Analyzing and Negotiating Conflicting Ethics in Journalism
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Abstract

The primary goal of journalism is to report the truth, a delicate and demanding process. It requires a continual negotiation of ethics, recognition of potential biases, and balancing of personal standards with professional expectations. Journalists must learn to identify not only when others are deceiving them, but also when their own preconceived notions, personal ideals, or emotions are swaying them to report anything less than the entire, objective truth. Even so, the line between reporting and advocating becomes blurred when such mental deterents are strong enough to potentially overshadow professional ethics. These ethics of objectivity and accuracy are the foundation of journalism, a discipline that is distinguished by its reliable and honest nature. This paper explores the experience of writing an investigative story that required constant analysis and negotiation of what to do with the strong opinions, expectations of advocacy, and emotional involvement that accompanied the investigating process. The objective of this project is to prove that although journalists are taught that there is no room for opinions or emotional attachments in their field, meticulous application of the journalistic principles of independence, sensitivity, comprehensiveness, fairness, and verification enable a final product that is not only accurate and all-inclusive, but also thorough, passionate, and effective.
Introduction

Journalism uses specific ethical codes to detail the steps necessary for achieving the distinct purpose of accurately informing the public of newsworthy matters without bias or ulterior motives. Journalistic principles are presented as strict expectations, demanding precise application to enable the field’s continuing success and positive relationship with its consumers. Despite its distinct purpose and precise guidelines, however, journalism is an ambiguous entity with a wide range of individual freedom. I learned early on in my first real experiences that there is a difference between what you are told to do in a classroom and what is actually right for you. There are no definitive rules, nor are there precise steps laid out before you to ensure that you meet the objectives of a journalist. The basic principles of journalism—leave your opinion out of it, don’t get attached to your sources, avoid emotional investment in your subjects—suggest what to do with the inevitable conflicts of interest you will encounter, but provide no explanation for how to do it. Quality reporting entails more than just strict adherence to the principles of journalism; it demands circumstantial solutions to dilemmas that exist because of who the reporter is, both from preexisting morals and opinions as well as evolving reactions to the subjects being covered.

The primary goal of this project is to reflect on my own personal experiences with reporting, specifically examining an assignment during my final year in college that required me to balance my personal opinions and emotions with the ethical expectations of a journalist. I discovered firsthand the difficulty of negotiating an appropriate relationship between my responsibilities as a reporter, my own relevant feelings, and the expectations of my subjects, the people whose lives I was delving so deeply into with intentions of displaying the most intimate details for anyone to see. Journalists strive first and foremost to provide thorough and unbiased truth to the public. Our job is not to persuade people to align their beliefs with ours; our job is to present the facts to allow others to form educated, well-
informed opinions. We are taught that to do so, these distractions—conflicts of interest, emotional attachments, personal opinions, and moral obligations—must be set aside for the sake of objectivity.

Good investigative reporting, however, requires such a thorough understanding and dedicated commitment that it seems impossible to avoid becoming involved in any compelling, newsworthy subject. An effective and engaging story evokes an emotional reaction from the reader, a feat that seems unlikely for an indifferent reporter with no internal motivation to pursue the story. Yet journalism demands objectivity, a fair and honest story founded in verified evidence and unbiased reporting. An objective investigative piece must provide a voice to every side of the story without including the reporter’s opinion. It must not have an expected outcome; a good reporter uses neutral language and includes all relevant information. A story must not intentionally craft a specific opinion, a particularly difficult task for anyone with a strong opinion or emotional investment.

As I navigated this conflict throughout the semester, I found that personal involvement does not necessarily deter good reporting. A careful balance of my own passionate opinions and professional ethics drove me both to create a comprehensive and gripping story and to compensate for my biases with meticulous reporting and a constant awareness of journalistic ideals. I found that allowing myself to be driven by personal convictions but guided by professional ethics is a delicate and dangerous balance, but was not a hindrance to creating a piece that met both the standards of the industry and my expectations of myself.
Principles of Journalism

A number of valuable resources exist to guide journalists toward the ideal standard of ethical reporting. Although not enforced rules with unconditional instructions, these principles are intended simply to remind journalists of their responsibilities, as well as the tremendous power they have to sway public opinion. Journalism is vital to the success of a democratic society. It also has the potential to be a dangerous tool without careful and universal application of ethics. Journalism can transform into a number of other things, from propaganda to libel to outright fiction, that are not always easy to distinguish from honest reporting. Members of the press must be held to a high standard of expectations in their efforts to pursue and report the truth. They must also be held accountable for what they present as accurate and unbiased information, as it is only through this assurance that the media can be both reliable and successful.

The Society of Professional Journalists, a prominent organization created to uphold the ideals of journalism, created a Code of Ethics to advise journalists of their standards. The SPJ Code of Ethics charges journalists to “seek truth” for the purpose of enlightening the public and preserving a functional democracy (Society of Professional Journalists). In doing so, SPJ instructs reporters to provide “fair and comprehensive accounts” of events using thorough, honest reporting (Society of Professional Journalists). The specifics of how to accomplish this task are divided into four primary objectives. Because SPJ is a widely recognized and credible institution, these four objectives are generally accepted as a standard ethical code for journalism.

The first principle is to “seek truth and report it” by means of diligence and care (Society of Professional Journalists). It is important to use credible sources, clear and uncluttered language, bold
but accurate information, and honest investigating methods (Society of Professional Journalists). SPJ advises journalists to empower the oppressed by giving them a voice and always remain inoffensive, neutral, and forthcoming. One of the most important facets of this principle is the charge to distinguish between “advocacy and news reporting” (Society of Professional Journalists). SPJ highlights the importance of identifying personal sentiments as such rather than presenting them as absolute facts, a requirement that is integral to reporters who are working with emotionally involved sources or highly opinionated subjects.

The second journalistic principle is to “minimize harm” by being respectful of everyone involved in the reporting process (Society of Professional Journalists). SPJ advises journalists to be wary of news with a potentially negative impact on the population and to always use compassion when reporting. This principle ultimately reminds journalists to be humble and cognizant in their pursuits by respecting privacy, exercising sensitivity, demonstrating tasteful and reasonable judgment, and maintaining a constant awareness of both the indelible and circumstantial rights of American citizens (Society of Professional Journalists). Journalists are both powerful and important in a democratic society, a truth that mandates continuous effort to avoid overstepping boundaries or causing unnecessary adversity.

Remaining independent is vital to the success of a journalist. When reporting, it is of the utmost importance to avoid conflicts of interest, bribes, favors, personal associations, or extra-curricular involvement with the potential to discredit journalistic integrity (Society of Professional Journalists). It is this third principle that is arguably the most important to any investigative project. Throughout the reporting process, it is all too easy to become emotionally involved or develop a stance that will negatively impact the ability to report genuine truth. A journalist with a narrow perspective cannot possibly see the whole picture. For the same reason, a strong opinion is likely to compromise an open-minded reporter and result in a jaded account that is either incomplete or inaccurate.
The final standard of the SPJ Code of Ethics is to be accountable. A reporter’s first responsibility is to serve the public, an impossible task if the public is uninformed and the journalist is unavailable. SPJ advocates for clear news coverage that is available for analysis and critique, aiming to create a society in which the media and the public can have honest dialogues to create a collaborative definition for effective, newsworthy reporting. Journalists should be willing to admit mistakes and also be willing to hold each other to the same high standard of journalistic integrity (Society of Professional Journalists). This concept functions as the checks and balances system for journalism to ensure that reporters can correctly do just that for American society.

Numerous other ethical codes exist, some created by different organizations and others that embody the principles of specific publications like National Public Radio or the New York Times. One such code, created by the Pew Research Center’s Project for Excellence in Journalism, is similar to the SPJ Code of Ethics but has a few key differences. PEJ is comprised of nine concise principles intended to direct and advise journalists striving for success. Like SPJ, the PEJ code leads with a journalist’s obligation to the truth. Its second value, however, highlights the importance of a journalist’s loyalty to the citizens. With more detail than SPJ, PEJ stresses that journalists must provide all-inclusive coverage that does not ignore or exploit any portion of the population (Project for Excellence in Journalism). Journalism is both a reflection of the “by the people, for the people” ideal in America and a source of insurance and security for that mentality.

PEJ also elaborates on journalism’s reliance on verification to ensure accuracy and fairness. The key to this principle is its approach to objectivity. PEJ states that the goal of objectivity is not to remain free of bias, but rather to develop a consistent, transparent, and reliable method of testing the credibility of information, enabling objective reporting even without objective reporters (Project for Excellence in Journalism). Arguably the most important journalistic guideline, verification is the
distinction between journalism and other forms of media or entertainment (Project for Excellence in Journalism). Media critics often complain that journalists are incapable of having no opinion and therefore cannot possibly create fair and accurate pieces. It is because of this meticulous process of verification, however, that journalists can guarantee trustworthy reports and maintain their credibility.

After asserting a notion similar to the SPJ Code of Ethics’ necessity of independence, PEJ specifies a journalist’s obligation to serve as both a watchdog for the people and a medium through which otherwise silenced citizens can express opinions and ideas (Project for Excellence in Journalism). Both of these qualities are vital to creating a well-rounded and well-informed news media. News publications have a duty to inform citizens of relevant government actions, conspiracies, and changes because of their increased access and reporting skills. At the same time, the media must allow open discussion and contribution in order to be informed of who it is catering to, what their concerns are, and what expectations they have. Journalists must neither ignore nor exploit the power they have to monitor the government, just as they must “provide a forum for public criticism and compromise” to remain in tune with the public they represent in their endeavors to effectively serve the people (Project for Excellence in Journalism).

