

Major News Stories on the **BROWN'S CHICKEN MASSACRE**

January 8-9, 1993

Palatine, IL

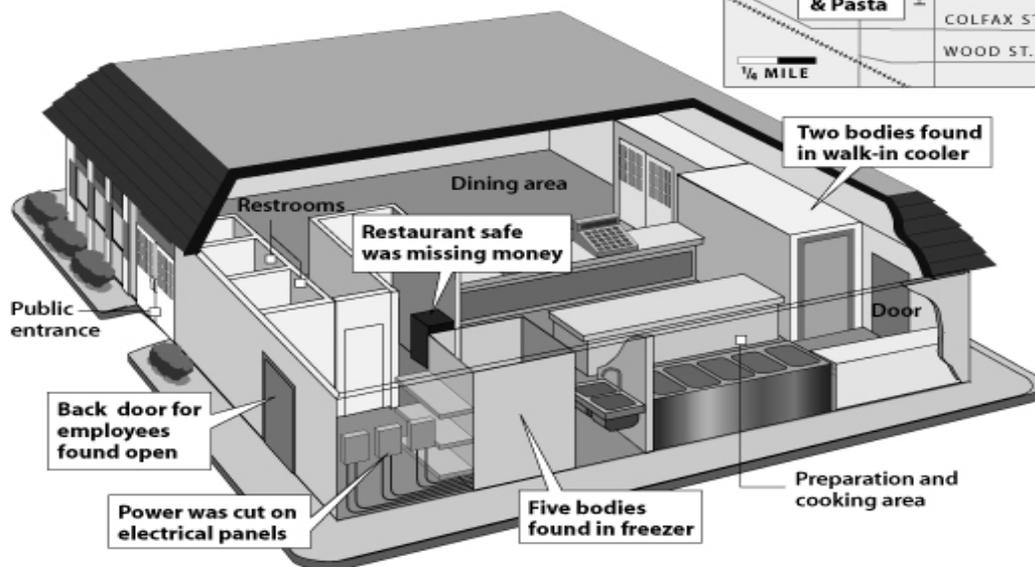
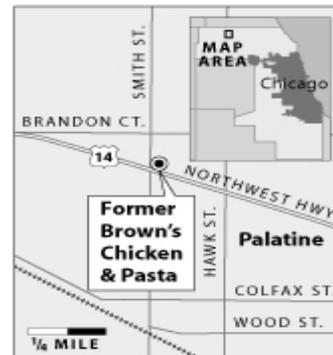
Chicago Tribune
— ONLINE EDITION —

Revisiting the 1993 crime scene

Two owners and five employees of Brown's Chicken & Pasta restaurant in Palatine were found dead in the early hours of Jan. 9, 1993. Despite years of investigation, the case has remained unsolved and no suspects have been charged. Police took two men into custody on Thursday but charges have not been filed against them.

WHAT THE POLICE FOUND

The restaurant closed at 9 p.m. The parents of an employee contacted police later that night after their son had not returned home. Police arrived at the restaurant at about 3 a.m. and found a back door open.



Sources: Tribune news reports

Chicago Tribune Archive Graphic



<http://www.chicagotribune.com/news/nationworld/chi-0703270626mar28,1,1130164.story>

Brutal crime finally gets its day in court

14 years after Brown's killings, a trial will begin

By Carlos Sadovi
Tribune staff reporter

March 28, 2007

Nine years after the 1993 Brown's Chicken massacre, Juan Luna sat in an interrogation room at a Palatine police station, allegedly describing how a robbery escalated into seven brutal slayings.

For investigators who chased thousands of false leads and endured relentless criticism, that 2002 videotaped statement provided the answers that had eluded them for nearly a decade.

Along with DNA evidence, the video is expected to be a pillar of the prosecution's case against Luna, whose trial for the slayings at the Brown's Chicken and Pasta restaurant in Palatine will get under way with jury selection Wednesday.

Luna's lawyers counter that the 43-minute videotaped statement was coerced and tried unsuccessfully to keep it out of the trial. They say that Luna was beaten and that his family, Mexican immigrants, were threatened with deportation.

"[Luna] was in an environment that was very hostile. He was in an environment where he was taken from one police station to another and kept in secret away from his family and friends," defense attorney Clarence Burch said.

Prosecutors have maintained that Luna's calm demeanor on the tape, shown once in open court, indicates that he willingly gave details only the killer would know.

Luna, 33, a former employee of the restaurant, and his former Fremd High School classmate James Degorski, 34, are charged with seven counts of first-degree murder for the slayings of Richard Ehlenfeldt, 50, and his wife, Lynn, 49; Tom Mennes, 32; Marcus Nellsen, 31; Michael Castro, 16; Guadalupe Maldonado, 46; and Rico Solis, 17. Degorski's lawyers deny his involvement.

The victims had been shot. Their bodies were found in two of the restaurant's refrigerators. Lynn Ehlenfeldt's throat had been slit, allegedly after she opened a safe.

In 2004, Cook County Circuit Judge Vincent Gaughan granted a defense motion to try the men

separately. Degorski's trial date has not been set.

On May 16, 2002, Luna, then 28, was driving home from his job at an appliance store when he was arrested at a gas station.

Degorski was arrested in Indianapolis on the same day. Months earlier, Degorski's former girlfriend, Anne Lockett, had come forward with allegations against the two men.

After hours of questioning, Luna allegedly gave a videotaped statement to Assistant State's Atty. Darren O'Brien and investigator Brian Killacky. In it he is dressed in a white polo shirt, hands clasped in front of him, as he describes in a flat monotone voice the horrors of the night of Jan. 8, 1993.

He said he picked the Palatine restaurant because he had worked there and knew there were no alarms or weapons.

"I figured it would be simple," Luna says on the tape.

Luna said he and Degorski went to the restaurant about 9 p.m., closing time, because they figured there would be fewer people inside. His job was to make sure that no one ran out of the doors; Degorski's role was to act as the "aggressive one."

Luna said that after he ate a chicken dinner in the restaurant, he dumped the remains, donned latex gloves, walked toward the counter and heard Degorski say, "OK, let's do it."

Luna allegedly was following one worker toward the back of the restaurant when he heard a gunshot near the front counter. He said he saw Degorski shoot an employee who attempted to jump over the counter.

The men allegedly started rounding up male employees and putting them into two refrigeration units. Luna had Lynn Ehlenfeldt open a safe, then ordered her into the freezer. When she hesitated, he slit her throat with a hunting knife Degorski had given him, Luna said on the tape.

"With everything going all wild and crazy ... I guess I got caught up in the moment and I cut her throat," Luna said. He said Degorski told him to shoot into a freezer, but added that he fired only one shot, without aiming.

"I wasn't really aiming for anybody to get shot or anything like that, just to scare them because I didn't want to hurt anybody anymore," Luna said. "They were yelling, 'Don't shoot us, please don't shoot us.' Their hands were shaking."

He said Degorski took the gun back and began firing.

At the close of the video, Luna's voice dropped. He rubbed his face with his hand and apologized.

"I feel so sad and I'm so sorry ... If I could do this all again, there's no way in hell I'd do this at all," he said.

Luna's defense lawyers will have to work hard to get a jury to believe that someone would have falsely confessed to a multiple murder, said Richard Leo, a professor of law at the University of San Francisco.

"I think there's no worse evidence to have against you other than a videotape that catches you in the act or a DNA test," said Leo, an expert in police interrogation and confessions.

Leo said he could not talk about Luna's case specifically. But he said defense lawyers often claim coercion when there is a confession.

Luna contends that police slapped and punched him to get him to talk and promised he could leave if he admitted his involvement. He alleged that investigators fed him details that he repeated for the camera and that police threatened to deport his family back to Mexico.

Prosecutors have said there was no evidence that Luna was abused or misled..

Burch said he also plans to call several witnesses who have confessed to the crime over the years, including a man whose description of the shooting matched where the bullet holes were found. That man also said he ate the last chicken meal of the night and knew the \$6.69 amount found on the receipt.

Luna's defense team also has to contend with DNA evidence.

The DNA, taken from the chicken dinner, was found at the scene in 1993. But it wasn't until seven years later that advances in DNA technology allowed investigators to effectively analyze saliva on it.

Prosecutors are expected to show in court that the chance of anyone other than Luna being linked to the DNA is 1 in 2.8 trillion.

Faced with such numbers, the defense will have a difficult time getting jurors to treat DNA like any other evidence, said William Thompson, chairman of criminology, law and society at the University of California at Irvine.

"It's very effective with jurors. DNA is typically treated as the gold standard and is given tremendous credibility unless the defense can come up with very specific attacks on it," Thompson said.

Defense lawyers, who lost a bid to bar the DNA evidence, will argue that investigators improperly stored the chicken samples, destroyed bags that contained the chicken and discarded a computer that held data pertaining to the DNA.

"The evidence was commingled with other evidence. It's our position there would be no clear

link linking Juan Luna's DNA," Burch said..

