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NANCY GRACE

Railroad Killer Faces Execution; Texas Authorities Search For Missing 2-Year-Old Boy

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NANCY GRACE, HOST: Tonight: Will a last-minute appeal in Texas derail the execution of one of the most prolific serial killers in U.S. history? Fifteen murders that we know of. Angel Resendiz's lawyer is making a last-ditch effort, taking it all the way to the U.S. Supreme Court. Victims' families fighting back, as the clock is ticking, vigils outside the courthouse and the jail.

And, tonight: A 2-year-old Texas boy goes missing from a suburban park, Houston -- volunteers, tracker dogs, police, searchers, all combing a 25-acre wooded park and the surrounding neighborhood for this little boy, Eli.

And, tonight, we are taking your calls.

But, first, tonight: Will a Texas jury's decision be thwarted by last-minute defense appeals for a serial killer?

We go live to Texas.

(BEGIN VIDEO CLIP)

ANGEL RESENDIZ, DEFENDANT: The police officer lied under oath. I don't think it's right that Ranger Carter, he lied under oath.

(END VIDEO CLIP)

GRACE: Straight out to Michael Shiloh, investigative reporter, joining us out of Texas.

Michael, for those not familiar with Resendiz Resendiz's record, I mean, when you take a look at the manner in which he killed so many people, it's shocking.

MICHAEL SHILOH, INVESTIGATIVE REPORTER: It is absolutely shocking.

And the -- the amazing thing about it is, here as a man who actually believes he is the angel of death from Revelations in the Bible. He says that, once they put him to death, he will resurrect himself within three day, refreshed and ready to go on, what, perhaps another search for evil? because that's how he's killed these people.

In his own mind, he says he was feeling evil from these victims. And that's what he says compelled him to pick up just about anything that was nearby and kill them.

GRACE: Well, wait, wait, wait, wait.

Michael, let me get this straight. Resendiz says he was feeling evil emanating from his victims?

SHILOH: From his victims; that's right.

GRACE: OK.

Hold on. Let's just go through some of the victims. I have got a huge, fat file listing all of the victims we have got on young ladies that were raped and murdered. We have a 73-year-old woman. We have a preacher -- thank you, Ellie (ph) -- a preacher and his wife bludgeoned to death. She was attacked in the home.

You have got a young doctor, Dr. Claudia Benton, with her whole life ahead of her. She was a doctor with

the Claudia Benton, raped, stabbed, beaten. Leafie Mason, 87, beat within a tire iron in her own home. Christopher Maier, he's murdered, girlfriend raped, Maier beaten to death. She survives, testifies.

Isn't the -- the pastor, Reverend Norman, Skip Sirnic and wife, Karen, they were bludgeoned to death. Schoolteacher, just 26, Noemi Dominguez, 73, a grandmother, 73 years old, an 80-year-old man, George Morber.

I mean, I'm leaving out so many people, Michael, right?

SHILOH: Right, and plus the fact that these all occur near railroad tracks, coincidentally, which would be why he's called the Railroad Killer, although, in prison, they like to call him a choo-choo man, as a matter of fact.

GRACE: What?

SHILOH: It's a case of just kind of a simple -- simple case of him being near railroad tracks, and that would be in the wrong place at the wrong time, even in their own homes.

GRACE: Is it true, Michael Shiloh, that this guy is actually claiming he should not be put to death because of mental incompetency?

SHILOH: That's what he and his lawyers are saying, too, yes.

But, then, again, of course, if he's going to be put to death, why should he care, because he can be resurrected within three days, right? That's what he's telling the psychiatrist.

GRACE: Yes. I was reading what he said. And there is a quote, which I will go into later, talking about he's actual immortal. But it's simple trial 101.

John Burris with us, veteran defense attorney out of the San Francisco jurisdiction.

John Burris, correct me if I'm wrong, mental incompetency different from insanity. Insanity is, under the law, you don't know right from wrong at the time of the murders. Incompetency is, very simply, you don't have the wherewithal to aid your defense attorney at trial; yes, no?

JOHN BURRIS, DEFENSE ATTORNEY: Well, absolutely correct.

Certainly, if one is mentally incompetent, there has to be a competency hearing to determine whether you can even stand trial for the charges themselves. Incompetence -- insanity is a defense, is you're guilty by reason of -- but -- not guilty by reason of insanity.

That is a defense that's put forth. In this particular case, it seemed that the insanity defense was in fact used, and then the mental competency question is now being utilized as a basis to determine whether he should be given the -- get death, because the Supreme Court has said, if a person is mentally incompetent or insane at the time, then you will not put them to death.

