooting Vite, 41, 20216 82nd St., Bristol, at his home. The exam was requested Wednesday after Judge William Zievers decided

to postpone a decision on whether to waive Dower into adult court.

Zievers said he didn't want to commit judicial error by waiving Dower and then having a psychiatrist find that the suspect was not capable of aiding his defense during the waiver hearings.

If the report is not ready by Wednesday, the matter probably will be transferred to another judge because Zievers goes on vacation Thursday.

The new judge would then have to read the transcripts in the case and review the doctor's report before ruling on the waiver request.

Defense and the prosecution attorneys can challenge the doctor's report. It will be up to the judge to decide if another examination will be needed. Crowley was appointed by Zievers.

2-12

Report expected Wednesday

A Milwaukee psychiatrist's report on Daniel Dower, 16, one of two youths held for the shooting death of Dower's foster father, Joseph L. Vite, 41, should be received by Judge William Zievers by Wednesday morning.

Dr. William Crowley, of the Milwaukee Mental Health Center, interviewed Dower Monday

afternoon and dictated his report this morning. Crowley refused to reveal its contents.

Dower has been held in juvenile custody pending the psychiatrist's report to help determine if the youth should be waived into adult court. Another detention hearing, required for juveniles every 72 hours, was

scheduled for 1:30 p.m. today before Zievers.

Vite was found by his wife at their home, 20216 82nd St., Bristol, on Jan. 16. He had been shot twice.

Eric S. Nelson, 16, 28821 112th Place, was waived into adult court last week on a charge of aiding and abetting first degree murder.

Dower ²⁻¹³ waived

Daniel Dower, 16, accused of murdering his foster father, Joseph Vite, 41, on Jan. 16, was waived into adult court this morning.

Judge William Zievers decided Dower, 20216 82nd St., Bristol, could assist in his defense after reading a Milwaukee psychiatrist's report that said Dower is competent to proceed.

Zievers ordered Dower to appear at 1:30 p.m. Thursday for an initial appearance and setting of bond.

Dower faces life imprisonment if found guilty of first degree murder. He would have spent a maximum of about 2½ years, until his 19th birthday, in a detention center if convicted as a juvenile.

The report of Dr. William Crowley, a Milwaukee Mental Health Center forensic psychiatrist, said Dower's "level of competency was minimal."

But District Attorney Robert Zapf said competency is akin to pregnancy. "You can't be a little bit pregnant. You either are or aren't."

Dower bail at \$300,000 ²⁻¹⁵

By **JOHN KREROWICZ**
Staff Writer

A \$300,000 cash bond was set Thursday for Daniel Dower, 16, accused of the shotgun slaying of his foster father, Joseph Vite, at their home Jan. 16.

Court Commissioner George Easton said the district attorney "has a fairly strong case against the boy." The youth was waived into adult court on Wednesday.

A 1:30 p.m. Feb. 22 preliminary hearing in front of Judge David Bastian was set to determine the probability that the youth committed the crime. Dower had requested a substitution for Judge Bruce Schroeder.

Easton called the fatal shooting of Vite, 41, 20216 82nd St., Bristol, a "well-thought-out, premeditated act," the same description he used on Feb. 5 in setting the same bond for Eric S. Nelson, 16, 28821 112th Place, the co-defendant in the case.

Nelson's preliminary hearing is Feb. 19. If Bastian finds there is probable cause that the defendants committed the crimes, the District Attorney's office then would decide on whether to request combining their trials.

Easton noted the boys apparently fled prosecution after the crime and were found in Bridgeton, Mo. several days later.

Jerold Mueller, Dower's attorney, said Vite was killed by Nelson, not Dower. Police officials have said Dower told friends he planned to kill Vite and steal his car.

Mueller said bond should be set at \$300,000 or lower. "He's 16, has no assets and no extended family to put up bail," the lawyer said.

The district attorney has filed a motion to have Dower be held without bail. The motion will be argued at the preliminary hearing.

Dower and Nelson face life imprisonment plus five years for the use of a weapon if convicted.

Dower hearing delayed

A hearing on a defense motion for a change of venue for the first degree murder trial of 16-year-old Daniel Dower has been adjourned until March 11.

34 The hearing on the motion to move jury selection to another county had been set for this morning in Judge David Bastian's courtroom, but defense attorney, Assistant Public Defender Jerry Mueller was prevented by weather from returning to Kenosha from a weekend visit.

Dower and co-defendant, Eric

Nelson, 16, are charged with murder in the Jan. 16. shooting death of Dower's foster father, Joseph Vite, 41, at his Bristol home.

