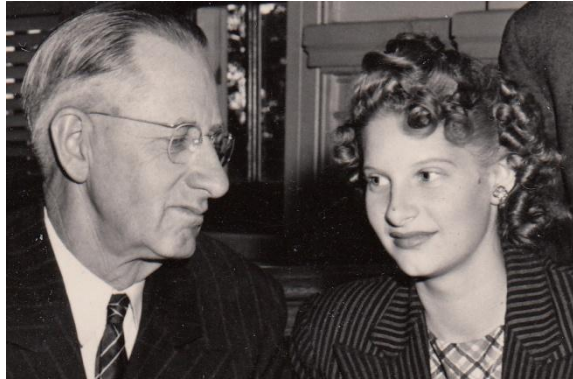


## *Love triangle murder trial was standing room only*



*Roy Maxson and his daughter,*

*Mazie Lightfoot McMullin*

*Barbara Lucille, during jury selection,*

*Oct. 21, 1947.*

By Kathy Jordan

(Second in a Series)

In early 1947, Grand Junction's small-town serenity was shattered by the news that prominent 80-year-old lawyer Sam McMullin, had probably died of strychnine poisoning on Nov. 15, 1946, rather than a reported heart attack.

The beginning of this bizarre turn of the McMullin death came after Sam's son, Howard, and his wife, Emily, became ill after drinking some whiskey on New Year's Day 1947. The whiskey bottle had been sent to Denver to be analyzed and found to be laced with strychnine.

On Feb, 26, 1947, more than three months after Sam's death, his body was exhumed and an autopsy was performed. The report showed that his death most likely had not been peaceful. Somehow the autopsy information remained quiet until May 2, when word leaked out that murder was suspected.

Suspicion inevitably fell on Mazie, the wife he had married six weeks before his death, and her former beau, Roy Maxson.

Meanwhile, Police Chief Joe Keith had been checking drug stores between February and May to see who had purchased strychnine. Keith found that Roy had purchased strychnine from Carlson's Drug Store in Clifton.

Police arrested Roy on May 16 for first-degree murder, and during the interrogation Roy admitted that he was in love with Mazie. He also admitted that from time to time he had looked in McMullin's front window and watched Sam with Mazie, in a beautiful beribboned negligee, sitting on Sam's lap. However, Roy continued to deny strongly that he had anything to do with the crime.

As time went on, attention shifted to Mazie, and she was arrested June 24, 1947, and also charged with first-degree murder.

Charles J. Moynihan of Montrose, somewhat famed as a criminal lawyer throughout Colorado, became Roy's lawyer.

Mazie had hired E.B. Adams of Grand Junction, another colorful and highly respected attorney, as her lawyer. But after the first meeting with Mazie, Adams turned the case over to the late Charles Traylor, who had joined Adams' law firm only a few months before. According to Traylor's memoirs of the trial, when he and Adams went to the jail to meet with Mazie for the first time, her dramatics were too much for Adams and he told Traylor "Boy, I am too old for this. You take over."

Unknown to Mazie's lawyers, she had been taken to St. Mary's Hospital a few nights after her arrest. When Traylor learned that Pentothal had been administered without her counsel present, he was able to have her statement withheld from evidence. That statement had been a pivotal point in the prosecution's case against Mazie.

Roy almost caught a break when Adams was going over the pathology report and noticed that Sam's brain had not been opened during the autopsy. This meant that a pathologist could not conclude beyond reasonable doubt that Sam's death had been due to an aneurysm.

Somehow Deputy District Attorney Cecil Haynie of Grand Junction, the prosecutor, learned that the defense planned to use that fact to argue Maxson's innocence. So late at night on Sept. 28, 1947, under a cloak of

secrecy, the prosecution exhumed Sam's body a second time, and his brain was opened. No aneurysm was found.

Roy's trial started on Oct. 23, 1947, before a jury of nine men, three women, and one male alternate. The trial played to "standing room only," and seats were in such demand that people brought their lunches so they didn't lose their seats.

The jury apparently didn't pay much attention to fingerprint testimony gleaned from 19 anonymous letters sent to Sam and Howard after Moynihan pointed out there were not enough matching characteristic to say positively the fingerprints were Roy's. No prints were taken from the whiskey bottle.

Roy took the stand in his own defense, to testify that Mazie had asked him to take the blame for the murder.

After a two-weeks trial, Roy was found not guilty. One juror afterwards said there was no evidence placing the defendant in the McMullin home nor was there any evidence that he had known where the whiskey bottle was.

On Dec. 15, 1947, Traylor received notice from then-District Attorney Allen Brown that he couldn't convict Mazie if Roy couldn't be convicted, and the charges against her were dismissed.

By 1950 Mazie had sold her house on Rood Ave. and moved to California. There was no information available on Jenny Wiley, the housekeeper. Roy Maxson died in Grand Junction on Dec. 7, 1972.

Howard and Emily lived in the house at 627 Grand Ave. until moving to a new home on Mira Vista in 1956. Victoria and David Canaday purchased the house in 1976 and it was the home to their photography studio, The Studio 119. Victoria sold the house early this year and it currently houses the Salon Capelli.

As to the guilt or innocence of any of the principals in the case, Traylor summed it up in his memoirs: "So then the question comes up: Who did it? I don't know. Any suggestions?"