Ultimately, the case may come down to whether jurors believe Anne Lockett and Eileen Bakalla, who allegedly carried the secret about their Fremd High School classmates for years.

On March 25, 2002, Lockett allegedly revealed to another high school friend that Degorski, her ex-boyfriend, told her that he and Luna had committed the slayings.

According to prosecutors, Lockett provided a key detail that no one outside the investigation knew: that one of the workers had vomited french fries.

Burch knows that this will be the toughest case of his career.

"They have three classical pieces of evidence. Any one standing alone can convict you and they have three. It's a tremendous hurdle we have to overcome," Burch said.

"It's going to be a good case."

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Long road leads to first Brown's trial

The murder trial for suspect Juan Luna in the 1993 killings of seven people at Brown's Chicken in Palatine is scheduled to start Wednesday.

HIGHLIGHTS OF THE CASE

1993

January: Seven people are fatally shot on Jan. 8 and found the next day in the restaurant's cooler and freezer. Police question a recently fired employee, but he is not charged.

May: Police question a Mokena man charged in the December 1992 death of a Barrington man. He is not charged.

1994

March: Police question a Chicago man after his fingerprint appears to match a half-fingerprint found at the restaurant. No charges are filed.

1997

June: A man charged with the killings of five people in Nashville-area fast-food restaurants attracts investigators' interest, but no link to the Palatine case can be made.

November: A civic watch group releases a report criticizing the investigation by Palatine police.

1999

February: The number of people working on the case, once about 100, is down to four full-time officers and one part-time FBI computer analyst.

2000

April: An investigator says new technology has been used to analyze DNA from saliva on a partially eaten dinner at the crime scene. It does not match that of victims, employees or former suspects.

August: A report from the Illinois State Crime Commission says police did everything they could to investigate the case properly.

2001

April: The vacant restaurant building is demolished.

2002

April: Authorities take a DNA sample from former employee Juan Luna of Carpentersville.

May 18: Palatine police charge Luna and James Degorski of Indianapolis with the killings.

Aug. 30: Cook County prosecutors announce their intention to seek the death penalty against Luna and Degorski.

2005 July 19: The judge rules that videotape confession allegedly made by Luna can be played in the trial. Luna had recanted his earlier statement.

2006

Oct. 25: Judge rules the Better Government Association must turn over sources of a controversial study dealing with the police investigation. Dec. 1: Judge rules that DNA evidence against Luna will be allowed after the defense says it had been improperly handled over the years.

2007

Wednesday: Jury selection begins in the Luna trial.

Source: Tribune reports

Chicago Tribune

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<http://www.chicagotribune.com/news/local/chi-browns011093-story.0,3834520.story>

Police find bodies of 2 teenagers, 5 adults in restaurant's coolers

By Flynn McRoberts and Michael Lev
Tribune staff reporters

January 10, 1993

Seven massacred in Palatine

It was dusk before they began removing the corpses from the chicken restaurant. The grim procession - seven body bags in all - confirmed the horror that had transpired inside, but it did little to satisfy the friends and mourners who kept vigil outside and struggled to find a reason for the massacre.

Among those fatally shot in the Brown's Chicken & Pasta in Palatine were the couple who had bought the restaurant just months ago after the husband lost his job in a corporate shakeout; an immigrant cook who took the job three weeks ago after bringing his family back to the United States from Mexico; and two local high school students who worked at Brown's part time.

Police, confronted with Illinois' worst mass murder in two decades, moved with painstaking caution. Authorities did not release the names of the victims until almost 16 hours after the bodies were found in refrigeration units about 2:30 a.m. Saturday in the strip mall restaurant.

They would not say whether robbery may have been a motive, nor detail any evidence that might indicate why the seven were slain.

While those watching and waiting had figured who some of the dead must be, Palatine police said there was a delay in identifying bodies because some were face down, or piled together, and investigators could not move them until they had finished studying the crime scene.

Police would not reveal whether they had found evidence of what kind of gun was used, or if more than one was used. They did not say if they believed more than one person was responsible.

Employees sobbing for their co-workers - some of them feeling guilty that they had gotten the fatal evening off - noted that a safe that sometimes contained as much as \$3,000 was visible to customers and located near a rear door that was always left open.

Police sources said an Elgin man, Martin Blake, had been brought in for questioning. They did not say that he was a suspect. A Brown's employee said there was a worker of the same name at the restaurant, a popular gathering place for teenagers in the Northwestern suburb.

Maria Ramirez, who lives next door to Blake in Elgin, said police used her house for surveillance of his home Saturday.

The victims, according to police, included the owners, Richard E. Ehlenfeldt, 50, and his wife, Lynn W. Ehlenfeldt, 49, of Arlington Heights.

Also slain were five employees: Guadalupe Maldonado, 46, of Palatine, the cook; Michael C. Castro, 16, and Rico L. Solis, 17, both Palatine High School students; and Palatine residents Thomas Mennes, 32, and Marcus Nellsen, 31.

When Palatine police found the bodies, it was more than 5 1/2 hours after the 9 p.m. closing. Authorities learned of trouble at the restaurant when parents of one employee called police concerned that their son had not returned home from work. When officers arrived at the store they spotted the rear door open. Inside, they found the seven bodies, some face down, in a cooler and a walk-in refrigerator, police said. The slayings stunned other Brown's employees, who rushed to the restaurant at daybreak to learn which of their fellow workers had been killed. Casey Sander, a 17-year-old Brown's employee, said she heard news of the shooting on the radio at home about 7 a.m., threw on her clothes and rode her bicycle to the store. When she arrived, five or six of her fellow workers ran to embrace her.

"They were really happy to see me. It was a very strange feeling," Sander said. "They thought I was dead, and I thought they were dead."

For weeks, Jason Georgi, 17, of Palatine, had been asking his supervisors at the restaurant for a Friday night off so he could spend it with friends at the big basketball game pitting Palatine High against cross-town rival Fremd.

"I feel terrible for whoever it was who took my place," Georgi said Saturday morning outside the store, where he and other workers waited in the cold most of the day. "If this was any other Friday night, that would be me in there."

Investigators from the Cook County Sheriff's Police Department and a multijurisdictional task force joined Palatine police in the probe. Officers were seen searching the inside of the restaurant and the bushes outside.

Employees congregating at the restaurant at 168 W. Northwest Highway expressed uneasiness about what they said was lax security at the store. Georgi said employees had discussed the establishment's vulnerability, particularly a rear door that usually was left unlocked with the store's floor safe about 8 feet from it.

"It's just a bad situation," he said. "You can't help but wonder what would have happened had that door been locked."

Georgi said the rear side door was left unlocked from opening until past closing because employees used that door during shift changes and to bring in supplies.

The Ehlenfeldts, who have three daughters, purchased the store several months ago. It was a new start for Richard Ehlenfeldt, who had struggled for a couple of years following his layoff by Group W Associates, a supplier of cable programming.

Employees spoke of how the Ehlenfeldts' warmth created a family atmosphere at the restaurant, even as the couple worked 16-hour days to make their venture a success.

The couple recently had completed major remodeling and exterior renovation on the building, according to associates.

"They got the job done," said Mike Nicketta, who worked at the store until November. "It usually took us longer to close because they were still learning and didn't really know what they were doing. But they were nice people."

Mike Jonas of Palatine, a sales representative whose clients included the Ehlenfeldts, said: "They were the kind of people who would take you over to their side booth, give you a Coke or a cup of coffee and talk about their children or where they grew up."

Another victim, Maldonado, was the cook who had returned to the northwest suburbs only a month ago after leaving his home in central Mexico. Maldonado, 46, who was married and the father of three young boys, had lived with his family in the area for five years previously and worked as a cook at a Mt. Prospect restaurant.

Family members said that Maldonado started at Brown's several weeks ago while waiting for his old job to open up at Ye Old Towne Inn in Mt. Prospect. The family was living with Maldonado's younger brother, Pedro, in a Palatine apartment complex.

"We could not believe it," said Juana Maldonado, Guadalupe Maldonado's sister-in-law. "He was such a good man. He didn't deserve this."

Michael Castro, who lived with his family three blocks from Brown's and often walked to work in the summer, was described by friends as a good student who was quiet but fun and who looked after his friends.

"I knew Michael, I know his mother - they are a beautiful family," said Mary Jauch, a neighbor and friend for 10 years who said the family is active in St. Theresa Catholic Church in Palatine. "When someone needed help, he was right there. When my son was cut, Michael brought him to me and made sure he was looked after."

Mennes, who lived with his twin brother, Jerry, was working at the restaurant for two months after being employed by a roofing company, according to his stepmother, Francis Mennes.

She said he liked to watch television, go bowling and frequent a local pub to play darts.

"He was a quiet kind of boy who kept to himself," she said. "He tried to do the best he could in life."

Frank Portillo, president of Brown's Chicken & Pasta, based in Oak Brook, said the company operates 115 stores in Illinois, Indiana, Wisconsin and Florida. Half of the stores are franchised and half are owned by the company.

