

Convicted killer wants new trial

SALEM — Frank Gable might not have been convicted of killing Oregon's corrections director in 1989 if DNA testing had been used, Gable's attorney argued today while seeking a new trial for his client.

"This is a very weak case," said the attorney, Ken Hadley. "It would have taken very little to change the outcome of this trial."

But an Oregon assistant attorney general, Stephanie Andrus, said there are doubts whether such testing was sophisticated enough at the time or whether there was enough evidence to be tested.

Hadley is seeking to show that Gable's attorneys didn't give him an adequate defense. If Circuit Judge Frank Raguén agrees, he could grant Gable a new trial.

Hadley said there is no scientific evidence linking Gable to the crime, such as fingerprints, and that the only person who identified Gable as the killer was a man involved in the drug world whose testimony was "very shaky."

Gable contends he is innocent, and members of the Francke family believe him.

"Frank Gable, in my humble opinion, didn't commit the crime, and he shouldn't be in jail. I think he got a bum deal," Patrick Francke, Michael Francke's older brother, told the (Salem) Statesman Journal.

Michael Francke, 42, was stabbed in the heart the night of Jan. 17, 1989, in the parking lot in front of the Corrections Department's headquarters.

At the time, Francke's relatives said he was about to root out

criminal activities in the Corrections Department.

No motive for his murder was established. Prosecutors theorized that Gable stabbed the prisons chief when Francke caught him burglarizing his car.

Marion County District Attorney Dale Penn is adamant that Gable was the killer and that he got a fair trial.

Gable contends that lead defense lawyer Robert Abel was drunk at the trial and failed to present an alibi defense asserting that Gable was not at the corrections agency's headquarters when Francke was killed.

Patrick Francke disagreed, saying that Gable "got poor representation, very poor representation. Frank Gable should get a new trial with a competent lawyer who would present a proper defense."

"It's very disturbing, to be quite honest with you," Patrick Francke said, referring to Gable's murder conviction and life sentence without parole. "I don't think Frank Gable is the greatest guy in the world. He had a lot of faults, but I don't think he was a murderer. I don't think he's wired up that way."

Gable's guilt will not be at issue during the post-conviction proceeding. His bid for a new trial hinges on whether he received an adequate defense.

Gable, now 40, is housed in a cellblock reserved for inmates who fear being preyed upon by other inmates.

The Associated Press

Student prankster hires famous agent

POWERS — The high school valedictorian who sneaked into the boys' locker room and showered with five boys as a senior prank has turned into such a celebrity that she's hired an agent — who is now threatening a lawsuit against the school.

David Hans Schmidt, who once represented figure skater Tonya Harding, said he signed a contract Monday with 18-year-old Leslie Shorb to act as her agent and publicist.

As punishment for last month's shower stunt, officials at Powers High School denied Shorb the honor of being valedictorian of her 16-member class and delivering a speech at graduation, suspended her for 10 days, and prohibited her from going to the prom and the senior trip to Mexico.

Schmidt said he wants to persuade school officials to restore Shorb's valedictorian title and allow her to speak at graduation June 2.

"We're not advocating that high school girls across America jump into the showers with boys — or vice versa — but this was just an envelope-pushing incident and that's all," Schmidt said. "It was all in good fun and ranks up there with senior skip day or putting toilet paper over the principal's tree. It was about as innocent as you can get."

Schmidt said school officials were unwilling to work on the issue when he talked to them Monday morning, so he has begun preparations for a lawsuit against the school — alleging the punishment was too severe.

Carla Blanton, the school board chairman, declined comment.

"We have no comment on student discipline and student records," she said.

Shorb's mother, Rhonda Shorb, said the family decided to hire Schmidt because they were overwhelmed by the publicity her daughter received. The daughter has appeared on national television and is still getting calls for interviews and personal appearances.

"We didn't know what to do. We just needed someone to help out. It wasn't going away — and it was taking over our lives," she said.

Shorb's 10-day suspension ended Monday, and she planned to return to school Tuesday. Rhonda Shorb said the shower incident was a spontaneous prank — although it also prompted a debate over how much supervision there was in the school's locker rooms.

Rhonda Shorb said Leslie is worried she could lose scholarship money she needs to attend Oregon State University.

Still, Hollywood is calling. Schmidt said he will be sorting through offers Shorb has received to appear on television shows, including Jay Leno's "Tonight Show" and Montel Williams' daytime show.

"We don't have to coach her much. She's the valedictorian and catches on quick. She's honest and forthright and never even had a parking ticket violation before," he said. "She's good kid who just did something that kids do."

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