

If only Boo-Boo could talk/Dog is the only witness - Houston Chronicle (TX) - March 20, 1994 - page 1

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A neighbor out for his morning walk was the first to spot the roll of Indian-style carpet lying on the edge of the abandoned subdivision road.

While the quality of the carpet caught his eye, it was the little shepherd collie barking fiercely and standing guard over it that especially captured his attention.

The dog, Boo-Boo, was guarding his master on that March 13 morning in 1991. Several hours earlier, Houston nightclub owner Wendell Lee **Statchuk**, 33, had died of three gunshot wounds to the neck and was dumped miles from his Houston home in an isolated area of Fort Bend County.

His body was wrapped first in a sheet, then rolled up in the carpet.

After his larger dog forced Boo-Boo to briefly abandon his ground, the man discovered **Statchuk's** body and called authorities.

To this day, investigators say, the victim, the killer and Boo-Boo are the only three who knew what happened.

"The dog gave us a fit," said Fort Bend County sheriff's Detective Charles Gasser, who has been on the case ever since. "We had to call animal control out there and put a hold on him for the family.

"He probably knows a lot -- if he could only talk."

Within days, a Houston lawyer who represented **Statchuk** -- and was accused of participating in an insurance scam with him -- was charged with the murder.

"I thought we had a good case," Gasser said. "The grand jury thought we had a good case."

But when some lab results already presented to the grand jury were proven incorrect, then-District Attorney Jack Stern said the circumstantial case had to be run through the grand jury again, Gasser said.

This time, the panel didn't indict. Prosecutors in September 1991 moved that the case be dismissed "with leave to refile."

The case has remained in limbo ever since.

Joseph **Statchuk**, the victim's brother, is so desperate to move the case off dead center that he hired California psychic Kathryn Rhea.

"I just want them to take the case to trial," said the brother. "Then my family will be at rest."

He sits in an office in his Astrodome-area home and writes letters to officials, makes phone calls and sorts through a file cabinet filled with records he has collected on his brother's life and death.

Boo-Boo remains at his side much of the time.

The psychic says "a blue gun" is buried somewhere at Hobby Airport under some recent construction. The victim's Ford pickup was found at an apartment complex near Hobby within two weeks after the murder.

Rhea told Joseph **Statchuk** his brother's killer would have to be in fear of his life to confess, although she said she wasn't trying to plant ideas in anyone's head.

Gasser said he doesn't "get into soothsayers" but is following up on some of the psychic's ideas. He wouldn't be specific but did say that bringing the psychic to Houston or digging at Hobby Airport are not practical solutions.

"The sheriff would probably be upset if I arrive with a jackhammer over there," Gasser said.

Joseph **Statchuk** doesn't pretend his brother was an angel. The club owner married a wealthy woman at a young age, then divorced and got a lot of her money; **Statchuk** had an estimated 100 insurance policies and a habit of wrecking new cars.

At the time of his death, Wendell **Statchuk** was under investigation by what is now the National Insurance Crime Bureau. Special Agent Timothy K. McGriff said it appeared **Statchuk** was staging auto wrecks and being hospitalized to collect on hospital indemnity policies.

"At one point, I determined he had policies that say he totaled \$1,499 a day," said McGriff.

After **Statchuk**'s death, McGriff helped piece together the insurance scam for the Fort Bend County Sheriff's Department.

Investigators say the scam provided a possible motive for the murder. Gasser said checks had been altered by the attorney, and **Statchuk** caught on.

"He was angry to the extent he was going to take the cases elsewhere," said Gasser. "I'm not sure if he was going to blow the whistle on him. He had made an appointment with another lawyer."

The day of the murder, **Statchuk** had a 2:30 p.m. appointment with the lawyer representing him in the insurance claims.

Prosecutors and investigators believe their original suspect is the right man, but they're careful not to mention names.

Records in the district clerk's office, however, show that James Stephen Keyser, 41, of Houston,

was indicted in the case in June 1991. He pleaded not guilty in August 1991, a second grand jury passed on the case after the lab results turned up incorrect, and a third grand jury review resulted in a nobill. The case was dismissed Sept. 24 that year.

Keyser, practicing law in Houston, did not return the Chronicle's repeated calls.

District Attorney John Healey inherited the case and agrees with other prosecutors in his office that there is insufficient evidence to go to another grand jury in an effort to bring it to trial.

"Right now, we'd only be asking a jury to guess he's guilty, and we can't do that," said Healey.

"All of us have been the victims of crime -- thank God, not all of us to the extent of Mr. (Joseph) **Statchuk** -- and I can understand his concern and desperation in this matter."

Joseph **Statchuk** even wrote Harris County District Attorney John B. Holmes Jr., begging him to take the case because investigators believe his brother was murdered in Harris County before being dumped in Fort Bend County.

In a letter from the chief of the Harris County District Attorney's trial bureau, he was told the proper venue is Fort Bend County.

"I guess Fort Bend County is really scared," **Statchuk** said. "If this happened in Houston, they would have taken this fool to trial. They tell me a jury in Fort Bend County wouldn't (convict on the basis of the evidence). They're crazy as hell."

Besides checks containing Keyser's name, evidence collected includes carpet fibers matching those in his home. But the fibers could match carpets in thousands of other homes, prosecutors said.

"It's a bizarre case," said Craig Brady, a former Fort Bend County sheriff's lieutenant. "I know if that was my family member and police had the circumstantial case we have, I would want to try it.

"I think the victim deserves to have the case tried."

Healey said he doesn't know what it would take to strengthen the case and change his mind about going to another grand jury. But he has asked detectives to review their evidence and see if they overlooked anything.

Meanwhile, Gasser believes his case is as good as it's going to get.

"We're not going to give up," he said. "I believe murder is wrong and when you allow it to go unpunished, it cheapens life all around.