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Judge rules for victims' families

After an inventory of BTK killer Dennis Rader's belongings, the property will be released to the families of his victims.

BY RON SYLVESTER
The Wichita Eagle

Mark Hutton likes the ending to the case that made Milwaukee infamous:

"Maybe we should do what they did with Jeffrey Dahmer's belongings with Dennis Rader's," Hutton said, comparing the Wisconsin serial killer and cannibal to Wichita's BTK Strangler.

Hutton was thinking out loud about the options left by a judge's ruling Friday morning that ultimately will give Rader's personal belongings to the families of the 10 people he killed.

In Milwaukee, Dahmer's belongings -- including knives, drug syringes and the refrigerator he used to store body parts -- were awarded by a judge to the families of his victims. A businessman bought the lot for more than \$400,000; the families got the money.

Then the items were burned.

"Something like that might purge the black hole that's been left in Wichita," Hutton said.

Rader's property includes handcuffs and ropes, and the guns and knives Rader used to "bind, torture and kill." It includes his bondage pornography, detailed notes of his murders, gruesome photographs he took of some of those he killed and diaries of the sexual satisfaction he received from the murders.

Hutton said the families want to ensure that Rader doesn't get the items back and that someone else won't profit from their sale.

Friday, Sedgwick County District Judge Timothy Lahey ordered the sheriff's department to inventory the property, and hold it until it is released to the families.

Hutton said family members would meet with their lawyers in order to reach an agreement on what to do with Rader's property, then notify the judge.

In all, the family members have filed nine lawsuits against Rader, each asking for at least \$75,000 in damages for wrongful death and personal injury.

Rader didn't appear to understand what was happening during Friday's proceeding, as he spoke in his rambling manner by telephone from the El Dorado Correctional Facility.

"Are these all the lawsuits? The ones about \$75,000?" Rader grumbled.

Lahey patiently explained that Rader's ex-wife also wanted to intervene to protect her interests in the family house awarded to her in her divorce. Paula Rader didn't attend the hearing, but was represented by her lawyer, Jim Walker.

And then there was discussion about Rader's stuff: some hidden in the house he had shared with his wife and their two children, some in his office at Park City Hall, where he worked as the compliance supervisor.

Hutton had filed a temporary order to hold Rader's property, including evidence of the BTK killings presented at sentencing last week and other evidence collected by police.

"I got those papers," Rader said. "Don't know what happened to that."

Lahey replied: "The court intends to grant that motion today."

Rader said he knew that a friend he made in jail, Kristin Casarona, had sent her lawyer to try to recover letters the two of them had exchanged during her research for a book on him.

That lawyer would deal with his case, too, Rader said.

But her lawyer, Val Wachtel, shook his head no. Wachtel, who has represented convicted murderers Stanley Elms and Reginald Carr, indicated he had no intention of adding Rader to his list of clients.

Lahey said he would take up Casarona's interests in a hearing next month.

The judge also said he would consider a request from Walker to make sure Dennis Rader's property was surrendered in a way that protected the privacy of Paula Rader and her children.

Lahey also said Rader would be getting notice in prison of the exact amount that Carolyn Hook would be asking to collect in the name of her murdered mother, Marine Hedge.

Rader faces a quick end to the lawsuits. He is representing himself in the cases, but he's already missed the required deadlines for filing answers to six of the suits. Now, Lahey could simply rule in the families' favor without further proceedings.

"Since you're defending yourself, I want you to know that you are held to the same standards as any attorney," Lahey told Rader. "It is not the function of the judge or the other lawyers to give you advice."

Lahey told Rader he would have to initiate the telephone calls to participate in future hearings and pay for all calls contacting the court or other lawyers involved.

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Families want control of Rader's belongings

BY RON SYLVESTER
The Wichita Eagle

As Wichita recoiled over the often graphic and disturbing testimony given during Dennis Rader's sentencing as the BTK Strangler, the families of his victims were filing court orders behind the scenes to seize his personal property.

Sedgwick County District Judge Timothy Lahey signed a temporary order filed by lawyer Mark Hutton to hold all of Rader's personal effects, including the \$63 he had in his Sedgwick County Jail account, and two boxes that he'd hoped to mail out of the jail before leaving to serve his 10 life sentences in prison.

"We froze his assets," Hutton told The Eagle on Friday.

If made permanent, the order would allow the family members of Rader's victims to make money off his property as a way of collecting on any judgments in the many wrongful death lawsuits that are pending against the serial killer.

Because convicts can request that their property be returned after their court cases are complete, the order would also serve to ensure that he never gets his hands on items used in his sexual fantasies.

Similar actions have been taken on behalf of people harmed by Ted Kaczynski, the so-called Unabomber, and Milwaukee serial killer Jeffrey Dahmer.

Hutton said Friday that privately he'd received support from members of law enforcement who heard of his filing.

"Further, I have been told that Dennis Rader yesterday was more upset at me when we served him the order during a break than (about) what was happening in the courtroom," Hutton said. "My clients are quite happy that their lawyer was taking control of this control freak."

Hutton is seeking to have the order made permanent in a hearing scheduled for Aug. 26 before Lahey.

Although Rader is representing himself in the wrongful death lawsuits filed by the family members, he's not expected to be allowed to leave prison to attend the court proceedings.

If the families' requests are granted, they would take possession of all property, including evidence used against Rader in his criminal case. Those items could be sold or become part of negotiations for rights to make books or documentaries.

The order would include the contents of what Rader called his "mother lode," and his "BTK lair" -- a file cabinet he kept in his office as compliance officer at Park City Hall. There, police found notebooks chronicling his killings, drawings of his sexual fantasies of bondage and death, plans for torture chambers and other macabre materials.

It would also include items seized from the home he shared with his wife and children in Park City, such as index cards with clippings of lingerie and swimsuit ads, scrawled with sexually explicit descriptions.

"He's like a kid with a sandbox, and he likes to have control over all of his toys," Hutton said of Rader. "And we took his sandbox away from him."

Hutton visited with Rader in jail about a week before sentencing. Rader refused to negotiate.

"Surprise, surprise, he was very arrogant towards my clients," Hutton said.

When Hutton returned Tuesday, on the eve of sentencing, Rader refused to talk. But Hutton learned of the two boxes Rader had addressed to a west Wichita residence.

In the affidavit to Lahey, Hutton wrote: "I learned that in the absence of an immediate order attaching these boxes and the defendant's personal property currently housed in his cell, the sheriff's office will send these boxes to the intended recipient immediately after the sentencing hearing."

In an accompanying affidavit, Kevin Bright -- who was shot by Rader in the fatal attack on his sister Kathryn -- said he was afraid that Rader might make money for himself.

Hutton also served copies of the order to Judge Greg Waller, who sentenced Rader, the Sedgwick County district attorney's office and the public defender's office, who all have possession of evidence.

In July, a federal appeals court ordered the government to turn over the personal effects of Kaczynski in the Unabomber case. The court ruled that the items could be best used to help raise money to aid victims.

Such actions aren't without controversy, however.

Milwaukee shuddered when family members gained possession of property from cannibal Dahmer.

Fearing continued adverse publicity for the city of Milwaukee, a businessman agreed to buy Dahmer's property for \$407,225.

A truckload of Dahmer's items was then destroyed.