PEJ next entails the expectations of a story itself. The piece a journalist creates must find a balance between engaging and enlightening its audience, finding an effective combination of what the readers want and need to know (Project for Excellence in Journalism). PEJ summarizes the ideal as presenting significant facts in an “interesting and relevant” manner, describing journalism as “storytelling with a purpose” (Project for Excellence in Journalism). Collectively, the news must aim to be a source of information that does not emphasize or embellish, but simply includes any and all significant information. PEJ describes journalism as a form of cartography, drawing a map of the nation that is always “comprehensive and proportional” (Project for Excellence in Journalism). Good journalism is a
systematic clarification of society’s constant stream of misconceptions, half-truths, ignorance, and advocacy. It translates the conflicting information into relevant, informative, and interesting pieces that accurately and objectively update the public of any and all worthwhile news.

The final principle of the PEJ code is perhaps its most important distinction. It asserts the value of the individual journalist, citing a unique “moral compass” composed of our own ethics and personal sense of duty as an integral feature of a good reporter (Project for Excellence in Journalism). Without the intellect to understand and the ability to express the moral implications and potential consequences of the actions you witness, you become a silent bystander. Although reporters are able to set aside biases and judgments for the sake of their craft, it is still those same personal ideals that enable the success of journalism. Without them, a reporter would not recognize a newsworthy obstruction of justice, nor would he or she be able to hold fellow journalists accountable for their work. Outspoken individuals with different perceptions and conclusions about the world facilitate the Independence, accuracy, and accountability necessary for effective journalism (Project for Excellence in Journalism).

While there are certain principles that are true to everyone, each journalist combines the guidelines before them with his or her own personal ideals to decipher the right way to report. The standards of journalism are nearly universal; it is the means of meeting them that are subjective. Each story brings different challenges that no two people will be equally effected by. It is how journalists negotiate those challenges that defines the reporting they do and determine its credibility. Journalists can choose the code of ethics that appeals most to them and follow that in their efforts to be a good reporter, but the deciding factor of what is right and wrong in the reporting process is still the individual.
Overview of Project

From January to April 2011, I immersed myself in a semester-long investigative project that culminated in two stories, totaling 22 pages, about a convicted murderer named Gary Leiterman. He is currently serving a life sentence in E.C. Brooks Correctional Facility after his 2004 conviction for the 1969 murder of Jane Mixer, a University of Michigan law student. The basis of his conviction was DNA, as his profile was found in numerous places on the evidence from the 1969 crime scene. Other factors that played into his conviction included a handwriting match between Leiterman and evidence from the 1969 investigation, as well as the fact that Leiterman owned and subsequently lost a handgun that required the same bullets as the one used to shoot Mixer. Leiterman also had a questionable criminal record, including a cleared felony charge for forging prescriptions, which led to his initial arrest and DNA sample submission, and a guilty plea for possession of child pornography after two compromising photos of an underage South Korean exchange student were found during a search of his house.

Leiterman’s case is accompanied by long list of inconsistencies that merits a closer look. Several of these unanswered questions are substantiated by expert testimony and legal circumstances that raise suspicion about whether Leiterman could have been wrongfully convicted. First, there is reason to question the credibility of the DNA, as lab documents show that Leiterman’s was not the only profile found on the evidence. The second profile belonged to John Ruelas, who was only four years old at the time of the murder. He was thoroughly investigated, along with his family, and cleared of suspicion, but the question of how his DNA ended up on the evidence was never answered. Trial transcripts show that Prosecuting Attorney Steve Hiller dismissed it as a circumstantial fluke, admitting in an interview with Cold Case Files that he does not have a valid explanation for why Ruelas’ DNA was on the evidence despite his proven innocence. After Leiterman’s trial, lab documents were discovered that disclosed that
his DNA sample was in the same lab at the same time as both Ruelas’ sample and the evidence from Mixer’s murder, which was being tested for unrelated reasons. The same documents also proved that Leiterman’s first DNA sample was insufficient and could not provide a full profile. DNA expert Dr. Theodore Kessis explained in his post-trial analysis of the case that some form of contact with another object most likely diminished the incomplete sample. There are also concerns about DNA that was missing; lab technicians testified that a full profile could not be made for Mixer because of the age and deterioration of the evidence, yet full profiles were found for both Leiterman and Ruelas.

Additionally, the police crime lab in Lansing that processed the samples was incredibly overbooked at the time of the testing due to the recent passing of legislation that required all convicted felons in Michigan to submit DNA samples, according to affidavits from lab technicians since the discovery of the documents describing the overlapping timeline. At least one lab worker admitted to processing samples simultaneously, which is not permitted, but insisted that no contact between samples was made. Although it was denied as relevant information during the trial, the supervisor of the lab, who signed off on all of Leiterman’s lab paperwork, has since been discovered to have been cheating on his licensing tests by having other employees take them for him for years. He no longer works in the industry, as he was not qualified to oversee, nor even work in, that facility.

The DNA match was not the only evidence of questionable validity, as described by forensic document examiner Robert Kullman and FBI analyst Hartford Kittel. The prosecution’s handwriting expert insisted in trial that Leiterman almost certainly wrote incriminating words on a phone book found on the University of Michigan campus, but admitted to inadvertently using Leiterman’s wife’s handwriting early in the process, as well as altering certain letters to make them match. For example, he stated in trial that he would ignore an “approach stroke” that Leiterman used because without it, the letter would match. Handwriting analysts for both the prosecution and the defense had to use
photocopies of the book, as it was lost many years before. Some experts say that analyzing the varying pressure applied as an individual writes is integral to accurate handwriting comparisons, as it is very distinct and serves as a sort of “fingerprint” of writing. The pressure could not be considered, however, because photocopies had to be used.

Mixer’s case was considered unsolved from 1969 until 2004, but her death was informally attributed to a different convicted murderer. Mixer was assumed to have been one of seven murders in the Ann Arbor area from 1967-1969, all believed to be victims of John Norman Collins, although he was only convicted for one. Furthermore, Gary Gabry, Leiterman’s first lawyer was described by the Leiterman family and his successors as ineffective at best. They said he failed to object when needed, did not thoroughly investigate the details of the case (he didn’t find out about the overlapping timelines of the DNA and evidence), and allegedly agreed to do whatever necessary to keep the trial under two weeks long.
Journalistic Value

Until Leiterman’s new lawyer has enough evidence to file for a new trial, this is not a current or particularly prominent story. However, Leiterman’s experiences with the legal system create the perfect opportunity for true investigative reporting and the potential for hard-hitting watchdog journalism. If my investigation of Gary Leiterman led to a dead end of reasonable justifications from the legal system and probable guilt of Leiterman, the story would lose its worth and ultimately become obsolete. However, the Leiterman family’s objections and the wide range of support they have from legal professionals and relevant experts suggest a different outcome. This story could settle for years after any legal action is taken, but the relevance of a corrupt system to the citizens it presides over is rarely lost with time. If good reporting leads to an accurate, interesting, and effective story that exposes injustice and demands accountability, its social value is difficult to destroy. My goal was to find out whether someone was hiding something and where, citing as many sources and providing as many sides to the story as possible.

My professor for my capstone journalism class, Mickey Ciokajlo, presented the story and gave each student a specific topic related to Leiterman’s struggles to investigate for an in-depth, lengthy article on which we would spend the entire semester. My assignment was to write a profile of Leiterman, focusing primarily on who he is and what his life was like between 1974, when he settled in Gobles, and 2004 when he went to prison. I quickly became intrigued by the mysteries in the case and very involved with my reporting, as Leiterman’s wife lived in Kalamazoo and had a staggering amount of legal documents and research available to start the process. Since I was only supposed to write a profile, I utilized the access I had to the trial details by making Leiterman the subject of a second lengthy investigative article for a different class. While the first story would examine Leiterman as a person, the second was to be an in-depth look at all of the questioned details in the case.
Reporting

To begin my reporting, I met with Leiterman’s wife, Solly Leiterman. She came into Mickey’s class in late January to introduce herself and explain her husband’s situation. After receiving my assignment, I initiated what would become a constant and vital line of communication with Solly Leiterman. I went to her house eight times throughout the semester. The first was for a meet and greet in early February. I then visited for interviews with Solly Leiterman, as well as Leiterman’s cousin Ken Harvey and his wife Marianne in mid-February. Early in March, I went to Solly Leiterman’s house twice for hours at a time to dig through boxes of documents. Some were trial transcripts, affidavits or other court documents, some were letters from Leiterman in prison, and others still compiled hours of research done primarily by Leiterman about laws, obligations of the legal system, and similar cases. Once in March and once in April, I went to Solly Leiterman’s house to interview Leiterman over the phone, as he is only allowed to call a select few numbers. Finally at the end of April, I visited Solly Leiterman again to recap the semester and share some of my work with her.

What I was hoping to get from Solly Leiterman was a solid personal testimony about Leiterman’s personality, spanning from his interests and hobbies to his daily routine to his personality quirks. Our conversations frequently drifted to the legalities and discrepancies of Leiterman’s case, a predictable but frustrating characteristic of the interactions. It all went very well in spite of Solly Leiterman’s desire to focus on the trial and I ended up with a very detailed foundation of who Gary Leiterman was. I knew nearly every detail of the life he lived since Solly Leiterman joined it, but lacked organizational facts and a dependable timeline. Nevertheless, I felt like I knew Leiterman extremely well before I ever even spoke with him and I developed a good relationship with his wife while learning.

