**Supreme Court reinstates conviction in contract murder**

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CARSON CITY -- The first-degree murder conviction of Frank LaPena, who in the mid-1970s hired a man to kill the wife of a wealthy casino executive, was reinstated Monday by the Nevada Supreme Court.

LaPena was found guilty twice of contracting for the killing of Hilda Krause in 1974.

The court, in a 4-1 decision, overturned the ruling of District Judge Gene Porter, who had ruled that LaPena failed to get adequate legal representation at his second trial. Porter voided the conviction and ordered a third trial for LaPena.

Justice Bob Rose, who wrote the majority decision, said LaPena failed to show that attorneys George Carter and Lamond Mills were ineffective at the second trial in not pursuing evidence favorable to LaPena.

This is the fifth time the case has been before the Supreme Court since LaPena was first convicted in 1977. The court overturned the first conviction but later upheld LaPena's 1989 conviction. And twice the court ordered the District Courts to hold evidentiary hearings.

LaPena was convicted of hiring Gerald Weakland to kill Hilda Krause, the wife of Caesars Palace slot manager Marvin Krause. During a robbery of the Krause home on Jan. 14, 1974, the husband was beaten and the wife had her throat slit. She was stabbed in the back with a butcher knife and strangled with cord or rope.

Weakland was arrested and agreed to testify. In return he was allowed to plead guilty to a charge of second-degree murder with a sentence of five years to life. Weakland told authorities he was hired by LaPena and his girlfriend, Rosalie Maxwell, for $11,000 to kill Hilda Krause.

Maxwell, who worked at Caesars Palace, was dating Marvin Krause. According to testimony, the plot was to kill Hilda Krause, Maxwell would marry Krause and inherit his fortune for the benefit of herself and LaPena. About one year after the murder of Hilda Krause, Marvin Krause died of causes unrelated to the beating.

LaPena was convicted and Maxwell was acquitted. The Supreme Court reversed LaPena's conviction and ordered a new trial on grounds that admission of Weakland's statements was reversible error.

In 1982, Weakland went before a Clark County grand jury and testified that LaPena hired him for the killing. He also testified at trial in return for an agreement by the district attorney's office to stop opposing his parole.

LaPena was convicted a second time in 1989 and sentenced to life in prison without the possibility of parole.

In his petition this time, LaPena said his lawyers at the second trial failed to make an effective effort to impeach the testimony of Weakland. The Supreme Court said attorneys for LaPena brought out the change of stories by Weakland and presented the testimony of a psychologist, who called Weakland a psychopathic liar.

LaPena, who has denied he ever put out the contract on Hilda Krause, also blamed his lawyers for not calling on him to testify at the second trial. He had testified at the first. The court said LaPena made an informed strategic choice not to testify at the second trial to avoid a stiff cross-examination by prosecutor Mel Harmon.

Chief Justice Charles Springer dissented, saying LaPena was convicted on the testimony of a perjurer and murderer and that there are "many questions and weaknesses" in the case.