So, there has been a bit of a switch in that sense. And there's probably some evidence to support either theory at this time.

GRACE: Back to Michael Shiloh, investigative reporter who has been covering this case.

Michael, tell me about what's going down at the jail. Of course, the anti-death penalty people are protesting. They're planning a vigil, so forth, so on. Explain.

SHILOH: Well, they have had people out at the jail. He's been in the Houston area jail for Harris County, undergoing psychiatric tests.

They have now moved him to death row, as it's called, in a town far, far away from Houston, where he will be moved again tomorrow, unless the Supreme Court intervenes. And that will be, of course, for the lethal injection tomorrow night.

GRACE: Elizabeth (ph), let's show the viewers his quote, what he really believes is going to happen to him,

or so he says: "I will sleep for three days. Then my body will disappear, only to reappear in another location."

He will be in another location all right, in hell, yes. This is a guy that we know has killed 15 innocent people, the elderly, the youthful, a pastor and his wife in their own home.

And let's talk about the various modes of death. Elizabeth (ph), do we have a full-screen of all of his lethal weapons that he used? It's absolutely shocking. What I don't understand is how he got away with it for so long.

Michael Shiloh, his lethal weapons that he used on all of his victims, explain.

SHILOH: (AUDIO GAP) something he could grab at the time, whether it was a pickax in one case or a statue in the case of Dr. Claudia Benton here, or perhaps even a sledgehammer in one case as well, just whatever was on hand. And then he would cover up the victims. This was apparently the thread leaking through each of these cases.

GRACE: In fact, in one of his elderly victims, he left the pickax in her head.

SHILOH: Right.

GRACE: Take a listen to -- take a listen to this. This is the verdict.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Mr. Foreman, has the jury reached a verdict?

UNIDENTIFIED MALE: Yes, sir, we have.

UNIDENTIFIED MALE: Would you please pass it to the bailiff?

UNIDENTIFIED MALE: We, the jury, find the defendant, Angel Maturino Resendiz, also known as Rafael Resendiz Ramirez, guilty of capital murder, as charged.

UNIDENTIFIED MALE: Do you have any reason to say, Mr. Resendiz, why I should not go ahead and pronounce that sentence against you today?

RESENDIZ: Umm...

UNIDENTIFIED MALE: Do you have any legal reason, Mr. Resendiz?

RESENDIZ: Yes.

UNIDENTIFIED MALE: What is it?

RESENDIZ: The police officer lied under oath. I don't think it's right that Ranger Carter, he lied under oath.

(END VIDEO CLIP)

GRACE: Yes, yes, yes, the cop lied.

Resendiz, only 5'6", managed to overpower his victims, brutally bludgeon them to death. The reason he's called the railway killer -- well, you know, let's go out to the director of the victims crime unit for the Houston mayor, who has lived through much of this, Andy Kahan, a victims- rights crusader.

You and I have talked many, many times Andy, about this guy, Resendiz.

ANDY KAHAN, HOUSTON CRIME VICTIM ASSISTANCE PROGRAM: Oh, you bet. He's the master manipulator of deceit, whose brazen acts really mirror his -- the fact that he is a cold-blooded, diabolical serial killer.

You know, his delusions grandeur that he's going to come back in three days hopefully is going to be ending tomorrow -- 15 known victims, Nancy, and God knows how many more. And like you said, these were all

people who had considerable attributes to society, schoolteachers, ministers, you name it. And for what?

This -- you know, this is why we have the death penalty in Texas. And it's really shocking and a shame -- and I hope it's something that we get into later -- on how this guy managed to elude authorities for so many and so many years, and how he was convicted umpteen amount of times, deported numerous times, only to keep coming back to the states, and doing what he does back -- doing, essentially, what he does best, and that is killing people.

GRACE: Andy, here is the kicker. All right, everybody, buckle your seat belts. Promise me you got on your crash helmet, viewers.

He's claiming incompetency, that he knows so little, that he can't help his lawyers.

Andy, tell the viewers what this -- how this guy is trying to make money online.

KAHAN: Immediately, when he was taken into custody in Harris County Jail, within a matter of weeks, murderabilia dealers were putting his items up for bid on the various auction sites.

And I had the foresight to actually realize it could actually prove very fruitful, in the event that he did go to trial. And I actually purchased his hair. And I will show you the viewers right here what he was selling right here. This is a very healthy chunk.

GRACE: Hold it up, because we have our conviction clock going there. OK.

KAHAN: OK.

He was...

(CROSSTALK)

GRACE: He sold that online?

KAHAN: He sold his hair. He sold foot scrapings, one of the most repulsive items that I have ever seen.