Although I met both of his kids on a visit to Solly Leiterman’s, neither jumped at the opportunity to speak with me. In fact, they ran in the opposite direction. They were polite, albeit slightly standoffish,
when I met them but seemed willing to meet and chat. As I continually called them, however, I came to find that they were much less compliant than I predicted. It was a loss to not be able to speak with such integral people in Leiterman’s life, though I tried to compensate for it. I spoke with Leiterman, Solly Leiterman, family friends who saw him in his role of a father, and was given a short story Leiterman wrote about his children that he said embodied his philosophy as a father. The missing pieces of the story were relatively easy to collect.

When I spoke with Leiterman, my smallest order of business was to get the details of his life before he met Solly Leiterman and ask him about his life as a father. I was most concerned with the drug addiction that led to the forged prescriptions, the illicit photos found in his house, his feelings from his first arrest through his conviction, and his lackluster demeanor in court. Leiterman was very open with me. He is an extremely articulate man; I found him both expressive and easy to talk to. He was willing to speak honestly and comfortably about anything I wanted to discuss with him and our first interview was nearly an hour long because of it. Despite the sensitive content of our conversations, I never felt like I was intruding on his life, nor did he seem to get defensive. Our serious interviews were frequented with lighthearted discussions about Leiterman’s fondest memories and he often asked me questions about myself. We developed a very positive rapport and I looked forward to our conversations.

I also interviewed two couples that knew Leiterman for the last 40 years. The first couple was Ken and Judy Betten, Leiterman’s coworkers at the hospital. Ken Betten was a work buddy, although they didn’t spend time together off the clock, and Judy Betten was Leiterman’s supervisor so I was able to get a very accurate account of Leiterman as a professional. I asked about his demeanor, his work ethic, his interactions with coworkers, his reputation and similar details. The second couple I interviewed was Bill and Rachel Kube, neighbors of Leiterman’s from his first home in Gobles in 1974. They knew Leiterman in an entirely different light, as they were both friends and community members
with him. Bill Kube knew Leiterman extremely well as a friend and a father, while Rachel Kube was involved in the same community programs as Leiterman and was able to shed some light on that side of him. The Kubes and Bettens were essential to my reporting, as they provided me with a personality profile from different parts of Leiterman’s life as well as a testimony about the events after his arrest.

I was not able to contact any of the detectives, lawyers, or jurors involved with the trial. It was surprising to realize how many prominent people in the case had moved on long before I learned of Leiterman, while so many lives were still devoted to it. Very few people could make time to talk and while it was a sensitive subject that was actively avoided for some, it seemed like most simply didn’t feel that it was important. Fortunately, Solly Leiterman provided episodes of Cold Case Files and 48 Hours that highlighted Leiterman and featured extremely helpful interviews. I watched and transcribed these episodes so that I could refer to them throughout the reporting and writing process, as they were the best-organized information I had access to. Short of having everyone legally involved get together so I could meet them all, the episodes were the best resource I could have hoped for. Like my project, they included information about both the trial and the man. I used them as references frequently, as they were thorough, moving, and informative.
Documents

Between interviews, I had boxes of documents to go through and even more to obtain. My bed was all but buried under legal documents and photocopies by the end of the semester. Totaling hundreds, if not thousands, of pages, I had Leiterman’s case files from his different arrests and charges, trial transcripts, post-trial expert testimonies, affidavits from lawyers and character witnesses, almost every letter Leiterman ever wrote from prison, piles of research done for the case, copies of every FOIA request and motion filed since 2002, lab documents detailing the DNA information, how-to packets about handwriting comparison, information about Mixer and the 1969 trial, and countless other puzzle pieces to sift through, prioritize, and organize. I spent days at a time on my living room floor reading, highlighting, and separating into piles before spending hours just photocopying the important documents for myself, as well as for the members of my class.

After consolidating the documents, I went through each and every one and took notes. I cited quotes and their attribution with the document title and page number to be sure I could find whatever I needed with as little digging, rereading, and paper cutting as possible. It worked most of the time. I made lists of what information I needed to confirm for myself, as many of the documents I initially found were summaries and details written by Leiterman himself. Although the documents were extremely well-written and knowledgeable, Leiterman was not a legitimate source to attribute important details to.

Worth noting is the fact that I could not find anybody outside of the legal system that believed Leiterman was guilty, or even someone indifferent on the matter. I even toyed with the idea of putting an ad in the Gobles newspaper or randomly showing up at important community events for the sake of thorough reporting. Given limited time and finances, however, I was unable to find a Gobles resident or a hospital employee or even a family member of Mixer who believed Leiterman had committed the
1969 murder. Even Mixer’s niece, an author who wrote a book about Mixer that included Leiterman’s trial, said she was disappointed after the conviction because it failed to provide the closure she expected. I settled for statements from one juror and the prosecuting attorney, both of which I obtained from the television episodes I was given.

I narrowed down my interview information and the fruits of my document hunt to the most interesting, credible, and relevant pieces before starting to write the story. I separated the personality information from the legal information, although my profile of Leiterman included the majority of the information the other story focused on in the end. As I wrote the first drafts of my two stories, I made a list of sections that needed more information, be it more details, more attribution, or a wider range of content. After finishing the list, I spent another 10-12 hours rewriting the drafts before I finally submitted the stories that defined my final semester at Western Michigan University.
The Ethical Conflicts of Reporting

From the very first steps in the investigating process, I encountered a number of conflicts that made me susceptible to incomplete or biased reporting. Three primary factors had the potential to interfere with my ability to complete the project correctly. First, my preexisting political opinions, which are liberal and almost defined by a mistrust of legal and political establishments, created a bias within me even before I knew much of anything about Leiterman and his circumstances. Soon thereafter, I found the personal relationship I developed with Solly Leiterman and the expectations that accompanied it had begun to impact my outlook. The final factor was the opinion I developed that Leiterman was not guilty, one that for a brief moment became the driving force behind the passion with which I pursued the story. I found myself in direct conflict with the principles I was expected to follow. I was opinionated, emotionally attached, and pressured to be an advocate rather than a neutral, unbiased, independent reporter.

My problem with political investigations is that I have always been a liberal. I don’t trust politicians, I have no faith in government promises, and I am susceptible to nearly blind belief of well-proposed conspiracy theories. This, however, is part of what fuels my pursuit of becoming a journalist. The watchdog aspect of journalism is one of the most valuable services and necessary systems provided in our country. I want to be a part of that; I want to expose scandals and demand honesty and discover dark secrets in hopes of cleaning up the state of our nation and its mode of operation. My extremely liberal opinions, of course, create a bias within me that makes me automatically suspicious of any institutional establishment, but I have come to find that my awareness of that bias has inspired more thorough reporting. Because I know I tend to lean to the left, I try to dig deeper on the right to seek to remove any doubt that I might not be doing my job correctly.
It is difficult to remain entirely unaffected by such strong convictions. My political beliefs led me to initially approach this story as less of a profile and more of a watchdog piece. I felt honored to be asked to be the lead contact with Solly Leiterman, but I was slightly disappointed that my piece did not necessarily require investigation into the legal inconsistencies of the case. Fortunately I was able to do so anyway, but approaching the story from a watchdog perspective means that I by default assumed Leiterman’s innocence before I did any real research. My liberal foundation and eagerness to start a career of relentless government policing influenced the opinion I developed and initially skewed my perspective of what my story needed to be.

Political orientation was obsolete in my relationship with Solly Leiterman, which became an emotional attachment. I became sympathetic for her soon after our interactions began. I was one of two people designated as the primary contacts for our class. The other was Matt, who was writing a profile of Leiterman prior to 1974, and of the two of us, I handled all of the communication and scheduling. Petite, long-winded, and kind-hearted, Solly Leiterman was always eager to talk over the delicious meals that she served during every visit. She welcomed us into her home and went above and beyond to ensure that we had everything we needed, complete with satisfied appetites.

Regardless of if I thought her husband was a killer, I was saddened by how eager Solly Leiterman was to talk about anything, not just the trial, and how helpless she was in such a heavy, life-changing situation. Solly Leiterman yearned for the life she had with her husband in which the two seemed to be constantly taking care of people. They hosted foreign exchange students and international softball teams, took in their friends’ misbehaved children in hopes of improving their behavior, volunteered in the community, and let friends travel on their dollar. It felt as though Matt and I became her twice-a-month solace, serving both as hungry kids to take care of and a potential for hope and new discoveries in her husband’s case. At one point, I almost certainly could have found a photo of Gary Leiterman
murdering Jane Mixer and I don’t think I would have told Solly Leiterman, save for the fact that it might make her feel a little bit better to believe her husband was rightfully imprisoned.

Her willingness to help and her friendly demeanor are undoubtedly natural traits, but it wasn’t long before I became aware of the expectations she had. She didn’t seem to see Matt and I as journalists, she saw us as new voices to advocate for her husband. She wanted us to say great things about Leiterman and find new leads in his case and devote ourselves to advocating for the exoneration of Gary Earl Leiterman. Fortunately I encountered very little incriminating or offensive information and didn’t find myself terrified to show Solly Leiterman my story, but I still felt slightly inclined to avoid the difficult questions or exclude the suspicious details. If nothing else, her commitment to helping us and her contribution to my investigative success made me feel as if I owed her something in return.

