

INTRODUCTION

We, the members of the Thirty-Ninth Statewide Investigating Grand Jury, having received and reviewed evidence regarding violations of the Pennsylvania Crimes Code in Perry County, Pennsylvania pursuant to Notice of Submission of Investigation No. 21, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Grand Jury conducted an investigation into the death of 23-year-old Debra Jane Rodgers. Debra's body was discovered by her mother on April 24, 1983 in a heavily wooded area of Perry County, Pennsylvania. She suffered severe blunt force trauma to her head and body. Both of her wrists had been deeply slashed as if to make her death appear to be the result of suicide. The Grand Jury determined, however, that Debra was murdered by her husband, Carl Rodgers.

The Grand Jury heard testimony that Carl and Debra Rodgers married in 1977 and had a daughter. They lived in a trailer on the Rodgers' family dairy farm located in Loysville, Perry County. The two-bedroom trailer was located approximately 50 yards from the main house where Carl's parents and grandmother lived. The Grand Jury learned that Carl worked full-time on the family farm and that Debra worked as a seasonal clerk at Little Buffalo State Park in Newport, Perry County.

Dean Peters, Debra's brother, testified before the Grand Jury and stated that he was visiting his parents on Saturday, April 23, 1983 when the family received a telephone call at approximately 4:00 p.m. from Carl who advised that Debra was missing. Debra's sister, Elizabeth Peters Derr, testified that she answered the telephone call and Carl asked if Debra was with the Peters family. Elizabeth responded that Debra was not with them.

Dean Peters testified that he and other family members then drove to the Rodgers' farm and met with Carl inside the trailer. According to Dean, Carl gave him the impression that Debra was depressed over her job and had seemed suicidal prior to her disappearance. Another one of Debra's brothers, David Peters, testified that on April 23, 1983, he received a telephone call from his mother advising him that Debra was missing. He and his then-girlfriend, Ruby Voorhees, subsequently joined the other family members at the Rodgers' trailer.

Ruby Voorhees testified that while she was at the trailer, Carl stated that Debra was upset and frustrated with her job because she was not learning everything quickly enough. Carl further stated that he and Debra had discussed this issue the previous evening and that they had argued about it. Ruby testified that when she pressed Carl for information, he "explained that, after they had their argument, he went to bed and then she stayed out in the living room with [their daughter] and watched TV until late and he fell asleep. Then when he woke up later, she had gotten in the car and left. He heard her car start up and leave."

David Peters testified that Carl told the family that Debra had gone to work on Saturday morning. A family member called Debra's place of employment, however, and was told that Debra had not reported to work that day. Debra's mother then noticed that Debra's jacket was hanging on a peg in the trailer and that her purse was also in the trailer. David testified that the family members decided to go look for Debra.

Dean Peters testified that the family asked Carl where to search for Debra and he suggested a specific location. Carl claimed that patrons of Little Buffalo State Park had asked about various locations and Debra "was upset about not knowing where these places were." Dean testified that he and Carl were in the same vehicle - - which was the lead vehicle - - and that Carl directed Dean where to go. At approximately 7:00 p.m., Debra's vehicle was located.

According to Dean, the family did not search anywhere else before arriving at the location where Debra's vehicle was found.

The Grand Jury learned that the location where Debra's vehicle was found was approximately 4.6 miles from the Rodgers' farm. The main road is Route 850, also known as Fort Robinson Road. The dirt road that Carl directed Dean to turn onto from Route 850 was known at the time as Tower Road and is now known as Little Valley Road. It is a state forest access road in a remote area that is heavily wooded on either side. There is no lighting on this narrow dirt road. Debra's vehicle was located approximately six-tenths of a mile into Tower Road from Route 850. Members of the Pennsylvania State Police ("PSP") travelled the route taken as directed by Carl on the night of the search for Debra. The route was recorded using a PSP patrol vehicle dashboard camera. The Grand Jury viewed the footage and observed the isolated nature of Tower Road. The area where Debra's car was located was approximately 50-100 feet below a pull-off on the right side of Tower Road on a logging path that continued downhill deeper into the woods. Her vehicle was not located in the pull-off area itself, but farther down the hill.

