

MURDER CASE STUDY

VICTIM



REV. PATRICK RYAN

**WRONGFULLY CONVICTED
OF MURDER**



JAMES HARRY REYOS

TRUE MURDERER: UNKNOWN



**CROSSLAND
FOUNDATION**

Leon J. Podles

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Rev. Patrick Ryan

James Harry Reyos grew up on the Jicarilla Apache reservation in New Mexico. The youngest of six children, he was a good student and was inducted into the National Honor Society. He went to the University of New Mexico in Albuquerque where he began drinking. In 1977 his father was injured, and Reyos returned home to help on the family ranch near Chama. Reyos later went back to college at Eastern New Mexico State University, but his drinking caused him to fail. He told bizarre stories while he was drinking, and possibly even hallucinated; in 1980 he was banned from the dorm.¹

Patrick “Paddy” Ryan, a native of Doon, Ireland, in 1949 entered St. Patrick’s College, the Pallotine seminary at Thurles, County Tipperary, Ireland, where he was a classmate of William Hanly.² The superior of Irish province of the Pallottines, who attended the funeral,³ was also named William Hanly,⁴ but it was not made clear that they were the same person. Ryan became a missionary in East Africa for twelve years, but in 1979 showed up in the Amarillo diocese and for the first time was listed in the directory of Catholic priests in the United States. Bishop Matthiesen appointed Ryan pastor of St. William’s Church in Denver City, Texas. Ryan was well liked in the parish; the parishioners called him “saintly” and “Christ-like.”⁵ Matthiesen somehow couldn’t remember how Ryan ever came to be in Texas,⁶ but Matthiesen had a diocese that was starved for priests, and he frequently took priests from the Jemez Springs Center of the Servants of the Paraclete.⁷ That Center treated priests with alcoholism and sexual misconduct issues.

On December 6, 1981, Ryan, age 49 (or 51 in some versions), wearing casual clothes, picked up a hitchhiker, James Reyos, 25-years-old, who was hitchhiking from Lubbock to Hobbs. By this time Reyos was an alcoholic. He had been arrested 30 times for public intoxication and five times for drunken driving, but never for any violence.⁸ He had just lost a job as a roustabout with Mobil because of his drinking. Ryan, introducing himself as John, took Reyos to a Tip’s Inn and began drinking with him. Reyos was a homosexual, but as an Apache he had trouble admitting this to himself.⁹ Ryan, however, must have picked up some signals or indications of Reyos’ orientation.

¹ Jim Henderson, “I Didn’t Do This,” *Houston Chronicle*, December 17, 2001; Howard Swindle, “Shadows of a Doubt,” *Dallas Morning News*, July 4, 1993.

² “Authorities Probing Death of Missing Catholic Priest,” *The Paris [Texas] Herald*, December 28, 1981, p. 7.

³ “Priest Slain,” *The Galveston Daily News*, December 28, 1981, p. 6-A.

⁴ In “Irish Priest Wanted for Terrorism Is Dismissed” (*Washington Post*, January 13, 1990), the superior of the Irish Province of the Pallottines is identified as Rev. William Hanly.

⁵ “Priest Slain,” *The Galveston Daily News*, December 28, 1981, p. 6-A.

⁶ “When asked how it was that Ryan ended up in West Texas, Matthiesen said he couldn’t remember” (Jordan Smith, “Who Killed Father Ryan?” *Austin Chronicle*, June 17, 2005).

⁷ Leon J. Podles, *Sacrilege: Sexual Abuse in the Catholic Church* (Baltimore: Crossland Press, 2008) pp. 325-326.

⁸ Jordan Smith, “Who Killed Father Ryan?” *Austin Chronicle*, June 17, 2005.

⁹ Reyos later said, “During all that time, I always denied my homosexuality, and I didn’t want it to come out in the open (Howard Swindle, “Shadows of a Doubt,” *Dallas Morning News*, July 4, 1993).

Ryan loaned Reyos some money, and was in other ways, Reyos said, “kind and considerate.”¹⁰ They saw each other only a few times until December 20th, when Ryan asked Reyos to come over to the rectory with a family photo album that Reyos had mentioned. Ryan appeared interested in the Apaches.

They began drinking beer and switched to orange juice and vodka. Then, Reyos said of Ryan,

He came up to me, grabbed me by the shirt collar, pulled me toward him and had me perform oral sex on him.¹¹

Reyos, disgusted with Ryan’s behavior, hurriedly left the rectory and left his backpack behind.

