

All In The Family Pt. 2
Eric Witte

(Intro Music) Ring around the rosy; A pocketful of posies; Ashes, ashes; We all fall down.

Sherry: Welcome to the Parricide Podcast. I'm Sherry...

Marie: ...and I'm Marie. You're listening to Part 2 of Episode 19, All In The Family about Eric Witte. In Part 1 of this patricide episode, we talked about Predator Mentors which are adults who mentor children into murdering one or both of their parents. Hilda Marie Witte pushed her 15-year-old son, Eric, into murdering his father in Beverly Shores, Indiana in 1981. After the murder their house burned down, and the family moved in with Grandma Elaine. But now the family is in need of money again and Hilda Marie needs to evade detection because she has been stealing from Elaine. She decided her 14-year-old son, Butch, could be the one to complete this murder since Eric had joined the Navy and fled home.

Sherry: Let's get started. Marie had begun plotting Elaine's demise with her sons almost from the day they moved into her home in 1982. Butch said the conversation started over a game of Dungeons and Dragons.

Marie: The first clue was that nobody's mom was playing Dungeons and Dragons with them.

Sherry: Nuh-uh. Not at all. According to court documents, she and her sons discussed poisoning, strangling, pushing her out of a window, pushing her down the stairs, staging an auto accident, and shooting her. The talk was so continuous and so casual that Marie felt comfortable discussing it at length in front of Butch's girlfriend and her own mother's friend. Marie even gave Elaine's anticipated murder a name, Elaine's Long Vacation.

Marie: That's so messed up.

Sherry: Completely messed up. It's like what is wrong with you?

Marie: It's the casualness with which you're discussing murdering someone who is supposed to be, kind of, your friend - and has opened her home to you.

Sherry: After your house burned down. Yeah. So now 18, Eric could see where all of this was going, and he wanted to keep his grandma alive. He knew what was coming and he was determined not to become a murderer for a second time. Eric understood that his mother would never commit the murders herself. But he didn't have the resources to move out, so Eric did the next best thing. He joined the Navy and got the heck out of town.

He thought he was saving his grandmother's life, but he forgot one key item. His little brother, Butch, was 14; going on 15 years old. He hadn't counted on his mother grooming both of her children for murder.

Marie: It's so sad. And for both of them to be just right there on the cusp of 15. It's so young.

Sherry: Um-hmm.

Marie: It's so young.

Sherry: It's so disgusting. With Eric gone, Marie had been putting extreme pressure on 14-year-old Butch to commit this murder. Butch didn't want to do this, but his mother insisted and pushed and pushed until he agreed to kill his grandmother. Butch was no stranger to violence. Although he was only 14, he admitted in court that he'd already established his place in local street-drug operations; acting as an enforcer for a local drug dealer.

Marie: And also, at 11, seeing his own father being shot.

Sherry: Um-hmm. This kid had gone through a pretty traumatic and very violent life already.

Marie: Um-hmm. But Margaret testified in court that the day before the murder, Marie had instructed her to fill out a withdrawal slip on Elaine's account for \$6,000. Margaret said she did this and gave the slip to Marie. She was no longer living with Marie. She was now living in nearby Michigan City, Indiana - but she still would comply with all of Marie's orders.

Marie: I would! She's scary.

Sherry: She is a scary lady. She should have been a Mary, so we could call her Scary Mary. (giggles) But Marie withdrew the money that afternoon. In the early morning hours of January 10, 1984, Marie woke Butch up and told him this was the day. It was time for him to kill Elaine. Marie had dosed her with tranquilizers; all Butch had to do was kill her. According to *Deadly Women*, Butch needed a shot of liquid courage. He drank a bunch of vodka and smoked some marijuana - and was ready to do as he'd been told. A very reluctant Butch dutifully shot Elaine once, with his crossbow, as she lay sleeping.

She was his grandma, but he wasn't all that heartbroken. She had been one of those busybody grandmas who didn't like that he drank, and ran with a rough crowd, and did drugs. His mom kept telling him that Elaine wanted her to just get him under control, and that made him really mad. As he headed down the stairs to tell his mom that it was all over, Marie caught him on the stair and - in the strangest of coincidences - told him, 'Oh, never mind.' She'd take care of Elaine later.

Marie: Seriously!?! Like she didn't know that Butch would know she could hear the crossbow?

Sherry: I don't think Butch understood that she could hear the crossbow...

Marie: Oh.

Sherry: ...from downstairs.

Marie: Well. I mean, it just seems suspicious. Like, 'Oh, no. I told him not to do it. It was just too late.'