For a moment, it felt like I was working as hard as I could to create the most thorough and accurate compilation of hard evidence and emotional impact ever written. I expected to end up with this revolutionary, undeniably heart-wrenching but still absolutely accurate story that was so well written it would sweep the state’s newspapers and enough people would read it and demand Leiterman’s release that they’d have to just let him walk right out of prison and I wouldn’t even have to write a thesis because Leiterman would just come explain the story to the dean of the Lee Honors College. Then I stopped, took a breath, and came back to reality.

Reality is a hard place to stay, though, when your emotional attachment is supplemented by a strong personal opinion. Throughout my investigation, I became sure that Leiterman was wrongly imprisoned. I think it was getting to know him as a person that confirmed my inkling that he was innocent, one that developed from all of the seemingly faulty evidence and apparent legal incompetence I perceived to have occurred during the trial. I pride myself on my ability to accurately conclude who someone is from various details of their life, and I believed Leiterman just couldn’t
possibly have been a murderer. He would call when he knew I was at Solly Leiterman’s just to mention something he remembered about the U.P. to see if I knew about it or share a lengthy anecdote from his past. Our conversations didn’t feel forced or unnatural. Although described as a friendly and outgoing person already, Leiterman had the added charisma of his eagerness to help and was a compelling person who seemed very genuine. Somehow over the course of four or five phone conversations, Leiterman knew me well and I knew him even better.

Leiterman loved civil war reenactments, animals, the Upper Peninsula, and nature. He got great pleasure out of giving lavish gifts and was an extremely sentimental packrat. He loves photography and writes poetry and short stories. He is articulate, a dynamic man with many interests, friends, investments, and contributions. I understood Leiterman to be a great father and grandpa, a loving and doting husband, a charitable citizen, and a passionate and kind man. Above all, I felt that Leiterman was a man who had been horribly wronged in a catastrophically coincidental series of unfortunate events, left to pay a terrible price.

Despite or perhaps because of my opinion, I poured extra effort into finding someone on the opposing side. I needed someone to tell me that Leiterman once kicked a kitten in a fit of rage or that he actually knew where the gun was. Having no one to combat my positive perception of the man only facilitated my opinions, but the more I searched, the more I was subsequently assured that the system was wrong and a family of genuinely good people was suffering because of it. It occurred to me several times that perhaps Leiterman was such a good man in his adult life out of his deep, well-buried but conscience-burning need for penance for his secret from 1969. Maybe he is capitalizing on the mix-up with John Ruelas and truly just won’t give up the fight to get away with it. Maybe the system is dependable and trustworthy and did the right thing.
The implications of either possibility are grave. Beyond gathering information about the life and times of Gary Leiterman, the reporting process was about discovering as much information about as many sides of the story as possible. The question was whether the family or the legal system was making the effort. Either Leiterman is tirelessly trying to get away with murder after over 30 years of doing so or a serious abuse of power and neglect of duty is occurring unpunished in Michigan’s legal system. The conflict is how to find that truth as a reporter, even after legal professionals and more experienced journalists have failed to do so. Short of the just-shy-of-impossible task of discovering an alibi or breaking through with a tight-lipped lab technician or hearing Leiterman admit to murdering Jane Mixer, the best thing a reporter can do is provide all the information available; gather the relevant information, find articulate and credible people to express all opinions, triple-check all of the facts and claims, and present it to the world without embellishments or undercover opinions. That’s what I had to do with Gary Leiterman, tell the whole story I could find.

Another conflict occurred to me throughout my investigation as I struggled to find a voice in favor of Leiterman’s conviction. While it is important to present every side of the story, it is equally important to provide accurate and proportional coverage. Hypothetically, if the evidence and testimony for one opinion vastly outweighs that of the opposing opinion, is it still required to present them as equal? The legal parties for the prosecution were the only people I could find with an opinion that differed from the voices I had, and I had the documents that listed their reasons and conclusions. While I do genuinely wish I could have found a more negative character witness for Leiterman, I am not certain that I would have needed more than one to sufficiently represent the opposing side. Despite my opinion’s alignment with that of the majority of my interviewees, I still had to pay close attention to my actions and the details of the story, as well, in efforts to curb the potential effects of my journalistic conflicts.
Application of Ethics

Professors dedicate extra time to defining journalism for young students. It is a difficult concept to grasp and an even more difficult process to learn. I started the journalism program with hopes of using elaborate language and sharp statements to share with the world my interesting ideas and intellectual expressions. It was when I received the grade for very first story I ever wrote, the page almost colored in with red pen, that I began to understand how mistaken I was. Throughout the rest of the program, I learned to appreciate the craft of journalism and became passionate about its purpose and its potential. Most importantly, I learned the principles and ethics that existed to guide me through my future career. It wasn’t until my work for the Leiterman stories that I understood both the importance and the ambiguity of these ethics. A journalist must always strive to meet the high standard expected of good reporting, but the effects and implications of the mental conflicts encountered are much too complicated for a simple ethical code to solve.

The least difficult bias to negotiate was my political orientation. An obvious disregard for the charge to be independent from associations and open-minded in your assessments, my solution was to step back and start over. It took a couple weeks for me to truly understand that a profile was expected of me, not a comprehensive presentation of the case, but it was then that my bias became obsolete. My political opinion served less as a hindrance to reporting and more as a facilitation of the feelings I developed about the case, but rather was the foundation of my belief that Leiterman was innocent and the first step toward biased reporting. Had I recognized my political orientation influencing the way I pursued the story earlier, I may have been less inclined to become so invested in the Leitermans. I got carried away with the first opportunity to exercise my liberal state of mind. It is for this reason that independence is such an important ethic, one that I thus far have deemed a universal necessity for good reporting.
My struggle to remain independent seemed to be founded in my rookie excitement to complete my first in-depth project. I had this grand vision of a profound and eye-opening story that would launch my career to immediate success. When I realized the reality of the project’s lack of answers and my own lack of available time to invest into finding the source of every opinion, my political opinion became less applicable to my feelings about the story. With a more levelheaded approach to stories, I will be less likely to jump conclusions.

Although circumstantially simple, the most difficult concept I experienced was determining to what, or to whom, I was obliged to write for. I was taught to write the story with only journalism’s standards in mind. However, I felt my own pressure to write the story Solly Leiterman and the Leitermans wanted to read. Part of my passion to pursue the story derived from my compassion for Solly Leiterman. She was a kind person who graciously helped with my investigation and was already lonely and hurt. I had to constantly remind myself that I was not writing this story to free Leiterman from prison; I was investigating this story to create two comprehensive accounts, one feature about the man and one investigative report about the case. I was not deterred from thorough and proactive investigating, but I was nervous about the prospect of unearthing something terrible—maybe a skeleton in Leiterman’s closet or some offensive personality trait—because of my hesitance to hurt or disappoint Solly Leiterman.

It is in this emotional investment that a careful balancing of journalistic principles must be applied. While SPJ includes that journalists must use compassion when writing potentially offensive, it also is adamant that a reporter’s most important obligation is to the truth. The call for compassion is also trumped by PEJ’s demand to tell the whole story, not just the pretty parts. I did not come across any compromising information or uncover any new unflattering details about Gary Leiterman so I was
not forced to confront this conflict. It is, however, the clear solution that although care must be taken in the presentation of adverse information, it must nonetheless be included.

My final setback was the embodiment of everything I had been warned against for years before this experience. Do not involve your opinion. Opinionated investigating too easily becomes advocacy, which I was particularly susceptible to. The added factors of my frequent interactions with Solly Leiterman, my fondness for Leiterman, and my distaste for American institutions created a dangerously strong opinion that I struggled with constantly. The most important deterrent to incorporating that opinion into my story, however, was the opinion itself. Biased journalism is easy for news audiences to identify and immediately discredit. I was too invested in the case and the people involved, as well as my own time commitment, to write a subpar story that failed to meet the most basic requirements of journalism. Using PEJ’s principle of careful verification, I was able to write an accurate story and also embody PEJ’s final ethic: let your personal morals guide you. The passion I had for this project grew from the immorality and injustice I saw occurring. I was not an objective reporter, but my opinions and emotions influenced a stronger dedication to journalistic principles and a deeper commitment to the story I would write.
Controlling the Conflicts

Although I do maintain that my cognitive errors did not prevent me from creating an unbiased report, it would nonetheless have been easier to complete my assignment had I not been so personally invested in it. There are certain steps that can be taken to ensure objective reporting and attempt to curb the inclination to form an opinion or develop an attachment. Many reporters have faced the same conflicts I did, from feeling indebted to a story’s subjects to developing a strong opinion that can hinder the ability to report with fairness and accuracy. There are many useful accounts of these experiences that detail both the problems confronted and the most useful methods in counteracting them.

One simple method is to remember the purpose of reporting. Maurice Possley worked for the Chicago Tribune to investigate allegedly innocent death row prisoners, an extremely sensitive and emotional subject that demands accuracy and thorough reporting. Possley expressed that his series was “designed to examine the system as a whole” (Colby). He said the point of his series was to determine whether or not the system could be trusted, especially considering the control it has over an individual’s life. Given it still would be difficult to remain unattached to the subjects, an approach like this creates a stronger mindset when assessing the story. My goal as a journalist is not to free this man from prison or confirm his conviction, but rather it is to discover to the best of my ability how dependable the legal system is. My task of writing a profile made the story a little more personal, but remembering my purpose as a journalist would have helped me maintain a safer distance from my subject.