The next day, December 21st, Reyos got a check from his father for \$750, his quarterly share of royalties from the reservation. He needed a ride to Hobbs, where his pickup truck was being held by a bail bondsman in connection with a charge against Reyos of driving with a suspended license. Although he was embarrassed by the night before, Reyos needed help and went back to the rectory to ask Ryan for a favor. Ryan immediately apologized for his actions. On the way to Hobbs with Reyos, Ryan picked up another hitchhiker, a black man about 45 years old.

Ryan dropped Reyos off at the bondsman Charlie Bostick’s house. Reyos asked Ryan to wait until he was sure that he could get his pickup truck and that it would start, but Ryan drove away with the other hitchhiker, a scene witnessed by Bostick’s daughter.¹²

Reyos retrieved his truck, bought a case of beer at Tip’s Inn and met an acquaintance, Harold (who died before the trial), and bought a gas cap (and kept the receipt, as he always did with all his receipts). Reyos dropped Harold off at home about 1:30 P.M. and was driving to Artesia on the way to Albuquerque, where he hoped to spend Christmas with his family, when saw the hitchhiker who had been with Ryan. Reyos drove with the hitchhiker to Artesia, where he arrived about 4-4:30 P. M.; Reyos fuelled his truck there and got a receipt. About 6 P.M. Reyos pulled into Roswell and dropped the hitchhiker off at a bus station.¹³ Records there showed that a ticket was sold at that time to a black man travelling to Clinton, Oklahoma.

In Roswell Reyos bought beer (he had a receipt for this purchase) and met an old student friend, David Meyer. They went to Meyer’s apartment and drank; they parted about 8 P.M.¹⁴ More and more intoxicated, Reyos drove to Tatum, New Mexico, bought gas (he had a receipt for this, but it does not seem to have been time-dated) and drove west past Roswell. He turned around and

¹⁰ “Defendant Denies He Killed Priest,” *Galveston Daily News*, June 9, 1983, p. D-1.

¹¹ “Defendant Denies He Killed Priest,” *Galveston Daily News*, June 9, 1983, p. D-1. Dennis Cadra thought that the sex was consensual, but that Reyos was still in denial at the time: “I personally believed then, and still believe, that the two men has consensual sex, but Mr. Reyos was unable to admit to being a homosexual” (David Elliot, “District Attorney: Inmate Is Innocent,” *Austin American-Statesman*, May 10, 1992).

¹² Jordan Smith, “Who Killed Father Ryan?” *Austin Chronicle*, June 17, 2005.

¹³ Jordan Smith, “Who Killed Father Ryan?” *Austin Chronicle*, June 17, 2005.

¹⁴ Paul G. Caswell attacks this part of Reyos’ defense (“The Guilty and the ‘Innocent’: An Examination of Alleged Cases of Wrongful Conviction from False Confessions” *Harvard Journal of Law and Public Policy*, Spring 1991). Myers was uncertain at the trial about the date he met with Reyos, but Cadra pin-pointed it to his satisfaction to December 21st by a process of elimination, using dated receipts that traced Reyos’ movements.

was heading east toward Roswell (not west away from Odessa)¹⁵, where he got a speeding ticket at 12:15 A.M., 215 miles from the murder scene in Odessa. Reyos drove his truck into a ditch; passing motorists got him out and took him for coffee. But he had a flat tire, so at 4 A.M. he had a wrecker tow the truck to a truck stop. Reyos fell asleep in his truck until 8 A.M., woke up and bought some beer. About 30 miles outside Roswell, he got another flat tire, hitchhiked back to Roswell to a Chevron station, and arranged for his truck to be towed. He waited all day for the tire and wheel to be fixed, and at 7 P. M (as indicated by a receipt) left for Albuquerque.¹⁶

At some time in the afternoon of December 21, Ryan started making dinner at his rectory in Denver City. Something happened to make him turn off the stove, leave the steak and potatoes on the stove, and drive ninety-four miles to Odessa.

Between 7:30 and 8 P. M on that day, a desk clerk at the Sand and Sage Motel in Odessa, Texas, checked Ryan, who was using a false name and address, into room 126. Another customer checked into the room next to room 126 at 9 P. M. and heard nothing that night.

