

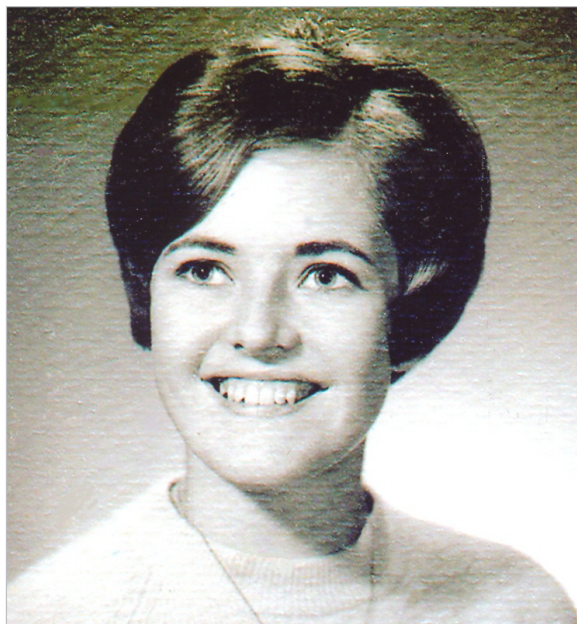
The John Paul Phillips Case: Resolution of a 31-Year-Old Homicide Using MiniSTR Technology

Lt. Paul Echols, Investigations Commander, Carbondale Police Department
William Frank, DNA Research Coordinator, Illinois State Police

On July 12, 1976, at 6:12 a.m., the City of Carbondale Police Department responded to a home in the 500 block of North Allyn Street in reference to a murder. Upon arrival, officers met with a resident of that address, who advised that they had just returned home and found their roommate dead on her bedroom floor.

After entering the home, officers found 24-year-old Kathleen T. McSharry, lying nude, in a pool of blood on her bedroom floor. Her hands were bound behind her back and her face was covered with a shirt. She had been stabbed multiple times in the back and chest, and her throat had been slashed. It was later determined she had also been sexually assaulted.

McSharry, who was from Chicago, Illinois, was a junior at Southern Illinois University (SIU) who had transferred from Western Illinois University just one month prior to her death to attend summer classes.



Kathleen McSharry

At the time of Kathleen's murder, Carbondale Police Chief George Kennedy told the media that the McSharry murder was very similar to the murder of 22-year-old SIU graduate student Theresa Clark, which had occurred 18 months prior, on January 27, 1975, in her apartment on East Danny Street.

The investigation into the two murders continued for years. Hundreds of interviews were conducted, but no arrests were made. During the investigation of both cases, a suspect was developed. That suspect was Carbondale native, John Paul Phillips.

One month after the McSharry homicide, in August 1976, Phillips was arrested for abducting a woman and attempting to kill her boyfriend near the Devils Kitchen Lake in rural Williamson County. Phillips later pled guilty to the crimes and was sentenced to the Illinois Department of Corrections.

Phillips was paroled in April 1981 and returned to Carbondale. When Susan Schumake was murdered on August 17, 1981, Phillips was considered a suspect since he was working on the SIU campus only a few hundred yards from the crime scene. On November 11, 1981, Joan Wetherall was abducted off Illinois Avenue in Carbondale. Her body was found the next morning. Once again investigators believed Phillips might be involved, but lacked the evidence to arrest him.

On January 8, 1982, Phillips was arrested after he attempted to abduct a Carterville, Illinois woman. He later pled guilty to this crime and went back into the Illinois Department of Corrections.

While in the Menard Correctional Center, Phillips was a cellmate with a Marion, Illinois man named Thomas Mocoby. During their time together, Mocoby said Phillips told him that he murdered Theresa Clark, Kathleen McSharry, and Joan Wetherall.

Continued on next page

The John Paul Phillips Case *(continued)*

In 1986, then Jackson County State's Attorney John Clemons, prosecuted Phillips for the murder of Joan Wetherall. During the trial, Phillips smuggled a "zip gun" into the courtroom and tried to kill Mocoby while he was on the stand testifying. The gun misfired. Phillips was subsequently found guilty of Wetherall's murder and sentenced to death by Judge Don Lowery.