"Myself and everyone at the Brown organization extend our deepest sympathy to the victims of this tragedy,"

"We are a close-knit family and we all feel this loss," Portillo said at a press conference, as he choked back tears.

According to Sam Vignola, the owner of a Brown's store in Rolling Meadows, the chain tells its franchise owners to vary the times they deposit money or remove money from their safes to deter robberies.

Vignola, who said robberies have not been a problem for the chain, called the Palatine franchise a "very high volume store," in the top 10 percent of stores in the area.

In addition, Vignola said that the Ehlenfeldts, though new to the restaurant business, were careful about the way they ran their store and were concerned about the safety of their employees.

Vignola said the Ehlenfeldts often would drive workers home after their shifts.

"I don't know that something like this could be prevented whatever you did," Vignola said. "It doesn't make any sense."

Fred Brown, a son of the chain's founder who is no longer connected to the corporation, appeared at the Palatine police station Saturday afternoon hoping to offer help to the victims' families.

"It's Vietnam all over again," said Brown, a Vietnam veteran who owns four Chicago area Brown's stores. "This gets me in my gut. I'm very sorry."

Palatine's mayor, Rita Mullins, said the murders would add another level of fear to the standard concerns parents have about letting their kids out of their sight. She said her own children had worked "two or three doors down at one time. Most families have a child or a relative working in fast food. But for the grace of God, it may have been one of my children. "

"That seems to be their rite of passage into the work force," Mullins said. "You are proud that your kids are taking on that initiative. . . . They should be able to go to work and come home and be good citizens and not have the fear of being murdered."

Sander, a Brown's employee for the past five months, said pay at the restaurant started at the minimum wage of \$4.25 an hour and increased to \$5 after six months.

Like other young people, the store's teen employees put the money into their adolescent passions. Castro, for instance, "put most of his money into his car," said Sander.

Students at Palatine High School gathered for basketball games on Saturday, which were not canceled after a vote by the school's teams.

"The feeling was that maybe if we played, it would be an outlet for the kids," said athletic director Doug Chapman. "We want them to get together and get this off their minds."

Officials said the school had arranged for crisis counseling Sunday at the school for students and families.

Rev. David Gardner, pastor of Solid Rock Pentacostal Church, said he would hold a communitywide memorial service at 10 a.m. Sunday even though none of the victims were church members.

"I drove by the scene this morning. There needs to be a lot of healing now," he said.

Daphne Matiu, a cashier at the restaurant from Arlington Heights, said she stopped by Brown's about 4 p.m. Friday to pick up her paycheck and everything seemed normal.

"You know, I remember I was about to walk out of the store, and I turned around and looked at everybody," she said. "I don't know why I did that. But that was the last time I saw them."

Tribune reporters Ted Gregory, Teresa Wiltz, Curtis Lawrence, Andy Martin, David Ibata, Joseph Kirby, V. Dion Haynes, Jack Houston, Susan Kuczka, Angela Bradbery and Janan Hanna also contributed to this article

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<http://www.chicagotribune.com/news/local/chi-browns051902,0,4387361.story>

Brown's suspects charged; 'They are people without a soul,' police chief says

By Jeff Coen, Eric Ferkenhoff and Flynn McRoberts
Tribune staff reporters

May 19, 2002

In their videotaped confessions, Juan Luna and Jim Degorski insist they entered Brown's Chicken & Pasta at closing time on Jan. 8, 1993, with robbery on their minds. But on Saturday, authorities said the pair had planned the crime for weeks and had gone there to kill.

The two stuffed their pockets with bullets to repeatedly reload into Degorski's .38-caliber revolver, they allegedly told a female friend shortly after the slayings.

They walked across Brown's snow-covered parking lot "strangely, not in their own gait," apparently to throw off investigators, the friend told police. And finally, before they entered the store, they allegedly wedged the back door shut so their victims could not escape.

None did. With Luna and Degorski donning latex gloves and trading off the revolver, prosecutors said, they herded five victims into one cooler, two in the other--and shot each of them repeatedly.

The prosecutors' charges relied heavily on two female friends of the accused, particularly a woman who dated Degorski at the time of the slayings. She kept his secret for years out of fear that he would kill her as well.

The story she finally told laid out in brutal detail how the two former Fremd High School classmates allegedly carried out one of the worst mass killings in Illinois history.

The announcement of the charges afforded a measure of vindication for investigators who have faced years of criticism that they mishandled the hunt for the killers of store owners Richard and Lynn Ehlenfeldt and five of their employees.

"To the people now charged, you wanted to do something big. I hope you are placed in a cage that you have built through your own inhumanity towards the innocent," said Palatine Police Chief John Koziol. "May those seven people, whose faces will forever be etched in our memory, now rest in peace."

The charges also offered an emotional salve to Palatine residents, some of whom remain haunted by the murders even after the restaurant was demolished a year ago. Most of all it provided answers, however painful, to the families of those slain.

While investigators say they are certain the pair meant to commit murder, they don't know why.

"I cannot explain their motivation for doing this killing," Koziol said. "We still cannot give that answer to the families. They never really gave us one. They just did it to do something big.

"They are people without a soul, and that's all we know about them."

Cook County State's Atty. Richard Devine said further evidence regarding that question would come out at trial. But he added: "The general belief [is] that while there was a robbery involved, that the basic motivation was to go in and to kill other human beings."

Luna and Degorski were brought in separate squad cars from Palatine's police lockup to the Cook County Criminal Courts building at 26th Street and California Avenue for a bond hearing Saturday morning. At the hearing, Linas J. Kelecus, an assistant Cook County state's attorney with its cold case unit, told Judge Mary Margaret Brosnahan that the two had "been talking about pulling something like this for quite some time."

"That particular Friday, they decided to actually do it," Kelecus said.

The prosecutor told the judge that Luna and Degorski told his former girlfriend just days after the murders how they carried out the crime.

"Degorski asked her if she wanted to know what happened at Brown's. She said yes," Kelecus said of the woman, later identified by sources as Anne Lockett. "They ran it down in great detail. They talked a long time." When he was done, "Degorski said, 'If you ever tell anyone, we will kill you.'"

Lockett told investigators that Degorski described how he and Luna exchanged his .38-caliber handgun, and how he finished off one of the victims after Luna's initial shots failed to kill him.

Luna then re-enacted how he held Lynn Ehlenfeldt around her neck and slashed her throat with a knife, according to Lockett, now a 26-year-old college student. Prosecutors said Lockett kept quiet until recently because of Degorski's vow to kill her if she ever revealed the secret.

Last fall, she finally told someone, her new boyfriend. They were so fearful of Degorski's threats that they and another roommate obtained firearm owner's identification cards but did not contact police.

Then in March, another friend of Lockett's overheard her talking about the case; that woman called police and told them they needed to talk to Lockett about the Brown's case.

Lockett "spoke with a friend of hers who had a stronger moral compass than she did," Koziol

said. And on March 25, when police contacted Lockett, she was ready to talk.

It wasn't the first time Lockett had gone to police. Not long after the murders, she told prosecutors, Degorski had her accompany Luna when the Palatine task force called him in to discuss the case. She sat outside as Luna--dressed nicely at Degorski's urging, in black pants and a trench coat--spoke to investigators.

Luna, who had worked for the store's previous owners, was one of about 300 current or former Brown's workers police interviewed. He suggested that investigators call another female acquaintance of Degorski who could vouch for his whereabouts the night of the slayings. They did, and were satisfied.

"These guys were very calculating," Koziol said at a 3 p.m. news conference in Palatine. "There were many employees who had no alibi."

Last month, Lockett led them back to that second friend, who told police she got a call from Degorski the night of the killings, saying he and Luna had done "something big." She picked up Luna and Degorski at a Jewel parking lot not far from Brown's. They went back to a friend's home in Elgin and got stoned.

Hours later, she drove them back to their car. Passing Brown's on the way, they saw the place wrapped in police tape and officers everywhere, and they told her what had happened, according to prosecutors.

The next day, the woman told investigators, she helped Degorski clean up the car, and he gave her \$50 from roughly \$1,900 stolen from the restaurant. The two went shopping, and she spent it on shoes.

In statements to investigators, Degorski allegedly said he wrapped the gun used in the crime in a canvas bag and threw it in the Fox River. Authorities said Degorski has admitted his role in the slayings, but refused to continue partway through a videotaped confession.

Degorski, Luna and the two women kept the secret for years. What they didn't count on, however, was a breakthrough in DNA science that allowed investigators to connect Luna to the crime scene through saliva he apparently left on a chicken bone.

Degorski apparently had the sense that the chicken dinner could be their undoing, according to one of the women informants. She said Degorski had chastised Luna for getting his hands on the greasy meal, fearing it could leave fingerprints.

Police never isolated such prints, but they did preserve the remains of a chicken dinner tossed into a garbage can in the restaurant.

At the time of the slayings, scientists could not extract enough DNA from a trace amount such as saliva. Since then, however, refined techniques allowed Illinois State Police crime lab experts to do so.

