



JOSEPH BADARACCO

## The Lake Pleasant Bodies Case (A)

Frank Armani hoped that the man across the desk from him didn't notice his shaking hands as he reached for a cigarette. Daniel Petz had traveled to Armani's Syracuse law office in September 1973 after reading newspaper accounts linking the disappearance of his daughter Susan earlier that summer to Armani's client, Robert Garrow. Although Armani had tried to prepare himself for the meeting with Petz, it wasn't easy to remain calm as the man began to plead with him for help in locating his missing daughter. Armani knew all too well that Petz's 20-year-old daughter had been brutally murdered just one month earlier. In fact, Armani himself had climbed down into an abandoned mine shaft and photographed the dead girl's body.

### *Initial Contacts with Robert Garrow*

Frank Armani's first contact with Robert Garrow was in August 1972 when Garrow sought legal advice from Armani after a minor auto accident. At that time, Armani was aware that Garrow had served eight years in prison for the rape of a teenage girl. Since his release from prison in 1968, Garrow had compiled an excellent record as a family man, neighbor, and employee. The New York State Crime Commission had even studied Garrow as an example of a convict who had broken the typical pattern of recidivism among released prisoners.

In November 1972, Garrow called Armani from the Syracuse Public Safety building after being charged with unlawful imprisonment and possession of a dangerous drug. Garrow had allegedly held two Syracuse University students hostage at gunpoint and then tied them up. The students refused to press charges after it was determined that the drugs found in Garrow's car belonged to them, and Garrow was released. Armani had worked hard to obtain the court's subsequent dismissal of the charges so that Garrow would not be held in violation of his parole and sent back to prison.

Seven months later, in June 1973, Armani was notified by the police that they had Garrow in custody for allegedly molesting two young girls, aged 10 and 11. Although he began to wonder about his client, Armani felt that the two girls had been coached to produce their statements against Garrow. Armani never got the opportunity to defend his client on these charges, however. After being arraigned and released on bail, Garrow failed to show up for trial on July 23, 1973. Armani managed to obtain a three-day postponement of the trial date, but Garrow again failed to appear and a warrant was issued for his arrest.

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Research Associate Ellen West prepared this case under the supervision of Professor Joseph Badaracco, Jr., as the basis for class discussion. This case was developed from public source material and draws heavily upon *Privileged Information* by Tom Alibrandi with Frank H. Armani (New York: Dodd, Mead & Co., 1984).

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### *The Lake Pleasant Murders*

On the afternoon of July 29, 1973, Armani received a call from an investigator with the State Bureau of Criminal Investigation (BCI). Eighteen-year-old Philip Doblewski had been murdered that morning while camping with friends in the Adirondack Mountains near Lake Pleasant, New York. Doblewski's three companions had positively identified Garrow as the man who led them into the woods, tied them to trees, and then stabbed their friend to death. Garrow had fled into the woods after one of the campers managed to escape and return with help.

One of the largest manhunts in the state's history was now under way, and the BCI wanted Armani's help in assessing just how dangerous Garrow was. The investigators suspected that Garrow was responsible for the disappearance and murder of other young people in the Lake Pleasant area. The body of 21-year-old Daniel Porter had been recovered nine days before, but police had been unable to locate the young man's camping companion, Susan Petz. Believing that the Boston College student might still be alive, police wanted to capture Garrow alive in the hope that he would reveal her whereabouts.

The search, which was costing taxpayers over \$50,000 a day, continued into the second week in August. The protracted manhunt had a devastating impact on the summer tourist season in the Adirondacks. The governor kept constant pressure on the BCI to bring Garrow in. Frank Armani even appeared on television, issuing a plea to his client: "Running away will do you no good, Robert. I'm willing to help. Come on in, and you won't get hurt."

On August 9, police staked out the area near the home of Garrow's sister and spotted Garrow's nephew carrying food into the woods. State troopers and conservation officers moved in to flush Garrow out of the woods into a line of armed officers. Despite orders to take Garrow alive, one of the officers opened fire with a high-powered rifle. Garrow was struck in the back, arm, and leg. A second round of fire nearly tore Garrow's left foot off. As word of Garrow's capture spread, hand-painted signs appeared throughout the Adirondacks expressing gratitude to the troopers for apprehending him.

