

No Longer Silent

Ex-judge's new book tells story behind notorious murder's investigation

by Jefferson Beavers

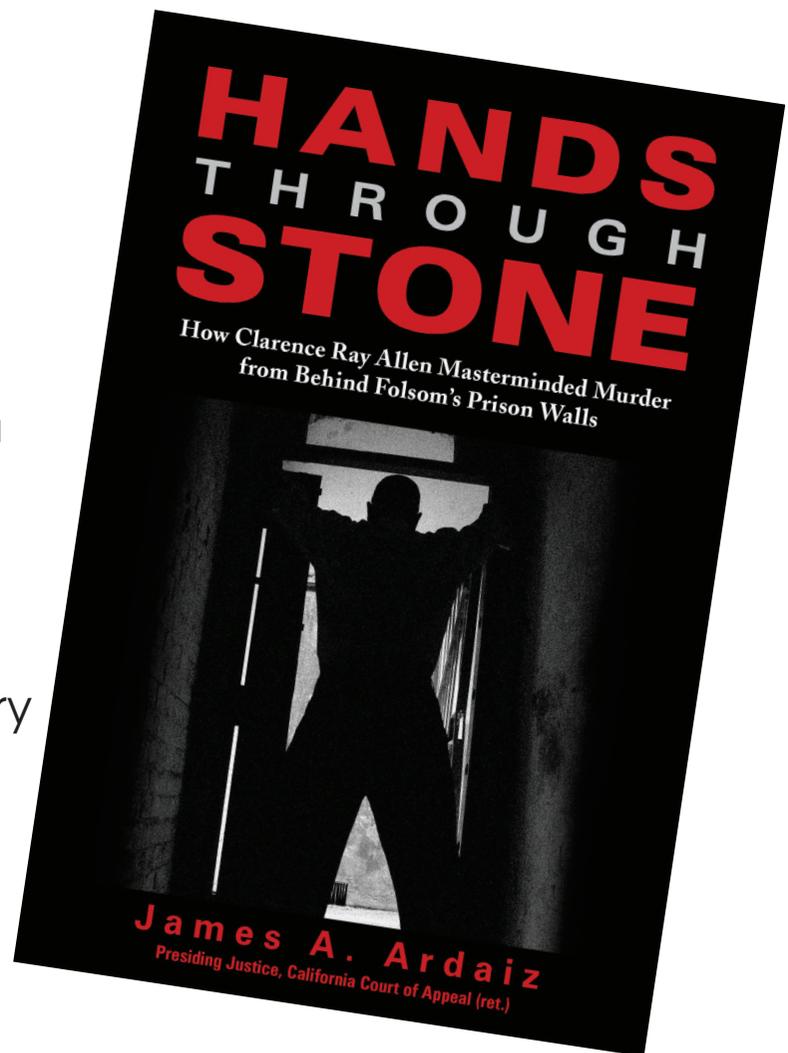
After 30 years as a judge and county prosecutor, Fresno lawyer James Ardaiz has seen more than his share of murder and mayhem.

But his wife won't let him watch crime dramas on prime-time TV.

"I get mad," Ardaiz says. "I won't watch shows with judges because my wife says, 'You're yelling at the television.' I don't watch 'CSI' because I say, 'That's just ridiculous.'"

In his first book, "Hands Through Stone: How Clarence Ray Allen Masterminded Murder from Behind Folsom Prison's Walls," Ardaiz blends elements of crime dramas and mysteries with narrative nonfiction. He tells the true story of one of the San Joaquin Valley's most infamous killers, as seen through the eyes of the cops, witnesses, victims, and bad-guys who all lived it.

Ardaiz wanted to make a book that showed people what an investigation was like from the inside. TV detective stories, he says, ignore a real case's meticulous and often tedious pace in favor of impossibly elaborate twists and turns.



Plus: "If the defendants were that smart, we'd never catch them!"

