

Murder suspect back in jail for violation

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A man charged with murder in the kicking death of a Fairbanks teen-ager is back in jail after a friend of the victim's mother said the man violated his house-arrest conditions.

Marvin Roberts told his mother, Hazel, not to worry as officers placed him in handcuffs and led him from Superior Court Judge Niesje Steinkruger's courtroom Tuesday morning.

Roberts is one of four people charged with the murder of John Hartman, a 15-year-old boy who was



ROBERTS

kicked in the head and sexually assaulted 15 months ago. Kevin Pease, Eugene Vent and George Freese remain at Fairbanks Correctional Center.

Roberts wanted to modify his release conditions and have another individual approved as a third-party custodian.

Colleen Mackey, a friend of Hartman's mother, Evalyn Thomas, testified that she saw Roberts walking in the area of 23rd Avenue and Barnette Street on Oct. 13. Mackey said he was wearing a red down jacket. She said she called police and talked with a dispatcher.

"(The dispatcher) didn't even take my name," Mackey said. "The only thing she said was 'we'll tell them.'"

Assistant District Attorney Jay Hodges said the Fairbanks Police Department had no record of the call but that was not unusual. Hodges said his office became aware of the claim on

Tuesday.

Roberts and his mother both testified and said he never left the house on the day in question. He said he never owned a red coat and had never seen Mackey before.

"I haven't left the house at all," Roberts said. "This is the first time I've ever laid eyes on her."

Steinkruger was troubled by the presence of other people in the Roberts' home. Two of them, Art Mayo II and Art Mayo Jr., did not appear on a list of court-approved people allowed to be in the home. Roberts told the judge that Mayo had been staying at the home since the summer. Roberts' attorney, Dick Madson, was trying to add Mayo as a third-party custodian.

Instead, a red-faced Madson left the courtroom alone.

Steinkruger said it was a difficult decision, but she mentioned that a witness testified that Roberts was outside of his home. She also mentioned that unauthorized visitors were in Roberts' home, then commended Hazel Roberts for handling the matter as she did.

"There is no reasonable-doubt standard," Steinkruger said. "We are at a much lesser standard."

Freese, Pease and Vent have remained in jail since their arrest. The state Court of Appeals recently reinstated murder indictments against Pease, Vent and Roberts. Their attorneys have asked the state Supreme Court to overturn the decision.

Steinkruger is scheduled to preside over Freese's trial on Monday in Anchorage. The judge changed the venue in November, citing a potential for hidden prejudice among the jury panel. It

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took four days to select a panel of 13 jurors; the judge was hoping to seat 15.

Assistant District Attorney Jeff O'Bryant has asked Steinkruger to reconsider and try to assemble a jury in Fairbanks. O'Bryant said case law shows

that the "passage of time dims or fades memories."

Frese's attorney, Bob Downes, argued against the request. He said the case has continued to generate publicity, most recently with fund-raising efforts for Hartman's family. Steinkruger has not ruled on the issue.