

LOCAL NEWS

Sensational murder featured in '5280 Magazine'

By **DOC LEONETTI**
Special to the Chronicle

In the winter of 1939, a toy train ran the express lane on Death Row inside the prison at Canon City.

"He was the happiest man to ever live on Death Row," said the rough, ex-cowboy warden Roy Best. He was addressing the press who took a shine to the macabre murder case.

On Jan. 6, the toy train was taken from 23-year old Joe Arridy, the diminutive son of Syrian immigrants who at the time of this scenario resided in Pueblo, Colo., and was put to death. There is commendable evidence that Joe, who had the mind of a five-year old child, was easily manipulated into a confession and unjustly convicted for the brutal rape and murder of 15-year-old Dorothy Drain during the summer of 1936. Her older sister Barbara was also brutally beaten but survived, and recovered to dramatically point out Frank Aguilar in court as the killer in the bedroom that bloody night. Aguilar, who worked for Drain's father, was already in custody, charged with these atrocities. An ax found in Aguilar's home matched the head wound, nick for nick, on the dead girl.

Meanwhile, Arridy, a long-time resident of the State Home for the Mentally Retarded in Grand Junction, ran away from the institution and was picked up by law officials in the train yards of Cheyenne, Wyo. When Cheyenne Sheriff George Carroll learned that Arridy was from Pueblo, he worked a verbal confession from the "feeble-minded" young man. He phoned Pueblo Police Chief Arthur Grady. Grady was astounded because he already had the killer in custody. Later, Aguilar, apparently pressured by the police interrogation, implicated Arridy in the heinous crime. Arridy was transported to the jail in Pueblo and put under tight watch because of a mob mentality.

Arridy was found sane, convicted of murder, and placed on Death Row. Warden Best was convinced of Joe's innocence. He broke his own prison policy and took Arridy to his home for Christmas and presented him with the toy train. The train ran down Death Row nearly day and night, and convicts could hear

the shrieks of joy in the death hall. Arridy was ultimately executed in the gas chamber of the old Colorado state penitentiary in Canon City.

A sad story, but, unfortunately, a true one. It is a tale that attracted the interest of several key individuals who to this day are pursuing a goal to right the wrong of Joe Arridy. Author Robert Perske, a Denver native now residing in Darien, Conn., became enamored with the case. After extensive research, he published a book, "Deadly Innocence," proclaiming just that. Joe Arridy was unjustly executed.

Dan Leonetti, a prolific writer and raconteur, read a story about Arridy in the Pueblo Chieftain, brought to his attention by his sister, Connie Givigliano. The article noted Perske's "Deadly Innocence." Perske's book changed his life forever. Dan contacted Perske seeking permission to write a script based on his book. Convinced that the wrongness of Arridy's execution must be undone, he wrote the script, "The Woodpecker Waltz." The screenplay won a New York Screenwriting Contest. Nothing in any culture could be worse than to be, lord forbid, unjustly executed. Add to that a mentally handicapped person.

"Dan contacted me after he read my book," noted Perske in a telephone interview from his home in Connecticut. "He came out of nowhere. He sent me a copy of the script. I read it and broke down and cried. The script captures the drama of the event. A movie will change a lot of minds in this country. I would do anything to promote his script. He's really good at what he does. He truly understands his sense of justice, and the Arridy case was the worst case of miscarriage of justice I've ever seen. In 300 cases that I've studied, 53 people with intellectual deficits were coerced into confessing to crimes they didn't commit. Those 53 were eventually exonerated.

"Joe (Arridy) was a nice person. He didn't have a mean bone in his body. The warden (Grady) picked up on that. If ever there was a case we should hear about and learn from, it's Joe Arridy. It is much too much overdue to try to be political about it. It's such a miscarriage of justice to such a

nice person.

"I love that guy (Leonetti). I love him for the person he is and for what he's doing for Joe and people in similar circumstances. I just hope that the movie is produced."