There are also tactics that can be employed throughout the reporting process. As described by Professor Sue Ellen Christian, the first of these is simply to “consider the opposite” (Christian). Christian advises that “pausing to think of the ways in which an initial judgment or decision might be wrong can help reduce the impact of flawed thinking” (Christian). It is important to think past the first details we are told and critically consider what details could be missing or what information could be deceiving.
Journalists must find the truth themselves, as there is no guarantee that their sources are accurate or unbiased.

Christian also describes Daniel Gilbert’s method of “exposure control” (Christian). An effective method of maintaining an open mind, exposure control involves avoiding too much information about your subject prior to your own investigation. This tool helps to ensure that you are not opinionated as you enter a situation. For example, had I not first learned of the Leiterman case from his wife, a clearly biased party, I would have been less likely to become opinionated and emotionally attached so quickly. Exposure control enables reporters to decrease their chances of becoming biased early in the reporting process.

Other accounts in favor of carefully controlled but nonetheless “biased” reporting provocatively challenge the necessity and even the possibility of objectivity in certain situations. Richard Ericson assessed the journalistic interpretation of what constitutes a “fact” and concluded, “there is no real distinction between facts, information, and knowledge” (Ericson 1998). He described journalism as a form of “literary fiction” that is grounded in reliable evidence but nonetheless subjective because a story can only be as reliable as its sources (Ericson 1998). Because so much of a reporter’s job is contingent upon personal accounts, it is impossible to be sure that opinions and emotions are not being presented as unbiased explanations (Ericson 1998). This is where a thorough investigation that examines the whole story becomes extremely important, but even so the final product is still a compilation of personal perspectives.

Additionally, BBC war reporter Martin Bell expresses in his book that objectivity is inappropriate and unworkable in certain situations (Bell 1996). Despite his impartial reporting, he suggests that the news be a morally based entity that strives for truth without disregarding the humanity of a situation (Bell 1996). After witnessing years of political failure and inhumane treatment, he felt that objective
reporting was more of a disservice than anything else, as it presented a highly emotional and unjust situation in a cold, monotonous manner. Coining the style “journalism of attachment,” Bell encourages reporting without concern for objectivity in efforts to achieve a greater truth, one that “does not stand neutrally between good and evil” but rather attempts to make a moral difference (Bell 1996).

Bell’s position does not encourage inaccurate reporting, but rather reporting with a passion and a point. However, it supports the idea that one can use the methods described earlier to ensure accuracy and accountability while still maintaining the philosophy that personal convictions can have a place in journalism. This idea is clearly not applicable to all journalistic material, but sensitive stories in which morals and injustice play a part could use a little humanity when being shared. In appropriate situations and with meticulous attention to detail, it seems that journalists can both know and care about their stories.
Conclusion

Journalism is a means of enlightenment with the potential to improve the operations of our country. Investigating Gary Leiterman’s story taught me that careful reporting, an open mind, and a fair and balanced approach creates invaluable opportunities. I do believe that Leiterman is innocent. I do feel an obligation to help his family. I do feel emotionally invested in the injustice I believe he is enduring. I did not, however, use those feelings to create my stories. Rather, I used those feelings as my motivation to do a good job. Had I allowed my biases to be involved with my work, I would have become an advocate that created a story infused with my opinion. It is too easy to be discredited when biased journalism is recognized or you discover you are wrong when the truth is exposed. Instead, I used my emotions and opinions as a challenge. If I am biased toward one side, it only means I need to look closer at the other to be sure that I am not blinding myself to a relevant piece of the puzzle. Guided by the journalistic principles of honesty, accuracy, fairness, independence, and accountability, I was able to create a comprehensive piece that I am confident is credible, truthful, and relevant.

In retrospect, I learned more from my experiences reporting for this project than the majority of all my previous endeavors combined. Most importantly, I learned the importance of a thorough investigation and the true meaning of objectivity. Objective journalism is not the absence of an opinion, but rather the appropriate application of one. It is using your own personal morals and ideals to seek the truth buried under conspiracy while using the principles of journalism to overcome bias and tell a story that is both meaningful and effective. I discovered that a career as a reporter is more than ignoring your emotions in favor of becoming a vessel for other voices. It is about harnessing the passion you have and channeling it into your quest for justice and accountability. Motivation is irrelevant to the goal of creating a trustworthy medium that has the potential to right a wrong, or at least educate the ignorant of what is happening behind the scenes where only a dedicated journalist will go.
Works Cited


Profile of Gary Leiterman

On March 20, 1969, Jane Mixer’s fiancé dropped her off to meet David Johnson, the name written on a University of Michigan sign-up sheet for students to find rides to their intended destinations. Mixer needed a ride from Ann Arbor to Muskegon, where she planned to announce her engagement to her parents.

Mixer’s father grew worried when she didn’t show up on time. As the hours passed, worry turned to fear and he set out to follow the route to Ann Arbor and back. He hoped to find his daughter safe but stranded on the road.

Mixer’s body was discovered the following morning in a cemetery a few miles east of Ypsilanti. She had been shot twice in the head by a .22 caliber gun and strangled with a pair of pantyhose that were still tied around her neck.

Mixer was the third of seven victims during a two year killing spree that haunted young women in the Ann Arbor area. Collectively called the “Co-Ed Murders,” only one was officially solved, but the killer was informally considered responsible for all seven deaths after his 1970 conviction.

Lt. Earl James, a 1969 investigator, testified during a 2005 trial that the alleged Co-Ed Killer, John Norman Collins, had a roommate named David Johnson, the same name that was listed as the man who would drive Mixer home. All men in the Ann Arbor area named David Johnson were investigated and subsequently dismissed as suspects, but James recalled being reassured by the seemingly conclusive link between the Mixer case and Collins.

Thirty-six years later, a devoted husband and father of two was convicted for Mixer’s murder and the case was actually closed.

Gentle, patient and compassionate are some of the words used to describe Gary Leiterman by his close friends and family. An outgoing and friendly man, he is said to be committed to community improvement, invested in good education and guided by a strong ethical standard.

He is also a convicted killer.

On July 22, 2005, Leiterman was found guilty for the murder of Jane Mixer after a jury deliberation that lasted a few hours on a Friday afternoon.

He proclaims that he is innocent, citing false evidence and poor legal representation as the culprits for the guilty verdict.

Called the “greatest miscarriage of justice” and the “most obvious case of legal error” in expert testimonies about trial, Leiterman’s conviction rested primarily on a DNA match that linked him to evidence from the crime scene.
His DNA profile was found in numerous places on a pair of pantyhose used to strangle the victim, a match that initially seemed credible. It was a second DNA match found on the evidence that roused suspicion.

Lab documents say the second profile was taken from a drop of blood on the victim’s hand. It belonged to John Ruelas, a Detroit man convicted of murdering his mother in January of 2002.

The match suggests that Ruelas was present at the scene of the 1969 homicide. He was only four years old at the time.

He and his family have been investigated and cleared as suspects, but how his DNA ended up at the crime scene is still a mystery.

Lab documents confirm that the DNA samples of both Leiterman and Ruelas were processed in the same lab at the same time.

Evidence from the 1969 crime, still unsolved at the time, was removed from storage for testing unrelated to either DNA sample. Lab documents prove that the Mixer evidence was also tested simultaneously in the same building as the samples belonging to Leiterman and Ruelas.

Too suspicious to be called a coincidence, one expert working for the defense said the simultaneous testing and inexplicable presence of Ruelas’ DNA on the evidence can only mean one thing.

Short of 4-year-old Ruelas or someone with his exact DNA profile being present at the crime scene, both of which are extremely unlikely, the only explanation is that cross-contamination occurred, said Theodore Kessis of Applied DNA Resources in his post-trial analysis of the evidence.

Leiterman said his lawyer didn’t know about the overlapping timelines during the 2005 trial.

The prosecution’s case also relied on a handwriting analysis that matched Leiterman’s writing to that found on a phone book during the initial investigation.

The words “Muskegon Mixer” were written on the cover of the book, found on the University of Michigan campus. Handwriting analysts for the trial said they used notebooks containing primarily medical terminology seized from Leiterman’s house for comparison.

They had to use a photocopy of the evidence for assessment, as the original book was accidentally thrown away, according to trial transcripts.

Lt. Thomas Riley, document analysis specialist for the prosecution, said he was “virtually certain” that Leiterman wrote those words on the phone book.

“It’s my opinion that it is highly probably Gary Earl Leiterman wrote the ‘Muskegon,’ ‘Mixer’ entries on the phone book,” Riley testified.

Riley testified that he had unwittingly used documents written by Solly Leiterman, Leiterman’s wife, in his comparison, but added that he “did not necessarily use them to form” his opinion.
Riley also admitted to altering Gary Leiterman’s handwriting, testifying that he ignored strokes of specific letters that otherwise would not have matched the writing on the phone book.

Riley’s analysis was refuted by Robert Kullman, a forensic document examiner for the defense. Kullman’s argument has since been supplemented by Hartford Kittel, an FBI document analyst who also claims that Riley’s testimony was false.

The Leitermans filed for a federal appeal nearly two years ago and have yet to receive a response, Solly Leiterman said. She said the wait is better than being denied, which often happens immediately, but it’s hard to stay patient.

At 68 years old, Gary Leiterman is almost six years into a life sentence without parole, the mandatory sentence for first-degree murder in Michigan.

A Michigan native who settled in Gobles, Leiterman is described as a man of many passions. He loved to serve his wife breakfast in bed and finds joy in giving lavish gifts. He once traveled to Chicago to buy an antique straight razor for his father-in-law simply because he had mentioned enjoying one in the past.

