

AFFIDAVIT OF GARY GAUGER

Gary Gauger, being duly sworn upon his oath does hereby depose and state the following:

1. My name is Gary Gauger. I am one of 13 men in Illinois sentenced to death but later exonerated.
2. I was wrongly convicted in 1994 of murdering my parents, Morrie and Ruth, on their dairy farm, which my family had owned for decades.
3. My parents distrusted banks and kept large amounts of cash in their home. They had \$14,000 stashed in their kitchen. Thieves heard rumors of cash being kept in their home. They invaded my parents' farm, bludgeoned both in the head and slashed their throats. The attackers never found the money. They made off with only \$15 they found in my father's pocket.
4. I found my parents the next morning and called the police. The crime was random, committed by strangers and therefore the most difficult kind to solve. The nearest thing to a suspect the police could identify was me. I was convicted even though no physical evidence was found.
5. My conviction was obtained with testimony from a cell mate and an alleged confession, which was not recorded. The confession amounted to police coercing me, distraught and sleep-deprived, into considering a hypothetical scenario in which I killed my parents during an alcohol-induced blackout.
6. Through an unrelated FBI investigation into motorcycle gangs, it was discovered years later that two men in a bike gang killed my parents in an attempt to rob them.
7. The conviction harmed an already tenuous relationship with my three grown children and with my older brother, who became convinced I actually killed my parents. My former wife, who lives in Texas as do my children, threatened to file a wrongful death lawsuit on behalf of their children if only to keep me from seeing my daughter and two sons. The suit was never filed.
8. I know that, among the 13 exonerated death row inmates from Illinois, I am lucky. I was released after two years and four months, the shortest term among them. I was not sent to one of the state's two death-row prisons. I came out, for the most part, uninjured and with few physical scars. I had the support of my twin sister, Ginger, and childhood friend Sue Rekenthaler, whom I married after my release. And most of all, I had a home to return to and a means to make a living, raising and selling organic vegetables. A friend bought my father's shop and continues to fix and sell vintage European motorcycles from the same building. My sister Ginger sells imported rugs, crafts and furniture from the barn and the trailer where our mother's body was found.

9. Since my exoneration and release from prison, I retreat to the woods to cut trees, hole up in the barn to play my recorder or, when I truly do not want to be found, I sequester myself in the shop, where I found my father's bludgeoned body almost 10 years ago.

10. I return to these spaces and from time to time take solitary refuge in the bike shop. I sit among the vintage bikes, turn off the light and do not make a sound for hours. My wife, Sue Rekenhaller, knows not to bother looking for me. I have rediscovered some of life's graces, but I am still not fully comfortable with my world.

11. I love and miss my children but at the same time admit I have not always been the best father. I have only become less able to relate emotionally to people since my release from prison. That is what even a short time as a condemned man will do. I catch myself thinking about my conviction and time on death row. Something will come to mind and I might holler out loud. But, mostly I repress the memories; stuff it away.

12. I do not correspond with the friends I made in prison, Wolf, Spike and Turtle, because if I did, it would put me right back in that cell. I don't want to know what they're going through.

13. Prison life had its own distorted system of commerce and leisure. Most joined gangs as a matter of protection. I was one of the rare exceptions, left alone, I think, because I looked old and useless. Simple items were available for sale, at inflated prices, in the prison commissary - candy, cigarettes, radios. Contraband would find its way into the prison, passed by visitors or guards who took bribes. What distinguished each inmate was how he chose to spend his time. Turtle collected autographs. Spike made moonshine out of packets of ketchup. And, Wolf dealt drugs. I embroidered, read the Bible, and sang in the cellblock choir, knowing the whole time someone else killed my parents.

14. I used to be indifferent about the death penalty. Now, I think it's used as a tool to obtain confessions, or intimidate mostly minorities into pleading guilty. I guess in my case, they figured they'd never get a better suspect than me.

FURTHER, AFFIANT SAYETH NAUGHT.

GARY GAUGHER

Subscribed and sworn to before me by Gary Gaugher on this __ day of May, 2002.

Notary Public, State at Large

Commission expires: _____

