

00:02.27

Scott Fulmer

Ellen, welcome to the show.

00:04.30

Ellen

Thanks so much, Scott. Thanks for having me on.

00:06.84

Scott Fulmer

Hey, it's it's a pleasure to talk to you again. I know we've been trying to get this thing recorded. We've had technical issues, but hopefully today, this will be like the third time, right? Third time's a charm, is that right?

00:16.14

Ellen

that That is actually a natural law, so I'm going with that.

00:20.50

Scott Fulmer

Hey, I'm gonna ask you something about, I know you live in a, can I say where you live, just the country?

00:26.42

Ellen

Sure.

00:27.29

Scott Fulmer

Okay, so you live in, I'll just say you live in the United Kingdom, we'll leave it at that.

00:31.34

Ellen

True.

00:31.74

Scott Fulmer

But I understand that folks there have beans for breakfast, is that correct?

00:35.71

Ellen

Yes, it's not required though. So that's a good thing.

00:39.73

Scott Fulmer

That's just really odd.

00:41.34

Ellen

I know it's a lot. there There's a lot that happens here.

00:44.27

Scott Fulmer

I've just lost all my fans and in ah the United Kingdom by saying that, but no. I'm sure it's pretty good, but anyway. So this whole odyssey that we're gonna talk about, it started with you. we're goingna I'm gonna take you back to May 4th of 1990. And it was really another life for you at that point. it's near You're in a yeah ah state prison near Rayford, Florida. Why were you there that day? And tell us what happened.

01:11.55

Ellen

Yeah, um it is a really does feel like a completely different time in my life. um So I was a reporter for the Miami Herald. I was a pretty young reporter starting out. I was in the state capital bureau and part of my beat was to cover the Department of Corrections. And the way that um the Miami Herald did it then um was when the governor signed a death warrant.

01:39.57

Ellen

um It kind of came over to the Capitol Bureau and the the editors asked if anybody wanted to ah cover it and um I was new to the Bureau. I was the only woman and I really wanted to be a good reporter. I wanted to do a really good job and Covering executions was part of the job. um I also figured it was ah something that the state of Florida was doing with taxpayer dollars, and that also made it part of my reporting responsibility. um So I volunteered to go and witness the execution.

02:19.28

Scott Fulmer

So you're you're there representing the the Miami Herald. I know this was a, you had a real visceral response to what happened. Can you, you don't have to go into the whole detail, but if you want to just tell us what what what what went what went wrong.

02:33.96

Ellen

Yeah, so this was with the electric chair um and that it always, I'm sorry Scott, it always makes me nervous to talk about it even all these years later.

02:45.43

Ellen

um So what I'd like to do is just read from my book because I think

that's probably the best way for me to get through it.

02:49.40

Scott Fulmer

Sure.

02:53.89

Ellen

I kind of talk about Jesse Tofaro being led into the death chamber and the guard strapped him into the chair and he watched us as he was being tied down to the chair. um Everyone in the room, he kind of looked at all of us one by one. I realized he was going to look at me as well. And so I decided that it was polite to meet his gaze. So I did kind of locked in and then the stair moved on.

03:28.16

Ellen

says, he is defiant, I wrote on my notepad. He also looked afraid. Now the guards were pushing a microphone in front of his face so he could say his last words. My hand was shaking and all I got was, I think it's very unfair. I think that it's time that everyone wakes up to see that the same laws that can go against crime can go against you tomorrow. um One of the things I want to mention is that ah we I think there was a controversy about whether or not he was truly factually guilty of the crime for which he was being sentenced to death for the execution that we were there to witness. It says, then the guards tied a leather strap across his mouth and dropped the leather mask over his face and screwed the thick black wire from the junction box into a metal headpiece and clamped that town tight onto his shaved bear skull. A pause. At six minutes past seven o'clock, they pulled the switch.

04:21.88

Ellen

My buddy Tex had witnessed two executions for his job at the wire service. He told me it was going to be no big deal. They set up straight when the juice hits them and then they slumped forward and they're dead. Tex told me. The worst part about it, babe, and I mean this, is the long, boring drive back home. But that's not what happened to Jesse Tofaro. When the electricity hit Jesse Tofaro, the headset bolted onto his bear scout caught fire.

04:46.20

Ellen

flames blazed from his head, arcing bright orange with tales of dark smoke. A gigantic buzzing sound filled the chamber, so deep I could felt it inside the bones of my spine. In the chair, he clenched his fists and he slammed upwards and back. He's breathing, I wrote on my yellow notepad. The executioner turned the power off, and then he turned it back on again. Jesse in the chair, nodding, breathing, his

chest heaving, then the buzzing again, flames the smoke His head nods, his head is nodding, he's breathing. My prison issued pencil dug into the page so hard that the paper ripped. I could see him sigh. So it was three jolts and um from the time that um they first turned the first turn to power on and when the he was declared legally dead. And um after that, we all just sort of filed out of the death chamber and got on

05:44.63

Ellen

the bus that had brought us there and rode back around the prison and they kind of dumped us out into a parking lot that was opposite the prison. And we stood there in the sun kind of wondering what had happened.

05:56.36

Scott Fulmer

Well, regardless of who you are, I think anyone would have, it would it would affect people profoundly to see something like that. And it did affect you very much to the point that you made some really big changes in what you do and where you live. So what was the result of that?

