

Posted 5/13/22

WHEN DOES EVIDENCE SUFFICE?

Jurors may be more likely to give circumstances their due



Chemirmir's eighteen victims, in order of mention

For Police Issues by Julius (Jay) Wachtel. Billy Kipkorir Chemirmir. That name – and assumedly, its bearer – will surely go down in infamy. A 49-year old Texas man, he has been indicted for [killing eighteen elderly women](#) (and is presumed to have murdered many more) during a years-long homicidal spree at senior living facilities in Dallas and its suburbs. Chermimir gained access by pretending to be a caregiver or maintenance worker. And when he discovered there was jewelry to steal, he suffocated his victims – each was in their eighties or nineties – and sold their valuables. Chermimir used pillows, and given the absence of obvious trauma and his victims' advanced age, the deaths were initially attributed to natural causes. Indeed, until one of his targets survived and called for help, no one suspected that a serial killer of the elderly was on the loose.



Chemirmir [wasn't totally unknown](#) to the criminal justice system. An immigrant from Kenya – he arrived as an adult in 2003 – he would in time rack up a couple of DUI's and, in 2012, an arrest for domestic violence. His next legal tangle, though, turned out far more significant. In June, 2016 [Chemirmir was arrested](#) for trespassing at "The Edgemere," a Dallas retirement home from

POLICEISSUES.ORG

which he was expelled two months earlier. Although police had let him off with a warning the first time, they took the return engagement a bit more seriously. What they didn't know was that Chermimir was a killer. By then he had already murdered two Edgemere residents, Phyllis Payne, 91, and Phoebe Perry, 94. (A third, Catherine Probst Sinclair, 87, died under suspicious circumstances, but her cause of death remains "undetermined".)

After a twelve-day jail stint Chemirmir began visiting another Dallas senior community, "The Tradition." He was often seen there during the summer and fall of 2016, and when challenged said he was checking for pipe leaks. He was finally told to stay away. Chemirmir was eventually indicted for murdering seven of the home's residents between July 2016 and October 2016: Joyce Abramowitz, 82; Juanita Purdy, 82; Leah Corken, 83; Margaret White, 86; Norma French, 85; Glenna Day, 87; and Doris Gleason, 92. (He is also thought to have killed a male resident, Solomon Spring, 89, but no charges have been filed.)



In November 2016 Tradition's employees called police about "a suspicious person" who was frequenting the premises under guise of being a maintenance worker. Officers took a report and suggested tightening things up.



Nearly a year later, Chemirmir apparently turned his murderous attention to the suburbs. He's been charged in the September 16, 2017 slaying of Marilyn Bixler, 90, a resident of "Parkview," a retirement facility in Frisco. Five weeks later, a 93-year old Parkview resident survived an attempt to smother her with a pillow. Her assailant allegedly left with her jewelry.

Chemirmir remained lethally active. Three days before Christmas 2017 he committed an alleged eighth slaying at The Tradition. His victim was Doris Wasserman, 90. During this period Chemirmir is also alleged to have slain three residents of private homes in Plano, Dallas and Richardson: Carolyn MacPhee, 81, Rosemary Curtis, 75, and Mary Brooks, 88.

POLICEISSUES.ORG

His undoing ultimately came at “Preston Place”, a Plano retirement community. During the early morning hours of March 19, 2018, Chemirmir tried to suffocate resident Mary Bartel, 91, with a pillow. But after he left she regained consciousness and [police were called](#). By then Chemirmir had allegedly killed at least four Preston Place residents: Minnie Campbell, 84,



Martha Williams, 80, Miriam Nelson, 81, and, only one day earlier, Ann Conklin, 82. (We say “at least” because there were several suspicious deaths as well.) Of course, the cops didn’t know that. But mention of a vehicle registered to Chemirmir had appeared in past reports of suspicious activity at retirement homes. On the following day, officers staked out his Dallas-area apartment and saw him toss a jewelry box into the trash. Inside the box they found the name “Liu Thi Harris.” Dallas police rushed to the 81-year old woman’s home. They were too late. She had already been suffocated with a pillow.

[Chemirmir’s trial for murdering Ms. Harris](#) began on November 15, 2021.

Prosecutors played a video clip that depicted the accused and Ms. Harris inside a Walmart at the same time. The implication that Chemirmir followed her home was seconded by a January 2018 video clip from the same Walmart that paired him and a prior victim, Mary Brooks. Although Mary Bartel (she survived the suffocation attempt) had passed away, her deposition about the assault was admitted into evidence. Chemirmir’s alleged motive – to steal jewelry for resale – was also well supported. Ms. Harris’ jewelry box was identified by her son, and her jewelry and keys to her front door were found in Chemirmir’s car. Ms. Brooks’ daughter also testified that her mother’s safe and jewelry turned up missing. There was evidence that Chemirmir had offered jewelry from Ms. Bartel and Ms. Brooks for sale online, and a jewelry broker confirmed he made some purchases.