GRACE: Wait. Wait.

KAHAN: And you know I have been looking at this stuff for years.

GRACE: Wait, wait, wait. You know what? When you first told me that, I was so shocked, Andy. I asked your permission to put it in my book, "Objection," which I did. You mean like a callus off his foot?

KAHAN: It's probably the best way to describe it. I mean, it's written up right now...

(CROSSTALK)

GRACE: And somebody bought it.

KAHAN: They -- they buy it continuously. They buy anything that's got his name attached to it.

He sells autographs. He thought he was so famous that he's put out a quote saying that, I'm famous. If people want to buy my items, whether they be artwork, autographs, foot scrapings, hair, that he wasn't going to do anything for less than \$50.

I was actually subpoenaed to testify at his trial in order to bring his hair, showing that he had the mind-set and the astute knowledge that he could market himself and actually profit off of the infamy that he achieved of murdering innocent people.

GRACE: Take a listen to this.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: It was a very brutal crime to an elderly woman, defenseless woman, lived alone. It --

it -- it was a real surprise and shock to Hughes Springs. If anybody deserves the death penalty, he does.

The palm print found at the scene, crime scene, of Leafie Mason`s murder, matched that of Rafael Hernandez (ph). And we are obtaining a warrant for his arrest at this time.

He`s been a suspect since early May. We -- we did not suspect him, obviously, before that. We had no knowledge of his existence. And we were not totally surprised at the fingerprint match or the palm print match.

(END VIDEO CLIP)

GRACE: Speaking out to the governor of Texas, Governor Rick Perry, don`t do it, Perry. Don`t commute this death penalty -- 15, at least, at least 15 innocent victims lost their lives at the hands of Angel Resendiz.

Let`s go out to the lines, Elizabeth (ph).

Amanda in Nebraska.

Hi, Amanda.

CALLER: Hi.

I have a question.

GRACE: OK.

CALLER: What do you think the likelihood is that his death sentence would be commuted to life? And what would happen to him? Where would he be placed if that happened?

GRACE: Good question.

Let`s go out to Christina Lawson. She`s the director of Victims of Texas. She opposes the death penalty.

Christina, what would happen if he were commuted?

CHRISTINA LAWSON, FOUNDER, VICTIMS OF TEXAS: He would be -- he would receive life without parole.

GRACE: And...

LAWSON: And they would put him in a maximum security.

GRACE: Do you believe, Ms. Lawson, Resendiz should be put to death?

LAWSON: Do I believe he should be put to death?

GRACE: Mmm-hmm.

LAWSON: Well, being that my father was bludgeoned to death on a jogging trail, and I don`t want to see his killers die, I woke up one morning and realized, I am not a killer. I am not like those people on death row. I don`t believe in killing people, no.

GRACE: So, you do not believe he should be put to death. Why?

LAWSON: After my father was beaten to death on a jogging trail, I realized, you know, as a kid -- I was -- I was 9 years old when that happened.

GRACE: Mmm-hmm.

LAWSON: And I realized I am not a killer. I do not kill people.

GRACE: What do you think should be done with him?

LAWSON: I think he needs to be locked away from society. He`s not safe to anybody, and he`s not safe to himself.

GRACE: To Andy Kahan, back to Amanda from Nebraska`s question. What`s the likelihood Governor Perry will commute this?

KAHAN: Well, I -- I got a better chance of growing my hair back than Governor Perry has of commuting the sentence.

GRACE: Well, you know, there is a thing called minoxidil.

(LAUGHTER)

GRACE: And, apparently, it works. So, you know, stranger things have happened.

(CROSSTALK)

KAHAN: This is true.

No, his...

GRACE: I mean, look at Charles Manson, for Pete`s sakes.

KAHAN: Yes, I have got plenty of -- plenty of his hair as well.

But his really only hope lies in the United States Supreme Court. And I know that his attorneys and the Mexican government, who is paying his attorneys -- and God knows what they`re paying them -- to defend him, I know they`re going to be filing numerous appeals. So, I can pretty unequivocally tell you that if...

GRACE: You know, wait, wait, wait, wait, wait, wait, wait, wait.

Look -- look, don`t jinx it just yet, Andy, all right, because victims families are standing by. In fact, we will meet them when we get back.

Let`s go out to Rebecca in Pennsylvania.

Hi, Rebecca.

CALLER: Hi, Nancy. Thank you so much for taking my call.

GRACE: Yes, ma`am.

CALLER: I am a crime victim myself. And -- and you are my voice.

My question is, just what are the families feeling right now? How -- how -- is, what can they do to get justice?

GRACE: We`re going to be meeting some of the victims` families in just a short moment.