06:17.15

Ellen

Yeah. I think I felt, you know, reporters are, that the the job is to witness. And in fact, when I was standing out there in the field outside the prison that morning, Sister Helen Prejean was there. She had was just starting her her dead man walking march. She wasn't famous yet. She was soon to become extremely well known for her activism um and her and her morality. I think she's an amazing woman. And um I asked her yeah for a quote and i then I just kind of put my notebook away and I talked to her personally. I had been raised Catholic and I said, what do I do you know with this? And she said, bear witness.

07:05.92

Ellen

And that really lived, that just took up a place inside me. I think that really became fairly meaningful. um I worked a while longer as a reporter, i ended up that summer covering um There was a terrible serial killer ah terrorizing the University of Florida in Gainesville. um So I covered that. That was for the very wrenching experience. And then I covered the next session of the legislature. But I just i just didn't have a ah sense that the truth really mattered. you know I think that my world had been really turned upside down or ripped apart. and so

07:47.18

Ellen

Not too long after that, I decided that I was going to move to the West Coast in that sort of time-honored American way, just put my stuff in a car and drive west. So I did that. I kind of ditched everything that I've been working for for many years. I was the kind of reporter who started in junior high school and just worked on my high school paper, my college paper, and worked, worked, worked, worked.

08:12.28

Ellen

um But I just kind of lost faith in any of it mattered. And so I moved out to the West Coast and started working as a construction worker.

08:21.94

Scott Fulmer

You say you that's a a big, it's a big change. You, you go from Ivy league education reporter for 10 years and now you're on the west coast in San Francisco and you are working construction, which is, I i only laugh because it's such a dichotomy between the two. did Was it an escape for you? Did you feel like you were hiding or, or did you not really kind of lost direction at that point?

08:46.27

Ellen

Um, you know, it's a different world than in San Francisco. I was making \$8 an hour and I could afford my, uh, where I was living. I had a place I know.

08:55.99

Scott Fulmer

Wow. Here's San Francisco. That's crazy.

08:59.14

Ellen

Yeah, it was crazy. So I was, I was, um, you know, covered in cement all day and I was coming home to a stilt house on the San Francisco Bay that was underneath a kind of wild bird flyway.

09:09.70

Ellen

So it was, uh, it was also opposite at San Quentin prison, which I think I probably that that was something that occurred to me maybe later. I was like, why am I living opposite California's death row? So obviously I was still really thinking about it.

09:24.06

Ellen

um And I think that what it really was for me was an education. You know, I grew up in New York City and I went to private schools. Very lucky, very privileged. I went to Yale. I studied executioner's song

in literature class. And then suddenly I was working a very tough physical job um and learning things that I hadn't learned in school like what level means, what plumb means, um how to get it right the first time because obviously if you're setting something in cement, you don't go back and erase it and start over.

09:57.07

Ellen

I felt like it was an education and it was something that was was literally constructive and physically grounding. And it also, um, it worked so well for the, all the sort of feelings I had that I didn't know, I didn't have words for. I was exhausted every day. I was tired. I was, you know, it's very, very hard work. It was demanding and it was, I probably, I think it really helped me and saved my life in some ways.

10:25.27

Scott Fulmer

Well, whenever you are dealing with an experience like you had or or trauma or even something less less so, I think doing and being involved, doing things, being involved, of course, is cathartic for you and and is helpful. So I get that.

10:39.20

Ellen

Yeah. And it was also that right after there was a big tragic fire in the San Francisco Bay area um right before I got out there. And so I was I was helping people rebuild their homes. And I think that was also, you know, literally constructive and also psychologically helpful.

10:57.90

Scott Fulmer

So 1992, we're going to go ahead a few years later. It's the end of a real, as you said, it's a really long day for you. You're tired. You work construction. You're at home. You're making yourself something to eat. And you notice the news program 20/20 comes on and you look up and see your byline ah from the Miami, from the Miami Herald and Barbara Walters is saying that, that, uh, Jesse to Pharaoh.

11:22.84

Scott Fulmer

was possibly innocent. And this is something that you've been trying to, I guess, compartmentalize or put behind you. And now it's right there and in in front of you in the news. Did that hit you like a ton of bricks?

11:36.35

Ellen

It did. I was um ah was shocked and I felt this sense of dread, you

know, dread that i had I had made a mistake, you know, a mistake that was a profound,

11:55.00

Ellen

if that that it led to something really terrible. And I thought, oh, okay, i just I just really didn't know what to do. um i had Before I went to Stark prison that day, Florida State Prison in Stark, I um had interviewed, i'd gone um I had written to Jesse Tafaro and to his co-defendant, his girlfriend, who was also convicted and sent to death row along with him, um Sonny Jacobs.

12:32.81

Ellen

and their co-defendant, Walter Rhodes, who had testified against them at trial and then had recanted his confession. I mean, recanted his testimony and said that he himself had murdered Trooper Black and Constable Irwin, and then he had recanted that, and then he confessed again, and then he recanted again, and he confessed again. um I wrote to him as well, and I, to interview them, I wanted to know if I was going to go and witness the execution of a guilty man or an innocent one. So I traveled down to Sonny Jacobs and Jesse Tafaro said, no, they would not talk to me. But Walter Rhodes said yes. And so I drove down to the prison where he was incarcerated and interviewed him. And he told me that he had

13:27.00

Ellen

not had anything to do with the murders and that he had testified truthfully at trial. And I was a young reporter. I had done my best to get prepared, but I don't think I was really equal to the task. And I went back to the newsroom and I wrote a story that did not mention that Walter Rhodes had ever confessed. I just completely believed Walter Rhodes when I interviewed him that first time. And so when I saw the 2020 show, I mean, obviously, Barbara Walters, a total legend, very experienced reporter, you know, ah probably the best known journalist at the time, um the most respected journalist, and she had the story that basically said that I had believed a liar, and that I possibly, I felt my story, my newspaper story in the Miami Herald before Tefaro's execution and possibly

14:21.58

Ellen

helped put him in that chair. I just i don't really have the words to describe how I felt, but I felt like falling backwards through the sky. I was so shocked.

