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For more on the case, watch *People Magazine Investigates: The Accused*, on Jan. 24 at 8 p.m. and 11 p.m. ET on ID.

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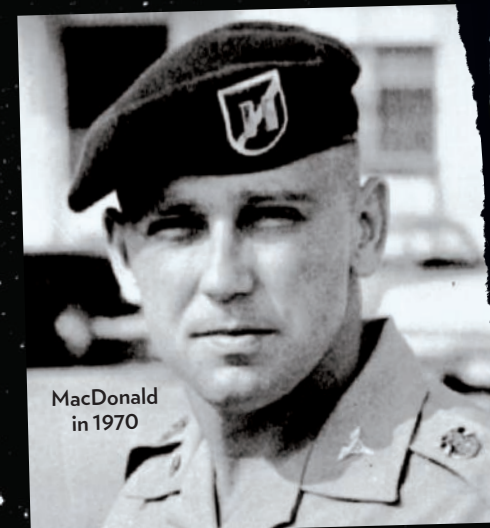


AN INNOCENT MAN?

"I understand that even if the courts say I'm innocent, there will be people who think I got away with murder," says MacDonald (in prison in Cumberland, Md.).

FROM LEFT: SHAWN RUFFIN, AP; MACDONALD FAMILY

THE CASE THAT SHOCKED AMERICA



MacDonald in 1970



Colette with Kristen (left) and Kimberley

DID HE **KILL** HIS FAMILY?

Almost 47 years after the brutal murders of his wife and daughters, former Green Beret surgeon **Jeffrey MacDonald** still insists he's innocent. Now, in an exclusive prison interview, he reveals the evidence he hopes will prove it

BY NICOLE WEISENSEE EGAN

The details of the night his family was murdered are seared into Jeffrey MacDonald's memory. He remembers falling asleep on the living room couch of his three-bedroom apartment in Fort Bragg, N.C., sometime after 2 a.m. on Feb. 17, 1970, and waking up to the screams of his pregnant wife, Colette, and oldest daughter Kimberley. He says he saw two men and a woman standing at the foot of the couch—and another man, wearing an Army jacket, standing beside him. The woman was holding what he thought was a candle and chanting, "Acid is groovy. Kill the pigs." The man in the Army jacket slammed a base-

ball bat into MacDonald's left arm and head. The other two joined in, pummeling and stabbing him as he attempted to rise from the couch, he says—then everything went dark. By the time he regained consciousness and tried in vain to revive his wife, she was dead from more than 37 stab wounds to her face, neck, chest and head. So was 5-year-old Kimberley, who'd been clubbed in the head and stabbed in the throat between 8 and 10 times. Also dead was his 2-year-old daughter Kristen, who had more than 40 knife and ice-pick wounds all over her tiny body. "What on God's earth just happened?" I

thought,” he says, choking back tears. “It was a full-on, live nightmare.”

It’s a nightmare that has continued for decades—with MacDonald at its center. In August 1979 he was convicted of the murders of Colette, 26, and his daughters and sentenced to three consecutive life terms in prison. Thousands of news stories as well as multiple books and movies have depicted the case, casting the former Green Beret surgeon as everything from a narcissistic philanderer and master manipulator to an innocent victim of a botched investigation and unfair prosecution. Through the years MacDonald’s hair has whitened and receded, and wrinkles have lined his once-smooth face—but his story has not wavered. “I am innocent,” says MacDonald, now 73, speaking from the medium-security federal prison in Cumberland, Md., where he has spent 13 of the past 35 years of his incarceration. “I did not murder my family. I have always told the truth about what happened that night.”