Sherry: And in court, again, she says, "I did not have anything to do with that murder." She tries really hard to create that distance in any way she can.

Marie: That's ridiculous.

Sherry: She's a schemer.

Marie: She is. It's so sad. I mean, this man - granted - it's a little harder to feel as sorry for Paul, because he married this woman when she was 16. But Elaine had didn't do anything wrong. She tried to help this family.

Sherry: Well, he married her when she was 16 - but he'd been a pretty good husband; a good provider and had tried really hard to be a good father.

Marie: Yeah. He thought he'd done everything right.

Sherry: Yeah. I think they're equally egregious murders. But I just can see her saying, "I was not a party to that murder. I didn't really mean for him to do it. I changed my mind, and it was simply too late."

Marie: Yeah, that was obviously not something she said in earnest.

Sherry: Um-umm.

Marie: Well, I hope that it didn't hurt too much because Elaine - like I said - she just did everything she could to help these people.

Sherry: And this is how they repaid her. But, most likely, Elaine never even knew that it was happening.

Marie: Do you think she didn't wake up? I imagine it would be very painful.

Sherry: Being murdered with a crossbow is most likely a very painful death. But according to Margaret, Marie told her Elaine may have already been dead before she was shot - because of the amount of pills that Marie gave her that evening.

Marie: Well, I hope so. That's just terrible.

Sherry: Well, imagine killing Elaine with medicine, and then making your son shoot her...

Marie: ...so that you won't go down for it.

Sherry: Right, right. She's just evil.

Marie: How did she plan to explain away an old woman being shot in her bed with a crossbow? It's hard to pull out, 'Oh, it was just an accident.' For a second time.

Sherry: Oh, wait. A few hours later, Butch and Marie took the train to Chicago for a court appearance; trying to obtain death benefits connected to Butch's father's death. They coolly returned home after court to start dismembering Butch's grandmother. She wasn't planning on the police ever knowing about this.

Marie: Oh, no! I hate the disposal ones.

Sherry: Right. They had decided to store her in the downstairs freezer. The dismemberment portion of their debauchery would take seven months to complete.

Marie: I just don't understand this. Like, why did they have to do this? She'd taken them in, she'd loved them, she'd given them access to her money. I mean, couldn't they just let her rest in peace? They'd already murdered her.

Sherry: No. They really couldn't. Marie at first claimed that she did it to protect John - but it soon came out that she was being so grotesquely thorough because she wanted to ensure no tissues were left.

Marie: Ah. Because of the poisoning.

Sherry: She was afraid if there were tissues there would be tests. And if there were tests, it would be obvious that she had poisoned Elaine for weeks.

Marie: That's terrible.

Sherry: Yeah.

Marie: So, once again, it was all about covering her.

Sherry: Umm-hmm.

Marie: Like, everything in both murders was actually to keep her buffered from consequences, and from the crimes she was committing through her sons.

Sherry: Right. She's a real typical Red Collar Criminal that way. She's decided that it would be best if Elaine's body were cut up and disposed of in a variety of ways - and in a multitude of locations. Her initial efforts made her realize that this was not a job for the weak hearted.

Marie: It sounds like it's going to be so simple. 'Oh. Just, you know, dispose of the body in parts. It's very hard work - and it's very messy and distressing work.

Sherry: Right. And she hadn't counted on that. Not to get off track, but one of Butch's friends - who lived down the street from them in Trail Creek - came forward after the trials and said Butch was kind of an odd kid. He was into Dungeons and Dragons and other similar types of fantasy games - as was this friend that's telling the story. But he said it creeped him out when he heard of Elaine's murder; because Butch had had him over to stay overnight after Elaine was murdered.

Marie: That would creep me out, too.

Sherry: But Marie needed to get Eric home because she did not want to take care of this mess herself.

Marie: She never does.

Sherry: But she knew she had Butch, and she had her own mother helping her with dismembering the body. Well, it seems Margaret just kept watch downstairs to make sure no one came to the house. And she said she was trying not to drink herself to death - which is how she coped with it all - while Butch and his mother were doing the dirty work. But this was a huge job. So, Marie contacted Eric where he was stationed in California and insisted he come home; telling him there had been an accident and they needed him right away. Eric was granted an emergency pass and he went home.

Marie: Do you think that when he heard that word, accident, like his blood ran cold? Like, he knew what that was called for from his own experience.

Sherry: Oh. He says he went, "Damn. I didn't even get to finish boot camp. Because he thought he was protecting grandma.

Marie: Yeah. He thought that by him leaving she wouldn't get killed.