That evening Armani received a call from Garrow's wife, Edith. She had been able to speak with her husband before he went into surgery, and he had asked her to call Armani. Garrow wanted Armani to represent him. Reluctant to accept the job before he was sure he could handle it, Armani told Edith he would have to speak with Garrow about his representation.

After learning that police had already tried unsuccessfully to question Edith, Armani cut their conversation short and told her to call him the following day. During the manhunt he had noticed unmarked police cars following both him and Edith Garrow, and now he thought it was possible that the phones were tapped.

When he hung up the phone, Armani's wife, Mary confronted him, asking why he had to be the one to defend Garrow. Armani reminded her that he hadn't officially taken the case yet; he said he owed it to Garrow as a client to go to the hospital and speak with him. Mary replied that she was worried that the case was "out of his league." After all, because his legal practice consisted mostly of liability work, Armani had never handled a murder defense before.

An irritated Armani explained to his wife that because Garrow didn't have the resources to hire a private attorney, the court would appoint a public defender for him. Given his limited criminal defense experience, Armani said it was unlikely that the court would appoint him to represent Garrow. He didn't really want the case, he conceded, but because Garrow would not talk to anyone else at the moment, Armani really didn't see how he could refuse to visit him.

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On the evening of August 10, Armani made the five-hour drive to the hospital in Plattsburg. Garrow, his left arm and left foot in casts, told Armani he was in a lot of pain. He claimed that in the ambulance on the way to the hospital, the police had begun to question him about Susan Petz's disappearance. When he didn't answer them, Garrow said they twisted his arm and foot until he passed out. Garrow also maintained that the doctors at the hospital refused to treat him until he spoke with the police. Garrow claimed that the harassment was continuing, and he said he had been subjected to constant questioning and deprived of food and water.

With tears in his eyes, Garrow pleaded with Armani to help him. Armani responded that the court would appoint a public defender for him, but Garrow persisted: "I don't want any other lawyer. I want you to represent me, Frank. Take everything I've got. But please, Frank, you gotta stay with me on this one."

Armani promised to see what he could do and cautioned Garrow against talking with anyone else, even Edith.

As he left the hospital, the police, believing that Susan Petz might still be alive, asked Armani to let them know if Garrow revealed anything about her whereabouts. Armani replied, "I'll see what I can do," but he wasn't sure how to resolve the potential conflict. On the one hand, he had a duty to preserve in confidence any information disclosed by Garrow. However, he also felt strongly that he had a duty to save Susan Petz's life if he could and thereby prevent the commission of a murder.

The following morning Armani went to see the district judge who was slated to try the case. The judge told Armani that he heard about Garrow's refusal to speak with any other lawyer. Because Garrow trusted Armani, the judge felt that Armani could do the best job defending him and he therefore appointed Armani as Garrow's public defender. Armani tried to protest, saying that he had never before defended a murder suspect. The judge assured him that he would be able to defend his client admirably and asked Armani if his time would allow him to take the case. Armani replied that he would be able to work the case in.

Back at the hospital that afternoon, Armani tried to get his client to talk about the Doblewski murder. Denying that he had killed anyone, Garrow claimed to have a difficult time remembering what had happened on July 23. He had had another one of his terrible headaches that morning. Frustrated with his client, Armani explained to Garrow that unless he told him all that had transpired, Armani would not be able to mount a successful defense. Armani pressed on for another seven hours, but Garrow continued to claim that he could not remember what happened.

A few days later Armani ran into Francis Belge, an old friend and Syracuse colleague with substantial criminal-defense experience. He confided in Belge that he was having a difficult time getting his client to speak about the charges against him. Garrow's cat-and-mouse game was beginning to wear him out, Armani said. If he pressed his client too hard, Garrow's face contorted and reddened with rage. At these times Armani wanted to run from the hospital room.

Armani told Belge that he planned to use an insanity defense—if Garrow couldn't be proved insane, no one could. The case would be complicated and Armani needed help. He asked Belge to join him as co-counsel. Belge refused, saying that Garrow didn't stand a chance of getting a fair trial in the small mountain community where the Doblewski murder had occurred. Belge brushed aside Armani's suggestion that they ask the court for a change of venue to another New York town, arguing that the local people would want to get revenge against Garrow.