But, Elizabeth (ph), do we have Tom with us right now?

Tom?

OK, with us is Tom Konvicka.

Sir, thank you for being with us.

Tom is the son of Josephine Konvicka...

TOM KONVICKA, SON OF MURDER VICTIM: Yes, ma`am.

GRACE: ... who was murdered at the hands of Resendiz.

What are you going through right now, as the clock is ticking?

KONVICKA: Sort of pensive right now. We`re just waiting for the clock to tick down.

GRACE: This is a shot of one of the victims. We will all be right back.

Very quickly to tonight`s "Trial Tracking."

Death penalty handed down for a Florida man convicted in the shooting death of his wife, April Barber, on a Florida beach. Justin Barber took his wife on a romantic beachside walk. She ended up dead. He got four flesh wounds, for which doctors prescribed only antibiotic ointment.

Also, tonight, take two -- retrial for a Texas mom who drowned all five of her children in the family tub -- Andrea Yates` first conviction reversed. Yates, who pled insanity, faces life behind bars if convicted.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Angel Maturino Resendiz has been busy reading and writing letters from his Harris County jail cell. In his letter, Maturino Resendiz says he has no desire to protect himself.

"I do not like the bulletproof vest," he writes. "That is not OK. If a person is going to go to all the trouble to get me, he deserves to get a good chance at his target, so he can release his pain."

(END VIDEO CLIP)

GRACE: There is he, Angel Resendiz, in an American court of law. So far, the tally, 15 innocent victims, victims in their 70s, victims in their 80s, victims in their 20s, even a preacher and his wife, dead, at the hands of the so-called railway killer, Angel Resendiz.

Why? He would hop a train illegally and go to the next town to begin killing there. That is why he seemingly slipped through the fingers, the hands of authorities, but no one could track the railway killer.

Let`s go out to the lines.

Levi in Tennessee -- hi, Levi.

CALLER: Hi, Nancy.

I want to know about these liberal anti-death penalty groups, they`re always holding vigils for people like this guy and Tookie Williams. Why not hold the vigils for people that are actually innocent?

GRACE: You know, that`s an interesting question.

Andy Kahan, nobody is ever holding a vigil for the innocent victim. Why?

KAHAN: Oh, that`s a great question.

We had an actress, Susan Sarandon, that came down a couple years ago, at a fund-raiser for anti-death penalty.

GRACE: Now, hold on. Hold on. Hold on.

KAHAN: Yes.

GRACE: Wasn`t she in "Bull Durham"?

KAHAN: Yes. And...

GRACE: OK. Now, I like her.

What are you going to say about Sarandon?

KAHAN: Well, she was down here at a fund-raiser. And she was purchasing paintings from death row inmates. And we had members of Parents of Murdered Children and Justice For All outside with signs, saying: Susan, how about a benefit for -- benefit for us? How about the victims? How about shedding a tear? How about doing a fund-raiser for them?

You never see it.

GRACE: Well, wait. Well, wait. Well, wait.

KAHAN: It's amazing.

GRACE: Artwork by death row inmate.

KAHAN: Yes.

GRACE: Where did the money go? Big question.

KAHAN: The money went to the death row inmate and his family and to other anti-death-penalty organizations.

GRACE: Let's go out to Brenda in Illinois.

Hi, Brenda.

CALLER: Hi, Nancy.

I was wondering if you could tell me how this guy got ahold of a computer to put his items on sale on the Internet.

GRACE: How in the heck did he do that, Michael Shiloh?

SHILOH: (AUDIO GAP) so far, they have use of computers there in the prison.

GRACE: Oh, pain, pain.

John Burris, what do you think about that? I mean, I know you wear the defense hat, but for a guy on death row to be making money in this manner?

BURRIS: Well, I certainly don't have a problem with people on death row having access to computers, having access to people on the outside world.

There are certainly restrictions in certain places, where you cannot profit as a consequence of the crime that you committed. But I'm not really troubled by any of that. I mean, we're not saying to people that we're going to lock you down and give you no contact.

We ultimately are saying, we are going to -- they're going to kill you. But I don't think that you can then impose a different standard of how you treat people in prison that's substantially different than those who are not -- who are not on death row. So, I don't have a problem with it.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: The Mexican national appears to link himself to more murders. Maturino Resendiz says, in Florida, you can know all about five more cases. So, that makes 14.

(END VIDEO CLIP)

GRACE: Resendiz connected to 15 murders that we know of, eight in Texas, two in Illinois, and Florida,

Kentucky, California and Georgia.