Sherry: Right. So when he arrived, Marie - who was always one for dramatic flair - took him to the basement where he saw a refrigerator that was chained and locked. After removing the chains, she opened it; revealing a freezer full of grandma.

Marie: Why does she always have to traumatize them like that??

Sherry: I don't know. She's an awful person.

Marie: Like, she didn't need to make it like that.

Sherry: No, she didn't. But she appealed to a sense of duty, and she announced that this mess was his fault. Of course. Oh, yeah. it's never her fault right it was all a mess because he had failed to stick around to do the job himself. He advised them all to play like Grandma had left town to visit someone, and he said they needed to fly under the radar so as not to attract attention.

Marie: And not spend all the money in less than a year - like last time.

Sherry: Um-hmm. But that wasn't enough. Marie wanted him to dispose of that body. She was tired of trying. Realizing what his mother was expecting of him (and his brother and his other grandma), he said the equivalent of, "Hell no! What is wrong with you??" He packed up his things and headed back to the safety of California. His mother was on her own for this one.

Eric swears the following is true - although it seems to be even more beyond belief than the rest of this story - but Eric says he was headed back to San Diego and was trying to decide what course of action he should take. He hadn't yet realized he didn't have any decisions to make. He told ID Discovery that, as he was passing through Tennessee, he realized there was a nasty smell coming from the back of his truck.

Marie: Oh, no.

Sherry: Mixed in with his belongings - you guessed it - was an ice chest containing portions of his grandmother's remains that his mother had surreptitiously placed in his truck. Now, he was implicated. He had just taken a body across several state lines and that, coupled with what his mother knew about his father's death, left him trapped. His mother never left him any choices.

Marie: That's so sad!

Sherry: Yeah.

Marie: I would be so mad! That's disgusting on so many levels.

Sherry: He was pretty angry. He buried the cooler under his belongings, and proceeded back to the Navy base as planned. And - OMG, he says he sees lights behind him. The State Trooper that pulled him over wanted to know what was in the chest in the back of his truck. As the Trooper headed toward the chest, Eric made a decision. He pulled out his gun and waited for the Trooper to discover Grandma's remains. He said one of them was going to die that day.

Marie: Oh, geez.

Sherry: Um-hmm. But at the moment that the Trooper got to the back of the truck, a car sped by that was going so fast the trooper dropped what he was doing so he could pursue the speeder.

Marie: (chuckles) Okay - and that sounds realistic.

Sherry: And Eric leaves before the Trooper can return. He said it happened. I'm not going to question it.

Marie: I guess it would not be the most out of the way thing. I mean, the story started with a nudist colony.

Sherry: Right. There's so much in this story. When he got to San Diego, he rented a locker, put the cooler into storage, and tried to act normal. He hoped to get a little bit of space that would let him figure things out. But Marie and Butch followed him to California two weeks later, and begged Eric to help them out of this mess. Marie invoked his sense of duty to family and told him Elaine's family had finally called the police and filed a Missing Person's report. The Investigator assigned to this case was the same investigator who had cleared him for his father's death.

Marie: Oh, that's a nasty coincidence.

Sherry: It's a really small town; I'm not surprised.

Marie: Yeah. She reminded him he was implicated in the murder since he had parts of Grandma there in California and he hadn't contacted the police about it. Overwhelmed with grief, guilt, and obligation Eric did what most 18-year-old boys would do: he resumed his duties in his insane family life. For the next 11 months, Marie engaged her sons and her mother (and at least one of their friends) in a gruesome, despicable cover-up. We won't go into the gory details - because it's one of the most horrendous stories of disrespect and body disposal that I've ever had the misfortune to encounter - but trust me, it was horrible. When they were finished, her remains were spread over Indiana, Illinois, and California. There was never enough of her body recovered to even warrant a formal burial.

The family found themselves very busy with body disposal, fending off neighbors' inquiries about their grandma's well-being, and trying to keep all the moving parts in place. Marie had to cash Elaine's Social Security checks, and she didn't want to get caught.

Marie: Everyone eventually gets caught with that.

Sherry: Um-hmm. And she didn't realize how quickly she would be caught, I think. After she carefully forged Elaine's signature, she had Margaret dress up in Elaine's coat and hat and the two of them hopped into Elaine's car and headed to the bank to cash the check. With Margaret as the passenger, it would be less likely that anyone would actually see her - but would have the impression that Elaine was there with Marie.

In October, the Witte family loaded up their belongings (with some of Grandma's remains still in tow) and headed for San Diego as authorities investigated the disappearance of Elaine Witte.