A lover of dogs, nature, history, art and fishing, he is dedicated to his hobbies and treats life as a celebration. Photography is one of his main interests, manifested in the vast collection of photos his wife still has. Many are scenes in nature, Leiterman’s favorite subject to shoot, but also of Leiterman himself smiling in the sun or camping with his kids, his tanned skin evidence of the hours he spent outdoors.

Now residing at E.C. Brooks Correctional Facility in Muskegon, Leiterman tries to stay productive. He maintains a garden, writes short stories and stays in touch with friends through detailed letters that he writes nearly every day. Solly Leiterman said her husband still sends out the Christmas cards every year.

“Everything is special to him,” Solly Leiterman said. “He’s very sentimental.”

Before his incarceration, Leiterman established a fulfilling small town lifestyle with a ride range of hobbies and accomplishments.

He found himself living on a modest farm in Gobles during the summer of 1974. It was the end of an eight-year stint traveling southeast Michigan as a pharmaceutical representative and Leiterman was looking for “a more rural environment” after years spent living in small spaces in busy cities.

He was a member of the Irish Setter Field Trial Club for five years before moving to Gobles. He conducted weekly training sessions that often lasted for hours to prepare his dogs for simulated hunting competitions. A self-proclaimed lover of animals, Leiterman acquired nearly half a dozen Irish Setters, as well as a horse that he trained himself.

Bill and Rachel Kube, who lived just down the road from Leiterman’s new rural estate, quickly befriended their new neighbor.
“This is a small town,” Rachel Kube said, pointing just down the road to the property where Leiterman lived. “You know your neighbors.”

Rachel Kube described Leiterman as a “fun-loving, outgoing man of multiple interests.” She defined him by his dedication to the local community and his commitment to his family.

He started his family early in 1977 while working at a car dealership in Gobles. When describing the first time he met his wife, Leiterman often states that she caught his attention by trying to trip him in the dealership.

With a reminiscent smile, Solly Leiterman denies remembering him at all.

A Filipino woman who was relatively new to the United States, Leiterman recalls her response the first time her future husband called her house and asked to see her:

“Oh, that guy?” she said. “No!”

Leiterman said “that guy” was persistent, calling occasionally over the next couple of months to see if she would relent. She never said yes.

One day in February, Solly Leiterman found herself stranded at a bus station. It was then that Gary Leiterman finally got the call back he’d been hoping for.

“I had no ride and no cell phone and the only person I could think to look up was Gary,” Leiterman said. “I didn’t even know his last name; I just called the first Gary in Gobles and he was there in 20 minutes.”

She agreed to a date to thank him for his kind gesture, after which she found the tables had turned.

“He didn’t call after our first date,” she said. “I had to call him.”

It didn’t take long for Gary Leiterman to change his muse’s mind. He proposed to her with his grandmother’s ring and the two were married in August of the same year.

While working at the Gobles car dealership where he met his wife, Leiterman also doubled as a surgical technologist at Bronson Methodist Hospital in Kalamazoo. In 1979, he decided to quit the sales job in favor of committing to the health care field.

He obtained an associate degree in nursing from Kalamazoo Valley Community College in 1981, when he was hired at Borgess Medical Center in Kalamazoo as a registered nurse on the surgical staff.

Over the next two decades, Leiterman built up an expansive resume at Borgess, holding numerous positions and participating in training programs for new employees. He also took courses in Health Care Administration at Western Michigan University when his schedule permitted.

Judy Betten, his clinical supervisor for almost his entire medical career, said Leiterman’s patients loved him. She recalled that he was “never very outgoing” but that he was “good, reliable and easy to get along with.”
“He was always doing little things,” Betten said. “He would get his patients a warm blanket or a new pillow without them asking.”

Judy Betten’s husband, Dr. Kenneth Betten, was an anesthesiologist and often worked in the operating room with Leiterman. Although the two did not see each other outside of the hospital, they became good friends on the clock.

The two shared the passions of “a man’s man,” as Judy Betten described. They both loved hunting, fishing and sports—Dr. Betten was a former athlete, Leiterman a high school coach.

“He was serious about his work, interested in doing a good job and easy to get along with,” Dr. Betten said, adding endearingly that Leiterman “always had a beautiful belly.”

In 1985, Gary and Solly Leiterman adopted two kids. Both biologically the children of Solly’s brother in the Philippines, Olive was 8 years old and Darwin was 13 when they moved to Gobles.

“You can’t tell those aren’t Gary’s natural kids,” Solly Leiterman said of her husband’s fathering. “He was more of a parent than I was.”

Bill Kube said Leiterman was an “honest family man” who had a “firm set of standards that he held himself and his family to in the way of ethics and behavior.”

Leiterman said his paternal philosophy is founded in mutual respect.

“The whole thing is, anybody can love somebody,” Leiterman said. “I love those kids and they love me, but it’s absolutely meaningless unless they respect you and you, in turn, as a parent respect them.”

Leiterman, known for his consistent demeanor and ability to contain his emotions, could not help but get choked up when discussing his children. Even over the phone, his sentimentality was apparent.

“Still today as you and I talk, I feel that love from them,” he said of his children.

He recalled a moment a few weeks earlier when his children and grandchildren were visiting him. His daughter, Ollie Yanilla, reached over and removed his glasses from his face. She then cleaned them off and placed them back in place, all without saying a word.

With a deep, loud laugh, Leiterman quipped, “where did she get that self-indulgent power from?” before admitting that in reality he “enjoyed the attention” and saw the small act as the embodiment of the love, comfort and respect he shares with his children.

Wanting to be as involved as possible in his children’s lives, Leiterman volunteered with the athletic booster club, substituted as an umpire at baseball games, coached summer softball leagues, and served a four-year term as a trustee on the Gobles Public Schools’ Board of Education.

“He was an active supporter of the athletic department and very interested in good education,” Rachel Kube said. “He did whatever was necessary.”
Leiterman frequently attended high school athletic events with the Kubes. Rachel Kube recalls Leiterman’s meticulous nature manifesting itself in his support of his kids’ athletic endeavors.

“The football team was in a tournament and he had the scores of all the other teams and games and statistics figured out,” Kube said. “He showed up with an analysis of everything, talking about how many points we needed to beat each team by to win. We all just laughed and let him go with it.”

Solly Leiterman agrees that her husband pays close attention to details.

“He tells such long stories,” she said of his tendency to embellish stories with the minutest details. She said she can’t hold it against him, though, because his in depth storytelling truly shows his fervor for life and his appreciation of the little things.

Leiterman’s legal struggles began in October of 2001. After a long battle with kidney stones in 1999, he obtained a prescription for the painkiller Percodan. He soon became addicted and began forging his own prescriptions for the drug.

“It controlled my life,” Leiterman said. “I fed my addictions by writing prescriptions and signing my neurologist’s name.“

Leiterman said no one else knew about the addiction.

“I wanted to get off that drug desperately,” Leiterman said, “but the problem with that was that I had to get treatment, but to get treatment I had to get off of it.”

On Oct. 3, 2001, Leiterman was in a hurry to get home and attempted to shoplift his prescription from a Meijer pharmacy in Portage. Police records show that he was apprehended and upon searching his vehicle, they found blank prescription pads.

Leiterman admitted to forging prescriptions for himself and was charged with three counts of fraudulent possession of a controlled substance, a felony.

According to court records, Leiterman was required to complete the Kalamazoo County Substance Abuse Diversion Program, upon which his record would be cleared of the charges.

Leiterman completed the program on March 29, 2002.

Not four months before Leiterman’s arrest, legislation was proposed that requested all convicted felons in Michigan be required to submit a DNA sample for the state database.

The bill was sponsored by former state Sen. Tom George, R-Mich., who also happened to be a colleague of Leiterman’s at both Bronson and Borgess hospitals.

The legislation was passed, effective January of 2002. The Michigan State Police Laboratory received Gary Leiterman’s buccal swab, a sample of saliva, on Feb. 22, 2002, according to forensic scientist Julie French’s testimony at Leiterman’s trial.
French testified that Leiterman’s DNA was processed for the first time in July of 2002, but failed to produce a full DNA profile. It was nearly two years later before a successful profile was submitted into the database.

Meanwhile, the box of evidence from Mixer’s 1969 case was brought to the same lab for testing for reasons unrelated to Leiterman. Ruelas’ DNA was also tested during this time, according to trial testimony.

Jeff Nye, supervisor of the forensic science division of the lab, testified that the respective cases’ lab testing did overlap, but “barely” and believes that cross-contamination is highly unlikely, according to trial transcripts.

Dr. Kessis believes that the lack of an explanation for the presence of Ruelas’ DNA is reason enough to dismiss the legitimacy of Leiterman’s DNA.

In his post-trial analysis of the case, Kessis points out that the failure of Leiterman’s first DNA sample to create a full profile implies that it was somehow depleted of DNA, suggesting that it experienced “some form of transfer” prior to testing.

Kessis also stated that the validity of Leiterman’s DNA was suspect because it was so well preserved, whereas all other DNA found on the evidence, including that of the victim, was degraded beyond use.

Sarah Thivault agreed, testifying that “there is some human judgment involved in interpreting DNA test results” due to environmental factors that cause degradation, which is visible to the eye.

Steve Kesten, a juror in Leiterman’s 2005 case, believes Ruelas’ DNA match was a mistake.

“I think that was Jane Mixer’s blood,” Kesten said in an interview for A&E TV’s Cold Case Files. “My personal opinion is that there may have been a mix up in the lab and that’s how that drop of blood was associated with John Ruelas.”

