

Case Studies

Case 1: Lesley Gosch

The Crime

At approximately 2:30 on the afternoon of September 18, 1985, Frank Patton, president of Castle Hills National Bank in San Antonio, Texas, received a telephone call at the bank from his wife, Rebecca Patton. When he answered the phone his wife said, "Hi, Frank, there is someone here who wants to talk to you," and then a male voice, unfamiliar to Mr. Patton, took over the line. The unknown male instructed Mr. Patton to gather cash in a briefcase, in \$50 and \$100 bills, and go directly to the pay telephones at the food court at the North Star Mall in San Antonio and await further instructions. The caller told Mr. Patton that he had precisely 45 minutes to comply with these directions, or it would be "all over."

After hanging up the phone, Mr. Patton immediately directed a bank cashier to begin gathering the money, while his secretary called the F.B.I. Seven minutes after the initial extortion call, officers from the Alamo Heights Police Department arrived at the Patton home to find the body of Rebecca Patton lying on the floor. She had been shot fatally in the head.

After being informed of his wife's death, and accompanied by several agents from the F.B.I., Mr. Patton proceeded, briefcase in hand, to the North Star Mall. While plainclothes agents stationed themselves nearby, Mr. Patton waited by the pay telephones at the food court designated by the caller. After 40 minutes, however, no one had called or come to collect the money, and Mr. Patton was advised by the F.B.I. to return to the bank.

State and federal law enforcement agencies swiftly initiated an intensive investigation of Mrs. Patton's murder. The crime scene was secured, and the home was thoroughly searched for evidence. Seven .22 caliber cartridge casings, believed to be manufactured by an English company called the Eley Ammunition Company, were found in the home. In addition, at least one foreign hair and several unknown fingerprints were found in the residence and processed for identification.

The police also conducted a house-to-house canvass of the Patton's neighborhood to determine if anyone had noticed anything unusual on the day of the crime. However, despite the impressive law enforcement resources devoted to investigating the case, the police were without significant leads several days after the crime.

The Suspect

On September 23, 1985, a group of San Antonio-area bankers held a press conference to announce that they were offering a \$100,000 reward for information leading to the arrest and conviction of those responsible for the murder of Mrs. Patton. Less than two days later, 21-year-old Stephen Hurst was brought to the Alamo Heights Police Department by his uncle, claiming that he had information that would lead to the arrest of the individuals responsible for the crime.

At the police station, Hurst produced a briefcase which he claimed had been given to him for safekeeping by his friend and housemate, John Rogers. Inside police found a Ruger .22 caliber automatic handgun, several full boxes and one partially full box of Eley pistol ammunition, and two silencers which fit the weapon. A subsequent firearms comparison by the Bexar County Firearms Examiner concluded that this handgun was the murder weapon.

Hurst gave a written statement to the Alamo Heights police implicating his roommate Rogers and a man named Lesley Gosch in the failed extortion plot and subsequent murder of Mrs. Patton.

According to Hurst's statement, Rogers told him of a plan to obtain ransom money but that the plan had "gone sour" and that "Skipper (Gosch) emptied a clip into her." Rogers told Hurst that Skipper went to the house with a big flower box with a gun inside it, he rang the door bell, she opened the door and he forced his way in. After Hurst turned the briefcase over to the authorities, officers from several law enforcement agencies acted quickly to secure warrants for the arrests of Rogers and Gosch, and for the search of the apartment of Rogers and Hurst.

The Trial

Following a change in the venue for the trial, the first phase (to determine guilt or innocence) of Gosch's trial began in Victoria, Texas on August 26, 1986. The State's evidence was largely circumstantial. The fingerprints found at the crime scene did not match Gosch. Two witnesses testified that Gosch had told them that he owned a .22 caliber pistol. Other witnesses testified to conversations with Gosch indicating his fear of serving time on a pending federal firearms charge, and one witness said that he had bought the .22 Ruger for Gosch approximately a year before the murder.

Finally, the co-defendant, John Rogers, testified to many of the details outlined above and alleged that Mr. Gosch was the one who had entered the Patton household and shot Mrs. Patton, and that it was all part of a scheme to raise a large sum of money to finance Gosch's escape to Belize. Rogers admitted giving the briefcase containing a number of guns, including the .22 Ruger, to Stephen Hurst, and acknowledged that Hurst knew about, and at one time was going to participate in, the extortion plan.

The defense presented no witnesses at this phase of the trial. The jury returned a verdict of guilty against Mr. Gosch. The punishment phase of the trial began the next day. The prosecution presented testimony alleging various prior offenses committed by Gosch which had never been submitted to a trial, and offered judgments of his earlier convictions. The defense presented only two witnesses on Gosch's behalf: his adoptive father, Wesley Gosch, and a former co-worker, Preston Knodell, who had known Gosch for four years. Gosch, himself, did not testify.

The jury found that Gosch acted deliberately and that he represented a future danger to society. The court sentenced him to die.

Meet the Victim

Rebecca Patton lived with her husband, Frank Patton, and her two children. She had been married for 17 years. Mr. Patton was president of the Castle Hills National Bank in San Antonio. Mrs. Patton was very active and well-known in the local community. Regarding the death penalty for Gosch, Mrs. Patton's daughter remarked that it was not about revenge, but about justice. This man took a life. He took a lot of things. My mom was a lot of things to a lot of people. He took her away from a lot of people and left a big hole in a lot of people's lives as well as deprived her of the pleasure of living

Meet the Defendant

Lesley Gosch was a former Eagle Scout. He was 29 years old at the time of the crime. Gosch had pleaded guilty a month earlier to charges of manufacturing and selling gun silencers. Gosch was facing sentencing for this earlier federal firearms conviction and the prosecution maintained that he sought the ransom money for a flight to Belize, Central America, to avoid being incarcerated. He also had previous convictions for a pair of pharmacy robberies in San Antonio.

Due to injuries Gosch sustained in an accident as a teenager, he would have had a hard time carrying out his role in the offense. As a result of the accident, Gosch lost one of his eyes and his eyesight was so poor in the other eye that he was legally blind. Given this disability, it would have been difficult for Gosch to drive the victim from the crime scene. Moreover, Gosch also lost the distal phalanges of four of his fingers and the thumb on his left hand, as well as portions of the thumb and index finger of his right hand, from the accident. These disabilities would have made it extremely difficult for him to brandish a weapon with one hand while binding Mrs. Patton with the other.

Although little was presented at the sentencing phase of Gosch's trial regarding his background, the defense could have presented to the jury the picture of a physically and emotionally abused child who nevertheless attempted to, and at times succeeded in, achieving in his academic endeavors; of a boy who hated violence and seeing animals killed; of a young man who was not a leader but a follower, and who was struggling to overcome the effects of an overbearing father and a traumatic injury; of an adult man who had the intellectual and spiritual faculties to make that struggle a success. The witnesses who provided the information necessary to put together that life history include numerous members of Gosch's extended family who were never contacted by the defense.

Moreover, it appears that counsel failed to review potentially mitigating records. Records from the 1977 hospitalization following the explosion in Gosch's home offer significant information about the struggles and successes he experienced while coping with his injuries. Excerpts from those same records show Gosch's consistent attendance at the therapy sessions five, six and seven years after counseling was ordered in conjunction with a probationary sentence resulting from his only prior conviction. Repeatedly, the notations from those sessions show Gosch's honest attempts to confront the issues and dilemmas presented to him and to reflect on his own life and behavior. For no apparent reason, however, defense counsel failed to present this evidence to the jury.