Belge then took Armani to task for appearing on television during the manhunt. Belge felt strongly that Armani's action was tantamount to admitting his client's guilt. Armani saw it differently. He felt that he had been obligated to try to convince Garrow to surrender so that he

could be processed by a judicial system that would ideally presume him innocent until proven guilty. Belge needled Armani for thinking a jury in the Adirondacks would presume Garrow to be innocent.

Armani asked Belge one more time to join him on the case, but Belge refused. As Armani faced the prospect of defending Garrow single-handedly, he couldn't fight the feeling that he had overcommitted himself.

## *Preparing a Defense*

Armani was convinced that Garrow had killed Philip Doblewski and that his only defense was to plead innocent by reason of insanity. The first step would be to convince the judge at a pretrial hearing that Garrow was mentally unfit to stand trial. If, however, his client was declared competent to stand trial, Armani would then be faced with the task of convincing a jury that Garrow did not comprehend the nature or consequences of his actions.

Armani set out to establish that his client had a lifelong history of aberrant behavior. He first interviewed Garrow's neighbors and an employer in Syracuse, all of whom portrayed him as a model husband, family man, and employee. However, after Frank Armani began to probe more deeply into Garrow's history, another side of his client's personality was revealed. Garrow's sisters described the physical and verbal abuse he had suffered at the hands of their alcoholic father. Garrow's mother was also abusive, beating him regularly with whatever implement was at hand. When Garrow was five, his mother knocked him unconscious with a piece of firewood, and on another occasion she split her son's head open with a crowbar.

At the age of seven, Armani learned, Garrow was boarded out to a neighboring farm where he lived a lonely, isolated existence for seven years. By the time he was 11 years old, he was regularly molesting farm animals and drinking their blood. At age 15, Garrow was sentenced to reform school for two years after a fight with his father.

When he was 17, Garrow walked in on his girlfriend making love to a long-haired man. The betrayal drove Garrow to enlist in the Air Force, although he spent most of his two years of military service in the stockade for a variety of offenses. He returned to northern New York, married Edith, and settled in Albany. Garrow was 25 years old and the father of two children when he was convicted in 1960 for raping a teenage girl and knocking her boyfriend unconscious.

Armani interviewed several psychiatrists, including the one who had examined Garrow at the time of his rape conviction. The doctor felt that Garrow's sexual aberrations and violent rages were connected; Garrow would accost a couple, get angry at the man, and then rape the woman. The doctor also felt that it was likely that Garrow's headaches were the result of his 1972 car accident.

The psychiatric evaluations and his own investigations convinced Armani that his client was insane. Under New York law, defendants judged innocent by reason of insanity are committed to a mental institution until a panel of psychiatrists judges them sane enough to return to society. The improbability that Garrow would ever become well enough to be released was important to Armani in his pursuit of the insanity defense. Armani was extremely disturbed by the thought that by acting as effective counsel for Garrow, by doing everything he could to protect his client's rights, he could make Garrow a free man.

As he became consumed with Garrow's defense, Armani's work for his other clients suffered. He began to turn over many of his files to the three other attorneys in his office. Armani felt a certain amount of guilt at not being able to handle his clients' matters personally. He also knew that by

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taking on the time-consuming Garrow case, he was reducing the profits to be shared by the firm's partners.

Although Armani felt he had been thorough in his preparation for the trial, he was still unsure of his ability to defend Garrow in the courtroom. In addition, he was facing the prospect of further involvement with Garrow as the police began to build cases against Garrow for the Porter murder and the Petz disappearance. Garrow was also implicated in the disappearance of a 16-year-old high school student, Alicia Hauck, who had been missing since July. Although Garrow called Armani constantly to request visits, he was not forthcoming with useful information about any of the crimes.

Faced with these pressures, Armani approached Belge again late in August of 1973. Belge suggested that to gain Garrow's cooperation, Armani had to convince him that information regarding additional crimes could be used to plea bargain with the district attorney for a judgment of not guilty by reason of insanity, which would allow Garrow to be sentenced to a psychiatric hospital.

This time, Belge agreed to accompany Armani to the hospital for a visit with Garrow. Inflamed by the harassment of the troopers guarding Garrow's room, Belge decided to act as co-counsel. Garrow, however, was suspicious of the new addition to his defense team, and the two lawyers were again unable to get any useful information out of their client that evening.