David Peters and Ruby Vorhees both testified that upon arrival at Debra's vehicle, Carl unlocked her car with a set of keys from his pocket. Upon entering the car, Carl immediately reached under the passenger side floor mat and retrieved a second key. Dean Peters testified that Carl suggested they continue driving up the logging road while the other family members searched the woods near the vehicle. David described Carl's demeanor as very subdued and quiet. He also noted that Carl would not make eye contact with members of Debra's family.

David Peters testified that at some point during the search, he and Ruby Vorhees went back to the Rodgers' farm to call the police. However, the police advised them that Debra had

not been missing long enough to start an investigation. David testified that Carl's parents, Earl and Shirley Rodgers (now deceased), were reluctant to contact the police and repeatedly questioned David as to whether that was what Carl wanted. The Rodgers also advised that they did not have any flashlights to provide for the search nor did they ask how the search was progressing.

The Grand Jury learned that the search for Debra was called off at approximately 10:00 p.m. or 11:00 p.m. once it became too dark to continue. David Peters testified that Carl refused to leave Debra's car where the family had found it and insisted on driving it back to the farm. David testified that he expressed concern that, "What happens if she is down here and comes back for her car? She is going to be cold and needs to get it. No. No. No. I'll take the car back, and he didn't want to leave it set there." Mark Peters stated that he also was concerned about Carl taking the car and that he said, "What if she comes back? She knows where the car is. She won't be able to get home."

Mark Peters, another one of Debra's brothers, testified that he arrived at the location where the car was found at approximately 6:00 a.m. on Sunday, April 24, 1983 to continue the search with other family members. He testified that Carl approached him and suggested that the two of them search the ridge opposite of where Debra's body was ultimately found while other family members searched the woods below.

Mark Peters testified that he heard a car horn blow and assumed Debra had been found, Debra's father picked up Mark and Carl and told them that they had found Debra. Carl did not ask any questions despite the fact that her father did not say whether Debra had been found alive or dead. Mark was present when Debra's body was removed from the location. Mark testified that Carl did not say anything.

William Miller, Debra's cousin, told the Grand Jury that he was present when Carl was informed that Debra was dead. He stated that Carl was expressionless and did not ask any questions as to where she was found nor did he make any other inquiries.

Debra's body was located several hundred yards from where her vehicle was located at the bottom of the hill in a wooded area. Her shirt was pulled approximately halfway up her torso as though she had been dragged to the location. One shoe was off her foot and her glasses were located several feet from her body. In addition, a knife was located approximately 15 feet from her body along with its sheath bearing the name "Carl."

Carol Orris ("Orris") testified before the Grand Jury. She stated that she lived in Ickesburg, Perry County across Route 850 from a hunting camp known as Camp Ten Points and near the area where Debra's body was found. Camp Ten Points is a privately owned hunting camp in a heavily wooded area. The unpaved lane to the camp is long and wooded on either side. Towards the top of the lane, there is a house and a pond on the right side. At the top of the lane, there is a large clearing to the left abutting the wooded area where Debra's body was found.

Orris testified that, at approximately 2:00 a.m. on Saturday, April 23, 1983, she observed a vehicle turn left from Route 850 onto the private dirt lane leading to the camp. She stated that the vehicle drove all the way up the lane until she could no longer see its headlights. She stated that approximately one half-hour later, she observed the vehicle come back down the lane and turn right onto Route 850. Orris explained that she was concerned about seeing the vehicle because the camp's owners were not present that weekend and it was unusual for a vehicle to be going up the lane in the middle of the night.