John Paul Phillips being brought in for a sentencing hearing in 1986.
(Photo courtesy of *The Southern Illinoisan* newspaper)

While Phillips was not tried for the murders of Clark and McSharry, authorities believed he had also killed them and used that information in the sentencing phase of the trial. Phillips never confessed publicly and denied killing anyone.

John Paul Phillips died of natural causes on death row in the Menard Correctional Center on November 2, 1993. He was 40 years old.

In 2000, then Sergeant Paul Echols of the Carbondale Police Department, who had been working with the Illinois State Police (ISP) DNA Laboratory in Springfield, obtained an unknown male DNA profile from the evidence in the 1981 murder of Susan Schumake.

On October 30, 2001, Sgt. Echols supervised the exhumation of John Paul Phillips and removed his right femur to obtain a DNA profile for comparison with the unknown male profile developed in the Schumake murder.

In 2002, the ISP DNA Laboratory advised that the unknown male DNA profile in the Schumake case did not match Phillips. Thus, Phillips was eliminated as the killer of Susan Schumake. At the same time, an attempt was made to develop a DNA profile from microscopic slides collected during the 1976 autopsy of Kathleen McSharry, but those attempts proved unsuccessful.

In 2007, while working on the 1982 Carbondale murder of SIU Senior Deborah Sheppard, Lt. Paul Echols consulted with Taylor Scott, Technical Leader of the ISP DNA Indexing Laboratory, and discussed the miniscule DNA evidence present in the Sheppard case. Scott told Lt. Echols about a new miniSTR DNA profiling technique, the AmpF ℓ STR $^{\circ}$ MiniFiler $^{\text{TM}}$ PCR Amplification Kit. He advised it was being tested by the ISP Research and Development Laboratory. Subsequently, a semen stain was found on a piece of evidence in the Sheppard case that was missed when examined in 1982. The newly found stain was processed with traditional STR DNA profiling, and it resulted in the identification of serial killer Tim Krajeir. Thus, the miniSTR technique was not employed in the Sheppard case. Understanding the potential of the new miniSTR DNA profiling technique, Lt. Echols thought of the 1976 Kathleen McSharry murder case. He called and asked ISP DNA Research and Development Coordinator William Frank to consider examining the McSharry case. At this point, no suspect DNA profile had ever been found in the McSharry case. The ISP DNA R&D Laboratory agreed to examine the evidence as an opportunity to test the MiniFiler $^{\text{TM}}$ Kit, which had recently been internally validated.

DNA Processing and Results

The ISP DNA R&D Laboratory received the femur removed from John Paul Phillips in October 2001 (Figure 1) as well as fingernail scrapings collected from Kathleen McSharry's body during the autopsy. Wooden sticks had been used to collect material from each fingernail, and each stick was sealed in an individual red-top vacutainer tube (Figure 2). A liquid blood sample was submitted as a reference standard from Kathleen McSharry. Tape was removed from the area covering the point where a needle pierced the top of the tube, and a dried blood spot was cut from the rubber stopper for DNA extraction of the victim's blood.

In order to facilitate sample processing, the ISP DNA Laboratory proceeded to use sterile swabs moistened with TE buffer to collect cellular material from the right and left hand fingernails. One swab was used to collect from all the right hand fingernail sticks, and another for the left hand fingernail sticks, thus increasing the likelihood of detecting any minor male component. DNA extraction was performed using SDS/Proteinase K, purification performed using phenol-chloroform-isoamyl alcohol and chloroform-isoamyl alcohol, and isolation performed using a Microcon 100.

DNA Quantification was completed using the Quantifiler® Human and Quantifiler® Y Human Male DNA Quantification Kits. Quantifiler® Human and Y results identified for the left hand sample were 0.307 and 0.130 ng/μL, and for the right hand sample results recorded at 0.863 and 0.016 ng/μL. The left hand sample was selected for analysis using the MiniFiler™ Kit, as internal validation studies had indicated that mixed samples at ratios less than 20:1 would be suitable for MiniFiler™ amplification.