Now he believes his defense team has accumulated enough evidence to finally prove it. On Jan. 26, the 4th Circuit Court of Appeals in Richmond, Va., will hear oral arguments on MacDonald’s claim that he is innocent. The new evidence that is part of the appeal was never seen or heard by the jury that convicted him. It includes DNA test results on hairs found underneath Colette’s body and underneath one of Kristen’s fingernails that do not match MacDonald; black wool fibers found on one of the murder weapons (a club) that do not match anything in their home; two long, blonde wig hairs; and multiple confessions made over the years by Helena Stoeckley, a drug addict and narcotics informant for local police, and her then-boyfriend Greg Mitchell that they were involved in the crime. “How could it be possible that Jeff described two intruders, one male and one female, that ultimately matched the descriptions of the two people who confessed to the murders?” asks Hart Miles, one



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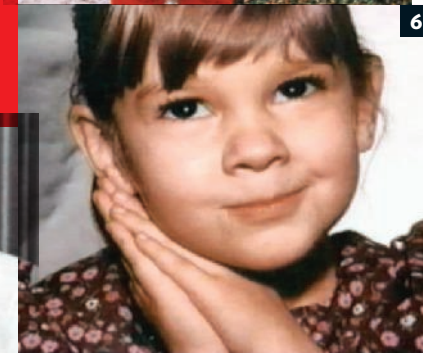


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1. “I loved her,” says MacDonald (with Colette in Patchogue, N.Y., 1962). 2. The pair wed in New York City in September 1963. 3. MacDonald with firstborn child Kim in Princeton, N.J. 4. “We were a happy family,” says MacDonald (playing with Kim, center, and a neighbor’s child in 1967). 5. Kristen at 18 months, 1968. 6. Kim, age 4, 1968. 7. MacDonald with Colette and Kim in 1966.



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CLOCKWISE FROM TOP LEFT: MACDONALD FAMILY (7); BOTTOM, FROM LEFT: THE PATTERVILLE OBSERVER/AP; EXHIBIT IN U.S. V. MACDONALD (2); AP

of MacDonald’s attorneys. Though U.S. Attorney John Bruce declined to comment specifically on the MacDonald defense team’s claims, citing the ongoing nature of the court proceedings, he did reference a lower court’s rejections of these same claims in 2014 and 2015. Says Bruce: “It is our practice to litigate the case in court... rather than through the news media.”

This was not how MacDonald’s life was supposed to go. A star athlete and student who was voted most popular and most likely to succeed at Pat-

‘HOW COULD I POSSIBLY HONOR COLETTE, KIM AND KRIS IF I DIDN’T PROVE MY INNOCENCE?’

—JEFFREY MACDONALD

chogue High School on Long Island, he first met and fell in love with Colette in the seventh grade. “She was like a member of the family,” says MacDonald’s cousin Ricki Franklin, 70. “They were very affectionate, and there was a lot of laughter and gentle teasing between them.”

When Colette got pregnant after their sophomore year in college—MacDonald graduated from Princeton, she attended Skidmore—they got married, tying the knot on Sept. 14, 1963, in New York City. “We were deeply in love,” says MacDonald. The family landed in Fort Bragg in August 1969, where MacDonald, a Green Beret surgeon, settled in at the base while Colette cared for their two girls and started night classes in child psychology. “To Colette and I, it was heaven,” he says. “We were happy.” Says Rick Thoesen, now 72, a medical-supply officer when he met and became friends with MacDonald: “They both explained to me this was the first time they were able to relax and enjoy things.” Colette was soon expecting another child—the couple’s first son. For Christmas MacDonald surprised his kids with a Shetland pony, which they named Trooper and kept at a small farm not far from their home. “Everyone was crying and hugging,” he says, smiling at the memory. “Kris was a firebrand. She loved him immediately. Kim was softer. It took her a while to enjoy being on Trooper.” On the afternoon of Feb. 16, 1970, he took the girls to feed the pony after work. It was the last evening they would have together.

The scene in the MacDonald apartment on the morning of Feb. 17, 1970, revealed a murderous rampage: Both Kimberley and Kristen were lying in their beds with blood-soaked bedding. Kristen still had her bottle next to her mouth. In the master bedroom Colette was on her back on the floor with MacDonald on his stomach beside her. His pajama top was draped across her, and on the headboard of the couple’s bed the word “Pig” was scrawled in blood—sug-

A TIMELINE OF THE CASE

Feb. 17, 1970

Police arrive at the MacDonald apartment to find pregnant Colette, Kim and Kristen stabbed and bludgeoned to death. MacDonald is unconscious and bleeding from wounds on his chest. He tells military police the family was attacked by four intruders.