Travelling from the Rogers' farm, the turnoff to Tower Road from Route 850 is before the turnoff to Camp Ten Points and the Orris residence. There is easier, level access to the

location where Debra's body was found from Camp Ten Points than from the area where her car was found on Tower Road. Debra's body was located approximately 200-250 yards from the cleared area at the top of the private lane leading to Camp Ten Points. PSP Trooper Sean Moyer testified that in 1983, part of the wooded area abutting the clearing was a field. Accordingly, the field would have provided even closer access to the location where Debra's body was found. The entrance to Camp Ten Points is approximately one-half of a mile from the entrance to Tower Road on Route 850. Orris described the vehicle she observed in the early morning hours of Saturday, April 23, 1983 as turning left into the entrance to Camp Ten Points (from the direction of the Rodgers' farm and Tower Road) and later turning right back onto Route 850 (towards the Rogers' farm and Tower Road).

On May 2, 1983, Carl was interviewed by now-retired PSP Trooper Michael Brennan ("Trooper Brennan"). Carl stated that on Friday, April 22, 1983, he was working with his parents in the barn on the family farm and that Debra was late returning from work. He stated that he and Debra went to their trailer at approximately 7:30 p.m. and he took a shower. After getting out of the shower, he found Debra sitting on their bed, appearing distraught. Carl told Trooper Brennan that he asked her what was wrong and she stated, "just let me die in peace." According to Carl, Debra stated that she was not any good to anyone and that her co-workers had to guide her through her work. Carl claimed that he told Debra that he and their daughter, then five years of age, loved and needed her.

Carl further told Trooper Brennan that he and Debra continued the discussion about Debra's work. Carl claimed that Debra asked him how to get to various locations in the area that she had been asked about at work. One of these areas, according to Carl, was Tower Road. Carl claimed that Debra stated that she had been asked about these locations at work and was

bothered by her inability to provide directions. The Grand Jury learned that the area of Tower Road where Debra's car was found has no point of interest and was used mainly as a logging road in 1983.

Carl stated that he eventually went to bed at approximately 1:15 a.m. and Debra fell asleep shortly after. He stated that he awoke at approximately 5:15 a.m. and discovered that Debra was gone. He explained that he had assumed that Debra had gone into work early.

Carl stated that, at approximately 3:00 p.m. on April 23, 1983, he drove to Little Buffalo State Park but did not see Debra's vehicle. He told Trooper Brennan that he started calling people in an effort to locate Debra at approximately 5:00 p.m. Carl stated that he accompanied members of Debra's family to look for her and told them about the area on Tower Road. Carl acknowledged that he spotted Debra's car off of Tower Road. He further advised that her body was found the following morning.

Carl initially denied that he had an argument with Debra on Friday evening. He claimed that Debra stated that she could not do anything right anymore, that she was losing her memory and that their daughter and Carl would be better off without her. Carl denied striking Debra and denied leaving the trailer after 7:30 p.m. Upon being confronted by Trooper Brennan that he felt Carl was holding back information, Carl stated that he thought Debra was going to kill herself and so he checked his gun cabinet. Carl explained that is when he noticed that his knife was missing. He stated that he assumed Debra had used the knife to hurt herself.

Carl subsequently admitted that he and Debra had argued on Friday evening. He claimed that Debra wanted to quit her job but he did not want her to do so. He stated that the two "hollered" at each other, resulting in their daughter coming into the bedroom and Carl sending her back out. He claimed that Debra stated that she would be better off dead and Carl replied,

"maybe so." Carl stated that he did not remember if he struck Debra, but he did not think that he had.

Carl then told Trooper Brennan that he went to bed at 9:50 p.m. He believed he recalled Debra coming to bed but was not certain of it. He again stated that he did not remember hitting his wife but admitted that he did grab her once by the right arm. He denied killing her. According to Trooper Brennan, Carl refused to believe that Debra had been murdered until he was shown pictures of her injuries at which point he agreed that she had been murdered.

On November 1, 1985, now-retired PSP Trooper Theodore Engle interviewed Carl. During that interview, Carl stated that Debra had been having problems during the second week of her employment at Little Buffalo State Park because she was not sure of herself and did not know if she could handle the job. Carl further relayed a story regarding two park patrons whom he claimed made inappropriate remarks to Debra on the Friday before she went missing.