On May 9, authorities were able to corroborate one of the witnesses disclosures by matching DNA from the chicken bone to a saliva swab taken from Luna's mouth in mid-April.

Kelecus praised Lockett as a hero. Not only did she have the courage to come forward despite a threat on her life, he said, but she also called Degorski in Indiana, allowing investigators to tap the conversation on Wednesday night. She told Degorski investigators wanted to talk to her, and the two spoke for 45 minutes. The only thing discussed was the "cover story" she was to give police, prosecutors said. During the conversation, Degorski made "absolutely no denial" that he was involved, Kelecus said.

Not everyone shared the view that the informants acted heroically.

Joyce Sojoodi, the Ehlenfeldts' youngest daughter, said she was in shock when she finally got the phone call telling her that suspects were in custody. But that feeling turned to revulsion when she learned that two people had known about the crime for years, yet had said nothing to police.

"It's repulsive to me, and it's unconscionable to me to not have done that nine years ago," she said.

The second informant, another female acquaintance of Degorski, "did not come forward to law enforcement because of her friendship with him," Koziol said. Asked if either of the women could be prosecuted for failing to come forward earlier, Koziol said: "We need all the witnesses we can get in this case. I think there also may be a statute-of-limitations problem."

Investigators said they also had two other witnesses who could corroborate the women's story.

Reached by phone at her home in Oregon on Saturday, Lockett's mother confirmed that her daughter had been "one of the people" to go to police about Luna and Degorski.

Lockett, who attended Fremd High School at the same time as the accused, was reached by phone later Saturday but declined to comment. She said she knew that prosecutors and police had described her as a hero, but she would not elaborate on her role in solving the murders.

At the midday bond hearing, Kelecus told the judge that the pair chose the restaurant as the scene of the crime because Luna was familiar with the building as a former employee. He knew it had no alarm.

Each man has been charged with seven counts of first-degree murder while committing a robbery, and Kelecus said the matter is being handled as a capital case because the crimes were carried out during the commission of a felony.

A spokeswoman for the Cook County state's attorney's office said no decision has been made on whether the death penalty actually will be sought. They have 120 days to decide.

Brosnahan said the pair would be held without bond, and ordered them to reappear in court

Tuesday. Both men appeared in court shoeless, wearing T-shirts, jeans and socks.

Degorski was represented by Kelly Seago of the Cook County public defender's office, Luna by attorney Clarence Burch of Chicago. Both requested that all audio and videotaped evidence be preserved and requested that no authorities contact their clients.

Reached by phone after Saturday's court appearance, Burch said Luna maintains his innocence. "We hope the evidence will speak for itself, and we intend to let the judicial process work."

He said he had received no information in the case beyond what was laid out in court. He said he spoke briefly with Luna after the hearing, describing him as sad for his wife and children.

"He is very despondent that he brought his family into the spotlight in this manner," Burch said. "He is very depressed."

Seago did not return phone calls Saturday.

After following countless false leads for nine years, investigators became convinced that Lockett's was different when she provided a detail of the killings that had never been revealed to the public.

During the slayings, she told them, one of the victims vomited.

That unsettling detail put investigators onto the trail of Luna and Degorski, who were arrested Thursday.

Palatine's leaders said the crime has left a shadow over the village.

"I don't think the uneasiness has ever really left the community," Mayor Rita Mullins said. "We, the village of Palatine and the Palatine Police Department, want more than anyone to tell the world that we have a conclusion to this horrible, tragic incident."

Many critics of the investigation were less confident over the years. The Better Government Association, a civic watchdog group, issued a report that accused Palatine police of letting people traipse over the crime scene.

Three years later, a team of lawyers and police appointed by the Illinois State Crime Commission defended the investigation. But the history of the case made those involved hesitant to declare it solved.

"I have my fingers crossed," said Brown's owner Frank Portillo. "They're being really cautious. If they come out with another Martin Blake, you guys will beat them to death."

Blake was arrested within hours of the slayings, setting up one of the most glaring embarrassments of the case. Blake was held for two days before being released with no charges; he later sued for false arrest, and the village settled in 1997 for less than \$100,000.

Other suspects also emerged over the years, including Paul Modrowski and Robert Faraci, two men arrested in the beheading of a Barrington man. Modrowski was convicted in that case; the charges were dropped against Faraci, but he was recently sentenced to 15 years in prison in a check-writing scam.

At its peak, the investigation into the Brown's murders consumed almost half the Palatine police force. Private citizens flocked to form and attend neighborhood watch groups.

More than nine years later, several people each month still ask Councilman Daniel A. Varroney if there are any breaks in the case.

"I think people were frightened," Varroney said. "I think they were scared, and I think that they were horrified with the loss of life in our community. Everybody thinks it can't happen in their community."

At Saturday's news conference, numerous family members of the victims joined law enforcement officials. They included Mary Jane Crow, a sister of victim Michael Castro.

"These people came from Palatine," said Crow, 32, of Lake Zurich. "These people came from Fremd. I'm completely baffled. To think these people are that evil, I'm baffled."

But Mullins, Palatine's mayor, held out the hope that the darkness that settled over the village after the killings might finally recede.

"The sun was shining today," she said. "I think everyone has a sense of the clouds lifting, and a sense of relief."

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<http://www.chicagotribune.com/news/local/chi-browns052002-story.0,2196115.story>

7 kept Brown's secret, cops say; One is expected to go before grand jury Monday

By Michael Higgins, Maurice Possley and Eric Ferkenhoff
Tribune staff reporters

May 20, 2002

A man who since 1998 knew who allegedly committed the Brown's Chicken & Pasta Restaurant slayings is expected to testify Monday before a Cook County grand jury, according to police sources, potentially adding more evidence to the case from a person who harbored the secret for years.

According to court documents and accounts given by police, at least eight people believed the two suspects now charged were responsible for the 1993 killings, yet only one called the police.

The failure of the others to come forward has angered members of the victims' families. Some voiced their frustration to police during a meeting after Saturday's news conference, questioning why criminal charges could not be brought against two women whom the suspects--Jim Degorski and Juan Luna--allegedly confessed to within 24 hours of the killings.

But so far, authorities have been unwilling even to criticize their long-reluctant witnesses, calling one a hero for her eventual cooperation. It's a decision fueled by legal considerations, including concerns about the statute of limitations, and the strategic need for testimony, experts said.

The grand jury testimony expected Monday is to come from the husband of one of the women, Eileen Bakalla, sources said.

The man learned about the suspects from Bakalla shortly before the couple got married in 1998, but believed he needed to keep the secret in order to preserve his marriage, a law-enforcement source said. The two are now estranged, and the husband gave a tearful statement to Palatine police Thursday.

Jack Rimland, president of the Illinois Association of Criminal Defense Lawyers, said Sunday that prosecutors are being careful how they portray the women who may be their star witnesses.

"They want these two young women to have the appearance that they weren't vicious, they weren't part of the scheme, they came forward because they were finally in a position where they could put aside their fears" of retribution, Rimland said. "That gives them a much cleaner

presentation."

The role of the women in helping police bring charges also raises questions about who will get the reward offered in the case, which stands at \$86,000.

Anne Lockett, 26, now a student at Eastern Illinois University, got a full explanation of what happened that night from Degorski and Luna just days after the killings, police said. And when Luna, a former Brown's employee, was called in for a police interview, Lockett accompanied him after Degorski told Luna it would make him look more respectable to go with a woman, police said.

Lockett kept the secret for years but told a boyfriend and their roommate last fall, police said. The boyfriend and Lockett considered sending an anonymous letter to authorities but did not. The roommate did not call police. Lockett's mother and sister also eventually knew about suspects, police said. Finally, another woman whom Lockett had told contacted police, who persuaded Lockett to cooperate.

Bakalla, a classmate of the two men at Fremd High School in Palatine, learned about the killings even sooner than Lockett, authorities said. Bakalla met up with Degorski and Luna after the killings and drove them to her home in Elgin, where she saw the money they had taken from Brown's and received \$50, police said. She learned of the killings a few hours later, police said.

The next day, Bakalla went with Degorski when he took Luna's car to a carwash and sprayed out the interior, police said. Later, Bakalla backed up Luna's alibi, telling police Luna was with her on the night of slayings, police said.

On Sunday, Diane Mennes, sister-in-law of victim Thomas Mennes, said those who knew about the slaying suspects yet said nothing should at least be fined for putting the families through years of torment. If Illinois law does not permit that, she said, the law should be changed. "[The delay] mattered," she said. "My husband [Jerry Mennes, Thomas' twin brother] was a very angry person for years. He'd watch murderers getting caught on the news and say, 'They can find those guys; why can't they find the people from the Brown's Chicken?'"

Even if prosecutors were inclined to press criminal charges against the women, they would have to jump several significant legal hurdles.

As in most states, Illinois law doesn't require people who know about a crime to go to the police, experts said. Doing nothing "may make you unable to look at yourself in the mirror, but it doesn't make you legally responsible," said Richard Kling, a defense lawyer and law professor at Chicago-Kent College of Law.