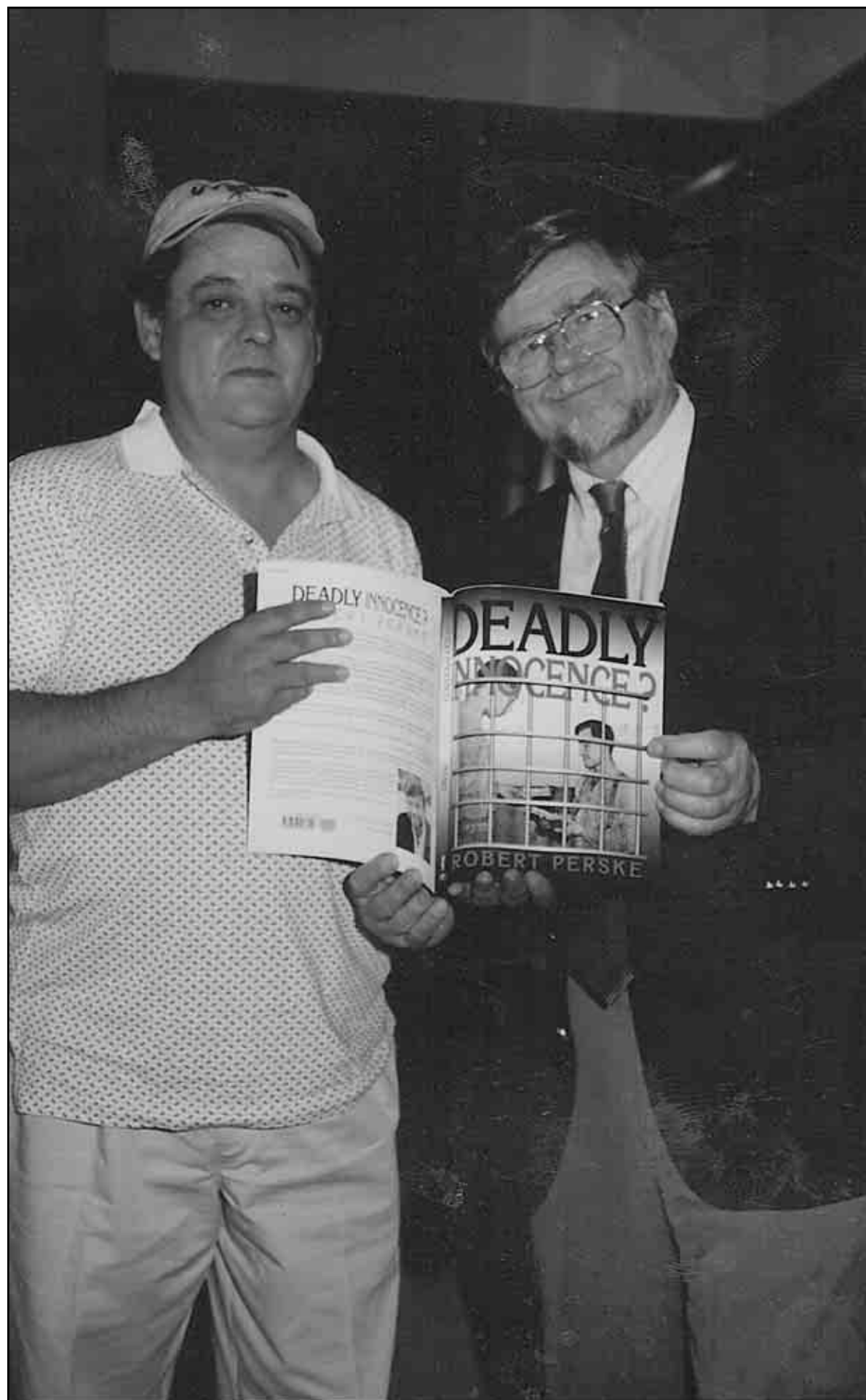
Leonetti, too, was emotionally motivated. "This man-child playing with his toys on Death Row reached deep into my heart," said Leonetti. "The image was burned into my mind. This is a problem that is still an issue today. Over 300 mentally challenged individuals are on death row right now. Since 1979, 38 have been executed. Perske has been a champion for these individuals and is working on a similar case at this moment. I can't stop thinking of how many of those folks might be innocent."