They thought they'd found their happily ever after. Marie continued selling off Elaine's belongings and cashing Elaine's monthly Social Security checks to fund their new life. What Marie didn't know, was that - as she was packing up her family and skedaddling out of town in late September - her own mother (who was going to be left behind) had quietly contacted the police and told them everything she knew. Which was a lot!

Marie: Thank goodness! I can't believe it took this long for someone to go, 'You know what, I'm not doing this. I'm just going to tell the police.'

Sherry: I don't know if Margaret was afraid to death of her - and wasn't telling them because of the fear - and now that Marie had moved to California felt that she might be able to get some help. Or if

Margaret was mad that they had left her in Indiana. I'm not sure which it was. I'm just glad that - for whatever reason - she called.

Marie: Yeah. Otherwise these boys would have been doing this their whole lives.

Sherry: I think so. Anyway, Margaret told them how Marie had asked her to keep watch downstairs while Marie and Butch butchered Grandma. And Margaret had agreed to do so. She described how the pair had brought in heavy plywood and plastic to line a closet, and then filled the room with a circular saw, chisels, knives, grinders, and acid (while Margaret had taken shelf paper and lined the shelves of the cooler in the basement). Margaret hadn't been upstairs during the destruction - as I said before. Marie was always trying to keep her out of that part. But Margaret could hear and smell everything that was going on. She used copious amounts of alcohol to help her cope with this new reality. The recreational vehicle that Marie used to haul away the results of her work came to smell so bad they had to replace the seats and the carpets in the RV to cover their depraved activities.

Marie: Sounds like a nightmare. I would drink myself to death, too, I think.

Sherry: I think she was on the right track there. And I'm really glad she called the police.

On November 14, 1984, Marie headed to her new bank in Chula Vista to cash one of Elaine's Social Security checks. But this was to be her undoing - as we discussed above. By the time of the arrest, Marie had stolen approximately \$4,000 in Social Security and Railroad Benefits combined.

Marie: So, she got away with it for about 10 months?

Sherry: Eleven months.

Marie: It's crazy.

Sherry: It's completely insane. So, let's talk about what happened after their arrest.

Marie: Okay. So, after their arrests Eric and Marie were to remain jailed in sunny California until after they were convicted of forgery for cashing Eric's grandmother's Social Security checks. Eric was sentenced to 1-4 years in prison, and Marie was sentenced to 10. But that sentence was nothing to her, as sentences for her misdeeds started to pile up. These would be served in Indiana. So, as soon as the trials for forgery were completed, papers for extradition were drawn up and Marie and Eric were sent to Indiana to face the music for the murders they'd committed. Eric was given a plea deal for the murder of his father. In exchange for testifying against his mother, and pleading guilty to Voluntary Manslaughter for killing his dad and assisting a criminal for his role in dismembering and disposing of his grandmother - he was sentenced to 10 - 20 years and then 1 - 5 years, respectively. He was released on parole in September 1996 after 11 years in prison.

Sherry: How do you live a good life when your moral compass was set by such an evil mother?

Marie: I think it's hard. In the documentary, Evil Lives Here, Eric describes how he has tried to move forward and live a good life. Here's an excerpt of that interview:

Eric (recording): About once a year, I stop and I think about where I'm at. Am I on the right track? Here's the question that I have to answer every year: is the life I have now worth having killed for? It's easy to look back and go, "That was the wrong choice."

Sherry: I think that's really interesting that Eric wants to live a good life after all of the depravity that he has seen from his mom and from his grandmother. Um, I've checked, and I know that Eric works hard to be a good person - even today. And has created a good life for himself and for his family.

Marie: I'm glad. I think that it's hard to tell with the boys what kind of people they are, because they were so young when they became murderers. So I'm glad he was able to turn it around and not end up like his mother.

Sherry: I really agree. So, who is Paul Witte's biological mother? Did you find anything about her?

Marie: Mary Bowyer, I think is how you say it. She died in 2007. And I'm not really sure where she was during this time period.

Sherry: Ah. Okay. Well, what happened with Butch?

Marie: Well, Butch was also given a plea deal. In exchange for testifying against his mother, and pleading guilty to Voluntary Manslaughter in the murder of his grandmother, he was sentenced to 10 to 20 years in prison. He also was released on parole after about 11 years.

I'd like you to notice that both of these boys were released fairly early in the...as far as where they could be released. Which indicates that they were fairly well-behaved in prison. They weren't in there being violent or, you know, getting in serious trouble.