Resendiz set for the Texas death penalty, and there are a slew of last-minute appeals, going all the way to the U.S. Supreme Court. Will Governor Rick Perry commute the conviction?

To Dr. Robi Ludwig, psychotherapist.

This guy never, like, got an apartment or a home, had a job. He -- he seemingly never fit into society.

ROBI LUDWIG, PSYCHOTHERAPIST: Well, he's mentally ill, so he was probably too psychotic...

(CROSSTALK)

GRACE: No one -- he's never been diagnosed as mentally ill.

LUDWIG: Well, if -- if we are to understand what he's saying is accurate, then it indicates he's...

GRACE: No. The courts have already said that's not accurate.

LUDWIG: That's not accurate.

GRACE: No.

LUDWIG: Well, he's completely lawless.

Whatever it is, whatever his personality deficiencies are, it interferes with him being able to function within society. So, you need to have a job. You need to pay rent. You need to be able to find a place where you can live. Obviously, this person can't operate that way. He can't operate within the rules.

GRACE: Let's go to Tammy in Tennessee.

Hi, Tammy.

CALLER: Hello, Nancy.

How come he was let back into the country 17 times, 18 times?

GRACE: You know what? I don't know.

Michael Shiloh, this guy was deported several times. Why? Why does he get back in? Does he get back in illegally?

SHILOH: This points out exactly what -- the trouble we have with the immigration system right now and the lack of border control.

Yes, indeed, he got back in illegally every time, 17 times that we know of.

GRACE: Here is a shot of Resendiz, facing the Texas death penalty in less than 24 hours.

The big question now: Will Governor Rick Perry commute the death penalty?

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Ranger Sergeant Carter (ph) and Sergeant Bryan Taylor (ph), who is also a ranger, first went to Albuquerque, New Mexico, several weeks ago to interview Remidez's (ph) sister, who lives there. This initial contact resulted in the development of a new rapport between Carter and the sister.

That rapport, based on trust, has been very crucial in bringing about Remidez's surrender. Carter told me that he was -- extended his hand, they shook hands, and he handcuffed him, said he was very pleasant, not aggressive.

(END VIDEO CLIP)

GRACE: Angel Resendiz, convicted of mass murder, connected to 15 murders that we know of, people in their seventies, people in their eighties, people in their twenties, a young doctor, just starting out as a physician. Many of the women sexually assaulted.

This guy used so many different weapons, one including a pickax left in the victim's head. And the reason you heard the statement about Remidez is because this guy, Resendiz, has used up to -- that was know of - - 30 aliases.

He would prey upon innocent victims in one city, hop a rail line, and go to the next, eluding authorities. Tonight, it's on the U.S. Supreme Court in a flurry of last minute appeals to save Resendiz's life and on you, Governor Rick Perry, in Texas. Will you commute this death penalty?

Let's go straight back out to the son of one of the victims in the Resendiz case, her name, Josephine Konvicka, her son, Tom.

Sir, tell us about your mom. What was she like? What was her life like at the time she was murdered by Resendiz?

KONVICKA: It's kind of hard -- how do you describe somebody that you love, your parent?

She was 73 years old. She lived on her own. My father had passed away some years before. And she lived in between Shumberg (ph) and Weimar. Basically they're small towns, so it was a place that you thought would be peaceful and quiet and safe, and it always had been, up until maybe a month ago, a month before that, when the Sirmics were murdered. Up until that time, everything has been peaceful, everything had been a good place to grow up.

My mother had five children at the time. She also...

GRACE: When did you learn of her death?

KONVICKA: On the Friday, June 5th, '99.

GRACE: When did you last get to see your mom?

KONVICKA: Actually, the weekend before, we had just had a family reunion that very weekend before, and my children actually -- I have two daughters -- had stayed with my sister at my mom's house, maybe a night, two nights before that.

GRACE: How old was your mom at the time of her death?

KONVICKA: Seventy three years old.

GRACE: And what was the mode of your mom, Josephine's, death?

KONVICKA: The mode? A pickax. There were two strikes, one to the back of -- I believe it was the right ear, and then one in the forehead, I believe which was for display.

GRACE: To Christina Lawson, Christina, hearing the mode of death of a 73-year-old woman in her own home, with a pickax, you still oppose Resendiz's death, correct?

LAWSON: Yes, just like I did when they beat my father with a metal bats and aluminum bats.

GRACE: Right, I heard about your father and, for that, I'm very sorry. I'm asking you about Resendiz.

LAWSON: It's horrifying what he did. There is no words to describe what being a murder victim family member does to you. You can't put labels on it. And it's disgusting. It's horrifying. And nobody in their right mind would do such a thing to another human being.

