KIRSCHKE 9/7/72

1ST LD 154

BY YVONNE PATTEN

LOS ANGELES(CNS)--"I WILL BE OUT BEFORE THE WINTER SNOW FALLS." THAT IS WHAT CONVICTED MURDERER JACK KIRSCHKE PREDICTED TODAY AS HE OPENED A NEW PHASE IN A FIVE-YEAR-OLD FIGHT TO PROVE HIS INNOCENCE.

THE 50-YEAR-OLD EX-DEPUTY DISTRICT ATTORNEY EXUDED CONFIDENCE THAT HE WILL BE RELEASED SOON FROM A LIFE TERM SENTENCE FOR THE 1967 MURDER OF HIS WIFE AND HER ALLEGED LOVER.

KIRSCHKE DISPLAYED THE SAME COCKINESS DURING AN INTERVIEW WITH REPORTERS TODAY THAT HE HAD THROUGHOUT HIS TRIAL.

THE DEFENDANT CONSENTED TO THE INTERVIEW AS HE WAITED FOR A JUDGE TO SET A DATE FOR A HEARING ON HIS ALLEGATIONS THAT HE WAS CONVICTED ON THE WHAT KIRSCHKE CALLED TESTIMONY OF LOS ANGELES POLICE BALLISTICS EXPERT DEWAYNE (CAPS D, W) WOLFER.

"I AM AS CONVINCED AS I EVER WAS THAT THE JUDGMENT WILL BE ULTIMATELY SET ASIDE AND I WILL BE VINDICATED. I DIDN'T DO IT AND THERE HAS NEVER BEEN ANY SUBSTANTIAL EVIDENCE THAT I DID," KIRSCHKE SAID.

HE SAID THAT WOLFER "SAID MY GUN AND NO OTHER IN THE WORLD DID THE KILLING--THAT WAS A FLAT LIE."

THE DEFENDANT, WHO HAS SPENT A TOTAL OF 5-1/2 YEARS IN CUSTODY, CONTINUED HIS CRITICISM OF WOLFER.

"I MYSELF AS A PROSECUTOR USED WOLFR ONCE AS AN EXPERT (WITNESS)," KIRSCHKE SAID.

"I MADE UP MY MIND THAT I WOULD NEVER NEVER USE HIM AGAIN AND I DID NOT," KIRSCHKE DECLARED.

REPORTERS ASKED THE DEFENDANT, "WHY?"

KIRSCHKE REPLIED, "HE WAS DOGMATIC, THE TYPE OF EXPERT WITNESS THAT I AS A GOOD PROSECUTOR COULD NOT USE."

KIRSCHKE SAID THAT WOLFER "IN EFFECT WOULD TELL THE POLICE WHATEVER THEY WANTED TO KNOW," AND ASSERTEDTHAT THE CRIMINALIST HAD DONE SO IN KIRSCHKE'S OWN CASE.

THE HEARING ON THE KIRSCHKE CHARGES -- WHICH CONCEIVABLY COULD RESULT IN REVERSAL OF THE 1963 CONVICTION -- WAS SCHEDULED FOR OCT. 2 BEFORE SUPERIOR COURT JUDGE GEORGE M. DELL. PRE-HEARING CONFERENCE WAS SET FOR SEPT. 18.

AMONG OTHER THINGS, KIRSCHKE CLAIMS THAT WOLFER PERJURED HIMSELF IN HIS BALLISTIC TESTIMONY.

THE DEFENDANT SAID THAT THE DEFENSE'S CRIMINALIST, WILLIAM HARPER, HAD SUBMITTED THE BALLISTIC EVIDENCE TO OTHER BALLISTIC EXPERTS.

"THEY ALL SAID MR. WOLFER WAS AS FULL OF BALONEY AS A [illegible] [illegible]," KIRSCHKE SAID.

KIRSCHKE WAS CONVICTED OF THE SHOOTING DEATHS OF HIS WIFE, ELAINE, 43, A PROMINENT FASHION DESIGNER, AND A MAN DESCRIBED AS HER LOVER, ORVILLE WILLIAM DRANKHAN, 41, A LONG BEACH INDUSTRIALIST.

THEY WERE SHOT TO DEATH ON APRIL 8, 1967 IN THE BEDROOM OF THE KIRSCHKE'S HOME IN THE FASHIONABLE NAPLES SECTION OF LONG BEACH.

DURING TODAY'S INTERVIEW, REPORTERS ASKED KIRSCHKE WHAT IT WAS LIKE BEING INCARCERATED.

"IT IS IMPOSSIBLE TO COMMUNICATE THAT TO YOU," HE REPLIED.

HE SAID THAT PRISON IS AN EXPERIENCE THAT IS "PRIMARILY AN EMOTIONAL ONE AND A PRIVATE ONE."

COUNTY JAIL, HE SAID, WAS EVEN WORSE. COUNTY JAIL IS A "MAD HOUSE, ABSOLUTE BEDLAM."

ACCORDING TO THE DEFENDANT, PRISONERS IN AN ACTUAL STATE PRISON ARE "SETTLED DOWN." BUT, HE SAID, "HERE (COUNTY JAIL) THEY'RE LIKE WILD ANIMALS."

KIRSCHKE WAS ASKED WHAT HE WILL DO IF HE IS FREED.

"WIGGLE MY TOES IN THE SUN," HE REPLIED.

SHE SAID HE HOPED THAT HE HAS BEEN OFFERED A JOB WITH A LOS ANGELES MORTGAGE BANKING CONCERN.

"IT IS OPEN TO HIM AS OF THE TIME I GET OUT," HE SAID.

HE SAID HIS FRIENDS AT A LONG BEACH YACHT CLUB HAVE NOT FORGOTTEN HIM. EXPLAINING THAT ONE MEMBER COMES TO SHARE LUNCH WITH HIM ONCE A MONTH.

KIRSCHKE HAS TWO CHILDREN--A SON, DOUGLAS, 29, AND A DAUGHTER, MRS. MERRYL STACY, 27.

KIRSCHKE COMMENTED THAT HIS SON IS CAPTAIN SERVING WITH THE FIRST MARINE AIR WING IN BIEN HOA, IN VIETNAM.

HE SAID HIS DAUGHTER, WHO HAS TWO SONS, IS LIVING IN VERMONT.

A REPORTER ASKED KIRSCHKE WHO HE THOUGHT WAS RESPONSIBLE FOR THE MURDERS.

KIRSCHKE REPLIED THAT IT WAS SOMEONE WHO WAS "ANIMUS AGAINST ELAINE; SOMEONE WHO WAS ANIMUS AGAINST BILL; OR SOMEONT EHO IS IN NEITHER OF THESE CATEGORIES."

AT THAT POINT IN THE INTERVIEW, KIRSCHKE WAS ORDERED BY THE BAILIFF BACK INTO THE COURTROOM LOCKUP.

(INCLUDES PREVIOUS)

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