Both youths have pleaded not guilty and not guilty by reason of mental disease or defect.

Dower's jury trial is scheduled to begin April 24. Nelson's trial was to start April 15, but was adjourned last week until May 6, because a psychiatrist was unable to testify on the April 15 date.

4/16

Dower trial stays in Kenosha

A change of venue for murder suspect Daniel Dower, 16, was denied Monday by Judge David Bastian.

Dower is a co-defendant in the fatal shooting of his foster father, Joseph Vite, 41, at his residence, 20216 82nd St., Bristol, on Jan. 16.

Defense attorney Jerry Mueller gave Bastian newspaper stories and a partial log of Milwaukee television stations' broadcast of the murder the week after the shooting to support his request for a jury outside of Kenosha County to try

Dower.

Bastian said the news coverage was not "inflammatory" but if a fair jury couldn't be chosen here one would be selected in Racine or Walworth counties. Dower's trial is set for 9 a.m. Monday, April 22.

Mueller also unsuccessfully argued for a trial postponement, saying the number of witnesses he had yet to interview was too great to be finished by next week. He also said a potential defense witness was not available until June.

Both Dower and the co-defen-

dant, Eric S. Nelson, 16, 28821 112th Place, Trevor, have been waived into adult court. Nelson apparently will have a jury from outside Kenosha County. Last week, Judge Bruce Schroeder ruled that publicity from Dower's trial, if held before Nelson's, would be fresh in the minds of potential jurors.

The News incorrectly reported last week that Nelson's trial would be held outside Kenosha County. A jury from outside the county would be chosen and brought to Kenosha for the duration of the trial.

Nelson trial to begin

Scheduled to begin Monday in Circuit Court is the first-degree murder trial of 16-year-old Eric S. Nelson.

Nelson and co-defendant, Daniel Dower, 16, whose trial is scheduled to start June 3, are charged with the Jan. 16 shooting death of Dower's foster father, Joseph Vite, 41, at his Bristol home.

Both Nelson and Dower have entered pleas of not guilty and not guilty by reason of mental disease or defect.

At a pretrial hearing this morning, Judge Bruce E. Schroeder indicated that he expected the Nelson jury trial to take more than a week.

Because of the insanity plea, a two-part (bifurcated) trial will be required if Nelson is convicted of murder. The second part of the trial, before the same sequestered jury, will consider the sanity issue.

The two youths are charged with fatally shooting Vite and then fleeing the state in his stolen car. They were apprehended several days later in Bridgeton, Mo. Their juvenile status was waived.

Youth, 16, guilty of Vite murder

By **DON JENSEN**
Staff Writer

Eric Nelson is guilty of first degree murder.

A Circuit Court jury of eight men and four women took less than two hours to reach that verdict late Friday afternoon.

The second half of Nelson's trial will begin Monday, with the same jury to determine his mental competence. He has pleaded not guilty by reason of mental disease or defect to the Jan. 16 murder of Joseph Vite, 41, Bristol.

The defense concluded its case late Friday morning in the week-long murder trial in Judge Bruce E. Schroeder's Circuit Court.

Following jury instructions by Schroeder and final arguments by Assistant District Attorney William Koos and defense counsel Lucien Piery, the case went to the jury shortly after 4 p.m. The guilty verdict was returned just before 6 p.m.

The name of Danny Dower, Nelson's 16-year-old Central High School classmate and co-defendant, figured in the summations of both attorneys.

Dower, foster son of the victim, faces a similar murder trial in Circuit Court beginning June 3. His only appearance in the Nelson trial, however, was to repeatedly take the Fifth Amendment and refuse to an-

swer all questions put to him Thursday.

In his closing arguments, Koos admitted that the murder probably would not have occurred if Dower, seeking to kill his foster parents, "had not found Eric Nelson."

But having done so, Koos said, Nelson became an active participant in the murder plot and "not just a perfectly innocent bystander," as he tried to portray himself.

Nelson, in his own trial testimony, blamed Dower for the fatal shooting of Vite. He contended that until after he arrived with Dower at the Vite home on Jan. 16, he didn't realize that his co-defendant actually intended to kill his foster father.

However, Koos charged Nelson "knew exactly what was going to happen."

The prosecutor told the jury that the evidence showed that both youths waited in the darkened home for Vite to return home from work. When he entered the front hallway, Dower allegedly fired a .22 caliber rifle twice from the living room, striking Vite once in the elbow.

Then, Koos alleged to the jury, from the kitchen, "Eric Nelson fired the fatal shot into the head of Joseph Vite."