Kesten does not feel the same about Leiterman.

“I’m fairly certain that we made the right decision and that Gary Leiterman was guilty of this crime,” Kesten said.

Prosecutor Steven Hiller agrees. He said in his interview for the same show that Ruelas’ DNA is “something that’s been lost to history, but it doesn’t change the fact that Gary Leiterman’s DNA was on Jane Mixer’s pantyhose.”

The DNA match between Gary Earl Leiterman’s profile and numerous spots on the 1969 evidence was made on July 7, 2004, according to lab documents.

It was four months before Leiterman had any idea that he was being investigated as a murder suspect. Early one November morning as Leiterman was preparing to drive his South Korean exchange student to school, two Michigan State Police officers appeared on his doorstep.
Under the impression that he was being questioned about suspicious activity in the neighborhood, Leiterman agreed to meet the police at the station in Paw Paw after he drove to the school.

He was arrested for the murder of Jane Mixer the same day and hasn’t returned since.

Less than one week before his arrest, Leiterman said he was gathering trash from around the house when he saw two photos lying face-down on top of the exchange student’s garbage can.

He said he thought they were photos he had taken of her to send home to her parents, so he picked them up.

Instead, Leiterman said he found two Polaroid photos of the student, presumably unconscious, lying on a bed with her dress pulled above her head.

“I was quite frankly stunned and a little perplexed,” Leiterman said.

Trying to be “socially polite,” Leiterman decided not to discuss the photos with anyone else, but rather try to get the student placed in a different home without “making a scene.”

Leiterman said he kept the photos in a closet before throwing them in the trash the Saturday before he was arrested. He never took the trash out.

According to the police report from the first search of the Leiterman estate, the two compromising photos were found in the drawer of the bedside table in the master bedroom. Leiterman was charged with possession of child pornography.

Given the impending murder trial, Leiterman said his family encouraged him to plead guilty and get the charge out of the way.

“I was not convinced that was the way to go,” Leiterman said, “until 5 nights before my trial, [my lawyer] came to me with 2 pages of pornography they said they found on my computer.”

Leiterman vehemently refuses that the pornography was anything but spam, but he was presented with two options.

“It was 20 years in prison or time served,” Leiterman said. “Between the photos, the prosecutor and the porn, it became an easy choice.”

Nearly four years and two felony cases after his initial arrest that set in motion the events that would decide his future, Leiterman’s murder trial began.

In addition to the DNA and handwriting, the prosecution leaned on the murder weapon for Leiterman’s conviction.

In 1969, Leiterman lawfully owned a .22 caliber gun, the same type used to shoot Jane Mixer, according to trial transcripts.
He reported the gun missing in 1985, when he believes his wife accidentally threw it out while cleaning. He said she was throwing out boxes of newspapers Leiterman had kept, one of which may have contained the gun.

Police searched the house three times and never found the weapon.

Rachel Kube, who attended all but one day of Leiterman’s trial, described the experience as “just awful.” She said she saw two jurors sleeping during one of the presentations.

Friends described Leiterman as uncharacteristically subdued throughout the trial. Even from the first interrogation, his calm demeanor made officers wary of his behavior.

“We didn’t get any type of the normal response that you would expect to see from someone who’s being accused of a crime of that nature,” Detective Eric Schroeder told A&E TV. “Never at any time did he jump up and get angry.”

Judy Betten said that even before the trial, Leiterman rarely allowed his feelings to show. She has never seen an “outburst” from him, even since his conviction.

“He had a poker face through the whole trial,” she said. “Even now, he expresses disappointment but he never gets highly emotional.”

Maggie Nelson, Jane Mixer’s niece, attended the 2005 trial. She said she was taken aback by Leiterman not because of solemn disposition, but because of his semblance to a certain cartoon character.

With a shiny bald head framed with thick white hair, a full white mustache that is almost a caricature of itself and wire-rimmed glasses reminiscent of the 1970s, Nelson said Leiterman hardly looked the part of a murderer.

“Where I imagined I might find the face of evil,” she wrote in her novel about Mixer’s life and death, “I am finding Elmer Fudd.”

Never lacking for words or refusing a chance to defend his innocence, Leiterman is an articulate man who expresses himself with well-planned words rather than impulsive displays of emotion. He did not, however, take the stand at his trial.

He said he insisted on testifying until his lawyer, Gary Gabry, told him that the last 5 people he represented that testified on their own behalf got sentences of life without parole.

“That chilled me to the bone,” Leiterman said of his choice to refrain.

Betten said that Leiterman “could only have helped himself” by testifying. “They needed to find out that this was a real human being, not someone just sitting there,” she said.

On his “flat-affect” disposition, as Betten described him, Leiterman said he sees no point in becoming visibly angry.
“I let those things kind of settle without getting stirred up,” he said. “I can’t begin to explain to you how hard it’s been but I don’t know how it does any good to express that openly to anybody.”

“It’s extremely difficult and extremely anguishing, and I am unbelievably furious that this could have happened,” Leiterman said.

For some, it is sadness rather than anger that this case evokes. Solly Leiterman said she lost 15 pounds in one week after her husband’s verdict was read.

“I couldn’t get out of bed, still couldn’t sleep,” Leiterman said. “When I heard that word ‘guilty’ I just kept thinking, ‘did I hear that right?’”

After the verdict was read, Gary Leiterman dropped his head into his hands. When he first lifted his eyes to meet his wife’s, she said only the words “stay alive” across the courtroom.

She said she was worried her husband would not survive the ordeal, as he had been moderately ill just before it all started.

Despite her playful grievances about her husband’s long and detailed stories, Leiterman is not a short-winded talker. She is rarely without a relevant anecdote or an interesting topic to discuss. After describing this final day in court, she remains silent and somber.

Judy Betten said she was simply shocked when the verdict was read. She said she didn’t think the prosecution’s case could have convinced anyone Leiterman was guilty. The only thing she was worried about was whether there would be room for her in the car on the drive back to Gobles, as she thought Leiterman would be along for the ride.

Now, Gary and Solly Leiterman plan movies to watch at the same time and call each other to discuss them after. She said it’s the closest they can get to the time they used to spend together.

During visits, friends say Gary Leiterman tries to talk about “normal things” and expresses his gratitude for their company, always polite and very interested to hear what’s happening around the town.

With a motion for a new trial expected within a month, Solly Leiterman has hope for her husband’s release. She looks forward to the day when he comes home, even if only to gain a little extra space.

Not a sentimental woman, she doesn’t share the “pack rat” habits of her relic-collecting husband.

“The only reason I haven’t gotten rid of all of these things he has kept over the years is because they’re precious to me now,” she said, “but if he gets home... they’re gone!”

Leiterman’s current lawyer, Bryan Zubel, said he has “located a fair body of material” that he believes will “show Mr. Leiterman’s due process rights were violated.”

Zubel said Leiterman’s conviction is the result of misinformation, deceit and lack of proper procedure throughout the initial trial. He is not filing for an appeal, but rather a new trial in the original court.
“We are trying to put together a coherent argument to prove to the trial court that Leiterman’s rights were violated by the government,” Zubel said. “For the first time we have the ammunition to prove his case.”
Trial Coverage

On Oct. 3, 2001, Gary Leiterman was in a hurry to get home and attempted to shoplift his prescription painkillers from a Meijer pharmacy in Portage. Shoplifting was the least of Leiterman’s concerns.

Today, at 68 years old, Leiterman is nearly six years into a life sentence without parole. He was convicted of first-degree murder in July of 2005, a direct result of his 2001 arrest.

He had written the prescriptions himself. Police records show that he was apprehended and upon searching his vehicle, police found blank prescription pads.

Leiterman, then a registered nurse in Kalamazoo, admitted to forging prescriptions for himself and was charged with three counts of fraudulent possession of a controlled substance, a felony in Michigan.

According to court records, Leiterman was ordered to complete the Kalamazoo County Substance Abuse Diversion Program, upon which all legal actions would subside and his criminal record would be cleared.

Leiterman completed the program on March 29, 2002. Not four months before Leiterman’s arrest, legislation was proposed that all convicted felons in Michigan be required to submit a DNA sample for the state database.

The bill was sponsored by former U.S. Sen. Tom George, R-Mich., who was also a colleague of Leiterman’s at both Bronson and Borgess hospitals in Kalamazoo.

In July of 2001, George’s proposed legislation requiring all convicted felons in Michigan submit a DNA sample was voted into law. The state police crime lab received Leiterman’s saliva sample on Feb. 22, 2002 according to forensic scientist Julie French’s testimony at Leiterman’s 2005 murder trial.

Lab documents show that on Oct. 24 of the previous year, the same lab received evidence from an unsolved 1969 murder case. A detective was curious about the case and wanted to see what he could find with new technology.

* * *

On the night March 20, 1969, University of Michigan law student Jane Mixer went missing. She was going home to Muskegon to tell her parents that she was engaged to marry her longtime boyfriend and had posted her name on a list in the quad for people who needed rides.

Mixer’s fiancé dropped her off to meet her ride. He was the last known person to see her alive.

Mixer was found murdered the next morning in a cemetery in Denton, her suitcase and belongings placed beside her body. She had been shot twice in the head and strangled with a pair of pantyhose.

The name “David Johnson” was listed as the person who agreed to pick her up. All men in the area named David Johnson were investigated and subsequently released of suspicion.