I thought it was interesting - at trial he gave the jury a little glimpse into his personality and kind of who he is when he was being cross-examined by the Defense. His and his mother's testimony diverged on a few key points and Attorney King was questioning him pretty closely; trying to get him to admit to his mother's version of what had happened. And Butch growled something that doesn't really make sense, uh, if you don't know the lingo. But he said, "Dig, punk. Cool your act." To the Defense Attorney.

Sherry: How disrespectful.

Marie: Yeah. Um. I don't know that kids today would even know what that means - but it's pretty aggressive. Um, and Attorney King turned to the Judge to ask for a recess to let this teen cool down. Butch got up and lunged toward him in the Witness Box - over the stand. He lunged at him.

Sherry: Oh my gosh!

Marie: Yeah.

Sherry: Did he get him?

Marie: No. I mean, it's actually kind of hard to get out of the witness box - if you're trying to jump over it.

Sherry: Um-hmm.

Marie: So, no. He was he was taken out by the Courtroom Security Officers. But I don't think Attorney King saw that coming. It's kind of an unusual...even in criminal trials it's kind of an unusual happening.

Sherry: Yeah.

Marie: After he was released from prison, Butch changed his name to Hans Dieter Witte. Butch died from complications of diabetes on December 29, 2006, at the age of 37.

Sherry: That's too bad. It's too bad that he had such a short, sad life.

Marie: Yeah. He went through a lot and then he died pretty young.

Sherry: Yeah. So, what about Doug Menkle?

Marie: Well. We didn't talk a lot about Doug Menkle, but that's Eric's friend. And he was charged with a Felony count of Assisting a Criminal for his part in helping to dispose of Grandma Elaine's remains. What he had done, was he accompanied Eric on a trip to California with a cooler filled with part of her remains in tow. He pled guilty to a Misdemeanor Assisting a Criminal in a plea agreement where he also cooperated by testifying against Marie. And he said that Marie told him the shooting was accidental, and they needed to conceal the death to avoid having her husband's shooting death reopened. He was sentenced to time served; which was about 14 months. And he was turned over to naval authorities who were investigating his unauthorized absence from the Great Lakes Naval Training Center in Chicago.

Sherry: Oh. Which I'm sure was not as generous to him as the courts were.

Marie: Yeah. I think that when they send you off to the Naval Courts it's...they're not as worried about punishing you, because they know you're about to be punished.

Sherry: Right. That's very true. Oh, wait. Did Eric go AWOL?

Marie: No, he didn't go AWOL. He actually stayed in the military through all of this mess.

Sherry: Wow!

Marie: Yeah. When they arrested him after they arrested Marie and Butch, they had to go and get him, like, from his point of service. He was serving in a hospital.

Sherry: Oh my gosh! They probably died when they picked him up for that.

Marie: I know! You just you never know people's stories. But we..the person we haven't talked about is Marie's mother; their other grandmother.

Sherry: Oh. Margaret O'Donnell?

Marie: Um-hmm. So, she was almost 60 at this point, and she was charged with Attempted Murder for the weeks-long attempt to poison Paul. And then she was also charged with Assisting a Criminal in connection with the disposal of Elaine Witte's body. Yeah. It's a lot. Especially at that age. I mean you serve much time in prison and you end your life there.

Sherry: Right.

Marie: But she also was able to cut a deal with the Prosecutors and testified against Marie at trial. In exchange, she pled guilty to Attempted Murder and the poisoning of Paul Witte. And the charges of Assisting a Criminal were dropped, and she was sentenced to up to six years in prison. Which is a lot less than she could have ended up with. She received the assurance of the Court - and this was very important - that they would do their best to ensure she was not incarcerated in the same prison as

Marie. Margaret understandably feared for her life. She knew what her daughter was capable of, and she was sure that Marie was not pleased that Margaret had testified against her.

Sherry: Why would they agree to just drop the charges of assisting a criminal? It seems like she was fairly active in what happened to Elaine after her death.

Marie: Well, I don't know for sure. But I do know that it was part of a plea deal. And, from the sounds of it, she was kind of only keeping watch. She wasn't as involved as the others had been.

Sherry: That's true. She was really under Marie's power as much as the boys were, in a lot of ways.

Marie: Yeah. And I think it'd be terrifying to be the other Grandma as they're cutting up Grandma.

Sherry: I can't imagine these boys feeling safe and secure with their mother; knowing that she is so murderous.

Marie: Yeah. That she will kill you if you become inconvenient. That's just very scary.

Sherry: Right. So...so...what happened with Marie?

Marie: Well, speaking of being young, all this has happened and she's still only 37.

Sherry: Oh my gosh.