Witnesses who mislead the police, intentionally trying to throw them off the trail of a criminal, can be prosecuted for obstruction of justice. But Lockett's actions were ambiguous, experts said. She appeared with Luna at his interview but didn't make any statements to police. And she reported that her life was threatened.

"If you are just scared, I don't think they would prosecute somebody for obstruction of justice," said John Corkery, law professor at John Marshall Law School.

Bakalla is in a more tenuous situation, experts said. She did lie to police by providing Luna's alibi, according to authorities.

But even there, authorities must deal with Illinois' three-year statute of limitations on obstruction of justice. Authorities have said the statute may create a problem. Experts said that if Bakalla made false statements to police within the last three years about what she knew, then she could be charged.

Obstruction of justice carries a prison sentence of 1 to 3 years, with probation a possibility, experts said. That's a small prize when weighed against their testimony.

The reward was established within two weeks of the killing. Outstanding pledges could push it over \$100,000, according to Palatine Mayor Rita Mullins.

Palatine officials say its too early to tell who might be entitled to it--the tipster who first alerted authorities to Lockett; Lockett herself, who worked with police to tape-record what authorities describe as an incriminating telephone conversation with Degorski; or someone else.

If there's a conviction, Police Chief John Koziol would recommend who should get the money.

Tribune staff reporter John Keilman contributed to this report.

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<http://www.chicagotribune.com/news/local/chi-browns2-story,0,4952190.story>

Brown's secret haunted women; Lawyers say fear kept pair quiet

By Crystal Yednak and Diane Rado
Tribune staff reporters

June 9, 2002

In the early 1990s, Anne Lockett, Eileen Bakalla and the crowd at Jake's Pizza in Hoffman Estates were struggling with teenage dramas--uneven romances, minor drug use, the fallout from broken families, the sting of not quite fitting in.

"As the Pizza Burns," one worker dubbed the circle of conversation at the little restaurant in the strip mall.

But even as they lived out this unremarkable adolescence, prosecutors said they believe Lockett and Bakalla were let in on an unthinkable secret: the gruesome story of the 1993 slaying of seven workers at Brown's Chicken in Palatine.

The murderers, authorities charged, were two other members of the Jake's crowd, Juan Luna and James Degorski. Together the four young people managed to keep the story to themselves, officials said, as the anguished search for the killers rippled through Chicago and the nation. And as the years passed, Lockett and Bakalla carried their dark secret in different directions.

But last month, when prosecutors charged Luna and Degorski with the murders and offered a detailed version of the crime and its aftermath, the spotlight quickly found these two women.

Publicly lauded by authorities for telling their story now and vilified by victims' family members for keeping it so long, Lockett, 26, and Bakalla, 29, could be the linchpins of the state's capital murder case.

At the same time, they have become the objects of intense speculation: How could they know what investigators say they knew, and carry it for so long?

In the nine years since the murders, Lockett left suburban Chicago behind, moving from the lush woods of Oregon to a Downstate trailer park to Eastern Illinois University, where she impressed her psychology professors and worked in her spare time with developmentally disabled adults. She moved in with her boyfriend, a U.S. Army reservist who talked about joining the Peace Corps.

"She kind of turned her life around," said Kenneth Goff, Lockett's attorney, offering the first public comments on Lockett's behalf during an interview Friday. "She got away from some of those people she shouldn't have been with."

Lockett's lawyer also described her as living in fear, after a physically and emotionally abusive relationship with Degorski. Though fear drove her to keep the secret, her lawyer said, the knowledge gnawed at her for years.

Bakalla stayed closer to home, and to one of the men who authorities said entrusted her with the secret. Though she struggled with a learning disability, she took pride in her coursework at a local community college. She got married, but is now divorcing. For six years, she worked as a waitress and bartender at a Pizzeria Uno restaurant in Schaumburg.

James Shapiro, Bakalla's lawyer, described her as "any all-American girl from the suburbs."

Yet Bakalla, too, feared for her life, her lawyer said. She remained friends with Degorski because she saw Luna as the instigator, Shapiro said. He also said he believes Bakalla repressed what she was told about the crime.

"She knows it was there subconsciously and she is starting to explore that now," he said.

The women themselves have declined to speak publicly, Bakalla yelling at reporters who called and visited, Lockett disappearing altogether for several weeks. But the recollections of friends and the light trail of public records offer a picture of two women trying, haltingly, to find their place in the world.

Pizza place was hangout

In the early '90s, Jake's Pizza was one of the places that brought them together.

Degorski and Luna both had brief stints as employees there, and frequented the restaurant as patrons, said owners Reginald and Pat Kroll. Bakalla worked for a few years as a pizza maker and waitress. She lived with her mother and stepfather, less than a mile from the restaurant, not far from Degorski.

Bakalla was born on Feb. 26, 1973, and records indicate that her family lived until at least the mid-1980s in a middle-class neighborhood in Buffalo Grove. Shapiro said Bakalla was diagnosed with an attention deficit disorder in the 4th grade.

The family then moved to Hoffman Estates, and Bakalla attended Fremd High School in Palatine. She went on to take about 10 classes at Harper College, a community college in Palatine.

Lockett was born July 10, 1975, and lived in the northwest suburbs. By junior high school, her family had moved to a home on a Palatine cul-de-sac. Neighbors said Lockett's father was ill

with emphysema, and they didn't see much of her parents.

She began dating Degorski in 1992, when she was a Fremd student. Lockett abandoned her old group of friends when she began seeing Degorski, whom she described to investigators as controlling.

"Anne was banned from talking to me--I was supposedly a bad influence," said Melissa Oberle, one of Lockett's best friends in high school. "He didn't want her to have any outside contact with the real world."

Lockett told investigators that the couple would do drugs, hang out at the Fox River, the forest preserve, or Degorski's house, court records show.

After the murders, Degorski hinted to her that he and Luna may have been involved, Lockett told police. She was a patient in a hospital at the time, so Lockett asked her mother to cut out articles about the murders for her. She was discharged a few weeks later and threw out the newspaper articles for fear they would be discovered. A short time later, Degorski and Luna told her in vivid detail how they shot seven people, according to court records. Lockett said Degorski threatened to kill her if she ever told anyone.

At Degorski's request, Lockett accompanied Luna, a former Brown's employee, to the police station for an interview to make Luna appear "more legitimate," authorities said. She was not questioned, court records show.

"I would characterize her as a classic abused woman in this relationship," said Goff, Lockett's attorney. The fact that she kept secret for so long "is testament to how evil she thought [Degorski] was."

Bakalla learned even earlier than Lockett about the murders, court records show. She told investigators Degorski called her at Jake's the night of the crime. She met Degorski and Luna, who told her they had robbed Brown's Chicken, authorities said. They split the money, with Bakalla getting \$50, then "smoked a couple of bowls," Bakalla told investigators.

Later, Degorski told Bakalla about the killings, court records show. The next day, Bakalla went with Degorski to a carwash, authorities said, where he sprayed out the interior of Luna's car.

According to court records, Lockett continued dating Degorski until 1994. She kept a diary with details of the murders, but later destroyed it, fearing Degorski would find out, authorities said. Lockett told police she hasn't seen Degorski since they broke up.

Her parents moved in 1995 to a gated community on the Pacific coast of northern Oregon. Her father died the next year.

At some point, Lockett returned to Illinois and moved in with her older sister in a small trailer in Downstate Mattoon. Neighbors described Lockett, by then sporting burgundy hair, as friendly. She said little, but did mention school, her cat, Sunshine, and her part-time job.

She later moved to Charleston, renting an apartment above a karate studio off the courthouse square. At Eastern Illinois University, she is entering her senior year as a psychology major and has been selected to help her psychology professor with research next year.

"I'm fairly careful in who I select to help me with my research," said Anu Sharma, assistant professor of psychology. "When I think of Annie, I don't have anything but positive things to say."

Worries over her safety

Oberle said she believes Lockett moved around through the years to avoid Degorski, who would somehow discover where she was living and call her. "How did he find out where I live?" Oberle remembers Lockett wondering.

In the fall of 2001, Lockett shared the story with a boyfriend, Mike Brandon, who was concerned for her safety, officials said. The couple considered sending an anonymous letter to authorities. Stopping short of that, they told their roommate, Keith Valenti, and obtained the firearm owner's identification cards necessary to buy a gun, investigators said.

Recently, Lockett also revealed the secret to her sister, her mother and another friend.

"It took until she finally got into a very strong, supportive network, with friends she can trust and in a relationship with someone she can trust, that she finally felt she was able to come forward," her lawyer said.

Bakalla and her husband-to-be, Keith Abel, met in 1993 or early 1994, when she was still working at Jake's. In 1994, they moved into a small, second-floor apartment in the business district of Franklin Park and later to a home in Algonquin.

The couple married in September 1998, but not before Bakalla told the secret of the murders to Abel, said Abel's lawyer, Jerry Kurz.

