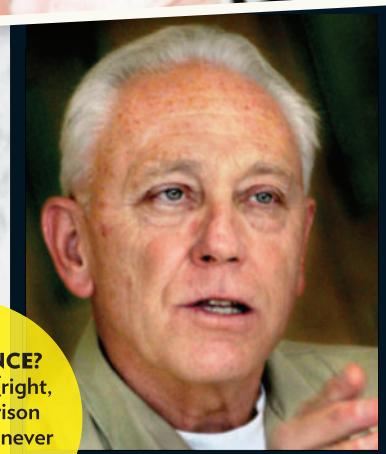




THE VICTIM

Colette and Jeffrey in Fort Bragg in 1969.



**HIS
LAST CHANCE?**
MacDonald (right,
in federal prison
in 2004) has never
stopped proclaiming
his innocence.



FATAL VISION MURDERS

COULD HE BE INNOCENT?

Forty-two years after the brutal murders of his pregnant wife and two daughters gripped the nation, Jeffrey MacDonald is back in court fighting for a new trial

The former Green Beret surgeon now known as Inmate 00131-177 shuffles slowly into a federal courtroom in Wilmington, N.C., his gait hampered by the shackles hanging around his ankles. At 68, the once stunningly handsome Jeffrey MacDonald is now gaunt, his hair snow white and thinning, his subdued demeanor a stark contrast to the cocky swagger he favored as a young Ivy League-educated physician. “The years,” says defense attorney Wade Smith, who hadn’t seen his former client in two decades, “have taken a toll.”

What hasn't changed one iota is MacDonald's unflinching claim that he did not murder his wife and two young daughters 42 years ago at their home in Fort Bragg, N.C. In the decades since he was convicted in 1979 of the three deaths, hit with three life sentences and packed off to a medium-security federal prison, where he works in food services, MacDonald and his controversial case have remained alive in the public imagination. First came Joe McGinniss's best-selling *Fatal Vision* and a TV miniseries, which nailed MacDonald for the murders. Now a new book by acclaimed documentarian Errol Morris, *A Wilderness of Error*, is making a forceful case for MacDonald's innocence just as he heads back to court to present new material that he hopes will overturn his conviction.

"There is no evidence linking him to the crime," Morris told PEOPLE. Why, all these years later, do Americans still care? "Most of us would like to believe that a father would never do such a thing," says psychologist Martha Stout, author of *The Sociopath Next Door*. "So when MacDonald continues to say he didn't do it, it really catches us by the throat."

Many of the primary players have died since the grim morning when military police entered MacDonald's home to find his wife, Colette, 26, and their two children, Kimberley, 5, and Kristen, 2, slain, brutally stabbed dozens of times. Though MacDonald claimed four intruders were responsible, he was convicted in part because his wounds were minor compared with those of his family. But now MacDonald has a legion of supporters, among them the North Carolina Center on Actual Innocence and Kathryn MacDonald, 51, who married him behind bars in 2002. His ammunition? Intriguing DNA evidence—unidentified hairs found on Colette's leg and under Kristen's fingernail—and statements from witnesses who say a prosecutor intimidated a woman into not testifying

THE TRIALS of JEFFREY MACDONALD

THE CRIME SCENE

FEB. 17, 1970

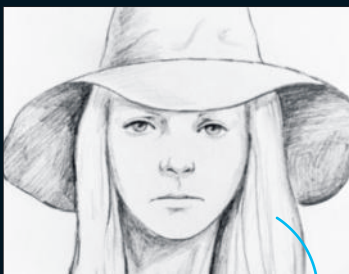
MacDonald's apartment in Fort Bragg (right) and his daughters' bedroom (below).



A PUZZLE

THE WOMAN IN THE FLOPPY HAT

Artist sketch of the woman MacDonald described (top) to police the night of the murders and Helena Stoeckley (bottom right) at MacDonald's 1979 trial.



IN CUFFS

AUG. 28, 1979

MacDonald (front, right) being escorted to court in Raleigh, N.C., during his trial.



DUELING BOOKS

Joe McGinniss (left), author of *Fatal Vision*, believes MacDonald is guilty. Errol Morris (right), author of *A Wilderness of Error*, says he's innocent.

FATAL VISION THE MINISERIES

1984

Gary Cole played MacDonald in the TV sensation watched by 30 million viewers on each of its two nights.





**THE
CURRENT WIFE**

"Jeffrey is the best person I've ever known," says Kathryn MacDonald.



**THE
LAWYER**

Gordon Widenhouse, MacDonald's attorney, says "no reasonable juror" who heard the new evidence would find MacDonald guilty.

truthfully at the trial in 1979. Colette's brother Bob Stevenson, 73, furious about MacDonald's latest bid for freedom, says, "They drag the same 'new' crap out of the old sewer."