May 1, 1970

Alleging the crime scene was staged, Army investigators charge MacDonald with murdering his family.



October 1970

After a six-week-long hearing, Col. Warren Rock clears MacDonald and points a finger at local drug informant Helena Stoeckley (above), who has claimed she was at the murder scene.

December 1970

MacDonald appears on *The Dick Cavett Show* and appears untroubled by the murder of his family. Public backlash begins to form.

Jan. 24, 1975

After Colette’s stepfather, Freddy Kassab, files a private criminal complaint against MacDonald, a grand jury votes to indict MacDonald.



July 16–Aug. 29, 1979

MacDonald stands trial. A key piece of evidence is the pajama top he was wearing the night of the murders. Prosecutors say the puncture holes in it don’t support his story. He is convicted and sentenced to three life terms.

Aug. 22, 1980

An appeals court overturns the conviction and briefly frees MacDonald. But 19 months later the Supreme Court reverses that decision, and he returns to prison.





ALONG FIGHT
“The truth matters,” says MacDonald (after the Army cleared him of murder charges).

gesting a chilling similarity to the Manson family murders that had taken place six months earlier in California.

Though MacDonald was the sole survivor of the murders, he was not unscathed: He had been hit on the head and had 17 wounds, one deep enough to puncture his lung. “When I first walked in, I thought he was dead,” says military police officer Ken Mica, who was among the first to arrive on the scene, responding to MacDonald’s phone calls for help. “He went in and out of consciousness. He wanted to get up to see his kids.”

MacDonald was also able to gasp out a descrip-

tion of his attackers, one of whom sounded like a woman Mica said he had seen standing on a corner on the way to the MacDonald apartment. But as the investigation got under way, military police focused their attention on a different suspect: MacDonald himself. Three months later he was arrested and charged with the murders. “I could not believe it,” he says. “I kept thinking, ‘Do they really know anything about our family, the love we shared so openly, and the way we cared for each other?’ I was in shock.”

MacDonald thought he had gotten his life back when the Army dismissed the murder charges against him in October 1970. He moved to Los Angeles and began a career as an emergency room physician. But as the years went by, Colette’s family began to doubt MacDonald’s story, raising questions about the state of his and Colette’s marriage. “It was bumpy,” says Colette’s brother Bob Stevenson, 77. “He was demanding.”

In 1975 a federal grand jury charged MacDonald with the murders. At his 1979 trial they claimed that MacDonald had flown into a murderous rage after arguing with Colette and then staged the crime scene and his own injuries to make it look like intruders had done it. Prosecution experts used the fact that each of the MacDonald family members had a different blood type to map out how they believed the crime must have occurred. Because of where they said his blood was found in connection to each victim, no one but MacDonald could have been the killer. Central to their case was MacDonald’s pajama top, which he said he had used to fight off the attackers. Prosecutors argued that the puncture holes in the top were instead made when MacDonald stabbed his wife through it.

But MacDonald’s defense team argue that the case was botched from the start with a contaminated crime scene and evidence that was withheld from the defense. “I’ve never feared the evidence in this case,” says MacDonald. “I’m fearful of the government’s manipulation of the case.” Richard Fox, a crime-scene expert who

THE KILLERS?
MacDonald described the alleged intruders (in police sketches below) as being between the ages of 18 and 26:



A white male with pockmarks on his cheeks and chin



A white male wearing a cross on a chain around his neck



A black male wearing an Army jacket with sergeant stripes on one sleeve



A white female with blonde hair or a blonde wig, wearing knee-high boots

CLOCKWISE FROM TOP: LEFT: KEN COOKE/THE NEWS AND OBSERVER; EXHIBIT U.S. V. MACDONALD (4); CAROLINE BAKER; BOTTOM: FROM LEFT: PHOTO FET; PHOTOS: TENET/PC; VIC TOI/VILLE; JENNY NEWMAN