On the morning of December 22, 1981, a maid opened room 126 and ran shrieking to the manager's office. The room had seen a struggle: the sheetrock by the door was bashed in and covered with blood. The phone was shattered; the mattress was knocked on the floor, the headboard splintered. She saw a man's body.¹⁷ It was nude; the hands were tied behind his back. He had been beaten so hard that his heart stopped. He had died, according to the pathologist's report, sometime before midnight. The police did not know who he was, and took him to the morgue.

Ryan did not show up for Christmas Eve Mass. The parishioners thought he might have been called away on an emergency. Then he did not show up for Christmas morning Mass. The local police put out a missing person's report, and the police in Odessa said they had an unidentified body. On December 26, several parishioners drove to Odessa to identify Ryan's body.

The police found Reyos' backpack in the rectory. An Odessa detective questioned him; Reyos described his last meeting with Ryan at the rectory and gave the detective the receipts from his truck. Reyos took and passed a polygraph test. The detective asked Reyos to pull up his shirt; apart from a small scratch on his hand, Reyos was uninjured. The detective took Reyos to Hobbs to see Ryan's car; it was not at the Odessa motel, but somehow had been driven to the Moose lodge in Hobbs and left there on the morning of December 22.¹⁸ Reyos identified the car. There was money in the trunk, but Ryan's accordion and silver chalice were missing.

¹⁵ David Elliot, "District Attorney: Inmate Is Innocent," *Austin American-Statesman*, May 10, 1992.

¹⁶ Jordan Smith, "Who Killed Father Ryan?" *Austin Chronicle*, June 17, 2005. Paul G. Caswell, who thinks that Reyos is guilty, refers to the trial transcript that indicates "Olivia Gonzales... testified that she saw Reyos driving the victim's car by himself the day after the murder ("The Guilty and the 'Innocent': An Examination of Alleged Cases of Wrongful Conviction from False Confessions" *Harvard Journal of Law and Public Policy*, Spring 1991). But Reyos was in Roswell waiting for his truck. Therefore he could not have been driving Ryan's car on that date. And Ryan's car, according to witnesses, had been parked at the Moose Lodge in Hobbs since the morning of December 22 (Jordan Smith, "Who Killed Father Ryan?" *Austin Chronicle*, June 17, 2005). If it was at the Moose lodge, Reyos was not driving it

¹⁷ Howard Swindle, "Shadows of a Doubt," *Dallas Morning News*, July 4, 1993.

¹⁸ "Dead Priest's Car Investigated," *Del Rio News-Herald*, December 28, 1981.

Bishop Leroy Matthiesen of Amarillo and Bishop Joseph Fiorenza of San Angelo presided at Ryan's funeral on December 29. Matthiesen called Ryan "yet another martyr." Matthiesen continued:

May his blood – shed by strangers, as with the Savior – be the seed that springs up new Christians.¹⁹

After Ryan's picture appeared in the Hobbs newspaper, two teenagers told police that they had been approached by Ryan who said he was looking for "young studs" for sex, or, as they said later at the trial, "to fuck him."²⁰

Reyos drifted around and lived in Memphis, Tennessee for six months. He went back to Albuquerque and took a room in the Bow and Arrow Motel. He was arrested for public drunkenness and when he started saying that he may have killed a priest, he was taken to a mental health center. He was immediately diagnosed as an alcoholic, and the staff noticed that he had hallucinations.²¹ He went back to his hotel and took some pills someone had given him. He drank, and then on November 18, 1982 called 911 from a public phone to tell the Albuquerque police he had killed a priest.²² When an officer came to the motel, Reyos said "I killed Father Ryan."²³ When he sobered up he said he had not committed the murder, that he was innocent.²⁴

Reyos was arrested, indicted, and tried for murder.

The jury had a defendant who was an Indian and a homosexual and who had confessed (although he almost immediately recanted the confession). They convicted Reyos, but

- In order to commit the crime, Reyos would have had to leave Roswell at 8 P.M., drive more than 200 miles to Odessa, kill the priest, and then drive 215 miles to a point west of Roswell by 12:15 A.M.
- Assuming it took 30 minutes to meet the priest in Odessa, tie his hands and kill him, Reyos would have had to drive 415 miles in 3 hours, 45 minutes. His average speed would have been 111 miles an hour.²⁵
- Reyos would have had to do this in an old pickup truck, on rural Texas and New Mexico roads, while intoxicated.

¹⁹ "Slain Priest Mourned," *Del Rio News Herald*, December 30, 1981.