Marie: She's had two sons, she's murdered two people. Um.

Sherry: Well, kind of murdered two people. She made her sons do it.

Marie: Well, orchestrated the murder of two people. Um. And now she's on trial. So, one murder - even though they were both committed in Indiana - one had been committed in Porter County and one had been committed in La Pointe County. So, different jurisdictions plus different actors meant that both cases would have to be tried - and she wouldn't get any kind of deal or trial that encompassed both.

Sherry: Oh, okay. Because if you kill someone in one county and then another county - typically - don't they try you for one and, kind of, reserve the other murder until after that's been served and make a decision at that point whether they'll do anything?

Marie: Yeah. A lot of times they'll do that - or they'll try to get you to plea to both. Or you end up with, kind of, a bundle.

Sherry: Yeah.

Marie: Not to compare it to car insurance; but, uh, if you're going to commit murder you shouldn't really commit them in different places with different co-conspirators.

Sherry: That seemed like it was really dumb.

Marie: Yeah. But murder needs to be tried by a jury in the place where it took place. So, she had two different venues here and, like we said, it's kind of ironic that if she had just done it herself there probably would have only been one trial with the second trial reserved for a later date. So, what ended up happening was the murders ended up being tried in back-to-back trials, in separate courts. We've got two trials to talk about.

Sherry: Oh my goodness.

Marie: They started with the first murder. The murder of her husband, Paul. And we know that Paul's mother's biological mother, Mary Bowyer, was around and connected because she attended the trial and cried the whole time.

Sherry: Ohhh.

Marie: Yeah. It's just horrible because her whole family was wiped out; her son's gone and her grandsons are going to prison. The Associated Press asked if she would like to make a statement and that's what she said. She said, "Look what she's done to my grandsons. My son is gone, my grandsons are gone."

Sherry: That is so sad. I think about the families who are left after the death and I think that their stories are sometimes very tragic and very sad. The people who are left have to deal with the gossip and the rumors and the pain. I don't know how they ever get through that.

Marie: I know it's horrible. Murder creates a lot of victims - not just the person who died.

Sherry: That's absolutely true.

Marie: But the trial went on, and her first trial - the one for Paul - she was convicted on one count of Murder and one count of Attempted Murder for the poisoning. So, then she was sentenced to 25 - 50 years in prison for each count. They were to be served concurrently.

And in 1986 she was convicted on one count of Conspiracy to Commit Murder and one count of Murder for the killing of Elaine Witte. She was sentenced to 15 - 30 years and 42 - 60 years, respectively. Which were to run consecutively.

Sherry: So, hold on a minute.

Marie: It's a lot of math - it's a lot of years, right?

Sherry: Hold on, let me think. In total she was sentenced to serve a maximum of 140 years?

Marie: Yep. So, remember she was sentenced to 10 years for cashing Elaine's checks - but then the Judge ordered that her murder sentences would run concurrently with her sentence from California. For the murder of Paul her two sentences were to run concurrently so that would be 50 years and that included the 10 years for cashing the checks - and the two counts for the murder of Paul.

Sherry: So, that's kind of that bundling you were talking about - they've bundled California in with Paul's murder - with the consecutive stuff.

Marie: Yeah. So if she'd stopped if she'd stopped there, she would have only served 50 years and theoretically gotten out of prison when she was 87.

Sherry: Well, she probably would have only served 25 - because it was 25 -50 if she behaved at all. She would have been out earlier.

Marie: Yeah. That's true.

Sherry: Maybe.

Marie: Maybe. She could have, theoretically.

Sherry: Yeah.

Marie: But then after those sentences were completed, the clock would be reset - so to speak - and her sentences for the murder of Elaine would begin. And those two sentences were ordered to run consecutively. So, $30 + 60 = 90$. $50 + 90 = 140$.

Sherry: So, 50 for the murder of Paul. 90 for the murder of Elaine.

Marie: Mmm-hmm.

Sherry: Okay.

Marie: So, I mean she's not going to live for 140 years.

Sherry: I don't think so - I hope not.

Marie: Yeah.

Sherry: For the sake of her children, I hope not!

Marie: Yeah. Um, and she, of course, appealed this conviction. She didn't like it. She claimed that her husband was abusive to his family when he was angry, and so her case should have been considered to be self-defense under the Battered Wife Theory.

Sherry: Wait.

