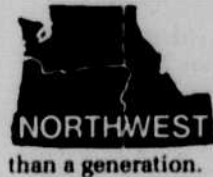


# Execution of Idaho man was state's first in 36 years



BOISE, Idaho (AP) — Double murderer Keith Eugene Wells was buried in a private service Thursday morning, less than 12 hours after becoming the first man executed by the state of Idaho in more than a generation.

"Keith did not pay for any crime. His death is not payment for anything," Wells' sister, Cherie Fehringer, said just minutes after the execution. "His death is for peace."

Wells, 31, who dropped all appeals and demanded his death sentence be carried out, died by lethal injection at 12:50 a.m. Thursday, about 90 minutes after he offered his only public apology for beating two people to death only because "it was time for them to die."

He had confessed to the 1990 murders of John Justad, 23, and Brandi Rains, 20, without remorse two weeks earlier. But with spiritual adviser Jack Risner of the Mount Hood Christian Center in Oregon with him through his final hours, Wells telephoned Boise anchorwoman Dee Sarton of KTVB-TV at home and asked her to express his sorrow to the victims' families.

"I would like to ask for their forgiveness because it just happened," Sarton quoted Wells as saying. "I am very sorry."

Wells, who spent nearly all his adult life behind bars, said he was obeying God by offering the apology, Sarton said.

Mrs. Fehringer said just before the execution that her brother was willing to die, and "if this isn't remorse, I

don't know what is."

As the execution was about to begin, Wells turned his head to the 17 witnesses in the death trailer, smiled and then turned his face back toward the ceiling. He blinked and swallowed several times after the injections, took a deep breath after about two minutes and then appeared to go to sleep.

"I knew when I signed the orders ... the end result is the termination of human life," said 4th District Judge Gerald Schroeder, who sentenced Wells and witnessed his death. But "the reality, I suppose, is always greater than the abstract."

It was the nation's first execution in 1994 but only Idaho's 10th in this century. Wells was the 227th person executed in the nation since the U.S. Supreme Court reinstated the death penalty in 1976.

Idaho's last execution was Raymond Allen Snowden. He was hanged on Oct. 18, 1957, for the murder and mutilation of a woman he met at a suburban Boise bar.

Last-ditch legal attempts to stay the execution over the objections of Wells and his family went all the way to the U.S. Supreme Court before their final rejection. The 7-2 high court vote, with Justices Harry A. Blackmun and John Paul Stevens dissenting, delayed Wells' death by 39 minutes.

"Keith and I know we'll meet again," his wife, Cindy, 35, said after her final visit with Wells Wednesday afternoon.

"That's why we can let him go," she said as she held her 6-year-old daughter, Tabitha, on her lap.

Schroeder said. "It appeared that he arrived at a point where he was at peace with himself. You really hope the victims' families, that they really can find some peace."

The execution came despite what some Idaho death penalty advocates fear is a movement by appellate courts away from capital punishment.

Wells was among 29 murderers sentenced to death since Idaho reinstated the death penalty in 1977. He was the first to be executed, six had their death sentences overturned and a seventh died of liver disease on Death Row.

Three — Karla Windsor, Shawn Scroggins and James Pratt — had their sentences voided by the state Supreme Court and were resented to life in prison.

Bryan Lankford's death sentence was overturned by the U.S. Supreme Court because he was not given enough notice that execution was a real possibility. The sentencing judge then imprisoned him for life without parole.

And the death sentences of Jaime Charboneau and Benjamin Ivey were overturned by the state Supreme Court on technicalities.

Charboneau's Jerome County prosecutors decided against seeking a new death penalty because the small rural county could not afford to keep paying the escalating cost of extended appeals.

And Ivey's sentencing judge settled on life in prison without parole, lambasting the appellate court system as so liberal it would find another way to overturn a death sentence.

## Oregon attorney wins spot on best seller list

PORTLAND (AP) — A black rose, a kidnapping, courtroom drama and a suave serial killer have catapulted an Oregon criminal defense attorney onto *The New York Times* best seller list.

All are elements in *Gone, But Not Forgotten*, a thriller by Phillip M. Margolin. The novel is the January selection of The Literary Guild and has been published in 15 countries.

"This whole thing with the books — I'm still walking around shaking my head," Margolin said. "I didn't think I was capable of it."

Margolin, 50, didn't set out to be a novelist.

"I've always wanted to be a criminal defense attorney," he said. "Too much Perry Mason warped me."

Margolin has handled more than 30 criminal cases; more than a third of them were death penalty cases. He has argued before the U.S. Supreme Court.

But as a voracious reader, Margolin said he was fascinated by authors.

"I could never figure out how people could write books," he said.

Margolin began writing during the summer before his graduation from New York University Law School in 1970. His goal, he said, was to write something, anything, more than 25 pages long.

The result was an admittedly bad novel based on his Peace Corps experiences in Liberia during the 1960s, he said. "Then I wrote a really awful mystery that I've never shown anybody."

The break came when Margolin sold a short story, "The Girl in the Yellow Bikini," to Mike Shane Mystery Magazine.

"That gave me the confidence that I could write," he said.

Margolin says what makes him a good writer is what makes him a good reader. His approach is teasing, quick, and he wants to have fun.

"You can set the reader up," Margolin said. "It's like a magic trick. You convince them they

know everything and then you pull the rug out."

Margolin has heard the critics' comparisons to John Grisham, best-selling author of *The Firm*, and he's flattered.

He finished *Gone, But Not Forgotten* last June, on the heels of a *New York Times* article opining that the only manuscripts worth looking at any more came from criminal defense lawyers.

Margolin's agent, Jean Naggar, sold his manuscript at auction.

"That's when I knew something special was going to happen," he said.

In *Gone, But Not Forgotten*, wealthy Portland housewives are disappearing, with a note and a black rose left behind. A real estate tycoon is arrested after several bodies are found at a construction site.

But is he the culprit? His attorney, Betsy Tannenbaum, launches her own investigation. The plot twists that follow come at breakneck speed.

"It is in the genre of *Presumed Innocent* and *The Firm*, but it's also compared to *Silence of the Lambs*. You just can't pigeonhole it," Margolin said.

*Gone, But Not Forgotten* is Margolin's third book. *Heartstone*, published in 1978, was nominated for an Edgar Allan Poe Award by the Mystery Writers of America. *The Last Innocent Man* was published in 1981.

Margolin, whose law partner is his wife, Doreen, is on sabbatical while he promotes the book.

"You can't tell your client, 'I know the state wants to kill you, but I have this book signing to do,'" he said.

Still, between tours, Margolin's life hasn't changed much.

"I still get up and drive my daughter to high school. It doesn't really impinge on my life too much," he said. He also has a son in college.

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