Clarence Ray Allen, though, was smart. He was a con artist with a skill for intimidation, and he struck fear into his associates as he built a Fresno County burglary ring in the early '70s under the cover of a private security company.

In 1974, Allen plotted to rob Fran's Market in Fresno. The robbery led to murder when Allen ordered his men to kill one of the accomplices and dump her body in the Friant-Kern Canal. After months of difficult investigation, Allen was convicted and sent to Folsom Prison in 1977.

Fresh out of law school, Ardaiz worked as a prosecutor in the Fresno County District Attorney's office during the Allen case. He would later become Chief Deputy DA for homicide, eventually rising through the judicial ranks to become Presiding Justice of the Fifth District Court of Appeal, where he retired in 2010.

But at the time, Ardaiz was a “fresh, young prosecutor, making mistakes,” he says, just one of the many law enforcement characters in “Hands Through Stone.”

In 1980, an execution-style triple-homicide at Fran’s Market stunned Ardaiz and his colleagues. Among the dead: a key witness in the earlier case against Allen – the young son of the market’s owners.

Another tough investigation followed, tracing the revenge killings to Allen. Authorities discovered that Allen had orchestrated the slayings while behind bars, conspiring with newly released prison associate Billy Ray Hamilton to silence those who had spoken out against him. Police caught Hamilton with a handwritten hit-list of Allen’s targets.

For a young Ardaiz, detaching from Allen’s second round of crimes was especially difficult. He and his colleagues had thought that sending Allen away for life would be the last they’d hear of him; they thought that the witnesses who testified against Allen would be safe.

They were wrong.

“I’ve seen murder. But premeditated murder is different,” he says. “The gore of it was striking. And then there was, of course, that I knew the parents of one of the victims.”

“Hands Through Stone” follows the investigators who worked on the case, often in their own words. Ardaiz includes descriptions of the police procedures involved, including chilling glimpses of the murder scenes and the intense suspect interrogations that would come after.

The interrogation scenes, in particular, give readers a first-hand glimpse into a murder investigation at work. One surprising detail: Suspects being interrogated actually smell differently than usual. The reason: fear.

“I knew the attitudes and the intensity,” Ardaiz says. “I’ve smelled the smells and I’ve seen the blood.”

But the author was careful not to embellish, like the cop shows on TV. Because he chose nonfiction, Ardaiz says he was constricted by the words on record. He couldn’t make stuff up. He could only inject atmosphere as best he

could, while remaining true to the facts.

“An interrogation is a very planned thing with a tremendous amount of experience. The officers that do it play off one another,” he says.

“I wanted people to sense the drama in it. When the investigators are sitting there, trading glances, there are signals that nobody sees. The suspect is there. You really can smell the fear and the sweat.”

Those personal descriptions, while riveting to read, have opened Ardaiz to criticism, not only in the Allen case but also regarding the issue of the death penalty.

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According to published reports, Ardaiz acknowledged in 1994 that he helped draft the tough “three strikes” sentencing law, a move that earned him criticism from colleagues who questioned his ability to be fair as a judge. This past fall, two years after his retirement from the bench, he wrote an op-ed for The Los Angeles Times against Proposition 34, which would have amended “three strikes.” (The initiative did fail.)

Also, Ardaiz decided to witness Allen’s execution himself, sharing the last moments of the killer’s

life alongside the families of the victims. As far as he knows, he’s the only California judge to ever witness an execution.

Ardaiz insists, though, that his book is not proselytizing about the death penalty.

“It was the night of the execution, talking to everybody, that really impacted me,” Ardaiz says. “I realized then how much of an emotional toll the case took.”

The author says the process of writing “Hands Through Stone” has moved him. He has realized that most readers don’t understand the impact these kinds of police cases have on the people who work on them.

“There are silent witnesses who put in huge amounts of time and pay a tremendous emotional toll,” Ardaiz says. “I hope people appreciate that.”