

# Predators Among Us

Joseph Smith, the Florida mechanic accused of killing 11-year-old Carlie Brucia, managed to avoid major jail time despite a long criminal record. The scary thing, as these cases show, is that he's not alone: Legal glitches and overcrowded prisons can send monsters back onto the street—with fatal consequences

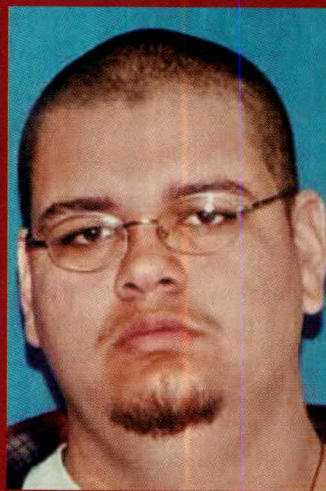
## A DEADLY SECOND CHANCE

**B**right, beautiful and just 16, Marissa Mathy-Zvaifler wandered away from friends during a hip-hop concert in Albuquerque's Sunshine Theater last July; three days later police found her strangled corpse in a storage room. The pain and shock of her murder, say Marissa's loved ones, were intensified when they learned who allegedly killed her—theater janitor Dominic Akers, 22, a convicted sex offender who only a year earlier was facing decades behind bars. "I was outraged, in disbelief, that this guy was let out," says Marissa's mother, Erica. "They knew this kid was not right."

How did Akers—who police say confessed to the crime despite pleading not guilty—slip through the cracks? In March 2002 he admitted to repeatedly molesting a 4-year-old girl, a charge that could have landed him 33 years in prison. But last July, District Judge Ross Sanchez agreed to suspend the sentence and instead gave Akers five years' supervised probation. Sanchez, who declined to speak with PEOPLE, told the *Albuquerque Journal*, "I believed, based on [doctors'] reports, that therapy would be the best option." Akers got the theater job without notifying his employers of his record.

Still, Akers complied with the terms of his probation and even received counseling, says Sheriff Darren White, whose office monitored Akers. "The bottom line is that he should never have been free to begin with," says White. Last August Albuquerque passed Marissa's Sunshine Law, which requires sex offenders on probation to notify employers of their criminal past.

Meanwhile, Marissa's shattered classmates say losing their friend—a vivacious high school junior who made her own clothes and wanted to be a dolphin trainer—has made them less open to the world. "I am in fear for my life," says her best friend Chelsey Stephens. "There are animals out there."



**THE PREDATOR**  
Dominic Akers "was considered a high-risk offender," says an Albuquerque law official.

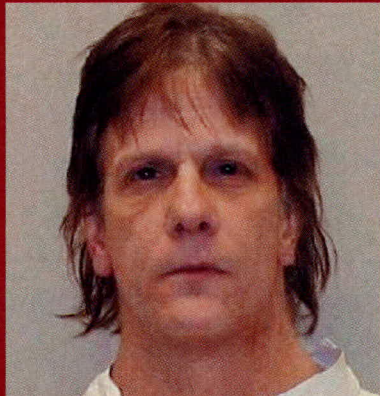


**THE VICTIM**  
"For being 16, she got a lot of living in," a friend says of Marissa (in '03).

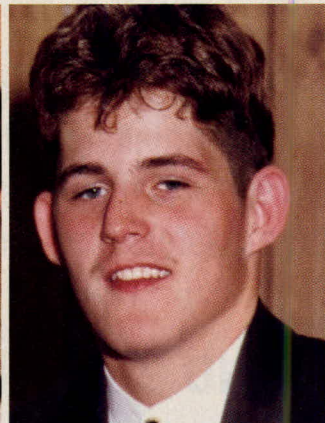
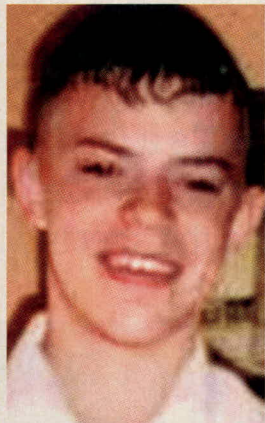


**THE FAMILY**  
"There should be no second time," says Marissa's mother, Erica (with her daughter's ashes). "Every week we're losing our kids."

## HE HAD KILLED BEFORE BUT WAS FREED TO KILL AGAIN



**THE PREDATOR** "It was like I was trapped inside of me and someone else was trying to kill," David Maust (in 2003) wrote in a police statement.