²⁰ Howard Swindle, "Shadows of a Doubt," *Dallas Morning News*, July 4, 1993; Jordan Smith, "Who Killed Father Ryan?" *Austin Chronicle*, June 17, 2005.

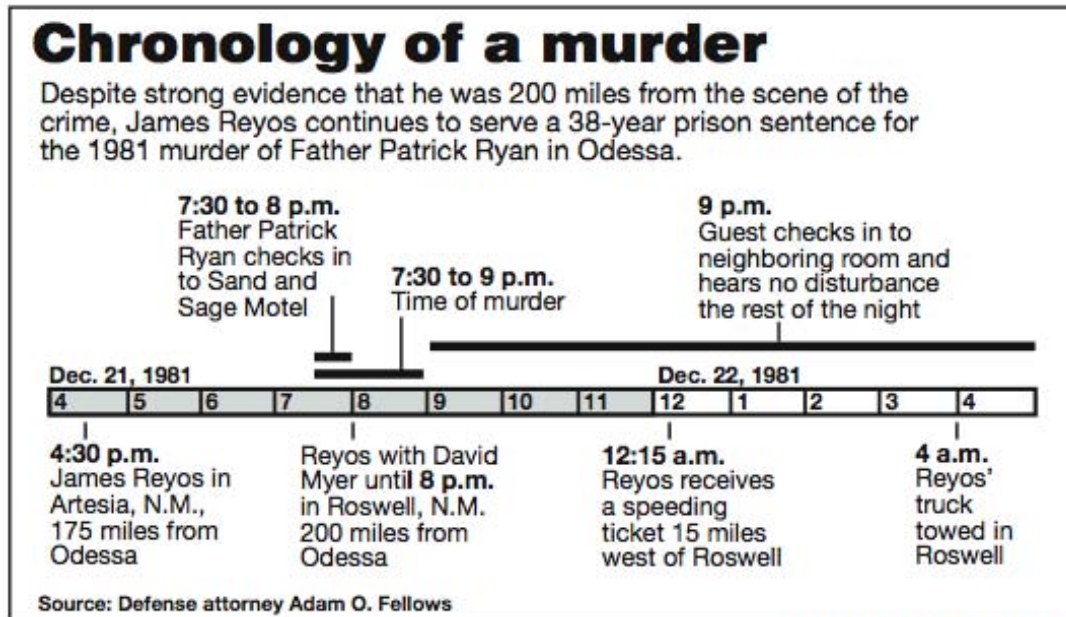
²¹ Howard Swindle, "Shadows of a Doubt," *Dallas Morning News*, July 4, 1993.

²² "Warrant Issued in Priest's Death," *Galveston Daily News*, November 21, 1982, p. 4-A.

²³ Ginny Carroll, "True Confessions – Or False?" *Newsweek*, September 13, 1993.

²⁴ "Defendant Denies He Killed Priest," *Galveston Daily News*, June 9, 1983, p. D-1.

²⁵ David Elliot, "District Attorney: Inmate Is Innocent," *Austin America-Statesman*, May 10, 1992. Other detailed analyses of the time line are in Howard Swindle, "Shadows of a Doubt," *Dallas Morning News*, July 4, 1993.



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Paul G. Cassell, a former U.S. District Court judge in Utah, has questioned this time line. He points out some problems with it, most importantly the date of Reyos meeting with Myer. In his testimony at the trial, Myer could not pin down the date among the possible dates, December 21st, 22nd, and 23rd. He said that he was sure it was not the 24th, Christmas Eve, because he would have remembered that. The fact that Reyos' car was being repaired in the Mobil station in Roswell until 7 P.M. on December 22nd demonstrates that the meeting could not have been on December 22nd. Cassell presumably postulates that the meeting with Myer occurred on December 23rd in which case Reyos could have murdered Ryan in Odessa on December 21st and made it to Roswell in time to get the speeding ticket at 12:15 A.M. on December 22nd.

However, there are other difficulties with the case against Reyos:

- Despite the violence in the motel room, there was no physical evidence linking Reyos to the crime scene. The fingerprints which were not Ryan's were also not Reyos', according to the FBI.²⁶ None of the hair, blood, or semen matched Reyos'.²⁷
- A polygraph examiner concluded that Reyos was truthful when he said he did not kill Ryan.²⁸

²⁶ On April 27, 1983 the FBI reported: "The five latent fingerprints and the two latent impressions are not the fingerprints or palm prints of Reyos" (Howard Swindle, "Shadows of a Doubt," *Dallas Morning News*, July 4, 1993).

