At about 1:30 in the morning of January 7, 1929, Deputy Sheriff J. W. Dugan of Herculaneum, Jefferson County, Missouri, was aroused by the ringing of his telephone. Lifting the receiver, he heard an anguished voice asking for help. It was Virgil Romine, at the Artesian Park Filling Station near St. Louis, moaning that he had been shot and urging the sheriff to hurry over. In a few minutes, the sheriff had reached the filling station. Shortly thereafter, L. H. Jones, owner of the station and of the attached restaurant, and Dr. O. E. Hensley arrived. They found Romine sitting in a chair in the restaurant suffering intensely and bleeding profusely from fresh bullet wounds in the abdomen. Perspiration was pouring from his face. Blood smears were on the floor. The furniture was flung around in the room, indicating a violent scuffle. Romine, in agony, begged to be taken to a hospital.

While Dr. Hensley was administering first-aid treatment, Romine gave directions to Mr. Jones concerning the delivery of his property to his mother, in case he should die. He signed a check for $700, payable to his mother, and requested Mr. Jones to deliver it to her.

Sheriff Dugan urged Romine to tell how he had been shot and who did it. The wounded man related that three or four men and a woman—all dressed in overalls and caps—stopped at the restaurant and ordered food. One, a tall, slim man, ordered a hamburger sandwich. When Romine went to the kitchen to prepare it, this fellow followed him and shot him. In the ensuing scuffle, Romine got his gun and tried to defend himself. His own wounds were so grievously painful that he didn't know what followed. Sheriff Dugan went into the kitchen and saw the hamburger still sizzling on the stove. Romine added:

I can't tell you their names but you can find out. It is the same fellows I had trouble with up here a couple of weeks ago over the slugging of a slot machine and I run them away that night and they ran off and left their automobile here. They settled it with Mr.
Jones and he finally let them take their machine away. The fellows were often seen around old lady Vinyard's place.

Dr. Hensley took Romine to a St. Louis hospital in an ambulance. He had been mortally wounded, however, and lived only a few hours.

Mr. Jones remembered two boys who had come to him a couple of weeks earlier and who had admitted that they had slugged a slot machine for seventy-five cents. They paid Mr. Jones seventy-five cents, and he in return gave them a written message to the person in charge of the filling station so that they might get their detained car. At 2:30, Sheriff Dugan went to the Vinyard place, about half a mile up the road. There he found the Vinyard daughter sitting with a friend in a car in front of the house. Mrs. Vinyard was still up. She showed the sheriff to a room where two boys were asleep with her son, Jimmie. They were Alvin Craig and Walter Hess, about nineteen years old, of Crystal City. The boys, awakened, said that they had left Crystal City late that afternoon to visit Jimmie. They picked up a ride and arrived at the Vinyards' around six o'clock. After playing cards for a time, they all went to bed and had been there ever since. Mrs. Vinyard confirmed the statement that they had not been away from the house that night. The boys readily admitted that they had had trouble with Virgil Romine a short time before over slugging a slot machine and that they had fixed it up with Mr. Jones, the owner. Sheriff Dugan arrested the boys, since Romine had said positively that his assailant was one of the boys who had slugged the slot machine. Furthermore, these boys had rather bad reputations.

The following morning, a crew of men working for the State Highway Department about a mile north of the filling station found overalls and a pair of trousers, both of which bore bloodstains. They were thrown on a fire and burned. A little later, a white shirt was found with a bloody sleeve and a colored shirt with a hole in it and a bloody splotch. These shirts were turned over to the St. Louis Police Department.

The county officers shortly thereafter received word that Leo Bassler of Ste Genevieve, Missouri, and Dewey Grie-
shaber of St. Louis had been in the Artesian Restaurant, after one o'clock on the fatal night; they had stopped for some sandwiches and coffee. They related that just before they left the restaurant, three young fellows, roughly clad, and a girl dressed in men's clothes, entered the restaurant, sat down at a table, and ordered food. One of the men was rather heavy, but the other two were very young and weighed only about 130 pounds. One of these young fellows left the table to play the slot machine, and just as Bassler and Grieshaber were leaving, he ordered a "hamburger." This lad, they said, wore a blue shirt, overalls, a cap, and a dark coat. Neither Bassler nor Grieshaber could identify Hess or Craig as among this party, but their descriptions of the two slightly built men fairly well suited the accused boys.

In addition to this information, John Bechler, County Treasurer and a respected citizen of Jefferson County, reported that he had heard Walter Hess make the statement that on the morning of the murder he saw the headlights of an automobile coming toward old lady Vinyard's house, and had said to his comrade Alvin, "Here comes the law." Walter denied making any such statement.