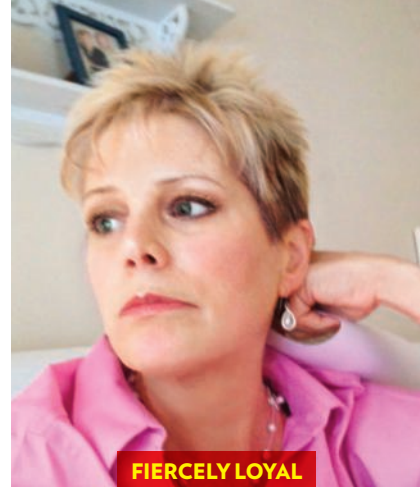
examined the case posttrial, had this to say in a video prepared for MacDonald’s defense team: “The crime scene investigation was . . . a travesty.”

The defense team also contend they weren’t given adequate time to test the evidence themselves—or even notification that some of it existed. “I would have had all the bloodstain evidence retested,” says Dr. John Thornton, MacDonald’s forensic expert at trial. And he says he had no idea about the existence of long blonde wig hairs found in the apartment that night. “I wasn’t able to say, ‘I want to look at that blonde wig hair,’ because we didn’t know there were any blonde wig hairs,” he says. MacDonald claims he discovered additional evidence through Freedom of Information Act requests that he thinks bolsters his version of events. “I found a witness statement no one had ever seen before,” MacDonald says. “It says that morning, somewhere around 5:30 a.m., a neighbor walks into the crime scene and . . . notices a sheet on Colette. I didn’t put the sheet on her.”

Also among the items the defense is presenting at his upcoming hearing: candle wax at the crime scene that doesn’t match any of the candles in the house as well as a bloody palm print on the footboard of the bed that is not MacDonald’s. Says C. Ronald Huff, a criminologist who has been studying wrongful convictions for 30 years: “I believe this will ultimately be regarded as one of the most egregious miscarriages of justice in the modern era.”



Also essential to MacDonald’s claim of innocence are the multiple alleged confessions of Stoeckley and her boyfriend Mitchell. When Fayetteville Police Detective Prince Beasley heard a description of the intruders MacDonald claimed attacked him and his family, he says he immediately suspected the female was Stoeck-



FIERCELY LOYAL
“I am proud to say Jeff is my husband,” says Kurichh. “He is unwavering. He is my hero.”

‘WHO KILLED MY FAMILY? IT WAS NOT ME. THE FACTS NOW SHOW WHO DID KILL MY FAMILY. I SHOULD NOT BE HERE’

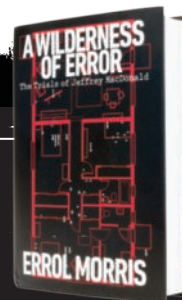
—JEFFREY MACDONALD

ley, who was one of his informants. He’d seen her hours before the murders wearing an outfit similar to the one MacDonald described and in the company of a man wearing an Army jacket. According to a statement he made to the Army’s Criminal Investigation Command (CID) in March 1971, Stoeckley told him that she was at the MacDonald home that night and asked, “Do you want to see my ice pick?”

The CID finally interviewed Stoeckley in April 1971 with mixed results. She told them she was at the MacDonald house but did not participate in the murders. She also said the “hippie element” was angry at MacDonald because “he would not treat them by providing methadone for their drug addiction.” But CID polygraph expert Robert Brisentine concluded that while Stoeckley was “convinced in her mind” that she was there, “her admittedly confused state of mind and her excessive drug use” made it impossible to tell whether she was telling the truth. At MacDonald’s trial she said she could not recall her whereabouts at the time of the murders.

But others still steadfastly believe she was involved in the murders. Stoeckley’s mother gave a statement to MacDonald’s lawyers in 2007 saying that her daughter had confessed to the murders shortly before dying of cirrhosis in 1983. “My sister knew her time was short,” says Stoeckley’s brother Gene, 57. “She told my mom, ‘Jeffrey MacDonald is not guilty of the crimes.’” (Prosecutors say she later told an FBI investigator that her daughter “loved children and could never hurt one.”)