Police found a phone book near the quad with the words “Muskegon” and “Mixer” written on the cover. It was their only lead and it didn’t get them far.

Mixer was the third of seven women killed in the Ann Arbor area from 1967 to 1969, collectively called the “Co-Ed Murders.” For over 30 years, only one of the Co-Ed Murders was officially solved. John
Norman Collins was convicted in 1970 for the slaying of Karen Sue Beineman, the last of the Ann Arbor homicides, and was assumed to have killed all seven women.

Mixer’s case was never officially closed—until Leiterman.

According to Leiterman, his family, friends and hundreds of pages of expert testimony, the crime is anything but solved.

Leiterman’s case has been called the “greatest miscarriage of justice” and the “most obvious case of legal error” in expert testimonies made about the evidence presented in the trial, particularly the DNA.

Leiterman’s DNA was found in numerous places on the pantyhose used to strangle the victim, according to trial transcripts.

Although he is the only one doing time for the murder, Leiterman’s DNA was not the only match discovered on evidence from the 1969 murder.

John Ruelas was found guilty for the murder of his mother in January of 2002, the month that George’s DNA legislation went into effect. His DNA matched that of a drop of blood found on Mixer’s hand in 1969. Ruelas was not charged with the murder of Jane Mixer.

He was only four years old when it happened.

Further investigation ruled out any possibility that Ruelas or his relatives were responsible for the crime.

During Leiterman’s July 2005 trial, prosecutor Steve Hiller proposed that Ruelas had frequent bloody noses as a child, which caused his blood to appear on Mixer’s hand. Gary Gabry, Leiterman’s attorney for his initial trial, did not refute Hiller’s assumptions, according to trial transcripts.

In what the legal system has classified as a coincidence, the DNA of both Leiterman and Ruelas was tested in the same lab at the same time. So was the evidence from the Mixer trial.

French testified that Leiterman’s DNA was processed for the first time in July of 2002, but failed to produce a full DNA profile. It wasn’t until January of 2004 that a successful profile was submitted into the database.

Meanwhile, the box of evidence from Mixer’s 1969 case was brought to the same lab for testing for reasons unrelated to Leiterman. According to trial testimony, Steven Milligan and Ann Gordon examined the evidence intermittently throughout 2002, beginning in March.

Jeff Nye, supervisor of the forensic science division of the lab, testified that the respective cases’ lab testing did overlap, but “barely” according to trial transcripts.

Dr. Theodore Kessis, principal of Applied DNA Resources, believes that the lack of an explanation for the presence of Ruelas’ DNA is reason enough to dismiss the legitimacy of Leiterman’s DNA.

In his post-trial analysis of the case, Kessis points out that the failure of Leiterman’s first DNA sample to create a full profile implies that it was somehow depleted of DNA, suggesting that it experienced “some form of transfer” prior to testing. Kessis also stated that the validity of Leiterman’s DNA was suspect because it was so well preserved, whereas all other DNA found on the evidence was degraded beyond use.
Sarah Thivault agreed, testifying that “there is some human judgment involved in interpreting DNA test results” due to environmental factors that cause degradation, which is visible to the eye.

Juror Steve Kesten believes Ruelas’ DNA match was a mistake.

“I think that was Jane Mixer’s blood,” Kesten said. “My personal opinion is that there may have been a mix up in the lab and that’s how that drop of blood was associated with John Ruelas.”

Kesten does not feel the same about Leiterman.

“I’m fairly certain that we made the right decision and that Gary Leiterman was guilty of this crime,” Kesten said.

Prosecutor Steven Hiller agrees. He said Ruelas’ DNA is “something that’s been lost to history, but it doesn’t change the fact that Gary Leiterman’s DNA was on Jane Mixer’s pantyhose.”

* * *

Early one morning in November of 2004, two Michigan State police officers appeared unannounced at Gary Leiterman’s front door in Gobles. They had a few questions for him.

His cleared felony charges behind him, Leiterman said he assumed they were there to ask him questions about the neighborhood. Perhaps they were investigating a meth lab or another sort of trouble.

Leiterman had to drive his South Korean exchange student to school, so he agreed to drive to Paw Paw to speak with the police after he dropped her off. He never returned home.

After a three-hour interrogation, Leiterman was arrested for the 1969 murder of Jane Mixer.

"The first couple of hours, they weren't really getting anywhere," Leiterman said. "Looking back, they were asking me questions they already knew the answers to.”

Officers pressed hard for Leiterman to explain how his DNA was found all over the evidence from an Ann Arbor murder that happened 35 years prior.

"I did not know that woman," Leiterman said. "I can't tell you anything. I just don't know."

Less than one week before his arrest, Leiterman said he was gathering trash from around the house when he saw two photos lying facedown on top of the exchange student’s garbage can.

Believing they were photos he had recently taken of her to send home to her parents, he picked them up.

Instead, Leiterman found two Polaroid photos of the girl, presumably unconscious, lying on a bed with her dress pulled above her head.

“I was quite frankly stunned and a little perplexed,” Leiterman said of his reaction to finding the photos.

Trying to be “socially polite,” Leiterman decided not to discuss the photos with anyone else, but rather try to get the student placed in a different home without making a scene. He said even kept them a
secret from his wife, believing she would have left work immediately and rushed home to kick the girl out.

"I wanted to quietly find her another home," Leiterman said. "There was no need to embarrass her or make a scene."

Leiterman said he kept the photos in a closet before throwing them in the trash the Saturday before he was arrested. He never took the trash out.

The police report from the first search of the Leiterman estate states that the two photos were found in the drawer of the bedside table in the master bedroom.

No photo was taken of the evidence in its original location.

Leiterman’s family, in light of the impending murder trial, encouraged him to plead guilty and get the charge out of the way.

“I was not convinced that was the way to go,” Leiterman said, “until 5 nights before my trial, [my lawyer at the time] came to me with 2 pages of pornography they said they found on my computer.”

Leiterman vehemently refused that the pornography was anything but spam, but he was presented with two options.

“It was 20 years in prison or time served,” Leiterman said. “Between the photos, the prosecutor, and the porn... it became an easy choice.”

With that, Leiterman pleaded guilty to possession of sexually abusive material involving a child.

* * *

In addition to the DNA evidence, the prosecution leaned on the murder weapon and handwriting evidence for Leiterman’s conviction.

Leiterman lawfully owned a .22 caliber gun, the same type used to shoot Jane Mixer, according to trial transcripts. Leiterman’s 1969 roommate Paul Esper testified at the trial that Leiterman was a gun "enthusiast" and frequently tried to convince Esper to shoot the gun. Esper said Leiterman had a shooting range in the basement, which Leiterman denies.

"Looking back, maybe he was trying to get my fingerprints on it," Esper said.

Leiterman reported his gun missing in 1985, when he believes his wife accidentally threw it out while cleaning. She was throwing out boxes of newspapers Leiterman had kept, one of which may have contained the gun.

After searching the house three times, police still haven’t found the weapon.

They did find numerous notebooks containing the handwriting of both Gary and his wife Solly Leiterman.

The seized notebooks were used to compare Leiterman’s handwriting to that from the phonebook found during the original investigation.
According to trial transcripts, the phone book was accidentally thrown away. Photocopies were used for analysis.

Lieutenant Thomas Riley, who document analysis specialist, said he was “virtually certain” that Leiterman wrote those words on the phone book.

“It’s my opinion that it is highly probably Gary Earl Leiterman wrote the ‘Muskegon,’ ‘Mixer’ entries on the phone book,” Riley said.

Riley testified that he had unwittingly used documents written by Solly Leiterman in his comparison, but added that he “did not necessarily use them to form” his opinion.

Riley also admitted to altering Leiterman’s handwriting, testifying that he ignored strokes of specific letters that otherwise would not have matched the writing on the phone book.

Riley’s analysis was refuted by Robert Kullman, a forensic document examiner for the defense. Kullman’s argument has since been supplemented by Hartford Kittel, an FBI document analyst who claims that Riley’s testimony was false.

Nearly four years and two felony cases after his first arrest, Leiterman’s murder trial lasted less than two weeks. The jury deliberated for a few hours on a Friday afternoon before finding Leiterman guilty.

Rachel Kube, a friend and neighbor who attended all but one day of Leiterman’s trial, described the experience as “just awful.”

She believes she saw two jurors sleeping during one of the presentations.

Leiterman, who did not testify at his trial, was said to be uncharacteristically subdued throughout the process.

“He had a poker face through the whole trial,” Judy Betten, a friend and co-worker, said. “Even now, afterward, he expresses disappointment but he never gets highly emotional.”

Betten said that Leiterman “could only have helped himself” by testifying.

“They needed to find out that this was a real human being, not someone just sitting there,” she said.

Leiterman said that he insisted on testifying at his trial until his lawyer, Gary Gabry, told him that the last 5 people to testify on their own behalf got sentences of life without parole.

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“I let those things kind of settle without getting stirred up,” he said. “I can’t begin to explain to you how hard it’s been but I don’t now how it does any good to express that openly to anybody.”

“It’s extremely difficult and extremely anguishing, and I am unbelievably furious that this could have happened,” Leiterman said.
The Leitermans filed a request for a federal appeal nearly two years ago. They are still waiting for a response.

Leiterman’s current lawyer Bryan Zubel said they have ultimately “exhausted” all options for a state appeal. He is hoping to file a motion for a new trial in the original court within a month.

“We’ve located a fair body of material that we believe will show Mr. Leiterman’s due process rights were violated,” Zubel said. “For the first time we have the ammunition to prove his case.”