**THE VICTIMS** Maust allegedly killed Nick James (right) in May 2003, before murdering Mike Dennis (left) and James Raganyi in September '03, after the two friends ran away from home. "He let them drive his car, gave them money, bought them food," says Bartley Liberty, the boyfriend of Mike's mother. "He groomed them all summer."

**M**urder was never far from the mind of David Maust. By the time he was 30 he had killed two teenagers and given police an 87-page statement describing his lust for violence. Yet even after receiving a 35-year sentence in 1994, Maust was free

and living without supervision in Hammond, Ind., last summer when he befriended Mike Dennis, 13, at a city pool. In December police say they found Mike's body and two others entombed in a concrete slab in Maust's basement. Maust, 49, is awaiting trial for murder.

"Nice, huh?" says Bartley Liberty, who lives with Mike's mother, Holly Gilkison. "They give a murderer a pool pass to go look for more kids."

Maust was 20 and in the Army when he killed a teenager while stationed in Germany. Yet because he lied about the circumstances—something he later confessed to—he was convicted of manslaughter and served only four years. He killed another teenager in Illinois in 1981 and spent years in mental hospitals before finally pleading guilty and being sentenced in 1994. But his sentence was shortened for good behavior and he was paroled in 1999, before laws banning parole for murderers were passed. "It's disheartening," says Bob Raganyi, the uncle of one of Maust's alleged recent victims, James. "When are we going to wake up and do something about this?"

The case has led Indiana officials to seek a state amendment calling for a mandatory registry for convicted murderers. Such a registry might have helped police keep track of Maust. "This is a cold, hard killer who should have been in jail," says Liberty. "This shouldn't have happened."



**THE FAMILY** "If I go to court, I might go ballistic on the guy," says Liberty (with Mike's mother, Holly, her daughter Allisha and, far left, his daughter Ariana).

## CHEATING DEATH IN JAIL, A FELON DESTROYS A FAMILY



**THE PREDATOR** "I had no problem asking for the death penalty," says D.A. Cassandra Burns of Webb.



**THE VICTIMS** "I can't even say how I survived," says Diane Womble (in 2000 with husband William and daughter Jasmine). "Basically I just block everything out."

Just the mention of Johnny Webb makes Diane Womble tremble. "Every day still feels like I'm living in a nightmare," she says. It's been two years since Webb, a neighbor in the Petersburg, Va., trailer park where Diane lived, abducted her, her husband, Wil-

liam, and their 6-year-old daughter Jasmine at gunpoint. Webb, now 38, marched them to a deserted cemetery. Fearing the worst, William said, "I can't let you kill my family," and yelled at his wife and daughter to run.

Webb killed William, 29, then shot

Diane twice in the head. "The only thing I remember was my daughter screaming," says Diane, now 27. Jasmine, mercifully, was unharmed. Although Webb later said he thought about throwing her off a bridge, he dropped her at his girlfriend's trailer before fleeing. "Johnny was jealous of the Wombles, a happily married family about to move on," says his public defender John Cobb Jr. Webb, on the other hand, had a criminal history, was unemployed and infected with HIV. "There was a lot of tension," says Cobb. "I think he made a snap decision."

Many are outraged that Webb was not still in prison at the time. In 1994 he pleaded guilty to attempted murder for having unprotected sex with two teen-aged girls while knowing he had HIV. To spare the women a trial, Virginia district attorney Cassandra Burns had agreed to a plea bargain sentencing Webb to 10 years in prison. Because he developed AIDS, says Burns, "I fully expected him to die in prison." Now he probably will. In June Webb was sentenced to life plus 58 years for his crimes against the Wombles. But that's cold comfort to Diane. "He is still eating and sleeping," she says, "and my husband won't ever wake up."

FROM LEFT: PROGRESS INDEX; COURTESY WOMBLE FAMILY; ERNEST A. BROWN

## A RAPIST'S LUCK RUNS OUT

Eugene Texter, says Michael Healey, spokesman for Rhode Island's attorney general, "is the luckiest bad guy I've ever seen." Texter had been sentenced to 76 years for sexual assaults he committed in 1988 and 1989, but a series of judicial breaks, clever plea bargains and time off for good behavior reduced his time served to 13 years.

Last September a 14-year-old Narra-

gansett girl was accosted on her way to school. She fought off her attacker, and police arrested a man matching her description: Texter. Now 42, he maintains he is innocent. But because a judge found "probable cause" Texter committed the attack, he was sentenced to 39½ years, the time suspended from his 1988 rape conviction. "He's the classic predator," says Healey. "He's the nightmare."



**THE PREDATOR** "He's dodged so many bullets in terms of jail time," says a Rhode Island official of Eugene Texter (in 2003).

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