"I believe this was in the context of, 'I have a deep dark secret. I'm about to get married; I shouldn't keep it from you,'" Kurz said.

Abel didn't go to authorities, for reasons that Kurz would not reveal, citing the confidentiality of grand jury deliberations.

But his reaction to Bakalla's story about the murders, was, in part, "disbelief," Kurz said. He had met Degorski through Bakalla and had not observed any abnormal behavior in those social settings.

By February 2000, Bakalla and Abel had separated, according to court records. About three months ago, Abel filed for divorce. Kurz said the divorce had nothing to do with the Brown's murders.

In recent years, Bakalla worked at Pizzeria Uno in Schaumburg, and colleagues there said she did a good job waitressing, bartending and helping train other employees.

Though she remained friends with Degorski, they never again discussed the murders, her lawyer said.

"It was just taboo," Shapiro said.

Former landlord Bob Biercz said Bakalla was a good tenant who never caused any trouble. But his reaction now mirrors that of so many others.

"How did she keep it secret for nine years?" Biercz said.

Tribune staff reporter Dan Mihalopoulos contributed to this report.

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'Caught up in the moment'

Video confession tells how robbery got out of control

By Jeff Coen
Tribune staff reporter

July 7, 2005

Juan Luna, one of two men accused of carrying out the 1993 Brown's Chicken massacre, watched stoically from the witness stand Wednesday as prosecutors confronted him with his own videotaped confession, a chilling 43-minute blow-by-blow recounting of the infamous slaying of seven people.

The tape was aired openly for the first time during a hearing at the Cook County Criminal Courts Building, where Luna's lawyers were trying to keep the statement out of his upcoming trial, which could begin as soon as October.

Luna, in his first public comments on the case, testified during the hearing that he falsely confessed after police slapped and punched him and promised him that if he confessed he could go home to his young son.

Prosecutors told Judge Vincent Gaughan that their best answer to those accusations was the May 2002 statement itself, in which a seemingly calm Luna describes in detail how a robbery spiraled into a mass killing.

With his hands folded on a table in front of him in the video, Luna coolly described where each employee was killed. The tape includes Luna describing how as "everything got all wild and crazy" he "got caught up in the moment" and cut the throat of one of the restaurant's owners.

The videotape provided the most detailed account yet of what allegedly took place in the Palatine Brown's Chicken and Pasta restaurant on Jan. 8, 1993.

On the tape Luna described how he and co-defendant James Degorski decided to rob the restaurant and ordered and ate chicken there before slipping on latex gloves and herding employees behind the counter. He aimed a gun at some of the employees at one point, he said.

"They were yelling, 'Don't shoot us, please don't shoot us,'" Luna said on the tape. "Their hands

were shaking too."

Near the end of the videotape, Luna seemed to become emotional and apologized. "Well, I know I can't change time no more, I can't bring people back," he said. "I feel so sad and I'm so sorry.

"If I could do this all again, there's no way in hell I'd do this at all," he said on the tape, putting his hands to his head. "A lot of people have been hurt by this, and my family has been hurt as well."

On redirect examination after the tape had played, Luna explained the apology at the end of the tape by saying he was sorry "for what happened" to the victims, much like he is sorry for what happened to those who were killed in the Sept. 11, 2001, terror attacks.

In his earlier testimony Wednesday, Luna seemed agitated at times, talking in quick bursts. He said he did not take part in the crime and accused police and prosecutors several times of not reading him his rights and denying him a lawyer.

Police threatened to deport his family to Mexico and urged him to cooperate because they really wanted Degorski, he told Gaughan, at times turning in the witness chair and looking up at the judge.

But Luna sat nearly motionless as Assistant State's Atty. Kevin Byrne played the videotape on a pair of televisions in the courtroom. Wearing tan jail scrubs and looking heavier than he looked on the tape, Luna watched as a prosecutor read him his rights and began to question him.

On the video, Luna methodically and in a monotone described how he and his friend Degorski talked about doing stickups that January and then chose the Brown's Chicken where he had once worked.

He knew the restaurant had no alarm and where its safe was.

On the tape, Luna described arriving at the restaurant shortly after 9 p.m. and after eating, pulling on latex gloves. "He said, 'Here you go, put them on,'" Luna said of Degorski. They began confronting employees. Luna said he was telling one employee to go to the back, when he heard a shot. It was Degorski showing the group he was serious, Luna said on the tape.

One employee jumped over the counter, and Degorski shot, Luna said. "I heard [the employee] say, 'Ah, I've been shot,' and crying in pain," he said.

Degorski put that person in a walk-in cooler where another employee was already on the floor, Luna said, and he listened as more shots rang out inside the cooler. Luna said one of the employees, Michael Castro, 16, might have recognized him. On the tape, he looked at a snapshot and said, "Yep, that's Mike."

Luna said he was watching five people on the floor when Degorski , emptied the spent casings from his revolver and reloaded it. Some employees were moved toward a separate freezer as the

registers were emptied, he said.

The first into the freezer was Castro, then an employee Luna said had been mopping when he arrived. Another employee moved toward the door, but Luna said he pushed him back and Degorski hit the worker on the head with the gun.

After that "his feet were wobbly," Luna said, "and he was easy to put in the freezer."

After she opened the safe, Lynn Ehlenfeldt, 49, who owned the restaurant with her husband Richard, 50, was on the floor near Luna. Luna "got caught up in the moment and I cut her throat" with a folding knife Degorski had given him, Luna said on the tape.

Ehlenfeldt was lying on the floor "and she started gurgling and running out of breath," Luna said. He then described how Degorski handed him the gun and dragged the woman into the freezer.

Degorski next told Luna to shoot into the freezer, he said, but Luna said he fired only one shot without aiming because he did not want to hurt anyone else.

Degorski took over from there, Luna said, taking the gun back into the freezer as the employees begged for their lives. "He just started shooting at everybody," Luna said.

Luna said he turned off the restaurant's lights to make it look less suspicious as Degorski finished off the rest of the employees. The shots were rapid, he said.

"Bam, bam, bam, pause," he said. "Bam, bam, bam again."

Degorski then kicked some of the victims and hit others in the face with a broomstick to make sure they were dead, Luna said on the tape, and the two men locked the doors and left through an employee entrance.

Luna's defense team said the statement was coerced in a "5th Amendment fairy tale." Gaughan continued the hearing until 11 a.m. Thursday. Luna and Degorski were charged in 2002 after DNA testing became available. DNA evidence recovered from chicken Luna ate was found to match his.

Luna's lawyers have said they expect to use the alleged statements of another man who confessed to the shootings. They also have said that a fingerprint found in the restaurant with the chicken doesn't match either Luna or Degorski.

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On the brink of answers

14 years after Brown's Chicken slayings, victims' families prepare for the first trial

By Carlos Sadovi
Tribune staff reporter

March 25, 2007

More than 14 years ago, seven people were murdered in the notorious Brown's Chicken massacre, and for all that time, the victims' family members have waited for justice.

As the trial for one of the two defendants begins next week, the families hope they finally can get some answers.

"Tom would want it to end," said Jerry Mennes, the brother of one of the victims. "If I could tell [the killers] anything, I'd ask: `Why? Why'd you have to kill them?' "

Thomas Mennes and six others were working at the Brown's Chicken and Pasta restaurant in Palatine, 25 miles northwest of Chicago, on Jan. 8, 1993, when gunmen burst in and killed them in what authorities think was a robbery gone bad.

The bodies of Mennes; Marcus Nellsen, 31; Michael Castro, 16; Guadalupe Maldonado, 46; Rico Solis, 17; and the restaurant's owners, Richard, 50, and Lynn, 49, Ehlenfeldt, were found in two of the restaurant's refrigeration units. Lynn Ehlenfeldt's throat was slit, allegedly after she opened the restaurant's safe.

It wasn't until 2002 that Juan Luna, 33, a former employee at the restaurant, and James Degorski, 34, were charged in the murders. Jury selection for Luna's trial begins Wednesday. Degorski's trial date has yet to be set.

Luna and Degorski could face the death penalty if convicted, but several of the victims' relatives said they would prefer that the men spend the rest of their lives in prison.

"Executing those guys ain't gonna do anything. Let them rot. Let them ride it out. Let them die in jail," Mennes said. "It's not going to help me. It's not going to bring my brother back or anything."

Remembering loved ones

Like many identical twins, Tom and Jerry Mennes had a special bond. They were named after the popular cartoon, and as boys, they played a cat-and-mouse game with their parents and teachers, who often could not tell the two apart.

The brother's closeness extended into their adulthood, and they lived together in a house in Palatine, about a mile and a half from the restaurant.

Jerry Mennes, 46, still lives in the house. His wife, Diane, lived with him until her death recently from natural causes.

"I don't see him, but I feel him. I still do," said Mennes, who plans to attend both trials.

Joy Ehlenfeldt, the owners' youngest daughter, said she and her two sisters also plan to attend the trial, even though she knows it will bring back painful memories.