Still, the case wasn’t perfect. No deaths other than those of Ms. Harris and Ms. Brooks could be brought up. Ms. Bartel had never identified Chemirmir from a photograph, and physical evidence was lacking. As one might expect, Chemirmir didn’t take the stand. Criticizing the evidence as “all circumstantial” and the case as “quantity over quality,” the defense called no witnesses. While undoubtedly chancy, its gambit proved sufficient to convince one juror to hold out for acquittal. A mistrial was declared on November 19.

[Chemirmir’s retrial](#) kicked off on March 25. It was a literal replay. Again, the defense didn’t put on a case. Instead, his lawyers argued that prosecutors did not prove that Chemirmir entered Ms. Harris’ residence “beyond a reasonable doubt.” Once again, the

POLICEISSUES.ORG

case was supposedly “all bark, no bite.” Not this time. Things wrapped up on March 28. And it took the jury *less than forty-five minutes* to convict the “circumstantially” accused killer of murdering Ms. Harris. Chemirmir got life without parole.

[According to the Daily Mail](#), as many as *one-thousand* elderly persons suffered “unexplained deaths” in Dallas-area nursing homes while Chemirmir was active. And some additional cases seem to be in the works. Still, none of the remaining seventeen indicted murders is known to offer a connection as compelling as the trail which led directly from Ms. Bartel’s assault to Ms. Harris’ jewelry box. Connecting Chemirmir to his victim would be essential. Ditto, a cause of death that doesn’t contradict suffocation. And recovering missing jewelry would be a big plus. Given Dallas County’s past tangles with wrongful convictions (its D.A. installed a pioneering “[conviction integrity unit](#)” in 2007) there’s little doubt that they’re likely to take care.

On October 19, 2018, [Memphis police arrested a Chicago man, Jimmy Jackson, 72](#), on a Cook County warrant that accused him of murdering a 62-year old Chicago woman who had gone missing five months earlier. Family members who reported Daisy Hayes missing told police that they were certain that her boyfriend, Mr. Jackson, had killed her. And the cops clearly agreed.



Mr. Jackson stayed locked up until his trial last month. And [the circumstances pointing to his guilt](#) sure seemed compelling. A surveillance video showed Jackson wheeling away a heavy, bulging suitcase from the building where each had an apartment. And yes, [it was big enough to fit](#), as Ms. Hayes was barely over five tall and weighed a mere 85 pounds. Other videos depicted Mr. Jackson, with some difficulty, throwing the suitcase in a dumpster, then covering it with trash from other dumpsters. He then left with his own (non-bulging) suitcase. Apparently, heading for Memphis.

Alas, Ms. Hayes’ body was never found. And there was no DNA or physical evidence. Ms. Hayes hadn’t been answering phone calls, and it was two weeks before family members came looking. They must have found the place quite tidy, as video depicted Mr. Jackson [going in and out with cleaning supplies](#).

This wasn’t Mr. Jackson’s first serious go-round with the cops. [He had been arrested for a double homicide](#) years earlier, but prosecutors dropped the case after witnesses didn’t show. So his lawyer had to assess things very carefully. And he reached a unique

POLICEISSUES.ORG

conclusion. There was no body. All that potentially nasty evidence was circumstantial. Let a judge decide!

On Friday, April 22, 2022 Cook County Judge Diana Kenworthy rendered the verdict. Cleaning an apartment isn't a crime. Ms. Hayes was elderly and had been drinking. And there was no physical or biological evidence that a crime had even occurred. She found Mr. Jackson not guilty.

“This one conviction represents justice for all of the families.” That’s how [the daughter of one of Chemirmir’s victims](#) welcomed the jury’s verdict. In contrast, the judge’s acquittal of Jimmy Jackson [left Daisy Hayes’ daughter in tears](#). “Four years we’ve been fighting this, and all we got was a not guilty verdict.” We don’t deny that the circumstances presented at Chemirmir’s trial were compelling. But we’re equally convinced that a bulging suitcase, plus those trash bins, plus all that scrubbing, plus a sudden relocation to another state would have caused a whole lot of mutually-reinforcing chatter in a jury room, had Jackson opted for one. But his lawyer probably felt that a judge, deciding alone, would set tempting but inconclusive circumstances aside in favor of a more legally-focused argument, say, the lack of a clear motive and the absence of a corpse.

And the gamble paid off, if not for justice, at least for the accused.