14:33.37

Scott Fulmer

We're going to talk a little bit about the details so that, you know,

fill in what happened on that at that rest stop that morning. But first, after you spent so much time as a construction worker and then you found your true calling as a private investigator, which really is not, doesn't have a whole lot to do with construction, but is very similar to being a reporter. How did your your your change to being a PI, how did that come about?

14:58.82

Ellen

um that ah San Francisco ah back then, um I don't know if it still does, it had a history, a tradition of of people working as private detectives who did not come from the traditional law enforcement or military backgrounds. There were a couple of very well-known agencies They all had started, trained with this guy named Hal Lipset, who had started in the 40s, doing code of creating this Bay Area a private eye tradition. And I had a friend, my friend Tim was a newspaper reporter, a former newspaper reporter like me, and he had um

15:46.92

Ellen

He was starting to string for one of the agencies and he recommended that I, um, they were looking to hire a woman because women for a lot of different reasons can make very good private eyes. And he suggested I give it a try and I did.

16:01.69

Scott Fulmer

Yeah, there are a lot of famous PI, you know, you talk about San Francisco, anybody in the in in the PI industry would know it. But I mean, Jack Paladino, like you said, Hal Lipset, there's so many famous ones there. So by 2015, and fifteen and then we're we're moving, and you know, quite ahead from now, ah several years later, by 2015, you decide to conduct your own investigation into the murders of Officer Black and Corporal Irwin.

16:30.07

Scott Fulmer

And your, I think your goal at the time was to determine once and for all, whether or not Jesse Tofaro was guilty or innocent. It sounds to me like this is something that you had to do in a way. So did you, you plan on writing a book at that time or, or was this just initially just an investigation for your own peace of mind?

16:51.27

Ellen

I had, um you know, when I started working as a private investigator, um I had this mystery that was at the center of my own life that I was doing a really good job of ignoring, but I think it's kind of filtered out into a lot of different, you know, how how secrets will, ah they will out basically. um And so I had sort of been gathering string all

along. It had been, um you know,

17:20.94

Ellen

I think a lot of investigators, we we all know, I mean, you're an investigator, you know, this you have there's a firewall between what you do for work and what you do in your own life.

17:30.52

Scott Fulmer

Sure.

17:30.73

Ellen

I think that's the only way to stay sane with it, really. But this was this one area in which that kind of leaked over. And so during the years um between 1992 and 2015, Jesse Tafari was in the news a lot for a lot of different reasons.

17:50.76

Ellen

there was a there was the twenty twenty show there was the um there's his co-defendant and girlfriend, Sunny Jacobs, was first she was her sentence was overturned and she was resentenced to life in prison. And then in 1992, the court appeals court actually overturned her murder conviction and she was let out of prison on an Alfred plea. And so that was a big news story.

18:21.69

Ellen

um And then after that, there was a movie made about her case and there was a very, very well written Broadway, off-Broadway play about her case. And um I just kept kind of seeing it. It felt like it was like glue that stuck to, you know, it's like was I was glue, it just stuck to me. I was, I think because, sorry, I'm getting rattled when I talk about this, I apologize. um When I, it wasn't like I would see the stories and then I'd just read them and I'd sort of obsess about them. And so I ended up kind of gathering a lot of information over the years. And um one of the things that that I noticed in the news stories that were being written about the case sort of around about 20,

19:07.12

Ellen

11, 2012, or 2003, you know, or 1995 or whatever, just all of those different times, was that the the way that the case was being written about did not match what I knew about the case having read the clips from 1976 when, before I went to interview Walter Rhodes and witness Jesse Tafari's execution. So there was that kind of mismatch. And I think that that just kind of stayed with me. And of course there was

what sister Helen Prejean had said, which is bear witness. So I think I've really only ever been a witness in this case. And because of that, um, I ended up,

19:52.51

Ellen

I think it it's never felt like it's a story that's belonged to me. It's just something that I have ended up sort of in in the middle of or with with it in my life in some way. And so I started in the case as a writer and I was always going to write about it. When I decided, when I really decided that I absolutely had to know for sure, or as much as I could,

20:15.18

Ellen

using my own investigation skills, which of course I've been you know developing since I started working as an investigator. I realized I had a mystery, I had the skills, um and I was always going to write the story of what I found. It just felt to me like that was the thing that then it was going to need to do with the information rather than just carrying it privately.

20:40.72

Scott Fulmer

It's interesting because it I think you're your experience as a reporter and then your experience as a private investigator really kind of prepared you for this for the book that you ended up writing. But you're investigating a crime that happened 40 years ago, I mean, 1976, when you but it happened. And of course, on the other side of the country, from where you're at,

21:03.69

Scott Fulmer

And at the time when the, when the crime occurred, it was back in what I call the olden days, no computers, uh, no email, no social media, everything in any kind of record is on paper and, and stuff somewhere. I mean, the newspapers even have, you know, as you know, they have the newspaper morgue where they keep the old issues that you'd have to to go through to look at. I mean, nothing's on microfiche or anything like that. So.