Carl reiterated that he and Debra argued on Friday after she came home late from work. He stated that he and his parents were well into the milking time on the farm and that Debra did not arrive until 6:30 p.m. or later. Carl stated that he confronted Debra about her whereabouts and she stated that she was at the grocery store. Carl did not think Debra had enough grocery items to account for the late arrival, however. Carl stated that they argued and he grabbed Debra by the wrist. He explained that when Debra said he would be better off without her, he thought she meant she was going to divorce him. He stated at one point Debra was crying and told Carl she would be better off dead. According to Carl, he asked if she was planning anything and Debra replied that she did not have the courage. Carl stated that he went to bed at approximately 9:00 p.m. and woke up at 5:00 a.m. to discover that Debra was not there.

Carl further claimed that Debra's car had been moved from Tower Road because it had begun to rain and the car would have gotten stuck in the mud. Carl claimed that it was either the idea of Debra's father or the idea of his own father to take the car.

Harold Weibley ("Weibley") testified that he was a friend of Carl's in 1983. He testified that following Debra's death, he spoke to Carl on a number of occasions about her death. Weibley testified that two or three months after Debra's death, Carl told him that Debra came home late from work on the Friday before she went missing. Weibley stated that Carl told him that he and Debra had an argument that night. He also testified that Carl told him that Debra was upset about her work and Carl told her that, "if it was going to upset her that much, why, maybe she should just quit work." Carl told Weibley that he and Debra went to bed Friday night and Carl woke up on Saturday morning and Debra wasn't there. Carl told Weibley that Debra's purse was at the trailer so he rode his motorcycle to Little Buffalo State Park to give it to her but her car was not there. Weibley stated that Carl told him that he (Carl) called the park in the late afternoon and was told Debra had not been to work.

Weibley testified that Carl told him that the search party had gone to Tower Road because it was an area that Debra really liked. Weibley stated that when Carl was telling him how Debra died, Carl made a hand gesture across his wrist to indicate that Debra had cut her wrist. Carl never mentioned any of the other injuries to Weibley. Weibley testified that Carl never told him that Debra had been murdered. Instead, Carl always expressed that her death was the result of suicide.

Laurie Mohler ("Mohler") testified that she married Carl in 1988 or 1989 and they later divorced. She testified that Carl told her his first wife, Debra, had committed suicide by cutting her wrists. Carl told her that the police thought it was a murder.

Pamela Barkley ("Barkley") testified that she was a clerical supervisor for the Pennsylvania Department of Welfare and supervised Debra prior to Debra's employment at Little Buffalo State Park. She described Debra as "very diligent" and "excellent." Barkley provided a recommendation for Debra when she applied to Little Buffalo State Park. Barkley further testified that Debra did not appear depressed and she would never believe that Debra would commit suicide. She told the Grand Jury that Debra loved her daughter very much and talked about her "all the time."

Michael Brennan ("Brennan") testified that he was the Little Buffalo State Park superintendent in 1983 and was responsible for hiring Debra. He described Debra as in the top 10 percent of the approximate 800 individuals he had hired over the course of his career. He testified that Debra was conscientious and seemed very comfortable with her job responsibilities. He further testified that Debra gave him the impression that her husband and father-in-law were not happy that she was seeking employment outside of the family farm. He testified that Debra's husband once called him because he wanted to know what his wife would be doing at work. Brennan testified that Debra wanted to improve her life and was planning to go to college.

Carole Sutch ("Sutch") testified that she worked with Debra at Little Buffalo State Park. She testified that Debra was not having any difficulty learning her job there. The Grand Jury learned that Sutch saw Debra at work on Friday, April 22, 1983. She identified the sweater Debra was wearing when her body was discovered as being the sweater Debra was wearing at work on Friday.