On January 14, 1929, just one week from the date of the murder, Prosecuting Attorney Charles W. Green filed an information against the boys in the Circuit Court of Jefferson County, charging them with first-degree murder. At the trial, which took place on April 18–19, 1929, before Judge E. M. Dearing, the Prosecuting Attorney was assisted by R. E. Kleinschmidt. The prisoners were defended by Attorney Albert S. Ennis. Mr. Ennis endeavored to exclude, as inadmissible hearsay, the testimony of Sheriff Dugan and Mr. Jones as to what Virgil Romine had said about his assailants. The court, however, admitted this testimony as a dying declaration. The defense attorney also sought to establish alibis for both Hess and Craig, by the testimony of Mrs. Tiney Craig, mother of Alvin; Mrs. Hess, mother of Walter; and Mrs. Vinyard. Further, he showed that no other murder or shooting had occurred in the vicinity at that time, thus raising the implication that the bloody clothes found by the road crew must have been discarded by the
bandits, and that one of the bandits, at least, must have been rather badly wounded. Neither Hess nor Craig had any wounds. The defendants testified in their own behalf, but to no avail. The jury found both boys guilty of second-degree murder, Judge Dearing having given instructions to the jury on both first- and second-degree murder, over the objection of the defense. On June 10, 1929, each defendant was sentenced to a ten-year term in the Missouri State Penitentiary.

Pending appeal, Craig was admitted to bail, but Hess, unable to raise bail, had to go to the penitentiary.

The appeal was never heard by the Supreme Court of Missouri. Before the expiration of the year provided for the perfection of the appeal, one Mamie (Babe) Woolem went to the police in St. Louis and volunteered the information that she had accompanied her former sweetheart, Louis Taylor, and two of his friends, Radford Browning and Joe Muehman, to Herculaneum on the night of January 6, 1929, when the restaurant keeper at the Artesian Filling Station had been shot. She stated that Taylor had done the shooting. The three men named were immediately arrested. Taylor strongly denied knowing anything about the case. The police then required Taylor to put on the blue shirt in which a bullet hole had been made; a scar, giving every evidence of having been a bullet wound, was found on his body at the exact spot left by the hole in the shirt. Taylor also, thought the police, answered the descriptions given by Bassler and Grieshaber. Upon these developments, Taylor broke down and confessed that they had intended to rob the station and that he had done the shooting. Browning and Muehman then also confessed.

Taylor, Browning, and Muehman pleaded guilty in the May, 1930, term of the Circuit Court. Taylor was given a life sentence, and the other two ten years each. Mamie Woolem maintained that, while she had been along on the trip, she knew nothing about the intention to rob the filling station. Taylor, however, turned state's witness against her
and testified that she had planned the holdup herself and had supplied him with the gun used in shooting Romine. She stood trial, was convicted, and was given a life sentence.

With the disclosure of these facts, the whole situation was submitted to Governor Caulfield of Missouri, who granted pardons to Hess and Craig on the ground that they were innocent men.

It appears that when the St. Louis police received the two shirts on January 7, 1929, they established a sharp lookout for a wounded man. None was found. It later developed that Taylor, who had shot Romine and had been wounded by him, was at the time a soldier stationed at the Jefferson Barracks. Upon returning to St. Louis, Mamie Woolem dressed his injury, a flesh wound only, in her rooms; Taylor reported at the Barracks the next morning and asked for a few days' leave of absence on the plea of sickness. This was granted without examination. During his leave, Mamie dressed the wound and cared for him. He was sufficiently recovered, upon the expiration of his leave, so that no one ever learned of the wound. The identity of the bandits was completely concealed until Taylor, over a year later, permitted his amorous attentions to wander afield, a fact which incited Mamie to retaliate by "squealing."

The misfortune of Hess and Craig was due to an extraordinary concatenation of circumstances, including the defective powers of observation of the unhappy victim of the crime, Romine. Although he had probably never before seen Taylor and his gang, he seemed to believe that they were the same people with whom he had had trouble on account of the slot machine some weeks before. That was primarily the cause of Hess and Craig's undoing, for they happened by a curious chance to be at the Vinyards' place on the night the sheriff called and readily admitted the slot-machine incident at the filling station, though neither of them resembled Taylor. Romine said the man who shot him was tall and slim, but Taylor was neither. Even Bassler and Grieshaber, though they could not identify Hess and Craig, did not correctly
describe Taylor as the man whom they heard order the “hamburger.” It is hard to explain County Treasurer Bechler’s testimony that he had heard Hess refer to alleged oncoming lights as “Here comes the law.” Possibly the boys made foolish remarks. The statements of Romine and Bechler, the mere presence of the two boys at Vinyard’s house, the fact that they had had trouble about the slot machine, and that they thereby became associated in Romine’s mind with his assailants, taken together with the boys’ slightly tarnished reputations, overcame in the jury’s mind the evidence of the bloody shirt, which could hardly have been discarded by Hess and Craig, the inability of Bassler and Grieshaber to identify them, and the rather well-established alibis that they had not left the Vinyard house that night. They might have remained in the penitentiary for ten years, but for the vengeance of a woman scorned. The bandits had covered their tracks exceedingly well, and though the police were on the lookout for a wounded man, Taylor’s being a soldier and his extra-curricular method of hospitalization enabled him to escape detection. Without Mamie’s efficient help, the mystery would have remained unsolved; yet her effort in the cause of “justice” also served justly to entangle her as a life tenant of the state. The Hess and Craig case exemplifies the danger of conviction for first-degree murder on circumstantial evidence; only the prosecutor’s belief that he might not be able to sustain that charge induced his request for the alternative second-degree charge, which under the circumstances was equally erroneous.

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