21:29.05

Scott Fulmer

And I'm sure many of the people that to were involved had already, or some of them had already died. So where do you start? I mean, this sounds like a, quite a mountain to climb.

21:40.25

Ellen

um but Oddly enough, it was my exact skill set, which I think is one

of the reasons that I felt like it was going to be possible to do. um
One of the first cases I ever worked on as a private investigator was
a case that had happened in a city ah far from where I was living in a
neighborhood that had since been completely torn down 30 years
earlier.

22:02.21

Ellen

We were tracking one event in the middle of one night in on one
specific street corner, and we managed to do that.

22:13.11

Ellen

ah We reconstructed the neighborhood from telephone books, basically.
Do you remember the cross directories that we used to have? They were
so helpful.

22:19.52

Scott Fulmer

Oh, yeah.

22:20.79

Ellen

um

22:22.00

Scott Fulmer

Chris Gross.

22:22.86

Ellen

Yeah, the crisscrosses and then we we found people who lived in the
intersection and we went door to door and we were lucky in that they
found a lot of them and they were alive and they remembered things. So
I use that skill set on this case. The first thing I did was I went
down to the county courthouse and looked up the case files, which were
interesting because they had been, these four or five boxes arrived
and they had been absolutely just rifled through. And I think it's
because there was a lot of interest ah in the case because of the
innocence

22:55.92

Ellen

issue over many, many years. And they people would just go in and like
read through the files and just stuff them back in the boxes. And so
it was just a mess. But in that mess, I found a set of affidavits that
Jesse Sefaro's lawyers had submitted in around 1989. So pretty shortly
before his final death warrant, he was executed on his third death
warrant. So there had been really a lot of litigation around his case.
And it just so happened that there was a stack of affidavits from

people who said, I knew Jesse Teferro back in the day.

23:34.28

Ellen

And that was a really good piece of luck because otherwise I don't know how I would have constructed his his life outside of the court testimony. um Because as you said, Scott, there's no social, there's no you know sort of breadcrumbs or footprints. It really was, you know, going back and trying to figure out what happened in a single instant on a February morning in 1976. So almost 40 years earlier in a highway rest area that had long since been torn down and paved over. There was nothing there.

24:08.11

Ellen

um But because I could start with, so i I read the affidavits and I found the people and I talked to them. And you know as I'm sure you know too, it's such an interesting experience to talk to people about something that happened a really long time ago. Because in some ways, obviously, you know memories change and and there's kind of the fitting together, the puzzle pieces aspect. But also I think the time travel aspect of the ah this kind of case people are possibly more willing to to open up a little bit because they've been thinking about it too. every Everyone I spoke to had seen all the new stories and they they'd seen the after, you know, the Made for TV movie and they'd read about the play and they' they'd seen all of the reports about it and like me, they had been

24:57.81

Ellen

sort of watching and wondering. And so when we got together to talk about it, we ended up in really, really long conversations that were really wide ranging because I was talking to people about a part of their lives that you know it was really a long time ago. um And I think that that was a there was some sort of a resolution aspect to some of the conversations. um So I had started out thinking that it was going to be a you know like a pretty straightforward investigation. I talked to the witnesses, I talked to the officers, um you know the the people who'd investigated the case, who had prosecuted the case, um hopefully have some grace and be able to talk with their families.

25:44.70

Ellen

um the of trooper black and constable erwin, but what I found really quickly was that it was actually the world that I was walking into that I was inhabiting by looking into this particular February morning in 1976 Was really a completely different story. It was Florida before all those interstate highways were completely finished um right on the brink of of being, mind me, nice cocaine. It was sort of just before

that when the cocaine um world in Florida was being run by, was essentially a group of high school friends who stumbled into a very high stakes, very dangerous, very high paying gig. And the people who were in the car that morning

26:31.15

Ellen

Jesse Teferro and Sonny Jacobs and Walter Rhodes were on the outskirts of that world. And so I ended up in the middle of it and it was it was it was fascinating and it was frightening. It was something that I that i hadn't expected and that I think in some ways just became really consuming.

26:52.01

Scott Fulmer

You know, time and distance from an event can be, it can be problematic, but I think it also can provide some clarity. You know, when you have time to sit and think about the past events, you see them through a different lens, probably a better lens than when you're, you know, viewing them at the time. Well, let's take a quick break and I will be right back.

27:17.25

Scott Fulmer

All right, I'm back with author and private investigator Ellen McGarahan. She is the author of Two Truths and a Lie, a Murder, a Private Investigator, and Her Search for Justice. And it is about the 1976 murders of Florida Highway Patrol Officer Philip Black and his friend Donald Irwin, who was also a ah peace officer from Canada, who was visiting there on vacation.

27:41.65

Scott Fulmer

I'm going to put a link to your book and some additional information in the show notes so folks can get a copy. It's a great book, by the way. And i I know I say that to everybody who I interview, but they all have good books.

27:55.47

Ellen

Well, thanks, Scott. That's really kind of you to say.

27:57.09

Scott Fulmer

i enjoy It's very compelling. and I really enjoyed it. ah Despite the the topic and the subject, it was very well written. Well, so again, 40 years later, now you're conducting this in your investigation. What kind of changes did you see? I mean, did you interview anyone originally involved and were there changes from what they said 40 years ago to now? Had their, had their testimony changed with the

passage of time?

28:25.39

Ellen

Definitely. And that's ah that's's an insightful question, as you know from your own investigation work. um Obviously, memories change and stories do change. And part of our job is to try to figure out what's what. my My tactic is always to just get all the information I can and then keep rearranging the pieces you know with as the new information comes in.

