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## Convicted Molester Still Insists He Is Innocent : Look of a Jury Triggered Ex-Prosecutor's Long Flight

November 02, 1987 | ROBERT W. STEWART | Times Staff Writer

In his 20 years with the Los Angeles County district attorney's office, Harvey W. Harper learned to recognize the look of a jury bent on conviction. It was a look he spotted 21 months ago in an Ontario courtroom, where Harper, himself, was on trial for molesting his two daughters.

"There is something that trial lawyers develop. I don't want to call it a sixth sense, but you learn to be able to read juries, and I could see the jury was aghast," Harper said last week in an interview at the San Bernardino County Jail.

### Arrested in Colorado

Harper has been held there, awaiting trial on a felony fugitive charge, since his arrest in Colorado a month ago ended a 20-month flight from California authorities.

When the Ontario jury announced it had reached a verdict that day in January, 1986, a bailiff told the former prosecutor to contact his lawyer. Harper, who was free on bail, made the telephone call and then, minutes before the jury found him guilty, disappeared.

"I was afraid, you know. I was afraid," Harper said in the interview.

In the months that followed his disappearance, Harper, 52, made his way from Ontario to Pueblo County, Colo., where he found work in a law office and a hospital, transcribing doctors' tape-recorded notes for \$6 an hour.

According to Pueblo County records, he was married for a third time on Valentine's Day, 1987, to a woman believed to have a 9-year-old daughter. After a months-long search coordinated by the FBI, Harper was arrested in Pueblo on Sept. 25 while he was driving to lunch with a blind co-worker and another man.

In the jail interview, his first since his arrest, Harper declined to discuss the time he spent as a fugitive.

"I'm being prosecuted for flight, and the officers asked me questions about it, and I respectfully declined to answer them," he explained.

But in the combative tones of a prosecutor, Harper emphatically reiterated his assertion that he was unjustly convicted of molesting his daughters on the strength of tainted testimony.

"It's a wrong verdict. I didn't do those things," said Harper, who wore the gray-green jump suit of prisoners who are kept in protective custody. He apologized for the gray stubble that covered his face, saying he has not been permitted the use of a razor.

### Blame Put on Wife

Harper blamed his conviction largely on his estranged second wife, Carrie Harper, whom he referred to as "treacherous," and who, Harper said, manipulated the account of the alleged molestations given by his youngest daughter. She is now 17 and living in a foster home.

Harper's oldest daughter, now 23 and living on the East Coast, also testified against him at the trial. He was found guilty of one count of attempted incest involving the older daughter and four counts of lewd conduct with the younger daughter, who was under 14 at the time.

Harper said publicity that had attached to other child molestation cases contributed to his troubles.

"I don't want to cry and sound like a big baby, but keep in mind that during this period of time, there were a lot of accusations made against people," he said.

### 'Big Case'

Referring to the controversial investigation of alleged molestations at the McMartin Pre-School, Harper said: "We had that big case going on in Manhattan Beach, it was in the a paper all the time. . . .

"This was a big thing, and here I was a prosperous guy, sitting there in a suit . . . and I wasn't falling down weeping in my chair, and I'd look everybody in the eye. That's the way I am. And people either accept that, or they think I'm a big north end of a horse going south, and I think the jury figured the latter."

He said the prison sentence of 14 years and four months that he received in absentia is disproportionately harsh.

"I was not accused of having weapons, I was not accused of using force or violence, I was not accused of hurting anyone," Harper said.

Referring to convicted rapist Lawrence Singleton, whose parole last spring set off a firestorm of protest, Harper said:

"He raped (his victim), he beat her up, he used weapons on her and then he cut her hands off. . . . He didn't get 14 years. What did he get? A hell of a lot less."

Singleton served eight years of a 14-year sentence.

#### Partial Account

Despite Harper's reluctance to discuss his life as a fugitive, The Times pieced together a partial account of his odyssey from interviews with law enforcement sources and Colorado residents who knew Harper as William Howard Boger.

Harper arrived in the Pueblo area in November, 1986, apparently after living for a time in New Mexico, according to a law enforcement source who asked not to be identified.

For a time, he lived in Colorado City, a town of 1,000 about 30 miles south of Pueblo. According to local records, a man calling himself William Howard Boger, who was later identified as Harper, applied for a marriage license at the Pueblo County clerk's office last Feb. 4. He gave his age as 40.

The name of the bride-to-be was listed as Kathleen Wessell, 28, of Colorado City. According to records, the couple was married 10 days later in the First Baptist Church. A clerk in the office said a man identifying himself as an FBI agent asked to inspect the marriage records about a month ago, saying he was concerned about Wessell's 9-year-old daughter.

In the late spring, Harper was hired as a transcriptionist at St. Mary-Corwin Hospital in Pueblo.

#### Never Met Wife

"He did very well," said Cathy Dodds, 32, director of medical records at the hospital. "He said to me that he was a writer and worked at home and had a computer there he typed on. His wife was up here a few times, but I never met her.

"Around me, he was kind of quiet and reserved," said Dodds, who added that Harper worked mainly weekend and evening hours. "He was always very polite."

When Harper's co-workers read of his arrest, Dodds said, "We were rather shocked, to say the least. Kind of disgusted."

Harper also worked part time at the law firm of Pueblo attorney J. E. Losavio, a law enforcement source said. The manager of Losavio's office on Friday declined comment on the report.

Harper is scheduled to appear in Ontario Municipal Court on Nov. 9 to answer charges that he fled from the jurisdiction, said Deputy Dist. Atty. Kenneth J. Melikian, who prosecuted Harper two years ago. If convicted, the former Los Angeles County prosecutor could receive up to eight additional months in prison, Melikian said.

#### Fugitives Returned

In the interview, Harper said he believes that he is being treated differently than other fugitives, many of whom, he contended, are returned to the jurisdictions they fled without facing additional criminal charges.

But Melikian disagreed.

"Anyone who committed this type of crime, who had a 2 1/2-month trial, who was gone for 20 months and literally took the resources of the FBI to apprehend would face these kind of charges," he said. "We would file on anybody under these circumstances."