The following morning Armani persuaded his client to submit to hypnosis. Armani stressed how important it was that he and Belge know as much as possible in order to construct an effective defense. During the hypnotic session, Armani planted the suggestion that Garrow should cooperate fully during an afternoon interview with Belge.

As Belge entered Garrow's room that afternoon, he turned on the television and a portable fan, because he was sure that Garrow's room was bugged. Belge prefaced his questioning by telling Garrow that his best shot at a successful insanity plea was as part of a pretrial bargain with the district attorney.

Under Belge's questioning, Garrow first described picking up Alicia Hauck hitchhiking, raping her, and then stabbing her to death in a Syracuse cemetery as she tried to escape. When Belge pressed for information about Susan Petz, Garrow described his encounter with Daniel Porter and Petz. He said he stabbed Porter to death during a struggle and then took Susan Petz to a wooded area near his parents' home. He kept her in a tent with him for three days, raping her repeatedly. After she tried to escape, Garrow stabbed Susan Petz to death. Garrow then described the abandoned mine shaft where he had hidden Susan Petz's body. After denying involvement in any other crimes, he told Belge where he could find the body.

### *Checking Garrow's Story*

That afternoon the two lawyers first traveled to the area where Garrow told them he had hidden Susan Petz's body in an abandoned mine shaft. Armani and Belge both hoped that their client had made up his gruesome tales in order to allow his attorneys to plea bargain. En route they noticed that they were being followed by an unmarked police car. After switching cars with a friend of Belge's, they lost the tail and proceeded to the mine shaft.

With Armani holding him, Belge leaned into the shaft. After Belge peered into the darkness using a flashlight, he demanded that Armani pull him up. Armani noted the tears in his partner's eyes as Belge told him he had seen Susan Petz's body. Armani then grabbed his Polaroid; with Belge holding on, he lowered himself into the shaft to photograph the body.

Armani's first reaction after locating Susan Petz's body was to tell someone what they'd found. He told Belge that the girl's parents had to know. Belge replied that unless Garrow gave them permission to do so, they could not reveal to anyone what they had seen. Still, Armani could not help but imagine how he would feel if it were his daughter's body lying in the mine shaft.

The next morning the two lawyers searched the Syracuse cemetery where Garrow said he had left Alicia Hauck's body. Unable to locate the remains in the dense underbrush, they returned to Plattsburgh to have Garrow draw a map for them. They immediately made the five-hour return trip to Syracuse but still could not find Alicia Hauck's body where Garrow said it would be. Armani, satisfied that Garrow had killed Alicia Hauck, was concerned that they would be spotted if they continued to search for the girl's body. He didn't think it was necessary to view her remains. The next day, however, Belge returned to the cemetery, located Alicia Hauck's body, and photographed it.

### *Making a Decision*

The night before Mr. Petz's visit, Armani sat alone in his office looking through his files on the Garrow case. He looked at the photographs of Susan Petz and Alicia Hauck from missing-persons bulletins and was struck by their similarity in appearance. Both young women also bore some resemblance to Garrow's wife Edith, a woman camping companion of Philip Doblewski and, most significantly, the girlfriend that 17-year-old Garrow had caught in bed with another man.

As Garrow's attorneys, Armani knew he and Belge had a duty of confidentiality to their client. Armani, however, did not find it as easy as Belge to accept the consequences of this duty:

He tried to imagine what it must be like for the parents of Alicia Hauck and Susan Petz—how they must be praying for their daughters' safety, how they must be hoping against hope that their daughters would turn up alive one day soon and give this nightmare a happy ending. Armani tried to imagine the pain he and his wife would feel if one of his daughters were missing. He tried to imagine how badly he and Mary would want any news, even if the news might be that their missing daughter was dead.

He thought back to 1962, the year his younger brother, his only brother, had disappeared while flying an Air Force reconnaissance mission over the North Sea. Harry Armani's body had never been recovered. Armani remembered well the pain his parents had suffered from not knowing for certain what had happened to their son. His mother had never completely recovered from that loss. . . .<sup>1</sup>

Torn between his duty to his client and his empathy for the victims' families, Armani sought the right words to speak to the desperate father seated before him.

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<sup>1</sup> Alibrandi and Armani, *Privileged Information*, pp. 91-92.

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Exhibit 1

## Constitution of the United States of America

### Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

### Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

### Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

### Amendment XIV

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.