28:49.22

Ellen

you're in to see what the picture, know what the puzzle ends up being. um Yes, definitely. i spoke with um I spoke with everybody who was,

29:03.20

Ellen

I did not speak with everybody at the crime scene because one of the the people who was there um was a little tiny baby at the time. And I just ah just couldn't bring it to a doorstep.

29:17.84

Ellen

even though obviously she was not a little baby anymore. I just couldn't think of what she would know independently that could be helpful. um I think as investigators we do weigh what the effect of our questions are going to be rather than just sort of barging in. um But I spoke with Walter Rhodes again. I spoke with Sonny Jacobs. I went and found her in Ireland where she was living.

29:46.82

Scott Fulmer

who who who was in the car at the time when the when the shootings occurred, right?

29:49.23

Ellen

Right. Yeah. So in the car, there were three adults and two children. There was Walter Rhodes. There's Jesse Tefero. There's Sunny Jacobs. There was Sunny's 10-year-old son and then her nine-month-old baby girl. um So I spoke with everyone but the little girl. And I spoke with the two independent eyewitnesses. um One of them was Pierce Hyman, and he had deceased. He was dead by the time I was working on the book. um But there was a surviving eyewitness, independent trucker who had witnessed the shootings at the rest stop named Robert McKenzie, and I spoke with him. I spoke with ah the Florida Highway Patrol trooper who um after after the

30:41.94

Ellen

the murders of Trooper Black and Constable Irwin, the roads into Farrow and Jacobs and the two children took off in the police car and then they stopped and um hijacked another car and then they were fleeing north and they were stopped at a police roadblock. So I spoke with the Trooper who who shot a hole through the the door of the hijacked Cadillac and brought the car to a halt. I spoke with the officer who picked up Sonny Jacobs from the

31:17.20

Ellen

that scene and um brought her to the police station. I spoke with the so prosecuting investigator, excuse me, who are who conducted the investigation for the prosecutor's office. I spoke with the prosecutor. I spoke with um many of Jesse Tafaro's defense attorneys. So I just, I tried to talk with everybody. I spoke with the person who did the polygraph on Walter Rhodes. That was one of the things that ended up getting Sonny Jacobs' conviction overturned. um The prosecutor did not turn over that report and the court

31:56.77

Ellen

of appeal eventually ruled that he should have, that it was a Brady violation. And so I spoke with Carl Ward, who had conducted that test, you know, and it was it was interesting to go back and just simply talk to absolutely everybody, in addition to the friends of of Sonny Jacobs and Walter Rosen, Jesse Tafaro in that kind of drug dealing world.

32:01.28

Scott Fulmer

Oh, yeah, absolutely.

32:22.51

Scott Fulmer

So all those interviews and all the notes that you're making, that's right.

32:25.79

Ellen

sorry

32:27.24

Scott Fulmer

So all those interviews and all the notes that you took, become the book you published in your book in 2021. And in reading it, I got the sense that it wasn't that you wanted to write a book.

32:37.84

Scott Fulmer

It's almost, I felt like you had to, that it was, I don't want to sound like Dr.

32:41.49

Ellen
Yes.

32:43.05

Scott Fulmer
Phil here, but that it was a search for a catharsis.

32:45.77

Ellen
Yeah, it was. It's interesting because I had i didn't realize the how how profoundly helpful it is was for me anyway to to figure out oh the factual what actually happened aspect of the case.

33:01.83

Ellen
um

33:04.20

Ellen
You know, I think in these days we talk a lot about sort of, you know, your truth versus my truth and truth being relative and everything, but I come from a different strain, which is that I vote, as I mentioned before, raised Catholic and and the nuns in my grammar school basically talked about your permanent record. It's going to go on your permanent record. And there's part of me, of course, that When I was a child, I believed that that was a piece of paper in the sky somewhere. Now, as an investigator, I think I've morphed into a more sophisticated understanding, which is that there is the thing that actually happens that's completely independent of what we want it to be. Our wishes and hopes don't have any effect on that. If I had been just a camera at that,

33:48.45

Ellen
um

33:51.29

Ellen
at the rest area that morning, what would I have seen? And I kept going.

34:00.24

Ellen
like Everything I learned, I would ah would just constantly think, okay, it's that. Oh, no, wait, it's that. Oh, no, wait, it's that. I really tried to keep a really, really open mind. But I found that

doing that took me pretty deep into my own feelings about the case and about what I had witnessed, what it's like to be a witness to electrocution, especially one that ah goes awry. um And I just ended up in a and really long kind of conversation, I guess, with myself about that, and then a really ah stringent way of approaching the case to try to make sure that I haven't didn't keep make the same mistake that I made the first time I interviewed Walter Rhodes, which was to take him at face value, kind of trust my own instincts rather than what the case record said or what the what the facts looked like. um And through that whole process,

34:57.39

Ellen

i I was writing, I was taking notes, I was just this constant you know sort of trying to get everything down. Again, as we do as investigators, is you know we we write what we find.

35:09.28

Ellen

um It's not enough to know it, you have to sort of communicate it. And I wrote a first draft that was close to 800 pages and unreadable, of course.

35:18.51

Scott Fulmer

Wow.

