

GEORGE FITZSIMMONS

Back in the late sixties I was rather highly visible in the news media, due to the confluence of the Boston Strangler multiple murder case, Dr. Sam Sheppard's murder case, two Dr. Carl Coppolino murder cases, and the "Great Plymouth Mail Robbery". Due to the publicity attending these cases, we got a lot of crazy mail. Sometimes it would be passed over my desk just because it was humorous. Frequently it had to be deposited in what was called the circular file. A typical letter of this ilk would slyly tempt me with the notion that: "Dear Mr. Bailey, I have no money but I can make you famous if you take my case."

One day a letter was handed to me, obviously from a mental institution, and it said, simply:

"Dear Lee, send me a pack of Pall Malls, George."

I thought it was rather amusing, coming from a total stranger, but I didn't let it get a foothold in my memory. However, about a month later I got a letter from a lawyer in Buffalo, New York, named Herbert Siegel. Lawyer Siegel informed me that, "... my client George Fitzsimmons has been trying to enlist your services; he's charged with two murders, and he would like you to represent him."

We always responded to lawyers' letters, and so I called Mr. Siegel and asked, "What are the circumstances?" He replied that seven years ago George had killed his mother and father with his bare hands, using karate chops to the neck in each case - in Buffalo - and was found "not guilty by reason of insanity" after a bench trial. He told me that George was a menacing sort of fellow, even though he always had a pleasant smile on his face, and that following the finding of insanity, he was committed to an institution by the trial judge, who said very pointedly at the time: "He must never get out." But after that mandate was issued, the judge died, and the law of New York was changed to provide that if every psychiatrist in charge of a mental patient declared him or her to be cured - or at least no longer a candidate for incarceration - he or she had to be released.

With a tinge of regret, Siegel told me that he had taken George's case and brought a writ asking that he be released, since all of his doctors seem to think he had dramatically improved. And he said, "I got George out for better or for worse. And the way I did that was, I discovered that the doctors and orderlies would see George coming and they'd flatten themselves against the wall. The more they looked at him the "healthier" he looked. Because inmates who get out are not menacing anymore, they all signed on and George was freed. The young lady who paid me the fee - also an inmate - was released about the same time, and promptly married George. Her groom informed her that there were three conditions to the marriage which she would have to accept: She had to support him, obey his orders, and have her tubes tied. The union lasted for about six months, until she showed up with a black eye one day, and then she filed for divorce. "

Siegel went on to say that subsequently George had moved in with his aunt and uncle in Coudersport, Pennsylvania. It seems that not long thereafter, one day they were discovered to be very dead. Multiple knife wounds had been inflicted on each of them. On the evening of their demise, Siegel related, George turned up in Buffalo, and "... he called me from a pay phone and told me that there was some trouble. Fearing the worst, I told him to wait right by the pay phone. But unfortunately, George had already called the police - his 'friends' from the mom and pop homicides - and they got to him first and took him in. They immediately realized that although George had a bloody knife plainly visible in his open valise, the point of which was

missing (later found to be in the uncle's head) they could never get a statement out of him which would be admissible because he was obviously crazy; so just to learn what was on his mind, they videotaped his story, which he gave freely. In the course of that recitation he explained that his aunt and uncle had formed a conspiracy to murder his cat. He had been forced to act decisively for that reason.

I said "That's all very entertaining, but this sounds like a serious and perhaps lengthy trial in Coudersport," trying to move subtly into a discussion of fees. "Oh," replied Siegel, "when George killed his mother and father and was found not guilty by reason of insanity, he inherited some money, ninety-two odd thousand dollars of which is still in a bank."

The call of justice at that point began to ring loud and clear. I traveled to Coudersport to meet with Harold Fink, the prosecutor, (later a judge) and George Fitzsimmons. The sheriff of that most rural county was just as proud as punch; he had never had a murder case in his jurisdiction before, and now he had a double homicide case with state-wide publicity. He noted with some glee that if I were to take George's case, the media attention could go national. The sheriff assured me that he had given George what could arguably be called the "Bridal Suite" of cells. In fact, compared to most jail cells I had seen - a lot - it was really an impressive accommodation. The sheriff beckoned my client to join us, and as I saw this tall, gaunt, decidedly odd-looking character coming toward me from the rear of the cell, I heard a clank. The goodly sheriff had locked me into a cell with a man who had killed four people for no apparent reason, two with his bare hands! As George approached, I noticed that he was carrying a law book under his arm. Lawyers are always pleased to meet a new client carrying a law book with him, particularly when the charge is double murder and the law book deals with conveyancing real property. I decided to be extremely gentle in my approach to George under all of these circumstances, as he was about six foot three inches, had served in Vietnam, and apparently went crazy there.