Marie: Yeah. There's one problem with that - is that there's no claim that he battered her, and also she's not as smart as she thinks she is - like most criminals - the facts showed she'd been plotting to kill her husband for like two years. She'd wanted to divorce him but - like you talked about - she'd done the math and her divorce settlement didn't feel like it was enough money to her. Then she tricked him into taking out a loan for new furniture and spent that money on other things. And then September 1st was when the issue with a furniture loan came to a head. She felt like she had her back against a wall - and Paul angrily declared he was going to kill someone if he found out family members were lying about the furniture being delivered the next day.

Sherry: And really, honestly, that's how people used to talk. 'I'll kill you!' You know; it was just like the way people talked back then. So, we all know it wasn't a credible threat.

Marie: Yeah. I think, even now, a lot of people say, 'Oh, I'm just gonna kill somebody, I'm so mad.'

Sherry: Right, right.

Marie: But there was no evidence that he had physically assaulted her. So, I mean, we don't have hospitalizations for any of the family members - and so, of course, the the court rejected this appeal. Um, because it was pretty clear that she had basically used her son as a hitman, and then just left the house so that she wouldn't be there. So, self-defense didn't make sense anyway. She didn't even do it. You can't have self-defense with a hitman - or an agent.

Sherry: Well, self-defense is because you can't remove yourself from imminent danger, right?

Marie: Um-hmm.

Sherry: And she'd clearly removed herself.

Marie: Yeah. It was a stretch of a legal argument, even if she could try and argue that she was, in fact, battered. So, then she complained a little bit more technical argument: that her Defense had been unduly restrained in questioning Eric, John, and Margaret because the Judge would not let them be questioned regarding prior mental or emotional afflictions, prior commitments to mental hospitals, and prior drug and alcohol abuse. And the Appellate Court ruled that this information had no bearing on the case.

Sherry: Ah, yeah, I think I heard that she was trying to discredit them by saying they'd had these problems in the past. She wanted to discredit their testimony.

Marie: Yeah, that makes sense - but it didn't fly. So - she also challenged the Order that her sentences for the two murders run consecutively. This was highly unusual, and the court remanded this portion of her appeal - instructing the Judge to either clarify and clearly state why he elected to have them run consecutively or change his order; allowing them to be served concurrently.

Sherry: Ah.

Marie: And the Judge subsequently allowed them to run concurrently.

Sherry: Okay.

Marie: But she was still required to serve the two sentences for the murder of Elaine consecutively. Her sentences for Elaine's murder would take the longest, so those are the sentences that would toll for her. Everyone told her, 'Expect to serve 45 - 90 years in prison, and this was a big win for her - on paper!'

Sherry: Hopefully not in real life.

Marie: Well, 45 years when you're 37 is - still essentially - the rest of your life. In 1990, Marie appealed the decision in her conviction for murdering Elaine Witte. The original decision was upheld by the Appellate Court. It was a little bit less interesting because she really didn't have a good defense there.

Sherry: Right.

Marie: In 2000, Marie decided she'd done her time and she deserved to be out.

Sherry: She didn't understand what she had done there at all. She had no remorse if that's what she thought.

Marie: I don't think she ever had remorse. And she went, 'I didn't even pull the trigger. Why am I still here?'

Sherry: She's like a booty bumper.

Marie: She is - in a lot of ways. She's very manipulative and doesn't see herself as responsible for anything. But she said that she'd served 14 years, she'd found God, and she'd earned a Bachelor's Degree. Her boys were the ones who committed the murders; not her. And she felt she was ready for freedom - according to her Petition to Modify.

Sherry: Wow.

Marie: Yeah. She said that she has - through therapy, counseling groups, education, time, and self-introspection - overcome the issues in her life which brought her to prison. It's like the issue in her life is that she doesn't value other humans.

Sherry: Yeah.

Maire: Her sons', her husband, her friends, her her own mother, and her mother-in-law - who had welcomed them into her home. Like the people she should value the most, she didn't care about at all. She voiced deep regret for her actions, and also stated in the petition that she now understands there is no excuse for resorting to violence when she doesn't like what's happening in her life.

Sherry: Okay, wait. It's always so interesting to see how offenders choose to frame their offenses. Violence is hitting someone - not threatening and coercing your teenage sons into committing murder for you. And then forcing them to lie to authorities and to dismember and dispose of their own grandmother's body. That's not violence.

Marie: No, this isn't someone with a temper issue. This is very calculating. She had two people murdered in cold blood. And, even worse, she used her sons to do it - at the ages of 15 - and all for the love of money.

Sherry: Yeah.

Marie: I mean, I don't know that you could be more cold-hearted or selfish.

Sherry: I agree.