GRACE: Well, Christina, do you think he can be rehabilitated?

LAWSON: No, I don't believe everybody should be rehabilitated.

GRACE: Does you think he has anything at all to offer society in any way?

LAWSON: Does he have anything to offer society?

GRACE: Right.

LAWSON: I think there is quite a few people walking free that don't have anything to offer society.

GRACE: I'm talking about Resendiz.

LAWSON: About Resendiz?

GRACE: Yes.

LAWSON: I think he has something to offer his family.

GRACE: Now, which wife would that be, the one that is allowed to watch his execution or the one back home in Mexico?

LAWSON: To everybody that loves him, just as it is for murder victim family members. It's a horrible thing to lose somebody. Regardless of what they do throughout their life, they're still a loved one to somebody.

GRACE: To Andy Kahan, how much are we spending on housing and feeding this guy, much less the legal bills?

KAHAN: You know, probably too much that I can't even count. You're talking hundreds of thousands of dollars that have gone into, you know, his upkeep and his well-being.

And, you know, the really sad thing is that the husband of Dr. Benton is flying in from Oregon as we speak right now. And this was a doctor who, two daughters are in college, never get to see their mother again. The lady was struck with a statue. Her head was put in a plastic bag.

It's just shocking and repulsing what he was able to do and how the criminal justice system basically enabled this guy, who had a 20-year conviction, yet was released after six years. And here's what I've never understood: He's out on parole, and he gets four convictions in other states, yet he's never sent back to Florida to complete that 20-year sentence.

You know, you say hindsight is 20/20, but you've got to wonder what would have happened if someone had really dug into this case and realized who they had, that he needed to go back to Florida, serve the remainder of the sentence, and you and I aren't talking today. The system deserves just as much blame as he does.

GRACE: And I would like to point out you refer to the family of the doctor, Claudia Benton. She was not only murdered but sexually assaulted, too, just 39 years old at the time. She was stabbed and beaten to death in her own home. Most of these victims were killed in their own home.

Out to medical examiner Dr. Jonathan Arden. One of the arguments on appeal is that death by lethal injection is cruel and unusual. Cruel and unusual punishment under our Constitution is illegal.

Now, Doctor, as I recall it, the ingredients to lethal injection are sodium chloride, pancuronium bromide and potassium bromide. So, tell me, what does that do to the human when injected in the arm? Do you pass out first?

JONATHAN ARDEN, MEDICAL EXAMINER, FORENSIC PATHOLOGIST: The sequence of medications you described, first, is thiopental or sodium pentothal, which is an ultra-short-acting barbiturate which is supposed to sedate you, anesthetize you, knock you out.

Next is -- and it's important that you realize these are in sequence. They don't all go into together. Next is the pancuronium, which paralyzes your muscles so you can't move and, in fact, you can't breathe.

And the third one is the potassium chloride, which is an ion electronically charged -- an electrically charged atom which will cause your heart to stop very rapidly, almost instantly.

Now, if all of this works properly -- and I think that is actually in some cases a very big if -- you will go to sleep, you'll be deeply unconscious, you'll be paralyzed, and then your heart will stop quickly. The problem is...

GRACE: Wait a minute, where does the bromide fit in, potassium bromide?

ARDEN: It's potassium chloride, actually.

GRACE: OK.

ARDEN: The pancuronium is the one with the bromide on the end.

GRACE: OK.

ARDEN: That's the paralyzing agent.

GRACE: And where does that fit in?

ARDEN: The bromide is just part of the chemical structure...

GRACE: I see.

ARDEN: ... but the pancuronium is the important part. It's important, where that's the part that paralyzes your muscles.

The problem here -- and the issue regarding whether this is cruel and unusual punishment -- is that this is not a medical procedure. This is not done by medical people and, in fact, medical personnel participating in executions is distinctly and decidedly unethical by all standards of medical organizations.

And it has this medical air to it, but we don't really know if people are getting a good dose, a proper dose and an adequate dose. There are a few studies out there that actually show that there are people who have been autopsied after lethal injection who have low concentrations of the thiopental, consistent with consciousness and feeling pain and suffering.

If that's the case and then you get the paralytic agent, then you're starting to smother while you're conscious. And then, if -- the same if -- if you then receive the potassium, that is going to be an intensely excruciatingly painful procedure.

GRACE: And again, Doctor, what is the initial medication that numbs you?

ARDEN: The thiopental.

GRACE: OK.

Out to Steve Greenberg, defense attorney, what would be your best bet at getting a commutation or a reversal at that juncture, or at least a stay?

