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**Man in murder for hire views life back behind bars**

A person who has spent 17 years in prison in an LV slaying tries to prove his innocence, but the state wins its appeal.

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      Frank LaPena may finally be beaten.
      At least he looks that way.
      They haven't given him a razor yet at the Clark County Detention Center and, with a few days worth of graying stubble, he for once looks close to his 60 years.
      His voice over the jail handset from behind a thick glass window is resigned. He puts his head in his hands often and punctuates thoughts with a barely audible sighs.
      "I'm hurting pretty bad," said the man whose own legal work helped win him one retrial on a murder charge and almost got him a second. "I never thought this would happen. There was never any doubt in my mind that I proved I never committed that crime."
      LaPena can't even think about what it will be like to go back to prison, where he already has spent 17 years.
      "I thought I was free forever," he said. "I thought this case was over."
      The crime was the 1974 contract murder of 71-year-old Hilda Krause, killed in her Las Vegas Country Club home by Gerald Weakland, who admitted slitting her throat. Weakland said he was paid to do it by LaPena and Rosalie Maxwell.
      The prosecution theory was the two wanted Krause dead so Maxwell could marry her widowed husband, Marvin Krause, then funnel his money to LaPena, her lover. In exchange for his testimony at a preliminary hearing, Weakland pleaded guilty to second-degree murder and was sentenced to between five years and life in prison.
      At Maxwell's and LaPena's trials Weakland changed his story, refusing to implicate the two. Maxwell was acquitted, but prosecutors used tapes and transcripts of Weakland's original testimony at LaPena's trial to convict him. LaPena was sentenced to life in prison without the possibility of parole.
      In 1982 the Nevada Supreme Court granted LaPena a new trial. He got out on bail, started a life, then was convicted again in 1989. This time Weakland testified against him.
      Before that trial prosecutors offered him a chance to plead guilty in exchange for credit for time already served. LaPena refused. He said he wouldn't admit to something he didn't do.
      But in 1993 the Supreme Court sent the case back to the district court to hold an evidentiary hearing on whether LaPena's many claims that his lawyers were ineffective.
      After a week-long hearing in late 1995 District Judge Gene Porter decided LaPena deserved a third trial. The state appealed and last week the high court decided Porter was wrong. LaPena had been out on $100,000 bail since June 1997.
      Two days after the Supreme Court's decision LaPena tried to turn himself in to the jail, which wouldn't accept him without proper identification. The next day he surrendered himself in court. He said he never considering running.
      LaPena explained that friends had put up his bail money and his bail bondsman had always treated him well. "I wouldn't think of hurting them. I had to do the right thing," he said.
      LaPena had been in Arizona working on a project to mine gold. He said he had a girlfriend and was on his way to realizing his dreams. "All I've ever wanted to do was settle down, have a family," he said.
      "(I had) pretty much put this all out of (my) mind. Just tried to live day to day and forget what this was like," he said of his current surroundings. "I'm stunned. I'm numb. It's just too unbelievable."
      LaPena said that before last week he was certain that not only would he be granted a new trial, he would be exonerated without even having to go before a jury.
      "I was sure they were going to dismiss the case," he said. LaPena and his series of attorneys, starting with Oscar Goodman, followed by now-U.S. Sen. Harry Reid, and now David Schieck, have always posited the theory that Marvin Krause, now dead, had a hand in his wife's death.
      An accomplished prison law clerk who once advised other prisoners on their appeals, LaPena said he doesn't think he has the stomach for any legal work other than his own.
      He has no idea how long he'll be at the jail and where he'll be taken next. For the first time ever, he said he might even be willing to take a deal. That would mean dropping all chance for a federal appeal, all hope of exoneration. He'd also be willing to drop the myriad lawsuits he has pending requesting millions of dollars from various judges and attorneys he felt wronged him.
      Chief Deputy District Attorney David Schwartz declined to speculate on whether any future deals would be offered.
      "I feel like justice has been done in this case," Schwartz said. "Two juries have spoken."