New or not, the courtroom testimony has been dramatic, most of it centered around "the woman in the floppy hat," who MacDonald has always claimed broke into his home

with three men on Feb. 17, 1970, chanting, "Acid is groovy, kill the pigs." Long since identified as Helena Stoeckley (a troubled drug addict who died in 1983), she seemed to be speaking from the grave last week as witness after witness recounted snippets of conversations with her. "She was there that night," testified Sara McMann, who befriended Stoeckley

six months before her death. "She said, 'The men that did it, they asked me to go along.'" Her voice rising to a screech, McMann said, "I know as well as I'm sitting here today that Jeffrey MacDonald is innocent!" Wendy Rouder, a defense assistant at the 1979 trial, recounted how Stoeckley had described a "rocking horse" in the MacDonald home and remembered

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STILL A MYSTERY
Debate continues to rage over whether MacDonald is a victim or a villain.

holding a candle that she said "wasn't dripping wax; it was dripping blood." Other testimony charged that prosecutorial shenanigans had blocked Stoeckley from making public what she frequently, but inconsistently, stated in private: namely that her boyfriend at the time, now-deceased Greg Mitchell, and two other men committed the murders. MacDonald's former attorney Smith testified that in 2005 he learned from U.S. Marshal Jimmy Britt (since deceased) that then-prosecutor James Blackburn told Stoeckley "that if she made those statements, he would indict her for murder." Helena's brother Gene Stoeckley read from a 2007 affidavit signed by their now-deceased mother: "[Helena] told me she was afraid to tell the truth because she was afraid of the prosecutor."

Blackburn, who was later convicted of 12 felonies on unrelated charges, denied threatening Stoeckley. Under oath, he recounted, "I said, 'Helena . . . were you there?' She said to me, 'No, I was not there.'" Also testifying for the prosecution, retired FBI agent Frank Mills Jr. said, "She felt a lie would be more believable than the truth,

“IN MY VIEW THERE IS A REASONABLE DOUBT HE DID IT. ONLY JEFFREY MACDONALD AND GOD KNOW FOR SURE”
—WADE SMITH

MICHAEL WILLIAMSON/THE WASHINGTON POST/GETTY IMAGES

which was simply she was so high on drugs she had no recollection.”

Long-awaited testimony from *Fatal Vision* author Joe McGinniss didn't disappoint observers. Calling MacDonald, his onetime friend, a "psychopath," he said on Sept. 21, "It was a tough fight between my head and my heart." The hearing, which may not yield a decision for months, will be MacDonald's last chance to sway public opinion, McGinniss told reporters. "When he loses here, which he will, it will be the end of him."

But attorney Smith says that after his Sept. 17 testimony, he was flooded with calls from potential witnesses, something he's never experienced during a high-profile case. Whether it was MacDonald or somebody else who butchered his family, Smith says, "this is a case of absolute darkness, the ultimate darkness you can imagine." As a result, he predicts, it will continue to be "endlessly fascinating and mesmerizing."

By Nicole Weisensee Egan with **F.T. Norton** and **Sara Wood** in Wilmington



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WHAT IS THIS LAWSUIT ABOUT? Plaintiffs claim that Bayer overcharged consumers for Bayer® Aspirin With Heart Advantage and Bayer® Women's Low-Dose Aspirin + Calcium ("Combination Aspirin Products") or that these products should not have been sold, because these products were not FDA-approved, could not provide all advertised health benefits and were inappropriate for long-term use. Bayer denies it did anything wrong. The Court has not decided who is right and who is wrong.

WHAT ARE THE TERMS OF THE SETTLEMENT? Under the terms of the proposed settlement, each Settlement Class Member who submits a valid claim may be entitled to money. Bayer has agreed to make payments totaling \$15,000,000.00 to settle Plaintiffs' claims, including attorneys' fees and costs. For more details, write to the address or visit the website identified below.

ARE YOU AFFECTED? If you purchased either of the listed Combination Aspirin Products in the U.S. for personal, family or household uses within the specific time stated, then you are a member of a Settlement Class. Be sure to visit the website for complete Class Member definitions.

WHAT ARE MY LEGAL RIGHTS? You have a choice of whether to stay in any Settlement Class or not, and you must decide soon—the deadline for exclusion is December 20, 2012.

Stay In: you will be legally bound by the terms of the settlement, and you won't be able to sue Bayer—as part of any other lawsuit—for any claims arising from or related to the marketing or advertising of the Combination Aspirin Products except for any personal injury claims. **To receive benefits from the settlement, you must submit a valid, sworn Claim Form.** The Claim Form must be postmarked, faxed, or submitted online by April 29, 2013. Any member of any Settlement Class that does not timely submit a valid, sworn Claim Form will not be entitled to settlement benefits.

To file a Claim Form, visit www.BayerCombinationAspirinSettlement.com.

Get Out: If you get out, you will not receive benefits from the proposed settlement, but you will keep rights to sue Bayer for these claims, and will not be bound by the terms of the settlement. To be excluded from the Settlement Class, you must act before December 20, 2012. If you wish to be excluded from one or more of the Settlement Classes visit www.BayerCombinationAspirinSettlement.com.

Object: If you stay in any Settlement Class, you can object to the Settlement and must act by February 5, 2013. **WHO REPRESENTS ME?** The Court has appointed Hagens Berman Sobol Shapiro LLP and Douglas & London P.C. to represent the Settlement Classes. You may hire your own attorney, if you wish, at your own expense.

THE PROPOSED SETTLEMENT: The Court, will hold a Fairness Hearing on Wednesday, March 13, 2013 at 10 a.m. Eastern, to determine whether the proposed settlement is fair, reasonable, and adequate and to approve attorney fees and costs. The Hearing will be at the U.S. District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201. If you are a member of a Settlement Class who did not seek to be excluded, you may write to the Court to object to the proposed settlement, and you may ask to speak at the hearing about the fairness of the proposed settlement.

HOW CAN I GET MORE INFORMATION? If you have questions, visit the website below, call 1-877-257-5766, or write to Bayer Combination Aspirin Litigation Settlement, c/o Gilardi & Co. LLC, P.O. Box 808061, Petaluma, CA 94975-8061.

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