²⁷ Howard Swindle, "Shadows of a Doubt," *Dallas Morning News*, July 4, 1993; "Prosecutor Now Doubts Convicted Man Killed Priest," *Houston Chronicle*, July 6, 1993; Jordan Smith, "Who Killed Father Ryan?" *Austin Chronicle*, June 17, 2005.

²⁸ But six days later a revised report called the polygraph test "inconclusive." Reyos agreed to a second polygraph examination, but there is no indication one was ever given (Howard Swindle, "Shadows of a Doubt," *Dallas Morning News*, July 4, 1993).

- Ryan's car was not at the motel, but was found in Hobbs, New Mexico. How did it get there? How could Reyos have driven it there, then returned to wherever he had left his pick up, and driven home.
- Dr. Samuel Roll, a professor of psychology at the University of New Mexico, explained that Reyos felt guilty about having sex with Ryan and somehow felt responsible for the murder: Reyos "had sex with a priest, which to him is a horrible sin. My opinion is that the confession that Mr. Reyos made to killing Father Ryan is a false confession, and that is my opinion with a high degree of scientific certainty."²⁹

The prosecution dismissed all the evidence that Reyos could not have committed the crime as a "handy" alibi.³⁰ Reyos was convicted on the basis of his confession and sentenced to 38 years in a maximum security prison.

Cassell's main point, however, is that "no good rationale is offered as to why the presumptively conscientious jurors found Reyos guilty beyond a reasonable doubt when he was innocent."³¹ Cassell does not seem to think there is any possibility that a public defender might not mount a sufficiently thorough defense or that a rural Texas jury might be prejudiced against an Indian and a homosexual.

In December 1991 Dennis Cadra, who had been an Ector County prosecutor and had been involved in the appeal in Reyos case,³² reviewed the trial transcript (which was about to be discarded) and analyzed carefully the evidence for Reyos' whereabouts. This evidence had not been thoroughly explored or explained at the trial. He decided that Reyos was innocent and wrote to Texas Governor Ann Richards:

Despite my 16 years as a prosecutor, I came to the firm conclusion that it was physically impossible for Mr. Reyos to have committed the crime for which he was convicted and for which he has been in the Texas penitentiary for almost eight years."³³

At first no one – the governor, the parole board, the trial officials – would act.³⁴ A prosecutor, J. Anthony Foster, who helped convict Reyos, wrote to the parole board and dismissed Cadra's analysis as "Monday morning quarterbacking."³⁵ The parole board voted unanimously in 1992 to deny a pardon for Reyos.³⁶ Without the recommendation of the parole board, the governor of Texas cannot pardon an inmate.

²⁹ David Elliot, "District Attorney: Inmate Is Innocent," *Austin America-Statesman*, May 10, 1992; Howard Swindle, "Shadows of a Doubt," *Dallas Morning News*, July 4, 1993. Richard A. Leo and Richard J. Of she examine sixty cases of false confessions, including Reyos', in "The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation," *Journal of Criminal Law and Criminology*, Vol. 88, 1998.

³⁰ "Convicted Priest Killer Faces 38-Year Sentence," *Galveston Daly News*, June 12, 1983.

³¹ Paul G. Cassell, "The Guilty and the 'Innocent': An Examination of Alleged Cases of Wrongful Conviction from False Confessions," *Harvard Journal of Law and Public Policy*, Spring 1991.

³² Bob Banta, "Pleas by Mail Sought for Convict in Priest's Death," *Austin America-Statesman*, May 19, 1992.

³³ Davis Elliot, "District Attorney: Inmate Is Innocent," *Austin America-Statesman*, May 10, 1992

³⁴ David Elliot, "Reyos Appeal Pending Governor, Board Action," *Austin American-Statesman*, May 16, 1992.

³⁵ Ginny O'Carroll, "True Confessions – Or False?" *Newsweek*, September 13, 1993.

³⁶ David Elliott, "Board Votes to Oppose Pardon in Reyos Case," *Austin American-Statesman*, July 8, 1992.

On 1993 the Odessa police, in violation of official policy, destroyed all physical evidence of the murder.³⁷ Therefore modern DNA testing cannot be used to establish Reyos' guilt or innocence.