I began cheerfully: "Well now George, I see that you've been doing some homework here, you have a law book with you. We need to talk about your case. I think what we need to do first is look at what defenses might be available." George held up his book with a broad smile and said, "I've been thinking that over," he said, "and I think alibi is the best defense". "George," I replied, "alibi is a corker defense, the best there is when it can be proven. Where were you on the night when your aunt and uncle were killed?" "Well," he replied, "I was in Bradford, Pennsylvania, that's about forty miles west of here." George was close. It was actually a small community just over fifty miles west and slightly north of Coudersport, and I had been there not many years before. Small towns can provide excellent alibi evidence, even to strangers, simply because everybody in town knows what's going on. I said "George, I know Bradford like the back of my hand. I'll go to Bradford, I'll pick up all your receipts, your hotel bills, anything that establishes your presence there at the time all this happened, and we'll win this case hands down!" Dropping his voice, apparently to promote confidentiality, George warned me that: "... you should understand that I was very careful when I was in Bradford that no one would see me."

Without letting on that his answer was no surprise, in light of the facts I had gathered from Siegel, I said, "Okay, George, what else in the book looks good to you?" His reply was, "What about self-defense?" I frowned and said, "George, I really think we will have some trouble with self-defense. The facts seem to show that your aunt and uncle were both in their mid-eighties, neither one weighed a hundred pounds, one had nineteen stab wounds, the other

had twenty-one stab wounds, and the missing point of the knife you carried to Buffalo - which the police took from you - was found in your uncle's skull. I don't think self-defense is going to fly. Indeed, as a matter of fact, I would tend to pass aside the defenses of accident and suicide as well."

I was beginning to feel a little more confident at this point. I said, "George, you know I'm here to help you and everything you say to me is completely confidential. I want to ask you a very direct question: did you have any bad feelings toward your aunt and uncle?" He became very indignant. I thought I had just made a serious mistake, and was about to be the recipient of one of those fatal karate chops to the neck.

George bristled and said, "Absolutely not. They were just like a mother and father to me!"

That evening I went to a local bar for "three, four, maybe a couple beers", as the locals would say, and discussed the case with prosecutor Harold Fink. We were having a Budweiser, and I told Harold that my client was asserting his innocence in the strongest tones, quoting the phrase claiming "affection" for his deceased aunt and uncle, which George had assured me he would tell the judge his story. Harold roared, and literally fell off the bar stool.

We ultimately got to trial, and presented the case before the Honorable Earl Keim, sitting without jury, in Greensburg, Pennsylvania, just east of Pittsburgh. The publicity had indeed been pervasive, as the sheriff had anticipated, and a change of venue had been ordered. It took us the better part of a year to try the case, no more than one day each month, because unless George was sufficiently pumped up on Stelazine (a drug used to treat schizophrenia), he could not be contained, and the drug would wear off by middle afternoon. As he lapsed into a crazed state, George would "fire" the judge, then he would "fire" me and the prosecutor, and he'd make it known that there was too much salt in the food in prison. We put on our rather strong psychiatric evidence, and at the end of the day, George insisted on testifying. He told Judge Keim from the witness stand that he now remembered that the tree in the front yard had been responsible for the murders.

When the case was closed and the final arguments were complete, the judge - who had grown sympathetic to a degree, so apparent was George's acute paranoid schizophrenia - said: "Now George, I have all the evidence before me, and I could justify finding you guilty, meaning you'd be in prison for the rest of your life. Or, I could justify finding you not guilty, which means you would be in a mental institution for the rest of your life. I'm going to ask your preference, because it is the rest of your only life. You're never going to walk around again except inside the walls. I'm sensitive to that, and I'd like to know your wishes. George thought for a moment, then said, " You know judge, the movies are better in the prison."

Judge Keim smiled, nodded, and said: "Fine, then I find you guilty, and sentence you to life."