Recently, Michael De Yoanna, feature writer for "5280 Magazine," a widely circulated and national prize-winning Denver magazine, wrote an insightful article on Arridy published in the October 2008 issue. The story is heart wrenching. "It was wrong," De Yoanna quotes Leonetti in the story. "What they did to Joe was plain wrong. It's almost as if Joe's confession was spoon fed."

Eventually, "The Woodpecker Waltz" found its way into the hands of movie producers Micheline and Max Keller in Los Angeles, Calif., owners of Keller Entertainment Group (KEG). The husband and wife producers teamed to launch a mission; see the movie to completion.

"Max read a paragraph on the script in an e-mail solicitation sent to him, and the concept intrigued him," explained Micheline. "He requested a script and it then sat in a pile of scripts he wanted me to review. Normally I read the first few pages and then stop reading. Quite often the scripts may have intriguing story lines but are very poorly written. I remember I could not put 'The Woodpecker Waltz' down because it was such a well-written and engaging story. I cried at the ending and was confident that this was a story that would touch people in a very special way.

"The script is excellent and we believe that outstanding material, even if not considered 'commercial' by studio standards, can get made. The independent route takes more time and the journey can be long and arduous, but it will be well worth the wait. Besides the quality of the script, the themes of fighting against all odds and the need for tolerance in society are universal. There are many lessons to be learned from this powerful and entertaining story and we want to share them with audiences worldwide."



Dan Leonetti and Robert Perske were both changed after reading the story of Joe Arridy, an unjustly executed man. Leonetti went on to write a screenplay about Arridy and Perske wrote a book, "Deadly Innocence." (Photo by Doc Leonetti)

worldwide." Micheline and Max, entertainment lawyers as well, were even more attracted to the story because of its legal aspects.

"We love courtroom drama," added Micheline, "and have made several films where a courtroom setting or court decisions have been key ingredients in our films, i.e. 'Conspiracy: The Trial of the Chicago 8,' 'Betrayed by Innocence,' 'Dreams of Gold,' and 'The Mel Fisher Story' to name a few.

"It's just a great story and

we are continuing to explore all avenues of financing for the film. We will have a booth this November at the American Film Market in Los Angeles. We plan on having meetings with various international distributors to discuss international co-production possibilities for the film. Max Keller is the most tenacious man I know and he is intent on getting this film made and loved for generations to come!"

The poignant story of Joe Arridy will eventually reach the desk of the Governor: Denver lawyer Dave Martinez,

a friend of Leonetti's, is laboring on a post humus pardon for little Joe. Gail Ireland, the lawyer who risked his career and reputation to spare Joe's life, is the hero of the screenplay. Ireland secured numerous stays of execution before losing the final battle in the Colorado Supreme Court by a vote of 3-2.

"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," Ireland wrote to a friend.

After 72 years, the case is back in the limelight.

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Contact
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DEPARTMENT OF TRANSPORTATION

Highway Reconstruction Update

Installing Pavers and Moving AMTRAK Entrance

TRINIDAD – Commercial Street will be temporarily closed starting November 3, 2008 as Lawrence Construction will be installing brick pavers between the railroad tracks and Hadad Street. The street will be closed to through traffic, but will be opened in phases as the installation continues. Detour signs will be in place to direct traffic around this construction area. The entrance to the AMTRAK depot will be shifted to the Pine Street and Arizona Avenue intersection. Signs will be installed to direct riders to the entrance, through the construction site, and then to the depot parking area. It is anticipated that this work will take approximately six weeks to complete.

Traffic updates and project information can be seen on the project web site: www.i25trinidad.com

Information about this or other CDOT projects is available at www.cotrip.org, or by calling (877) 315-ROAD throughout Colorado. Information is also available by dialing 511.


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