Piery, in his summation,

asked the jury to consider the evidence in terms of what "a boy, a 16-year-old boy" might think and do. Noting that Dower had told a number of people several months before the killing that he intended to murder his foster parents, Piery asked: "If all those people didn't believe Daniel Dower ... why should this 16-year-old boy believe it?"

Piery contended that all three bullets fired in the Vite home were discharged by Dower, as Nelson hid in a bedroom.

Though given the opportunity to continue with the sanity portion of the trial Saturday and conclude the case Monday, the jury told Schroeder that it preferred a two-day recess. The case now will resume Monday and probably continue into Tuesday.

In the second part of the bifurcated trial, the burden will be on the defense to prove Nelson was not mentally responsible for the killing. Piery is to call a psychiatrist and four school psychologists. Koos will counter with the testimony of two psychiatrists.

The jury remains sequestered in its motel for the weekend, although jurors were permitted to attend a Milwaukee Brewer game Saturday night, under the supervision of two bailiffs.

Suit may follow

5-17

Vite's widow files \$5 million claim

Mary Vite, wife of murder victim Joseph Vite, has filed a \$5 million claim against the county that says the Department of Social Services negligence led to her husband's death.

Vite, 20216 82nd St., Bristol, contends the department had psychological profiles of the Vite's foster son, Daniel Dower, that showed the 16-year-old was dangerous and a threat to others.

Dower faces a first degree murder trial next month in the execution-style slaying of 41-year-old Joseph Vite on Jan. 16. A 16-year-old co-defendant, Eric Nelson was convicted of murder and was sentenced to life imprisonment earlier this week.

Dower was placed in the Vite home as a foster child about seven or eight years ago, according to testimony at Nelson's trial.

Trial testimony indicated that last fall, Dower began making statements to classmates at Central High School that he was going to kill his foster parents and then leave the area.

The prosecution in the Nelson

trial successfully contended to the jury that Dower enlisted the assistance of Nelson in the murder.

As a result of her husband's death, Vite contends she has suffered permanent injury, mental suffering and distress and loss of companionship and income.

Named as defendants in the claim are Kenosha County, the Department of Social Services, Social Services employee Patricia Salituro and the Wisconsin Department of Health and Social Services.

Vite said the county's failure to notify the family about Dower's mental state constitutes willful disregard for safety.

Vite's attorney, Charles Richards, said the county has 120 days to allow or disallow the claim. If the county does not act on the claim, it is the same as denying the claim.

State law requires that notice of claim be given local governments before a complaint can be taken to court.

Dower trial begins

By JOHN KREROWICZ
Staff Writer

Daniel Dower shot his foster father in the elbow, but the suspect's friend fired the fatal shot into Joseph Vite's head, defense attorney Jerold Mueller said this morning.

Mueller made his opening remarks to the 7-woman, 7-man jury during Dower's first-degree murder trial in Judge David Bastian's courtroom.

The jury was selected Monday from Walworth County because of extensive publicity last month about the trial of the suspect's friend, 16-year-old Eric S. Nelson. Nelson, 28821 112th Place, was convicted of first-degree murder.

The lawyer said Dower didn't specifically intend to kill or help kill Vite. Intent to kill must be proven to convict a suspect of first-degree murder.

Dower, 16, 20216 82nd St., is accused of shooting Vite, 41, his foster father, at their home.

Dower has pleaded not guilty and not guilty by reason of mental disease or defect. If found guilty, Dower then must prove he was insane at the time of the crime.

Mueller said Dower "acted in a depraved way" during the shooting and was emotionally disturbed. Mueller was trying to show Dower was not responsible for his actions.

Mueller said Dower and Nelson's actions were "not well thought out. It was children who really didn't know what they were going to do and got caught up in the flow of tragic events."

William Koos, assistant district attorney, said Dower had talked about shooting Vite both before and after the murder.

Koos said evidence will show firearms found in Vite's car, allegedly taken by the suspects after the shooting, were matched with bullets and casings found at the murder scene.

The suspects were arrested in Missouri on Jan. 20.

If the jury agrees Dower was insane, he will spend time at a mental hospital.

Witness: Dower 'likeable' person

By JOHN KREROWICZ
Staff Writer

Murder suspect Daniel Dower had a "pretty likable personality," Mary Vite, the victim's wife, testified Tuesday of her foster son.

Dower, 16, is charged with first-degree murder in the Jan. 16 shooting of Joseph Vite, 41, at his Bristol home.