35:18.86

Ellen

But I did ah sort of the process of really honing that became something that really was a catharsis in a way that um it was surprising because it brought me much, much, much closer to the sort of the the horror of the case. you know the I was ah had this moment sort of at the end ah towards the end of my investigation, um but really at the beginning of my writing process where I went to try to find the graves of Trooper Black. and ah trooper black Sorry, Constable Earn is buried in Canada, I believe. but

35:54.47

Ellen

Trooper Black. um And I got lost in the graveyard. I couldn't, I got there too late. The, you know, the office wasn't open. There wasn't a map. And I just, it was a storm coming. It was just, you know, the skies were lowering and it was really, really sad. It was so sad. It was just this, you know, graveyard kind of in central Florida.

36:22.31

Ellen

that's but and it may The thing that I really realized there is that that is actually what this whole case is about. you know It's not

about I mean, there are really important issues of of innocence and guilt and wrongful conviction and miscarriage of justice. These are things we do need to be talking about. We need to be focusing on them. They're important. But at its heart, this case is the case of Chipper Black and Constable Irwin, who were both 39 years old. They were doing their job. They were good men from everything I've ever heard about them.

36:56.62

Ellen

and um They were murdered that morning, and on the day that I visited Trooper Black's graveyard and tried to find his his grave, he was under the ground almost exactly as long as he'd been alive. And I realized that that part of it, the really deep sorrow of these cases that the tragedy of them, it really did not belong to me. you know it it I was of sort of a peripheral visitor to that world, but I could feel that I was but was very glad to have spoken with Trooper Black's widow who was very, very kind to me. and

37:37.31

Ellen

just I think that was the the sorrow and the loss of it really struck me. And so I think that was something that really came home too. you know I started out with the book with this kind of more or less forensic question about guilt and innocence, and I ended up in the the deep sorrow of what a murder case really entails, really feeling it. And that was something that has really stayed with me.

38:03.90

Scott Fulmer

Well, there's no winners in the story, unfortunately. But I think that i think your research and the the introspection that you're talking about is what made your book so compelling.

38:14.78

Ellen

Thank you Scott.

38:14.96

Scott Fulmer

I want to um to change directions a second. I want to ask you about the current true crime landscape. um In 2014, a podcast called Serial was released, and it was ah about the murder of Heyman Lee by her ex-boyfriend Adnan Syed.

38:31.95

Scott Fulmer

And the impact of this podcast was, um it was phenomenal. I mean, it really solidified the true crime community into a community. It inspired a lot, maybe it inspired hundreds of other true crime

podcasts. It influenced amateur detectives to investigate crimes. The influence of serial really can't be overstated. That was 10 years ago.

38:54.70

Scott Fulmer

Now, true crime is accused of exploiting victims, sensationalizing violence, turning victims and killers into merchandise to make money, and making serial killers sexy. Are we better off than we were 10 years ago?

39:12.30

Ellen

Well, I've thought about that a lot. um And I think we should be talking about that more often than we do. um My short answer is no, we're not.

39:25.18

Ellen

I think, I mean, I think true crime is a genre. You know, I think you can make the argument that in cold blood is true crime and executioner song is true crime that, you know, it's always been these stories trying to make sense of them. And in a way of trying to make sense of our own humanity has always been part of the stories that we as human beings tell each other.

39:52.00

Ellen

But I think the thing that's happened is that there's been sort of a, like a vigilante aspect that surfaced with the breadcrumbing and the on the internet and the sort of doing your, your own research about things. And I think that that is, I think it's damaging um to to the what it purports to help, the idea of justice, of of making sure that things are done correctly. um I guess having been, you know, I also worked for a while as a investigator for the state row, ah sorry, the the state agency in California that defends death row inmates. um And if so I've been closer than possibly

40:41.67

Ellen

some other people have to to murder cases and I just don't find them entertaining. I think there's a, the thing that I think that really, that gets me a little bit about the true crime is entertainment aspect is that I just personally think that murder is a tragedy and should be treated with respect. So i I appreciate the urge towards justice. You know, I think that, I think we all want that and I think that's great, but I think, you know, as,

41:09.04

Ellen

as actual professional investigators, which you know, too, um you

know, we we've training and there's ethical guidelines and there's a sort of a ah sense of admissibility of evidence, you know, all of those guardrails just get blown away. And I think probably the guardrails are there for a reason and and they're important. So

41:32.50

Scott Fulmer

Well, I've tried to make sure that this podcast does not fall into that category. I didn't want to um be, have you know, be lurid. I didn't want to be lurid or exploit victims or anything like that, but I did want, i as an investigator myself, I've always wanted to solve the mystery, and I think that's kind of what's driven me.

41:52.92

Ellen

Yeah, I think and I think there's a place for it. I mean, I'm not saying that it's that it's um I mean, I also wrote a book that is considered true crime. And I also have been, I think, on the other side of that question of watching a case that I knew something about and that I had this kind of tangential connection with being discussed and that, um you know, in the in in the culture.

42:17.17

Ellen

and what that feels like. you know it feels For me, it was a very uncomfortable feeling. I felt like I needed to know what really happened. If it ah it mean if if there had never been ah a news program or a made-for-TV movie or a play about Jesse Teferlo's case, I probably would not have needed to to really investigate it. I could have lived with my questions. So um so I think it really has a it has a place and a role, but I think that that is not in the entertainment sphere. um And I don't think, I mean, I think,

42:56.70

Ellen

But I think that that justice is an important issue that we all should be discussing. so it's kind of we so I think we're still figuring this out.

43:05.17

Scott Fulmer

Absolutely. Now, it's interesting. I thought about you the other day. There's a a TV show on Amazon Prime called Bosch. Are you familiar with that at all?

43:14.47

Ellen

and No.

43:15.40

Scott Fulmer

Okay, he's an LA detective who, he's not Dirty Harry, but he does he does things his own way. It's actually a very good show. I think it's the longest running original series on Amazon.

