

Unexpected End to First Trial for Gene Mallove's Murder

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When Dr. Eugene Mallove was brutally murdered on May 14, 2004 at the age of 56, the future of his magazine, *Infinite Energy*, and the non-profit New Energy Foundation, was immediately unclear. Amidst the utter heartbreak and shock of losing our founder, colleague and friend in such a way, I immediately met with the Board of Directors that Gene had assembled in 2002 for the non-profit. We spoke with Gene's family and close friends. While we could not fathom how the publication and organization could move on without Gene at the helm, many were so committed to creating an ongoing legacy of Gene's life work that we used the horrendous nature of the loss to catapult us into action. Losing Gene to such grim circumstance as a senseless murder fueled our need to carry on. Losing someone is never easy, but having them torn from your midst unexpectedly or senselessly has only one redeeming aspect: people seem more motivated to memorialize and remember the departed. It became essential to keep Gene's work, life and memory alive. Closing the organization and magazine would have worsened the already-horrific reality—the murderer(s) would have taken away not only Gene's life, livelihood and family security, but also his dedication and effort for the new energy field.

We have made an editorial decision not to publish information on every advance made in the murder investigation since 2004. While some have criticized us for this decision (readers wanted to know details about the case and wanted resolution in the same way we did), there are reasons for every decision an individual or organization makes. It's not necessary to expound on those reasons, but when two men were charged with Gene's murder within the early days of the investigation, I felt less than optimistic that the right individuals were in custody. Aside from our doubts about those initial charges, we were not convinced that publishing details of the case was the proper way to move forward. Ultimately, we were hopeful that in the first few years the case would have true resolution with charges, trials and convictions. The two men initially arrested, Gary McAvoy and Joseph Reilly, were released in November 2008 when it was realized that the evidence against them was not enough to retain charges. In early 2009, the Mallove Homicide Task Force was formed by Connecticut state and local (Norwich) law enforcement, to look at the case with new eyes. After a press conference in February 2009, in which Gene's wife Joanne and son Ethan made pleas to the public, large bill-

boards were placed around the Norwich area calling for information about the case.

The 2009 re-investigation of Gene's murder led police detectives back to some original suspects, including Chad Schaffer and his cousin Mozzelle Brown. Schaffer's parents, Patricia and Roy Anderson, had been evicted from Gene's childhood home at 119 Salem Turnpike in Norwich shortly before Gene's murder at that location. Police took Schaffer's former girlfriend, Candace Foster, and other individuals into protective custody after a former roommate of Schaffer and Foster responded to the billboard plea. Jill Sebastian and her boyfriend Keishon Dullivan resided with Schaffer and Foster until a few weeks after the murder; they both had information pertaining to Gene's murder.



Gene and Joanne Mallove

In April 2010, police arrested Schaffer and Foster. Brown, who is serving a 15-year sentence in California, was also named but has not been served with an arrest warrant. Schaffer was charged with felony murder, murder and first-degree robbery. Foster was charged with accessory to murder, first-degree robbery and felony murder.

Foster told police a gruesome story (which her former roommates corroborated to the best of their knowledge, and which Schaffer admitted to police) about the night of May 14. Schaffer and Brown had gone to the property, where Gene was cleaning so he could rent it again, hours after another cousin of Schaffer's called Patricia Anderson to tell her that someone was removing things from the property. The Andersons, along with Schaffer and Foster who also resided there, had left behind a great deal of stuff when they vacated. While some details remain unclear, what is known is that Brown and Schaffer went to the property and assaulted Gene, leaving him for dead. When they got back to Schaffer and Foster's apartment, the men decided to return to steal things to make the scene look like a robbery. Foster indicated that she was forced to go with them, to incriminate herself; she reported a history of abuse from Schaffer. Schaffer claims that Brown was responsible for the murder.

It was especially difficult to learn in Foster's pre-trial testimony in late 2011 that when the three returned to the property, Gene was still alive and asked for help. The group proceeded to kick and beat Gene to death. They then stole Gene's minivan and possessions.

There are so many unsettling details about Gene's murder. We don't wish to reiterate the extensive case the State has

built against Schaffer, Foster and Brown. Visit local newspaper websites (*Norwich Bulletin* or *New London Day*) for more information.

On April 9, the trial for Chad Schaffer got underway in Norwich Superior Court. Foster became the State's prime witness against Schaffer. On April 20, after two days of damning testimony by Foster, Sebastian and Dullivan, incriminating Schaffer for the crime, the trial came to an abrupt and unexpected end.

Before the trial began, the State offered Schaffer an option of two plea deals. I was very surprised to learn that Gene's family was not contacted by the Prosecution before this plea offer was put before the court. The plea options were unsatisfactory, in that they were for lesser crimes and less time served. I was rather shocked to read the offers, which Schaffer rejected. One option was to plead guilty to accessory to commit first-degree manslaughter (20 year sentence). The other was to plead guilty to accessory to first-degree manslaughter and accessory to third-degree robbery (25 year sentence, with 17 years served and three years of probation). The State was apparently uncertain about the outcome of a trial, because a jury's response to lack of physical evidence and witness testimony can vary.

With the case against him mounting, Schaffer opted on April 20 to accept a plea deal in Gene Mallove's murder. He was facing 60 years in prison on felony murder charges if convicted. But, he pled guilty to a lesser charge of first-degree manslaughter and accessory to third-degree robbery. He will serve only 16 years of a 25 year sentence, with five years of probation. Foster is still incarcerated, awaiting a plea deal or trial. The State still needs to move forward with their case against Brown. Schaffer will be sentenced on June 27.

Gene's son, Ethan, was present in the court for the entire proceedings. Schaffer's acceptance of this plea mid-trial has left him understandably angry. He feels that the sentence does not fit the crime, and justice has not truly been served.

He feels that the State was building a sufficient case against Schaffer, and is confident that the jury would have found him guilty.

Kimberlyn Woodard, Gene's daughter, is equally upset about the plea deal. Kim said, "Finding out after six days of a jury trial that a plea bargain had been made, sentencing the accused to only 16 years in prison, has left me feeling like he got away with murder. I never expected to have what people call 'closure,' even if the jury had been given the chance to find him guilty. In the end, nothing can change the course of events. My family was murdered the same day my dad was. He was the head of our home, the life of the party, the love of my mom's life, the one who protected me, lifted me up and had more passion for his work than anyone I've ever known."

Gene's family has been through the most horrendous thing a family can suffer. Kim said, "I can't even begin to explain how it feels to have someone you love murdered. Upon hearing of the confessions two years ago, I sobbed as hard as I did the day I found out my dad had been killed. That deep pain manifests itself as tears when I have a quiet moment in the car alone and when I lie in bed at night trying to fall asleep, only to replay what I imagine happened to my dad on May 14, as if by reliving it all, I can somehow erase it. Though it seemed impossible eight years ago, I've found a way to keep on living and even find reasons to smile and laugh each day. But my heart is broken and the outcome of this trial has done nothing to repair it."

The plea deal leaves us all unsettled and is an affront to any semblance of justice for Gene and his family. I find some solace in knowing that the people responsible for Gene's death have been identified and will finally suffer some consequence. But, it is painful to know that one of those responsible has not been held truly accountable for taking the life of a brilliant man, our founder Dr. Eugene Mallove.

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