"I'm trying the best to prepare myself," said Ehlenfeldt, 32. "I want to go because for me it's how I'm dealing with this whole part of my life. It's something I feel I need to do."

Ehlenfeldt said she and her sisters have tried to remember their parents' values: They believed in fairness and the legal system and did not believe in the death penalty.

"I think they would have dealt with it with a lot of wisdom, a lot of courage and a lot of compassion," she said. "I'm going in with reservations, not with the presumption that they're guilty."

Joy McClain said she lost a soul mate when her fiance, Marcus Nellsen, was killed that snowy January evening.

McClain also said she is not in favor of the death penalty if Luna and Degorski are convicted.

"I'd rather see these guys rot in prison for the rest of their lives. I think they would suffer more," she said.

McClain lived with Nellsen about a block and a half from the restaurant and said she had to look at the building until she moved out of Palatine a few years after the murders. The building was eventually torn down in 2001.

She said she still feels especially emotional around Christmas, partly because Nellsen was so religious and because the murders occurred only weeks later. She eventually moved to Kenosha and even though she does not plan to attend the trial, she expects to hear details about the case.

"Every year there is more and more closure. When I left, I pretty much closed that chapter," McClain said.

Tip breaks case years later

In the nine years between the killings and the filing of charges, Palatine police and other investigators chased hundreds of leads, coming close to charging several people, and endured almost constant criticism. One former employee of the restaurant received a \$100,000 settlement against the department for false arrest.

Palatine police discovered the seven bodies at 3:11 a.m. Jan. 9, 1993, but the major break in the case didn't occur until 2002, when a tip pointed police in the direction of Anne Lockett, Degorski's former girlfriend.

Lockett allegedly said Degorski told her how the murders were carried out days after the crime. She said she didn't come forward then because he threatened to kill her if she talked, prosecutors said. Lockett allowed police to record telephone conversations between herself and Degorski during which Lockett brought up the crime.

After Luna and Degorski were arrested May 16, 2002, Luna gave a detailed videotaped confession to investigators. Luna also was allegedly linked to the scene by DNA evidence found on a partially eaten chicken dinner recovered in 1993 from a garbage can inside the building.

Despite Luna's confession both men deny any involvement in the murders, and their lawyers have maintained in court hearings that they were not in the restaurant that night.

Lawyers said the jury selection could take as long as two weeks, an unusually long time because of the case's notoriety and because of its status as a potential death penalty case. The trial is expected to take four weeks and prosecutors will be led by Cook County State's Atty. Richard Devine, who will serve as lead counsel.

Families feared more deaths

Before Luna's and Degorski's arrest, relatives of the victims said Palatine police warned them that they also could be potential targets for the killers.

That fear lingered with Jerry Mennes, who said he and his brother were inseparable and drinking buddies. He said friends confused him and Tom so often that he had a T-shirt printed that said, "I'm Jerry, I'm not Tom."

"I was a twin, I thought they were coming after me, and I didn't go to bars afterward," said Mennes. "I was scared and looking [behind] my back. I thought I was next."

Similarly, McClain also was warned that she could be a potential target. She suffered from post-traumatic stress and eventually lost her job and went on disability, she said.

"They had all of the families in a state of terror, thinking that it was a family member or somebody knew somebody. They made us all think that something could happen to us," McClain said.

Mennes' son Jerome, who was 12 at the time, remembers being so scared that he moved out of his bedroom in the front of the house to the floor of his parent's bedroom for several months. His Uncle Tom's bedroom was next to his at the time.

As years began to fade the horror of that night, the Mennes family experienced a second tragedy when Jerry and Tom's father, Emil, 78, was killed in 1999 in an unrelated murder.

"I was so scared. ... I was like, are they picking off family members?" said Jerome Mennes, now 27.

Melvin Paige, a 16-year-old neighbor of Emil Mennes, was charged in the murder and sentenced to 50 years in prison.

Jerry Mennes said he had hoped Luna and Degorski would be tried at the same time to spare the families the pain of having to hear twice the horror that unfolded the night their loved ones were killed.

Early on during pretrial hearings, however, defense lawyers won a move from Criminal Court Judge Vincent Gaughan to separate the trials because Luna's confession puts much of the blame on Degorski.

The trial may provide closure for some of the victims' family members, but Ehlenfeldt said she and her sister came to terms with their parents' murders even before there was an arrest in the case.

"I think closure is a phrase my sisters and I never related to," she said. "My life is not going to be dependent on the outcome of this trial."

Other family members of the victims did not want to be interviewed, saying they didn't want to jeopardize the trial with pretrial publicity.

Michael Castro's father, Emmanuel, had one brief comment.

"The state's attorneys need to be prepared," Castro said.

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Luna on trial

Juan Luna (left) and James Degorski are charged with the Jan. 8, 1993, murders of seven people at a Brown's Chicken and Pasta eatery in Palatine. Luna's trial is first.

Trial timetable: Luna's trial begins Wednesday, with jury selection expected to take as long as two weeks.

Evidence: Luna, a former worker at the restaurant, is allegedly linked to the scene by DNA found on a partially eaten dinner recovered from a garbage can in the building.

Confession: After his 2002 arrest, Luna gave a videotaped confession, but since then he has denied any involvement.

If convicted: Luna, 33, could face the death penalty.

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Luna found guilty of Brown's killings

In 1 day, jury ends a 14-year ordeal

By Carlos Sadovi and Azam Ahmed
Tribune staff reporters

May 11, 2007

Jurors deliberated just one day before finding Juan Luna guilty Thursday of killing seven people in a Palatine Brown's Chicken restaurant in 1993, bringing a swift and tearful end to a 14-year wait for victims' families.

As the guilty verdicts were read, family members of the victims clutched one another and prayed.

Luna sighed heavily. He removed his wire-frame glasses to wipe tears from his face with a white napkin.

Luna, 33, was convicted after a 14-day trial in Cook County Criminal Court that repeatedly told—and showed—how the victims were found shot and stuffed in a cooler and freezer. "This is what he deserves, to be found guilty. It seems like a resolution," said Jessica Nellsen, whose father, Marcus, was killed. "I've grown up without a dad since I was 5. This can't bring back my childhood."

At least one juror wept, rubbing her eyes with her hands. Others looked more composed and deliberate. After the verdict was read, defense attorney Clarence Burch asked jurors to confirm their guilty decision through an individual roll call. Each stood and confirmed the verdict.

Earlier in the day a juror was dismissed for undisclosed reasons and replaced with an alternate. The new jury was sworn in again and deliberations began all over.

Prosecutors, defense lawyers and police officials are barred from discussing the case because of a gag order imposed by Circuit Judge Vincent Gaughan.

With their verdict, jurors believed that Luna, a former employee of the restaurant, killed the restaurant's owners, Lynn Ehlenfeldt, 49, and her husband, Richard, 50; and employees Tom Mennes, 32, Marcus Nellsen, 31, Guadalupe Maldonado, 46, Rico Solis, 17, and Michael Castro, 16.

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The jury was excused for the evening and was told to return to court Monday to begin deciding whether Luna would receive the death penalty. His friend, James Degorski, 34, is awaiting trial.

At the centerpiece of the prosecutors' case was Luna's 43-minute videotaped confession, which was played for jurors during the trial. Prosecutors also focused heavily on DNA evidence Luna allegedly left behind on several chicken bones, which were found in the restaurant in 1993.

Experts testifying for the prosecution said the DNA evidence on Luna could match only 1 in 2.8 trillion other people.

Luna's defense team had attempted to hammer away at the prosecution's case by focusing on what they called shoddy policework: Defense witnesses testified the chicken tested for DNA in 1994 was destroyed in the process; that swabs containing DNA evidence in the case were lost; and that a state crime lab computer containing electronic DNA was sold off as scrap.

"They are trying to kill this man," Burch said during his closing arguments. "This is not a game."

Before the verdict was read, the judge warned family members on both sides that they would be arrested if there was any outburst in the courtroom, and about 15 sheriff's deputies lined the walls around the courtroom.

Luna's family sat shoulder to shoulder on one court bench, tightly gripping each other's hands. Juan Luna's wife, Imelda, shuddered as the verdict was read and broke down in tears. The face of Luna's father, Juan Sr., turned ashen.

Killer's mom collapses

After the jurors were excused and the courtroom was nearly empty, Luna's mother, Alicia, collapsed and family members rushed to her side. A paramedic was called in and treated her.

The Ehlenfeldts' three daughters broke down quietly as they sat in the same court bench they occupied over the last month. Dana Sampson, who was working alongside her parents the night of the killings in January 2003 but left early, took in a deep breath and held it for several seconds. Other family members put their hands together in silent prayer.

"For the past four weeks we have had to live in the past, transported back to that awful night when we were just three young adults who had to grow up before our time," said Jennifer Shilling, the eldest of the Ehlenfeldts' three children.

"We learned of the unthinkable, that our parents were gone."