43:27.92

Scott Fulmer

But in one of the last seasons, they one of the, quote, bad guys is named Jesse Tafaro. So as soon as I saw that, yeah, it's really odd.

43:36.90

Ellen

Are you kidding me?

43:40.17

Scott Fulmer

But I want to end with a few more questions about your book, and then we will move on.

43:40.60

Ellen

to does

43:44.64

Scott Fulmer

But did you find resolution after writing your book? Are you at peace?

43:50.46

Ellen

I am. And it's a surprise that sort of the old fashioned experience of knowing what actually happened as much as it's possible to be known as really really helped me. And I think, I've wondered about this a lot, like why does it matter? And in fact, when I spoke with Sunny Jacobs, she asked me, why do you need to know? And I think it's a good question. I think it does go back to what Sister Helen Prejean said, which is to bear witness. And I needed to know, bear witness to what?

44:27.87

Ellen

you know, what what was it that I saw? And then what does that mean about who what is my life you know what does that mean in my life? Am I someone who witnessed the execution of an innocent man or not? And so And also just as a detective, my whole thing is obviously, as all of us do, you know, we try to find out the truth. And so I think that if I had not moved into this field, possibly I could have let it go more easily. But it turns out I couldn't. And that, for me, the answer really was using the job skills that I already had to figure it out. um So I think um when um

45:11.72

Ellen

um when ah My book was reviewed very kindly reviewed on Fresh Air by Maureen Corrigan, which is a review I felt very honored by. and She called it a ah work of redemption and I think it had not occurred to me that that's what it was. and Then I read that and I thought, yeah, it's true. so I do feel like i um that sort of feeling of of dread that I felt all those years ago, I think I managed to find out you know where whether that applied to me or not and what was really happening with the case and where we really are with our justice system. And that was helpful to me. I hope it's helpful to other people too who read the book, who wonder about questions of of innocence and guilt and wrongful conviction that I think the concerns that we all do share.

46:10.94

Scott Fulmer

i think I think it mattered to you because you were essentially part of the story. I mean, I know reporters are not, you know, they're not supposed to be, don't, you know, they say, never make yourself part of the story, but you couldn't help it. I mean, you were a witness.

46:24.70

Ellen

Yeah. And it took me so many years to realize that, that it was okay to have feelings about it. You know, I was like, gosh, I must be super weak. I'm a bad reporter that I actually, I'm a human being with emotions around this.

46:33.94

Scott Fulmer

No, no.

46:37.35

Ellen

So then I would hope that things have changed in the last 30 odd years to, you know, to give reporters a little bit more support. Um, and you know, the, the idea that what you see does, does affect you.

46:54.83

Ellen

I mean, that's true of us too for reading the news. You know, I think we're all supposed to just take it in as facts and leave the emotions aside, but I do think the emotions are really real and that it's good to deal with them.

47:05.56

Scott Fulmer

Well, it's impossible to see something like that and not be changed. So I understand. The subtitle of your book is a murder, a private

investigator in her search for justice. Now, I want to point out, here I go with Dr. Phil again. How's that working for you? It says a murder, not two murders or the murders. So does the murderer flirt does the murder refer to the state of Florida executing Jesse Tefaro or am I reading too much into it?

47:34.07

Ellen

Well, you're a good reader, I have to say. um

47:39.82

Ellen

um So I wanted the subtitle of the book to be, and it was going to be, you know, these things sort of get, they get tested and they get tried out and everything. um I want it to be a private investigation. That's all, you know, two truths and a lie, a private investigation. But that was tested as not, not definite enough, which is true.

48:02.25

Scott Fulmer

ah your publisher Your publisher wants something more sexy, and I'm sure, to sell books.

48:05.86

Ellen

Yeah, yeah, exactly. um And then there was the idea of of calling it a private detective's electric chair odyssey, which was another, that's something that my husband Peter really thought would be interesting. But um I and think that was viewed as not serious enough, although in some ways that's a really good description of the book. um So for me, I think it can be read really a number of different ways. um For me, what it means is the murder of Trooper Black and Constable Irwin.

48:47.60

Scott Fulmer

And her search for justice, justice for whom?

48:53.67

Ellen

Yeah.

48:55.25

Scott Fulmer

For Tefaro, for Black, Irwin, all of them?

49:00.95

Ellen

I guess it's I guess it's for all of them. you know i think that i i I do say in the book that I came to despise Jesse Tafaro. I spent how many years and with him really in the center of my

49:22.33

Ellen

my life. i I probably worked on my book for six years or something, you know, writing, rewriting, writing, rewriting, investigating. I came to know him really well. You know, I mean, he's a man who was a convicted sexual.

49:38.53

Ellen

He's sexually assaulted two women. He was a violent, violent drug dealing.

49:49.41

Ellen

person. He was also deeply loved by his his partner, his mother, the child that he took under his wing. You know, people are complicated. um And I came to realize that that justice is really important no matter who and no matter what. So I guess it is for him too.

50:09.24

Scott Fulmer

Absolutely. Excuse me. I won't put that in the podcast. um Yeah, absolutely. I agree. At the end of your investigation, I think you made it a personal determination, whether you thought Tafera was guilty or innocent. Do you want to share that or should we preserve the mystery and tell everyone to get a copy of your book and let them find out for themselves?

50:35.41

Ellen

Well, I tried so hard to keep an open mind all the way through my long year. I investigated this case for a calendar year, January to December 2015, and then I gathered string on it for 25 years before that.