Mary Vite, questioned by defense attorney Jerold Mueller, said Dower had several friends from both special and regular education classes he attended at Central High School in Salem.

When Mueller asked if Dower had been closer to Mr. Vite or to her, she said, "probably Joe because they did more together. They went fishing pretty often, played games, such as Trivial Pursuit, and would play basketball."

She said Dower had not been physically aggressive to the victim.

Mueller told the jury in his opening remarks that Dower did shoot Vite in the elbow but never intended to kill him. Mueller said the suspect's friend, Eric Nelson, fired the fatal shot. Nelson, 16, 28821 112th Place, was convicted and sentenced to mandatory life imprisonment in May.

Intent to kill must be proven to convict a suspect of first-degree murder.

Assistant District Attorney William Koos called Thomas Wall, 16, a Central High School student who had a printing class with Dower, to the witness stand Tuesday. Wall said he and Dower fought the day before the murder and Dower said no one had to worry about him anymore because he was going to kill his father and leave the area.

Dower and Nelson were found in Bridgetown, Mo., on Jan. 20 with the Vite family car.

Koos said in his opening re-

marks that Dower talked about killing his father both before and after the crime.

Mueller told the jury Dower was a "boaster, a braggart and was making up weird stories. He wasn't taken too seriously by his fellow classmates and foster parents."

Mueller said Dower had a "strong desire to feel macho."

Dower has pleaded not guilty and not guilty by reason of mental defect or disease, which requires a two-part trial. The jury must first decide if Dower is guilty, and then, if so, whether he was insane at the time of the crime.

Testimony Tuesday afternoon centered around identifying objects belonging to Vite found in his car.

Dower guilty in Vite death

Daniel Dower, 16, was found guilty today of the first degree murder of his foster father, Joseph Vite.

The five-man, seven-woman jury deliberated for 15 minutes before the verdict was read at about 11:25 a.m.

Dower showed no emotion when the verdict was announced. The Vite family also showed no reaction.

Dower pleaded not guilty to the shooting death of Vite, 41, on Jan. 16 and not guilty by reason of mental disease or defect. A second part of the trial, to decide if Dower was sane at the time of the killing, will begin at 1:30 p.m. today.

If found sane, Dower faces a mandatory sentence of life imprisonment plus five years for committing the crime with a dangerous weapon. Dower will be eligible for parole in about 14 years.

Both Dower and co-defendant Eric S. Nelson, 16, 28821 112th Place, were tried as adults in the Vite killing.

Nelson was found guilty of first degree murder with a dangerous weapon last month. He received the mandatory life sentence plus five years, and will also be eligible for parole in 14 years.

Dower and Nelson waited for Vite in the family's home, 20216 82nd St., Bristol, on Jan 16. Vite was shot twice. His body was found by his wife when she came home from work. The pair fled Kenosha, but were arrested in Bridgeton, Mo., days later.

Defense attorney Jerold Mueller said he plans to call up to 10 witnesses to try to prove Dower was insane at the time of the crime. Assistant District Attorney William Koos said he would have three witnesses.

Says Dower killed game characters

By JOHN KREROWICZ
Staff Writer

Daniel Dower, convicted of first-degree murder, would make some of his characters commit suicide in the role-playing fantasy game Dungeons & Dragons, a witness testified Thursday in Dower's sanity trial.

Niles Foster, 17, Bristol, said Dower would destroy his characters when they reached a low level of resistance to attack and were susceptible to death.

The jury that heard Foster's testimony on videotape had earlier found Dower, 16, 20216 82nd St., Bristol, guilty of shooting his foster father, Joseph Vite, 41, on Jan. 16.

The trial, which could include testimony on Saturday, continues today with defense witnesses being called to show Dower was insane at the time of the crime. Dower pleaded not guilty to the killing and not guilty by reason of mental disease or defect.

Jerold Mueller, defense attorney, said evidence will show

Dower had a mental disease "prior to 1979, when Danny moved in with the Vites." Mueller said the suspect was in classes for the emotionally disturbed and learning disabled.

Dower's involvement in Dungeons & Dragons, a game where players assume the roles of good, bad and neutral characters, some of whom may fight monsters to survive in a dungeon, will be a significant part of Mueller's defense.

Foster said "a few times Dower played the game where he destroyed his own character."

If a character's resistance to attack was low, "he didn't like it," Foster said. "He'd then play them to the limit. He wouldn't think out what to do" and the character would eventually die.

The witness, who attends school out of state, said he learned the game, including its use of magic, poisons, swords and sorcery, from Dower.