Robert Gaffron ("Gaffron") testified that he also worked with Debra at Little Buffalo State Park. He testified that Debra was more than capable of doing her job. He also testified that

he spoke with Debra on April 22, 1983 and the two discussed the fact that they would both be working the next day. Gaffron testified, however, that Debra did not report to work on Saturday.

Testimony revealed that the Pennsylvania State Police received a packet of documents from the records custodian of the Pennsylvania Liquor Control Board ("PLCB") related to the prospective employment of Debra. The Grand Jury was informed that on March 21, 1983, Debra received a "Certificate of Eligibles" for employment after successfully completing the state civil service examination. She was seeking full-time employment as a Clerk Typist II with the PLCB located in Harrisburg, Pennsylvania. Included within the packet was a letter of recommendation dated March 23, 1983 from Thelma I. Johnson, Income Maintenance Supervisor for the Perry County Board of Assistance/Department of Public Welfare. The letter reflected that Debra "could be depended upon to be prompt. She did not miss a day during her four months with our agency. She was always looking for a new challenge. Her attitude was superb, and Debra was a definite asset to our office."

The packet further indicated that Debra completed an employment application to the PLCB on April 15, 1983. The application reflected Debra's position at Little Buffalo State Park in the employment history section with her salary listed as \$10,289. The packet included an "interview notice/availability" survey which reflected that Debra was selected to be interviewed for the Clerk Typist II position at a salary of \$12,245 on April 21, 1983. A letter dated April 25, 1983 confirmed that Debra was in fact selected for the position.

Additionally, David Peters testified that he was close with his sister, Debra. He testified that she was not having any problems at work. Dean Peters also told the Grand Jury that he was close with Debra and that she never expressed that she was having any problems at work. He stated that she did not seem depressed. Instead, she appeared happy and was a good mother.

Dean testified that Debra graduated second in her class from high school. Elizabeth Peters Derr testified that she was with Debra the weekend before her death and that Debra was happy. She stated that Debra did not seem depressed and never mentioned problems at work. Elizabeth also testified that Debra was a loving mother.

Mark Peters informed the Grand Jury that Debra had called to ask him about getting a ride with Mark's father-in-law to the new job in Harrisburg and that she seemed excited about it. He stated that she sounded upbeat and did not seem depressed.

The Grand Jury received a report from Samuel Land, M.D. ("Dr. Land"), Chief of Medical and Forensic Pathology at Forensic Pathology Associates located in Allentown, Pennsylvania. Dr. Land reviewed the police reports, autopsy report of D.K. Chang, M.D., the consultation report by forensic pathologist Isidore Mihalakis, M.D., as well as scene and autopsy photographs. Dr. Land concluded that the cause of Debra's death was blunt force trauma to the head and torso. Dr. Land described the injuries to Debra's head to include:

Stellate laceration of left parieto-temporal scalp; depressed skull fractures of the left temporal bone; subdural hemorrhage; left temporal lobe laceration; right temporal and frontal cerebral contusions; basilar skull fractures; contusions of the left parietal scalp; fractures of the left temporal bone, left parietal bone and left side of the occipital bone; and fractures of the right temporal bone and right side of the frontal bone.

He described the injuries to Debra's torso to include a fracture of a left rib, lacerations to the right lobe of the liver and laceration of the spleen.

Dr. Land determined that the blunt force trauma to the head was the result of several severe impacts and most likely would have caused altered consciousness immediately and would have caused death within minutes. He found that the trauma to the torso was caused by several blows to both sides of the body and would have caused death within minutes to hours.

Dr. Land also described lacerations to both wrists which were peri-mortem, in other words, at or near the time of death. Dr. Land determined that several tendons of both wrists had been cut and that it was extremely unlikely that the injuries were self-inflicted. Dr. Land determined that the injuries were inflicted in order to "imply suicidal activity."

Dr. Land determined that the manner of death was homicide.

The Grand Jury finds that Carl Rodgers concocted all of the claims that Debra was depressed as well as the claims that she was struggling at work in order to support his efforts to make her death appear to be a suicide and not a homicide. He was the only individual with a motive to make her death appear to be a suicide.