

FOR IMMEDIATE RELEASE

**COLORADO ALLOWS PLACEMENT OF TOMBSTONE ON
EXECUTED PRISONER'S GRAVE**

**ON JUNE 2, 2007 A TOMBSTONE WILL BE PLACED ON THE GRAVE OF A
23 YEAR OLD MENTALLY CHALLENGED PRISONER WHO WAS WRONGFULLY
EXECUTED IN A COLORADO GAS CHAMBER IN 1939.**

<p>From Keller Entertainment Group & The Arc of The Pikes Peak Region 1093 Broxton Avenue, #246 Los Angeles, California 90024 Phone: 310 443-2226 ext 20 Contact: Micheline Keller Email Address: micheline@kellerentertainment.com</p>	<p>12 North Meade, Colorado Springs, CO 80909 Phone: 719-471-4800 Contact: Craig Severa.</p>
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WHAT: Tombstone will be placed on the grave of young Joe Arridy.

WHEN: Saturday, June 2, 2007 at 11:00 AM

WHERE: Greenwood Cemetery, Canon City, Colorado

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On Saturday, June 2, 2007, at 11 a.m. in Canon City's Greenwood Cemetery, a dignifying tombstone will be placed on the grave of death row inmate Joe Arridy. Arridy was executed in the Canon City prison gas chamber on January 6, 1939, and buried on top of Woodpecker Hill. Joe Arridy had the mind of a five year old and was innocent of the crime for which he was executed.

The tombstone, which will feature an etching of a replica of Joe's toy train, is being placed and dedicated by a number of citizens in the Pikes Peak Region who have taken a newfound interest in Arridy's life and death. Evidence uncovered in the past decade indicates that he was a victim of police and prosecutorial misconduct. This is the first time in the history of Colorado that a tombstone will be placed on the grave of an executed prisoner.

THE STORY

Young Joe Arridy was dropped from the Pueblo elementary school system at an early age because he could not keep up with the other children and he became a soft and harmless wanderer who could be seen walking all over the town of Pueblo. Later, a judge ordered the young man to be sent to the Colorado State Home and Training School for Mental Defectives at Grand Junction. At age 22, Arridy ran away from the institution and became a railroad boxcar rider – until he was arrested for vagrancy in the Cheyenne railroad yards on August 26, 1936.

Eleven days earlier on August 15, Dorothy Drain, 15, and Barbara Drain, 12, were brutally beaten with an ax. The older girl was killed and the younger one was rushed to the hospital and saved. Dragnets were organized in towns up and down the eastern slope of the Rocky Mountains.

Cheyenne Sheriff George Carroll decided to interrogate Arridy regarding the crime. According to the sheriff, Arridy gave a changing series of stories. Then he finally admitted that he was the ax murderer.

Carroll then called Pueblo Police Chief Arthur Grady with the news. Grady received it with great surprise. The Pueblo police department already had the killer, Frank Aguilar, in custody. They even found the weapon -- an ax head -- in Aguilar's home.

Even so, one element in the investigation was still missing: Aguilar refused to confess to the crime. With this in mind, Sheriff Carroll interrogated Arridy again and got him to admit that he was present at the murder scene "with a man named Frank." Both Aguilar and Arridy were sent to death row for the murder of Dorothy Drain.

As strange as it may seem for a prison official, Warden Roy Best developed a warm friendship with Joe Arridy. He gave him toys to play with in his cell. The tough warden took Joe home on Christmas Eve of 1939 and presented him with a toy train. The toy train ran an express lane down the corridor of Death Row. When a death row inmate would reach through the bars and poke the train over, Arridy would yell out: "Train wreck! Fix the wreck!" Then as his friend's death date neared, the warden joined with legal professionals in an attempt to stop the execution. Chaplain Albert Shaller stood with the warden, saying that if Arridy went to the chamber, he would only deliver the Catholic Church's Last Rites for a Child.