STEVE GREENBERG, DEFENSE ATTORNEY: Well, I don't think there's any chance that the Texas governor is going to stop this, but the best chance is just a week ago the U.S. Supreme Court decided that this procedure that they're following may be cruel and unusual and courts should start looking into it. So I think that that's his best option for a stay at this point.

(NEWSBREAK)

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: ... says, when she parked her car at Lively Park, she opened the door, her sons ran out. A short time later, her oldest, Alexis, came back, but little Elian had disappeared.

"I asked him, `Where is Elian`? `I don't know` is all he said."

UNIDENTIFIED MALE: The logical following assumption would be an abduction-type, because people just don't disappear off the face of the Earth.

(END VIDEO CLIP)

GRACE: Can you help us find a missing 2-year-old little boy known as Eli, Elian.

Straight out to Ben Tinsley with the "Ft. Worth Star Telegram," when did Eli go missing? What happened?

BEN TINSLEY, CRIME REPORTER, "FT. WORTH STAR TELEGRAM": It was kind of slow the way it kind of unfurled. We wasn't really sure what we were...

GRACE: Oh, wait, wait, wait, let me rephrase.

TINSLEY: OK.

GRACE: What day did Eli go missing?

TINSLEY: I got a little miniature time line here. This would've...

GRACE: It's June 21, 2006. What were the circumstances around his disappearance, Ben?

TINSLEY: Well, the first thing we heard from police was that he had been out with his brother for an extended amount of play, somewhere between the realm of one hour to two hours. Not a lot about where mom and the boyfriend were during this time.

Shortly after that, we got more details, like mom and boyfriend had been alone for a period of time and the other two boys were out playing in the woods.

GRACE: Well, let me make sure I've got this right, Ben. Apparently, according to what I have learned, the mom and the boyfriend take the two kids, a 4-year-old and a 2-year-old, to a local suburban park there in Dallas. They put...

TINSLEY: In Irving, Irving.

GRACE: Irving, thank you. Is that a suburb of Dallas?

TINSLEY: I think if you talk to their chamber of commerce, they'd say no.

GRACE: Well, I'm asking you. Is it?

TINSLEY: I think they're their own city.

GRACE: OK.

TINSLEY: If you can host the Cowboys, you're big enough to be whatever you want to be.

GRACE: OK, let's just try to get back to Eli. The mom and the boyfriend apparently take him to a park in a suburb of Irving and drop him off with the 4-year-old brother in the park.

TINSLEY: Well, no, we're not really sure if -- there's some question as to whether or not they were dropped off or if mom and boyfriend parked...

GRACE: Correct, dropped him off the car...

TINSLEY: ... a distance away...

GRACE: ... and they sat there in the truck while the two boys went to, quote, "play."

TINSLEY: Or maybe walked around and threw rocks. You know, there`s just -- you know, infinite variations on that.

But, you know, from all the police accounts, the nightmare started when you know, first, it`s like, "Oh, come on, you can come out now." You think OK, maybe it`s a joke, and that`s not funny, and then pretty soon it becomes obvious that it`s neither funny or a joke. And after that, it just -- things just kind of turned desperate.

GRACE: Here`s what police had to say.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Without a suspect description or vehicle description, it is very difficult. Again, all we have to go on is the boy`s picture.

We have to make logical assumption now that an abduction has probably taken place. We`re reaching out to the public to think about it, if you`ve been in this area, did you see anything out of the ordinary, not just yesterday, but maybe in days passed?

(END VIDEO CLIP)

GRACE: Let`s go out to the mom`s lawyer, joining us tonight, Raul Loya. Thank you for being with us, sir. What does Elian`s mom say happened?

RAUL LOYA, LAWYER FOR MISSING ELIAN`S FAMILY: Well, she`s very devastating over this incident. But the incident happened within seconds. Her and her friend had pulled up at Lively Park, which is a suburb of Dallas, and let the two children out, Elian, the younger 2-year-old, who disappeared, and his brother, Alexis.

They exited the car. And, within seconds, the mother exited and looked for Elian, asked his brother, Alexis, where he was, and they couldn`t find him. What ensued was just a massive search for his younger brother, Elian. He`s a 2-year-old. He and his brother were inseparable.

GRACE: Question, Raul: Is it true that your client changed the time of her story from saying, "First we`ve just put him out of the car and, before I could get the brother out, he had disappeared," to they sat and talked in the car for a period of time, and then they realized he was missing?

LOYA: Not really. I mean, you`re talking about -- if there`s a difference, there`s a difference between 20 and 30 seconds. That`s not...

GRACE: OK, OK, hold on.

Ellie, was there a change in the story?