MacDonald’s defense team also points to a 2005 statement by retired U.S. Marshal Jimmy Britt, who alleged that former prosecutor Jim Blackburn threatened to charge Stoeckley with murder if she testified to involvement in the MacDonald killings. (Blackburn, who pleaded guilty to fraud, embezzlement and other felo-



Jan. 9, 1983

Helena Stoeckley dies of pneumonia and cirrhosis after telling her mother she’d been at the MacDonald home the night of the murders.



1983

Fatal Vision, a book about the case that portrays MacDonald as guilty, is published and later becomes a top-rated miniseries (left, clockwise, Karl Malden, Eva Marie Saint and Gary Cole). MacDonald sues author Joe McGinniss, with whom he had cooperated, for fraud. (The case is settled out of court for \$325,000.)

Oct. 21, 1997

The 4th Circuit Court grants MacDonald’s request for DNA testing: 28 pieces of evidence from the crime scene were later tested.



Aug. 30, 2002

MacDonald marries longtime friend Kathryn Kurichh, who became a paralegal to help with his defense. “She’s the most remarkable person I’ve ever met,” he says.

March 10, 2006

DNA results are returned showing three hairs found at the murder scene don’t match anyone in the family—proof of an intruder, says MacDonald.

Sept. 4, 2012

Author Errol Morris makes the case for MacDonald’s innocence in *A Wilderness of Errors*, alleging prosecutors withheld key evidence of intruders.

September 2012

U.S. District Court judge James Fox holds a hearing on new evidence in the case but ultimately denies MacDonald’s request to throw out his conviction.

April 4, 2016

The 4th Circuit Court of Appeals agrees to hear MacDonald’s appeal of the lower court ruling. Oral arguments are set for Jan. 26, 2017.



DRIVE AND FOCUS

"It consumes your life," says MacDonald of his case. "I believe this appeal is finally going to be successful."

nies in an unrelated case in 1993, denies this, and prosecutors maintain that Britt gave conflicting statements about Stoeckley.) Stoeckley's boyfriend Mitchell, who matched the description MacDonald provided of one of the intruders, also allegedly confessed many times before his death in June 1982. "Greg just started crying and said to me, 'Jeff is not the one that killed his family. We did it,'" says Donald Buffkin, 58, a friend of Mitchell's who came forward in May 2003. "I think he knew he was sick and didn't want to carry it with him." (Mitchell denied his involvement in the murders to the CID in 1971.)



Even MacDonald's lawyers admit that the outcome of their upcoming appeal is far from certain. The defense team has to prove that in light of new evidence, no "reasonable fact finder" looking at the "evidence as a whole" would have found him guilty. Those who helped get MacDonald's conviction (including two of the original jurors from the case) say none of what they've heard changes their mind about his guilt. "I won't tell you that Jeffrey MacDonald committed the murders," says ex-prosecutor Blackburn. "I can only tell you that someone in that house wearing his pajama top, with his blood type, with his footprints, killed those people. Everything that's come out since then hasn't really contradicted



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the physical evidence of the case." Adds Bob Stevenson, Colette's brother: "Someone once asked me when this will be over. The answer is very simple. When he's dead and I'm dead. He's never going to say that he's guilty."

For much of the 37 years of his incarceration, MacDonald has had, for the most part, the same routine. He rises at 5:30 a.m., eats breakfast at 6, teaches GED classes from 7:30 a.m. to 2:30 p.m. with a lunch break in between, has dinner around 5 p.m. and then, most evenings, pores over the latest batch of legal documents from his criminal case. He is usually asleep by 11 p.m., he says, unless he is working on something for the case. In 2002 he married longtime family friend Kathryn Kurichh, 56, who now runs a website (themacdonaldcase.org) dedicated to proving MacDonald's innocence. He could be out of prison on parole right now if he had admitted his guilt—something he will never do. "I believe it is ending," he says. "I believe the critical mass of evidence of actual innocence has been accrued now. And that I will be going home."

On the inside of the front door of the Columbia, Md., home Kurichh hopes to share with her husband one day is a sign that says, "Never, never, never give up." It is a mantra MacDonald says he believes. "My goal is to walk out of prison a free and vindicated man—not just a free man," he says. "I won't go any other way." ●