Foster said they played one- to three-hour games, several times

a week from August to September 1984.

Under questioning by Assistant District Attorney William Koos, Foster said he had played the game with Dower only.

"So you can't say you played the game more unusual than anyone else?" Koos asked. Foster said that was correct.

Dower claimed in a November letter to Foster that he had committed first- and second-degree murder and arson. When Foster called him and asked Dower about that, Dower said, "Don't worry," the witness testified.

If the jury finds Dower insane, Dower would go to a mental hospital and be released when he is determined to no longer be a danger to the public.

If the jury finds Dower sane, he faces a mandatory sentence of life in prison. He would serve an additional five-year sentence because the crime involved a dangerous weapon. Dower would be eligible for parole in about 14 years.

Link between game, murders denied

By DON JENSEN
Staff Writer

Any suggestion of a cause and effect connection between the role-playing game, Dungeons and Dragons, and the commission of murders or other serious crimes is completely unsupported by any evidence, said Dieter Sturm, public relations director of Lake Geneva's TSR Inc., the game's maker.

"If there was any sort of connection," Sturm said, "we'd have millions of murders because there are that many people regularly playing the game."

Sturm said the company could provide the Kenosha prosecutor in the Daniel Dower murder trial with "all sorts of heavy" data based on studies and psychological reports showing no evidence of any link between the imagination-based game and deviant or criminal behavior.

Sturm noted official investigations into other deaths rumored to have been linked somehow to Dungeons and Dragons have found likely connections.

A Virginia court dismissed a \$10 million damage suit filed by the mother of a teenager who committed suicide after playing the game in 1982. In a 1979 case, supposedly involving a Michigan State University student taking his life while playing an adaptation of Dungeons and Dragons, was resolved when the drug-taking youth turned up later in Louisiana.

And a murder-suicide of two Colorado brothers, also blamed by some on their involvement with the role-playing game, prompted an investigation. A police statement later indicated "insufficient evidence" to make that sort of connection.

Murder victim's family wants 'Dungeons and Dragons' ban

By DAVE ENGELS
Staff Writer

The Kenosha Library Board Wednesday night refused to cancel a youth program on the role-playing game "Dungeons and Dragons" after the family of murder victim Joseph Vite asked that it be called off.

The game was played by convicted murderers Daniel Dower, 16, and Eric Nelson, 16. Dower's obsession with the game was the cornerstone of his defense's presentation during his trial earlier this year. Both were convicted of killing Vite, 41, in his Bristol home on Jan. 17. Dower was Vite's foster son.

The board took no action on the request. The program will be at 1 p.m. and 2 p.m. Monday and is open to kids 9 years and older. Library Director Louise Pittman said it is designed to help older children develop their logic and memory skills, skills that can be applied in the use of computers.

"Part of the defense's argument was that he (Dower) was so engrossed in this game that he was unaware of what he was doing when the crime was committed," said Terry Anderson, 7703 16th Ave., Vite's sister.

"They argued that he did not mean to hurt anyone and that he did not realize his actions would lead to death, all this because of the game."

"One of the articles says that nine teen suicides have been attributed to this game. These deaths and what happened to Joseph Vite are good reasons for you take a second look at what you are doing."

Terry Anderson

Anderson presented the board with newspapers clippings, accounts of Dower's trial and other stories about the dangers of the popular game.

"One of the articles says that nine teen suicides have been attributed to this game," said Anderson. "These deaths and what happened to Joseph Vite are good reasons for you take a second look at what you are doing."

Questioned by board members, Anderson said she cannot prove the game contributed to her brother's death, but the crime and Dower's link to the game are enough for her to question the library's program.

Pittman said young people can learn from the game "through a series of challenges and clues that require them to use logic to

determine how to get from one step to another and to figure out who are their friends and enemies."

Pittman said the argument that the game is a catalyst for negative behavior by teens is the same one people have been making for years about television programming.

"I believe the board should accept this information as input for future library program planning," said Pittman. "I don't believe that canceling the program now will achieve anything."

Board member Dan Brooks, a teacher at Bradford High School, said he had honor students in his classes who enjoyed the challenge of the game.

On the other hand, Brooks said, the game involves the accumulation of power and wealth and contains elements of violence and self-gratification.

Pittman said the program will be supervised by representatives of TSR Inc., Lake Geneva, manufacturers of the game, and members of the Tremper High School Dungeons and Dragons Club. Parents will be allowed to observe.

After the meeting, Anderson said: "I think they were kind enough to listen and will review the material I gave them. But I'm not expecting much in the way of results."