UNIDENTIFIED FEMALE: Well, the police say that what happened was, yes, originally she said that she was taking the older brother out of the car -- Elian was already out of the car -- and then later she said, "Well, I was sitting in the car. Both boys were out of the car." We don`t know how much time passed.

GRACE: Back to attorney Raul Loya, does the family believe it as a kidnap or do they think he`s just -- I mean, how could a 2-year-old get that far away?

LOYA: You have to consider, this was Lively Park and it was just packed with people. We estimate about 30 or 40 families in the area, children playing everywhere. And within seconds after the mother noticed that Elian was missing, they started asking and frantically searching for little Elian.

GRACE: Right.

So, Dr. Robi Ludwig, psychotherapist, it`s actually not that common for a 2-year-old to get kidnapped, is it?

LUDWIG: No, it`s very unusual; it`s not the common age. However, if there is a divorce situation, then we

see younger abductions, which was not the case in this situation. So it is slightly mind-boggling who would want to take this 2-year-old.

GRACE: To John Burris, what scenario should police be considering? You and I have covered and handled many a-missing child case.

BURRIS: Well, the first thing you always have to look to see if there's a problem in the family situation, where the father is, and what's going on between the father and the mother. Is there some personality issues, emotional issues involved?

And you sort of have to work through that. That's called rule-out theory. You've got to rule the parents out and find out and make sure that there's no problem.

Apparently, that's not the problem. But if I were the police, I certainly would be looking at that. Then I think you have to look to see whether or not this child or some family shows up with a kid in their house. And that's sort of a public service announcement, that people should be put on notice to look to see if something unusual in a particular family.

GRACE: Right.

BURRIS: Those are the kinds of things you have to be concerned about.

GRACE: To Steve Greenberg, no vehicle, no witness, no suspect. Where do police go now?

GREENBERG: Well, I'd be looking at the parents. I'd be looking at the mother, because her story has shifted -- her story has shifted inexplicably. You wouldn't be mistaken about how your kid disappears. A 4-year-old was in the car; a 4-year-old was out of the car.

The kid disappears in a crowded park in a matter of a few seconds, a 2-year-old. We've all seen 2-year-olds. How far does a 2-year-old -- and this kid looks like a fairly heavy 2-year-old -- going to get in a matter of seconds?

I'd be looking at the mother. We see it time and time again, where they start out with the story, "Oh, he disappeared, he disappeared," and all of a sudden we find out there are some shenanigans or hanky-panky with the family. That's where everything points to me.

GRACE: Robi?

LUDWIG: Well, also, too, you have to remember where there's a location of lots of kids, that's also where pedophiles will find themselves. So that's also something to rule out, who was in the area, who's dangerous in the area.

(COMMERCIAL BREAK)

GRACE: Tonight, take a look at faces of little children of summer, all missing. We here at NANCY GRACE continue the fight to find them and continue to hope.

(BEGIN VIDEO CLIP)

GRACE: Tonight, countless missing children across the country. So many cases; so few leads. Tonight, families looking for their girls, their boys, who vanished days, months, even decades ago. Tonight, you help us make a difference.

UNIDENTIFIED MALE: It has to stop. We have to be strong and get these bad guys who are taking our children and our women.

UNIDENTIFIED MALE: The loss of a child is really -- has got to be the worst experience. It's been torturous for us. We've experienced an overwhelming amount of psychological, emotional and spiritual pain.

UNIDENTIFIED MALE: It's up to you people to call your legislators, your lawmakers (INAUDIBLE) that you want changes now. Our children are endangered. Florida, New Jersey, New York, Ohio, it doesn't matter where you're from.

We need tougher laws to keep our children safe. They are our next governors. They are our future. They`re our next cameramen, our next truck drivers, our laborers. It`s all on them. They are what`s going to happen in this world in the future, and we can`t let people take them away from us.

UNIDENTIFIED MALE: I live a simple life, and I work all my life, and I raised kids all my life. And someone has taken this away from me.

UNIDENTIFIED MALE: If there`s anything that anybody knows, I just ask you to please help me find my daughter and bring her home.

(END VIDEO CLIP)

GRACE: Tonight, we stop to remember Private First Class Thomas L. Tucker, just 25, killed, Iraq. He hails from Madras, Oregon, joined the Army just last summer. Tucker leaves behind a loving family, a sister and nephews. They remember how he loved music, especially the piano.

In a final call, Tucker told his mom to please be proud of him. Thomas L. Tucker, we are proud of you, American hero.

Thank you to all of our guests, especially to you, for being with us. Nancy Grace signing off again for tonight. See you here tomorrow night, 8:00 sharp Eastern. And until then, good night, friend.

END