In 1995 Reyos was paroled, but was arrested for drunk driving and returned to prison.³⁸ In 2004 he was released early for good behavior. He goes to Alcoholics Anonymous and his parole officer. His movements are monitored by an electronic bracelet, and he cannot leave his room at nights or weekends. Bishop Matthiesen is now convinced that Reyos is innocent and, along with many others, has asked the governor of Texas to pardon Reyos.³⁹



Possible Scenario of the Murder

Ryan almost certainly came to the United States as a guest of the Servants of the Paraclete in Jemez Springs and was there because of sexual misconduct. He was pronounced “cured,” like other abusers, and Matthiesen accepted him as he did other abusers.

All records at the Jemez Springs facility have been destroyed by the Servants of the Paraclete⁴⁰; therefore we do not know whom Ryan could have met if and when he was at Jemez Springs.

The real killer of the Rev. Patrick Ryan remains unidentified. The failure of Bishop Matthiesen and the Pallotines to be forthcoming at the time of the murder and the trial about Ryan's background and contacts helped put an innocent man in jail for decades.

On the afternoon of December 21, 1981 Ryan expected to be home for dinner and started cooking his own dinner. He got an unexpected call. It was urgent enough that he turned off the stove and, without putting the food into the refrigerator, got into his car and drove to Odessa, possibly stopping in Hobbs to pick up the person who called. (As Ryan and Reyos had already had sex in Ryan's rectory the night before, there would seem to be little point in their driving an hour and a half to Odessa if they wanted to have sex again.) Ryan and the caller went to Odessa

³⁷ Jordan Smith, “Who Killed Father Ryan?” *Austin Chronicle*, June 17, 2005.

³⁸ Jim Henderson, “I Didn't Do This,” *Houston Chronicle*, December 17, 2001.

³⁹ Davis Elliott, “Inmate Is Innocent,” *Austin American-Statesman*, May 10, 1992.

⁴⁰ Robert Patrick, “Records in Priest Sex Cases Were Destroyed,” *St. Louis Post-Dispatch*, October 17, 2005.

or met in Odessa, which is on Interstate 20 and far enough from Denver City that neither Ryan nor the other man (who may have been from Hobbs) would be recognized. Ryan checked into the motel anonymously.

The person who called Ryan was either personally known to Ryan or was referred to him by someone Ryan knew. The purpose of the meeting was to have sex, which Ryan and the other man immediately did.

The other man was overcome with anger after sex. He had probably not met with Ryan to murder him; he had not brought a knife or gun. He assaulted Ryan violently, subdued him, and tied Ryan's hands together with an improvised rope (a sock, in one version; a pillow case, in another). He then beat Ryan so hard that Ryan's heart stopped. The fight during which he subdued Ryan must have been loud, as the wreckage of the motel room evidenced. The other man did not know whether there were people in adjacent rooms who might hear – further indication that the murder was not planned.

The killer then left the motel and drove Ryan's car to Hobbs, where he may have lived or may have left his car. He took two of Ryan's personal items, the chalice and the accordion, but left the money. He drove away.

A possible explanation of the other man's murderous anger was that he was a victim of sexual abuse by either Ryan or by another priest whom Ryan had met at Jemez Springs and who referred him to Ryan.

Postscript

A Suicide by Cyanide at a Confessional

On December 4, 1982, a year after the murder and three weeks after Reyos was arrested for the murder, a sun-tanned man walked into Sacred Heart Church in Boise, Idaho for confession. While waiting to go to confession, the man swallowed a cyanide capsule and died.⁴¹

All that he had in his pockets was \$1,900 in cash and a note saying that the money should be used for his burial and the rest donated to the church. It was signed Wm L. Toomey, a pseudonym. Toomey is the name of the company that manufactures clothing for priests.⁴²

The man was never identified. His fingerprints were not on file: he had therefore not been in the military and had never been arrested. He was suntanned, and presumably came from south of Boise. He was wearing a bolo tie and a belt buckle. The buckle was traced to a shop in Phoenix, Arizona.

⁴¹ Jordan Smith, "Who Killed Father Ryan," *Austin Chronicle*, June 17, 2005.

⁴² Jordan Smith, "Who Killed Father Ryan," *Austin Chronicle*, June 17, 2005.



After seeing a 1993 television program about Reyos case, Detective Frank Richardson of the Boise Police Department speculated that the unidentified suicide victim might have been a priest and might have been involved with Ryan's murder and with the similar murder of Rev. Benjamin Carrier. But such speculations remain only speculations.