Marie: Complicating it, she had to file her petition in two different courts - the Superior Court in La Port denied her request outright. And the Superior Court in Porter followed suit; the Judge saying that he placed a lot of weight on what the Prosecutors were saying. The Judge advised her that it was good and well that she was feeling better about herself and had earned a degree, but her release would not be in the best interest of justice.

In 2008, Marie filed a Writ of Habeas Corpus - asserting her innocence in the murder of Elaine Witte. Marie produced two never-before-seen letters she'd allegedly received from Butch. She claimed they had been written by him while he was still in prison.

Sherry: Really?

Marie: I'm not so sure about that part. In these letters, Butch vindicated his mother - admitting he lied at trial. But remember, this is 2008. Butch had died in 2006 - making these letters highly suspect.

Yeah. I mean, blaming it on your dead son is just a next level thing for her. But, also unsurprising. But the Judge never had to make a decision regarding the authenticity of those letters, because the Writ of Habeas had not been filed timely. The Statute of Limitations had run out - as had Marie's hoped-for luck.

Sherry: Ha-ha.

Marie: Her sentence for the murder of Elaine was a permanent lock.

Sherry: That gives me a complete sense of relief.

Marie: Yeah, me too. Marie is still incarcerated and hopes to one day be paroled.

Sherry: I hope she's never paroled. That's just me.

Marie: Me, too. Her earliest possible parole date is still kind of far off - it's October of 2028.

Sherry: Good.

Marie: Today Eric calls his mother "...a scheme ready to happen." He said there wasn't anybody who went through her life who didn't become victims. "We all paid varying costs. Some paid with their lives, but everybody paid something."

Sherry: That is so sad.

Marie: And absolutely true! He paid a high price himself.

Sherry: Yes, he did.

Marie: He said:

Eric (audio recording): People talk about remorse, and don't you feel bad about what happened? Yeah. I feel bad about what happened. I didn't have what I saw as a viable choice then.

Marie: Yeah, it's very sad.

Sherry: I really feel bad for all of the players in this case. It seems that Eric's right. Marie completely manipulated everyone and always cost them way more than what she was willing to ever give them.

Marie: I think so.

So, the Where Are They Now portion of this episode is fairly brief. We've already covered some of it. But Butch did get married before he died - it doesn't look like he had any children and as, we said, he died in December of 2006.

Marie is still in prison.

And Eric - he grew up got married, successfully raised three children with his wife, and is proud of himself for staying out of prison and - of course - working to become a good person, despite the choices and challenges of his childhood.

Sherry: Wow.

Marie: Yeah. And he seems to be proud of his family and their accomplishments. And seems to have moved on as best he can.

Sherry: Well, that's kind of a happy ending. It seems that everyone else was left in her wake.

Marie: Yeah. I'm glad that at least one person kind of came out of it.

Sherry: What about Grandma Margaret?

Marie: Well, Margaret did serve that time that we talked about. But after she was released, she kind of went in the wind. I don't know what happened to her or where she is.

Sherry: Wow. That's a little bit scary.

Marie: It is. I think I would probably, kind of, go into hiding too though.

Sherry: Yeah. I would. Marie was a lot to get over - and kind of still scary.

Marie: It sounds like.

Sherry: Yeah.

Marie: So, this is probably one of our most complicated cases. It's like every time we thought we were done with this story, there was another layer and another crime.

Sherry: That's really true. This was a very complicated one.

Marie: I'd love to hear – Listeners, what do you think? Do you have a different take on Marie? Who do you think we should be the most upset with in this? Let us know on Facebook, Instagram, or email us at parricidepodcast@parricide.org.

Sherry: Yeah! And we'd like to send a million thanks to Charlie, Lisa B, and Carolyn for their generous support on Patreon. Without your support, this podcast wouldn't exist.

Marie: If you haven't, yet, head on over to Patreon and check out Parricide Podcast. Each patron tier carries with it a small token of our thanks.

We'd also like to thank our sources: Horrorhistory.net, the AP News, the Times, My Life of Crime, Justia, the Sun Sentinel-Transunion, the Madison Courier, Deadly Women, HermitJim Blogspot, Vidette-Messenger, the Muncie Star, the South Bent Tribune, Evansville Courier and Press, the Call Leader, Murderpedia, history.com, and My Life of Crime.

Sherry: Many, many thanks to Investigation Discovery for the sound bites from their show, She Made Me Do It. It's in their Evil Lives Here series, and it's well worth the listen.

And, of course, all thanks to Jade Brown for the music.

We'll see you in two weeks, and remember –

Marie: Always sleep with one eye open.

(outro music) Ashes, ashes; we all fall down.