

Summers

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tors, former San Bernardino Police Chief Warren Cocke, present Police Chief Ben Gonzales, former District Attorney James Cramer and former Deputy District Attorney Joseph Canty.

Riverside attorney Don Brown, who was retained to represent the city of San Bernardino in the Summers case, said, "We are prepared to answer" the suit.

Although the defendants have not yet been served with the suit, Brown said, "We are going to deny that there was any wrongdoing of any kind."

Summers was accused of the 1977 killing of his former wife, Beverly Wise, and the kidnapping of two of her children, who are still missing. Summers is the natural father of one of the missing children.

After a five-month trial, a jury on Oct. 27, 1982, acquitted Summers of the murder and kidnapping charges. After the verdict, 10 of the 12 jurors asked that the chief investigator in the case, Donald Meyer, be investigated for criminal conduct.

In a letter dated Aug. 4, the district attorney's office reported that after an "exhaustive review" of the pertinent materials in the case, there was "not sufficient grounds to form the basis of a criminal prosecution" against Meyer. The suit charges Meyer and other investigators, including John McDonald, Ernest Tull, Ron-



Roy Summers

ald Sharp and Terry Wood, threatened and pressured witnesses to change stories favorable to Summers.

These investigators, who are also named as defendants, "put information in their police reports that is contradicted by the taped interviews with the specific witness," the suit charges.

The day after the Wise murder, investigator Gary Hilder, another defendant, interviewed Summers, who was a suspect in the case. According to the suit there were two alibi witnesses and "plenty of other people" who had seen Summers the day the killing occurred.

"Defendant Hilder never made any attempt to contact any of the

witnesses or to obtain their names and addresses. This breach of duty later worked directly to the detriment of (Summers) when he was charged with the murder of his ex-wife some 2½ years later and the witnesses had long since been gone and were unable to be located," the suit said.

Summer's sister, Karen Mastin, was accused of helping her brother by harboring the two children. According to the suit, detectives Meyer and McDonald lied about witness statements to obtain an arrest warrant for Mastin.

She was arrested and jailed for three months, had to raise bail and was ordered to court once a month until the charges were dismissed against her in 1982.

During the investigation, former Deputy District Attorney Canty, who first prosecuted the case against Summers, "stepped outside his role as a prosecutor exercising prosecutorial discretion and began actively conducting investigations and interviews with many witnesses."

Former District Attorney James Cramer "personally authorized" such actions, the suit said.

Canty, who later resigned from the DA's office and was replaced on the case, had told Meyer that it was "absolutely mandatory" to destroy the credibility of witnesses favorable to Summers, the suit said.

Police Chief Ben Gonzales, his predecessor Warren Cocke and other police supervisors, including Michael Maudsley and Donald Levan, were aware of the "threatening and intimidating tactics" of their subordinates and did nothing, the suit alleges.

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A month after the killing, Lt. Dale Roberts administered a polygraph test on Summers. Roberts, who is a defendant in the suit, first said that Summers had passed the test and was "clean."

But at the insistence of Meyer, the suit claims, Roberts reanalyzed the test results and concluded that Summers was lying. Roberts claimed that another polygrapher had concurred with Roberts' second conclusion. The suit says the other polygraph expert never evaluated the Summers test results.

Meyer, who the suit says "personally took the Wise file home to work on," was primarily responsible for reopening the investigation after it was closed two years after the killing.

From the beginning, the Summers' case received a great deal of attention. The focus was on the fate of the missing young girls, one of whom had cystic fibrosis.

Local community groups, the FBI, law enforcement agencies in four states, a psychic and national media were, at one time or another, involved in the case.

In terms of officer hours and travel expenses, the Summers case is the largest police investigation in the city's history.

If Summers is successful in his suit, the Bay Area resident will be forced to pay the county back about \$300,000 which was spent on his defense, a Superior Court judge ordered in April.

Nacsin, who filed the suit in U.S. District Court in Los Angeles, said he expects the suit to go to a jury trial in about 18 months.