

## Updated: New law revives parole potential for notorious killer

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More than two months after the spring 1988 arrest of an innocent suspect for the Easter weekend murder of 21-year-old Martha Delarosa in the farm town of Hollister, investigators finally found a clue leading to the wrongfully jailed man's release and an eventual conviction for the actual killer, Gustavo Marlow.



San Benito County Jail

By that time in the summer of 1988, sheriff's Lt. Dennis Stafford had taken up the case as the district attorney's lead investigator. It was Stafford's gumption finding clues the old-fashioned way—and then-District Attorney Harry Damkar's persistence on use of DNA at a time when the science wasn't widely accepted as evidence like it is today—which together led to Marlow's arrest, conviction and seemingly life-long sentence.

After Marlow's second murder of a young, local woman that year, this time the 16-year-old daughter of a highway patrolman, detectives noticed a sole pattern left on a piece of paper in the van where he had abducted, raped and killed the girl, Hollister's Lisa Koehler, on July 26, 1988. The pattern matched that of shoes later found at the Hollister home of Marlow, and it led the district attorney's office down a path on which it would become one of the first agencies in the state to use admissible DNA evidence in a conviction.

Three years into his incarceration, there was a third case added in the series of horrific acts leading to Marlow's indeterminate prison term. As Marlow had been incarcerated at the California Youth Authority facility in Stockton while awaiting trial on the second murder case (a jury already had convicted him in the Delarosa killing), he escaped, raped and assaulted a 32-year-old laundry worker—who survived—along the way. A jury convicted him of the two homicides and rape, and Marlow received a total sentence of 66 years to life in prison.

Legal experts such as Damkar, who prosecuted the two murders, figured the notorious Gustavo Marlow would never see daylight. But due to a state law enacted at the start of 2014, Marlow for the first time is eligible for parole. The law, Senate Bill 260, opens up parole eligibility for those convicted of committing violent crimes as juveniles. Since Marlow committed the two murders at age 17, the law's juvenile provisions apply to those homicide sentences and his time is now up—before parole eligibility—on the rape case.

“This is a guy who should never be paroled,” Damkar told the Free Lance.

Damkar, now a private attorney, will assist District Attorney Candice Hooper in doing what's necessary on the legal end to fight that possibility. A parole hearing for Marlow, currently incarcerated in a minimum to medium-security Jamestown prison, is scheduled for 8:30 a.m. April 7, Hooper confirmed.

"This guy cannot be out," Hooper said to the newspaper.

### **Personal plight**

A Stockton woman in her late 50s, whose living mother was among Marlow's rape victims, will join their fight. The woman, whose name is being withheld to protect her mother's anonymity, expressed concern to the Free Lance about any potential for Marlow to go before a parole board. She received a notice from the state last week about the April hearing.

She doesn't believe the juvenile factor should apply for Marlow—who committed the two murders at age 17—because the crime against her mother happened when he was 20.

Damkar recalled that Marlow received 42 years for the two murders and 24 years for the rape/assault case. He was sentenced in early 1992. Like Damkar, the victim's daughter never expected to see Marlow this close to freedom.

"The more people know that this is happening, if there's family members out there still, they need to start notifying the hearing board before they get to that point," the Stockton woman said, adding how people can submit comments through letters, video or in person.

She said her mother never could work again and her father lost his job at the time due to related stress.

"We went through a lot because of this individual," she said.

As did many families in Hollister.

### **DA recalls Marlow's madness**

Marlow wreaked havoc on Hollister for that year and a half, culminating in the two murders in April and July of 1988.

The former D.A. said for those 18 months or so, there had been a series of rapes and attacks in Hollister on girls and women ranging in age from 12 to one in her 80s. Several women reported being stalked, groped or grabbed. The 12-year-old had been hit over the head with a rock and raped in an empty field near the location of condos now neighboring Rancho San Justo School and a shopping center. The guy left her for dead, but the girl survived.

"There were a bunch of these things," the former D.A. said.

They were all random incidents, though, so it took time for authorities to find the link. Reports had wide-ranging suspect descriptions, such as an age between 15 and 30, Damkar recalled.

"Nobody assumed it was the same person doing it," he said.

Damkar indicated authorities would eventually believe it was the same person, Marlow, committing all

those heinous acts in such a quiet town.

Marlow's evil ambitions didn't curtail in the meantime, leading to Delarosa's death.

The Gavilan College student's family became worried that Easter weekend in 1988 when she and her car went missing, Damkar remembered. Her father and brother drove around looking for her and "randomly" saw the car, a Cadillac, in front of San Benito High School. An officer arrived on scene, looked around the area and found the victim's body, nude and strangled, between two portable buildings on the campus.

Shortly after the Delarosa murder, Hollister police became interested in the man first arrested in the case because, Damkar said, he had been going around town asking questions about it.

"He, in essence, made himself into a suspect," Damkar said.

Police investigators questioned the man and noticed scratches on his face and arms and obtained a search warrant for his home, where they found what they thought was some sort of belongings showing he was a satanic worshipper, though it actually proved to be a Native American shrine on his mantel, Damkar said. And since the murder happened over Easter weekend, police assumed it was a "ritualistic" killing, he said. They thought they surely "got their guy" after a detective found hair on the victim's body similar to the hair type of the suspect, who had been known to frequent the San Felipe Road Quik Stop where Delarosa worked and once left a rose on the front seat of her car.

The wrongfully arrested man's attorney, Tom Worthington, was pushing for lab results on the hair, and Damkar was commissioning for witness expertise on the science of hair as the suspect sat in jail. Damkar said he and the case's lead investigator, Stafford, had their doubts about the suspect in custody. They were certain about his innocence when the second of two similar murders—Stafford found 42 similarities in evidence—occurred to Koehler while the wrong suspect had been in jail for the Delarosa killing. Damkar said he got the news about Koehler the day before he was going to dismiss the case against the wrongfully jailed man.

By then, the arrest had done serious damage on the man's life locally while behind bars.

"Vigilantes tried to burn down his house first, then a second time," Damkar said. "People showed up in front of the courthouse with eggs and rocks and all that."

Stafford initially connected Marlow as a suspect after authorities received a tip-line message from a woman, who had worked at a video store at the current site of Goodwill off Airline Highway, who told them a "creepy" guy had been hanging out there occasionally at the time and had given her a pair of earrings. By then, the two murders had occurred and the killer had taken both victims' earrings as trophies, different than those given to the store clerk. Investigators found the connection odd enough to question Marlow, which led Stafford to a shoe in the killer's home matching the sole pattern imprinted on a piece of paper, by the murderer, in the van where he killed Koehler after she had gone on break from her job at the old K&S grocery store on Tres Pinos Road.

“The shoe track was left on the paper,” Damkar said. “The tennis shoes matched. Fingerprints matched. DNA matched.”

### **DNA history made**

It took three years to get the case to trial because of all the new complexities at the time with DNA evidence and various expert witnesses involved in proceedings to prove its credibility, Damkar said.

He explained how with the Marlow case, he was the first D.A. in California to use human DNA, and a renowned geneticist, to show that the new scientific method was reliable in court. He was the first D.A. to qualify the expertise of witnesses based solely on their DNA knowledge.

“That’s why it took like three years, with all the hearings,” he said.

Prosecutors tried and convicted Marlow in Visalia for the two murders after there had been a change of venue due to local publicity. The rape conviction was in Stockton where the laundry worker’s daughter still lives. The victim’s daughter, who has been in contact with the current D.A. on the parole matter, called Marlow a “monster.”

“I went through all those trials,” the laundry worker’s daughter said, reacting to the coming parole proceeding. “I’m trying to be really strong.”