50:53.71

Ellen

um so i And I really tried to keep an open mind. And so I would like readers, if anyone is kind enough to be interested in this story, um to keep in to have to make be able to make up their own mind without me telling them now what I found. Because I think that's key. you know I think that we come to these cases,

51:16.01

Ellen

you know over and over again the kind of questions of innocence and justice that arise sort of having decided already oh well I read this and it says this and so therefore I know this when as investigators we know that facts can be complex they can surprise you and that if you

don't have an open mind you'll end up missing something and so the other thing I would say is if someone reads my book and feels that I really missed the mark I would love to hear from them because there will be some ways in which this case will always be with me. so you know And I am now completely willing willing to hear it, willing to re-examine the justice and what actually happened is always going to be incredibly important to me. But that being said, I i do feel like i from I satisfied my own pretty demanding

52:11.81

Ellen

questions about it. And I'd be interested to know if I raised more questions than I answered for other people who are coming to the story new.

52:20.79

Scott Fulmer

I think that's a great answer. I like ah the fact that, as I'm reading the last bit of your book, you you didn't spoon feed me. You preserved some mystery, but I came away with a determination of whether I thought he was guilty or innocent.

52:34.78

Scott Fulmer

So I think if folks could get your book, and it's not just, the story's a lot more complex than that, and it's a long story, but I think it's something that, I keep using the word compelling.

52:35.69

Ellen

so

52:42.78

Ellen

Yeah.

52:47.15

Scott Fulmer

I need to get a thesaurus. It was a compelling book.

52:50.94

Ellen

Well, thank you for saying that Scott.

52:51.47

Scott Fulmer

um Is it in paperback? I know it's in hardback.

52:54.60

Ellen

Yes.

52:54.71

Scott Fulmer

I have a hardback copy. Is it out in paperback yet or audio?

52:57.99

Ellen

Yep. It's paperback. It's an audio Cassandra Campbell did a great rating of it. It's really beautiful.

53:04.19

Scott Fulmer

Any more books in your future?

53:06.58

Ellen

I don't know. and worry I wonder about that. I think sometimes we just write the books that were meant to write. So what about you?

53:14.34

Scott Fulmer

You could do a.

53:15.45

Ellen

You're a writer. Are you writing again?

53:16.36

Scott Fulmer

Well, you can do a fiction book about a PI that does construction during the day and follows cheating spouses ah in the evenings.

53:25.38

Ellen

That's right. I could set it in the San Francisco Bay area in the early 1990s. You're onto something. I like it.

53:32.07

Scott Fulmer

Yes, I am a writer. I wrote my book. But it is, ah you know, Confessions of a Private Eye. And it was, it's, it's hard to write a book.

53:42.25

Scott Fulmer

I never thought how never it took me a year to write it, and you know, much shorter than what you wrote yours.

53:42.81

Ellen
Yeah.

53:47.96

Scott Fulmer

But then yours, and mine was the experiences I had. So it was a lot easier for me. I didn't have to go interview other folks, like you did.

53:55.32

Ellen

I think writing about yourself is really hard, so.

53:55.59

Scott Fulmer

But

53:59.03

Scott Fulmer

It was, uh, it was difficult. I think the hardest part for me was the editing because I, like you said, what your original draft was 800 pages, which is like almost three times too long for a book.

54:09.32

Ellen

Yes, that was pointed out to me actually.

54:09.89

Scott Fulmer

And I'm sure it was. Yeah. And I had to, I, I edited and edit. I may have read it over and over and edited and make sure everything was, was, was, uh, you know, in chronological order.

54:22.09

Scott Fulmer

And I wasn't introducing a story or or someone later on that I already introduced, introduced earlier on. But by the time I got through with my book, I was tired. I was sick of the book. But anyway, enough about me. Well, Ellen, I'm gonna give you the last word. What do you take away from all this? Any lessons from this whole experience? And this this whole this whole experience is a good portion of your life.

54:48.25

Ellen

Yeah. um hey It's been hard to figure out what it means, you know, as you just said, when you're in the middle of it. It it can be hard to figure out the larger picture. A couple of things. think that I think truth does matter, and I know I sound incredibly old-fashioned when I say that, but really truly understanding something in a thorough and objective way I think can be a road to sanity and I know it's

something that, it's a big cultural conversation going on around that now, but that continues to be my north star and it's it's just a very simple, simple approach.

55:35.70

Ellen

um And I think that I would like to see a more sophisticated conversation around the death penalty, actually. um I think the Innocence Project does great work, but I think the concept of Innocence is

55:52.03

Ellen

it's it just doesn't apply in every case. you know I think there's there's nuances to that. you know It's not either or, guilty or innocence. There's kind of a very complex understanding of how our justice system actually works and what ah what a wrongful conviction is versus factual innocence. and I think that the way that we have constructed the conversation specifically, for example, around this case, there's really been a myth that's grown up around it.

56:19.21

Ellen

and It dodges a lot of the really hard questions that we do need to be asking ourselves about capital punishment. you know Because I think we do agree still, even today, that executing innocent people is unconstitutional and wrong. But the truth is that most people on death row are guilty of the crimes they were convicted on.

56:45.20

Ellen

of, and what do we do about that conversation? You know, how are we going to be talking about that? And I think that it's just something that's overdue, and that it is really, and we can sort of put it all off into this this sort of fairy tale land of discussing only the easiest parts of the question without really getting into the heart of it. And I think that that's um it's just time for us to sort of grow up and really face it and and really start talking.