During these last frenzied battles, Denver attorney Gail Ireland became a real hero. Ireland worked day and night, vigorously pursuing every legal avenue to save Arridy's life, and finally losing a 3-2 decision in the Colorado Supreme Court. Ireland eloquently argued that we are: "doing the State of Colorado a real service if we can keep it from committing a murder itself. Believe me when I say that if he is gassed, it will take a long time for the State of Colorado to live down the disgrace." Governor Teller Ammons made a stern call for Joe Arridy's immediate death. It took over 20 minutes for young Joe Arridy to die in the gas chamber.

CHAIN OF HAPPENINGS THAT LEAD TO THE JUNE 2 TOMBSTONE CEREMONY

On March 28, 1992, Minnesota sociologist Richard Voorhees discovered a poem by Marguerite Young in an out-of-print book in New York City's Greenwich Village. It began:

The warden wept before the lethal beans
Were dropped that night in the airless room,
Fifty faces peering against glassed screens,
A clinic crowd outside the tomb.

The poem went on to describe a man who had the mind of a five year old. The man/child was incarcerated with wife and cop killers on Death Row in Canon City, Co. The 23-year old man was playing with his toy train when prison officials came for him and snuffed out his life in the gas chamber.

Voorhees sent the poem to advocate and author Robert Perske. Perske is world-famous for his work and books on people with intellectual disabilities who have confessed to serious felonies they did not commit. Voorhees mailed the poem, entitled "The Clinic" to Perske, adding: "I'll bet this poem grabs you?" It did.

Perske passed the poem to Watt Espy, the director of the Capital Punishment Project in Headland, Alabama. After searching through some 19,000 records of people executed in America since colonial times, Espy got a hit. The convict who played with the toy train was 23-year old Joe Arridy. He was born in Pueblo, Co. in 1915 to Syrian immigrants who had recently arrived in America.

Since Perske was raised in South Denver, he was familiar with all the areas where Arridy lived and traveled during his life. He enlisted other archivists and historians in Denver, Pueblo, Colorado Springs, Grand Junction, Canon City and Cheyenne in the search for information on Arridy. They uncovered a massive amount of documentation on the case -- which was pieced together in a book by Perske entitled *Deadly Innocence?* Bob Perske recalls, "When I read the early reports about Joe, I felt my adrenalin surge, and now I am amazed how that surge keeps increasing as the story touches others."

THE RESEARCH CONTINUED

After *Deadly Innocence?* was published, Daniel Leonetti an award-winning screenwriter who lives in Trinidad, Co. retraced Perske's steps and carried out his own research on the case. What he found enriched the original documented findings. It inspired Leonetti to write a screenplay called *The Woodpecker Waltz*.

Due to Leonetti's extra research on the activities of Ireland, the Denver attorney is portrayed as the true hero in the battle to save Arridy from the gas chamber.

The Woodpecker Waltz went on to win a screenwriting contest and attracted the interest of Hollywood producers. Dan Leonetti recalls: "Producer Micheline Keller called and we had an emotional conversation and she said it was the best screenplay she had ever read and offered an option."

Keller Entertainment Group optioned the screenplay for a feature film. Producers, Max and Micheline Keller and Executive Producer Ramzi Alafandi have been working diligently to bring the story of the loveable Joe Arridy to the big screen. They will soon announce the commencement of production of a major motion picture entitled "*The Woodpecker Waltz*". Micheline Keller says that what attracted her to the script was not only the quality of the writing and the tragic story, but the element of hope in the people that fought so valiantly to save young Joe's life. She states: "The beauty that exists in the script is that it so eloquently demonstrates that even in the face of tragedy and a flawed world, there are still righteous people who fight for justice and truth... and as long as that continues to happen, there is hope for the survival of our world."

Attached photos:

- (1) WARDEN ROY BEST READING THE DEATH WARRANT TO ARRIDY.
- (2) ARRIDY GIVING HIS TOY TRAIN TO KILLER ANGELO AGNES
- (3) ARRIDY PLAYING WITH HIS TOY TRAIN ON THE NIGHT BEFORE HIS EXECUTION.