Outside the courthouse, Rico Solis' mother, Evelyn Urgena, said she had been waiting so long for justice and called the verdict a godsend, especially with Sunday being Mothers Day. She said she still remembers how her son loved music.

"All parents love their kids, it was a Mothers Day gift for me," she said. "Everybody in my family is very happy. I'm happy. . . . Right now I'm controlling it."

Before the trial many family members said they were against the death penalty for Luna. But several said that after what they heard every day during the trial, the death penalty was the only option.

"My son got the death penalty; so did the other six victims. Juan Luna asked for this. My son didn't ask for this," said Diane Clayton, Nellsen's mother.

"My son is never coming back, so there will never really be closure."

Clayton, who testified during the trial along with other victims' family members, said the most difficult part of sitting through the case was the graphic images of the victims that flashed almost daily. Clayton often rushed out of the courtroom in tears when the images appeared and medical examiners testified.

"Seeing the pictures of my son dead in that freezer—I can't explain it. I just hope none of you have to go through it," she said.

To link Luna to the crime, prosecutors put Anne Lockett and Eileen Bakalla, high school friends of Luna's and Degorski's, on the stand. They testified separately that they knew about the crimes soon after they occurred in 1993 but kept quiet until 2002.

Bakalla testified that she picked the men up hours after they allegedly committed the murders and did drugs with them later that night. She said she took \$50 from Degorski and heard the men talking about the crimes.

She said she feared Luna, who she said gave her the "heebie-jeebies."

Luna's defense lawyers questioned why the women waited so long to come forward and attempted to depict them as drug addicts whose histories were so unstable that they could not be believed.

To cast doubt on Luna's confession, his lawyers played a 1999 videotaped confession from a Mt. Prospect man who never was charged.

A Cook County prosecutor who worked on the case testified that they never believed the Mt. Prospect man, who claimed to have a "vision" about the crime, because of conflicting details he gave and because evidence did not support it.

'This is justice, finally'

Luna's lawyers called his brother Jorge and his sister Brenda, who testified that police purposely hid him away after arresting him May 16, 2002. By the time they saw Luna the next day, he had given the confession, they testified.

Throughout the trial, prosecutors focused heavily on DNA evidence Luna allegedly left behind on several chicken bones found in the restaurant in 1993. Luna, in his statement, said he discarded the meal in a garbage can on the west side of the restaurant, where it was found.

Jurors seemed dazed by all of the scientific DNA testimony.

"This is justice, finally," said Javier Maldonado, whose father, Guadalupe, was one of the victims.

"I waited 14 years to find the killers, it's good that there was justice."

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Brown's jury spares Luna's life

By Carlos Sadovi and Azam Ahmed
Tribune staff reporters

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The jury that convicted Juan Luna of murdering seven people at a Brown's Chicken and Pasta restaurant in the northwest suburb of Palatine in 1993 said this afternoon he should be sentenced to life in prison, rather than receive the death penalty.

Before the sentencing verdict was read, Luna sucked in his breath. He exhaled slowly and made the sign of the cross as the jury announced his fate. Then he stood up and bear-hugged his lawyers, Stephen Richards and Clarence Burch, saying "Thank you."

Luna's brother wiped away tears from beneath his glasses, as his father was shaking his fists in apparent celebration. His mother and several other female relatives cried.

Reaction among the victims' families was mixed.

"We respect the decision," said Jennifer Shilling, one of three daughters of restaurant owners Richard, 50, and Lynn Ehlenfeldt, 49. She said she and her sisters oppose the death penalty.

"At 33, Luna will spend the rest of his natural life in a maximum security correctional facility where he will only know the sterile routine of a convicted felon," she said.

But Shilling said her family wishes Luna and his family would admit his guilt.

"It is an insult to us that he and his family continue to proclaim his innocence despite the jury's unanimous decision," she said.

Luna's family says they pray for the victims' families, she said, but "until they admit Juan Luna is guilty, their prayers are of little comfort."

Diane Clayton, the mother of restaurant employee Marcus Nellsen, 31, was not pleased with the jury's decision. "This is not justice," she said crying, "not when seven people were brutally killed."

Robert Mennes, the older brother of Thomas Mennes, 32, said he was happy with the verdict.

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"It's better than the death penalty because it will last longer," he said. "With the death penalty it will be quick and over with. This way he spends the rest of his life in prison."

Juan Maldonado, 28, the son of Guadalupe Maldonado, 46, said he was saddened by the jury's decision.

"I wanted more for my father and all the people who died in there," he said. But "I'm glad he's going to spend the rest of his life in prison. Either way he's going to pay."

He said it was difficult to listen to testimony about his father's death during the trial and said he would not have closure until Luna's co-defendant, James Degorski, is tried.

Sharon Laureano, 29, cousin of Rico Solis, 17, didn't mince words.

"I'm really pissed off," she said. "I felt like they're saying he's not guilty."

She said Luna had the chance to live a normal life until he was arrested in 2002 while the victims did not. "He got to live for nine years," Laureano said. "He had a baby and a house. Now his family gets the chance to visit him and hug him. We won't ever get that chance."

Cook County State's Atty. Dick Devine said, "We respect what the jury has done, both in terms of the guilty verdict and ... their decision today."

Cook County Assistant State's Atty. Scott Cassidy said, "I argued to the court that it would be an injustice if Juan Luna did not get the death penalty."

The jury deliberated for two hours this afternoon before reaching its decision. Jurors convicted Luna last week, and earlier this week decided that he was eligible for the death penalty.

No death sentences have been carried out in Illinois since then-Gov. George Ryan imposed a moratorium on executions in 2000. Gov. Rod Blagojevich has continued that moratorium.

Prosecutors said Luna, 33, now married and the father of a 10-year-old son, was 18 when he and high school friend Degorski walked into the Brown's at closing time Jan. 8, 1993, and shot and stabbed the victims during a robbery that netted less than \$2,000.

The victims' bodies were found in a walk-in cooler and freezer.

Degorski has pleaded not guilty to the murders and will be tried separately.

During Luna's 14-day trial, jurors listened to the testimony of two key witnesses who said Luna and Degorski, 34, admitted their roles in the murders. The jurors also heard scientific testimony that DNA evidence linked Luna to a partially eaten chicken meal found at the restaurant. Jurors also watched a 43-minute videotaped confession Luna gave to investigators after his arrest on May 16, 2002.

Today, during closing arguments in the defense portion of the death penalty phase, Luna's lawyer Burch asked jurors to disregard prosecutors' portrayal of Luna as a cold-blooded monster.

"The state portrayed Juan Luna as an evil individual who has no heart. ... They are trying to dehumanize him, make him less than a person and then step on him," Burch said as he stomped his foot in the courtroom. "He's a human being. The same blood flowing through his heart and veins is flowing through

ours."

Burch blasted prosecutors' reliance on Eileen Bakalla and Anne Lockett as key witnesses. He called them liars who fabricated stories about the killings and the allegation that Luna had tortured several cats.

The defense attorney said Bakalla's testimony was inconsistent and changed while she testified. At first, she said she saw Luna kill the cat, but later she admitted she did not see him do it.

"Eileen Bakalla changes her story whenever it's convenient. They [prosecutors] are trying to kill him based on her story. This is not a time for playing games; they are talking about taking away a human life," Burch said. "She is their prime witness, (yet) she changes her story."

Burch also attacked the testimony of Lockett, who said Degorski told her in 1993 that the two men had electrocuted a cat. During cross-examination, Lockett said she never saw evidence to support what Degorski told her.

"She never once said she saw him do anything. You are going to kill him for something she hears from Degorski?" Burch said.

Burch called the killings an "aberration" in Luna's life and said that his client had never been convicted of a crime. He said prosecutors relied on "innuendo" and unsubstantiated allegations that the defendant had abused animals, as well as sympathy toward the victims.

As he asked for jurors to spare his client the death penalty, Burch said the man's family will have to "live with the shame on the name of Luna."

"I'm asking you to lean toward life, lean toward life because justice has been served," Burch said. "Death is not the answer, taking life for a life. ... Temper justice with mercy. I'm pleading with you to express mercy."

During the prosecution's rebuttal, Cassidy displayed the pictures of the seven victims on a screen. He told jurors to leave sympathy for the victims as well as Luna out of their decision and to follow the law.

"You know as you sit here today that this man, Juan Luna, slaughtered seven people. He did it. You know he did it. Now he's asking for mercy," Cassidy said.

While family and friends portrayed Luna as a peaceful man who loved his son Brian and tended to his family, Cassidy said the real man was the person who went into the restaurant that night and killed seven people. He also replayed an answering machine message of Luna threatening to kill an ex-girlfriend of Degorski's and her family.

Cassidy recalled for the jury how tragedy permeated the case — the victims' families and Luna's family shed tears throughout the trial.

"All the pain and suffering in this courtroom has been the result of him ... all Juan Luna," Cassidy said. "There's been two injustices in this case. The first is that those people are no longer with us. The second injustice is that Juan Luna has escaped justice for all these years. Do not let a third injustice take place."

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