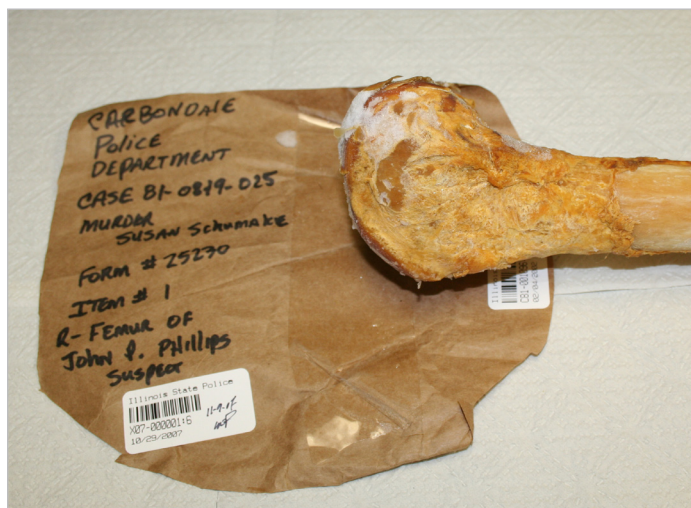


Figure 1: Right femur removed from John Paul Phillips' remains



Figure 2: Vacutainer tubes containing wooden sticks used to collect fingernail scrapings from Kathleen McSharry's body during the autopsy in 1976.

Continued on next page

The John Paul Phillips Case (continued)

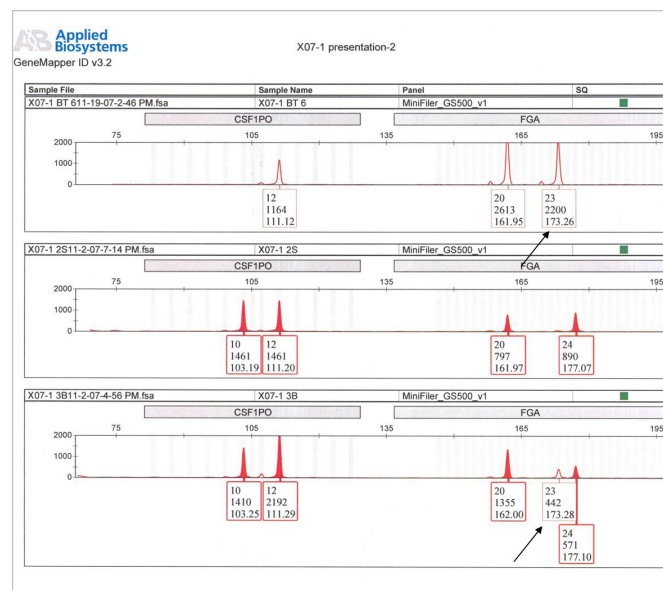
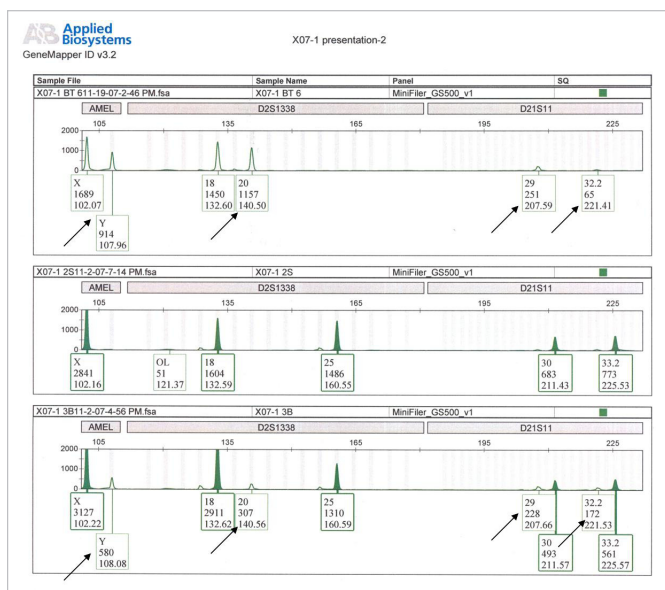
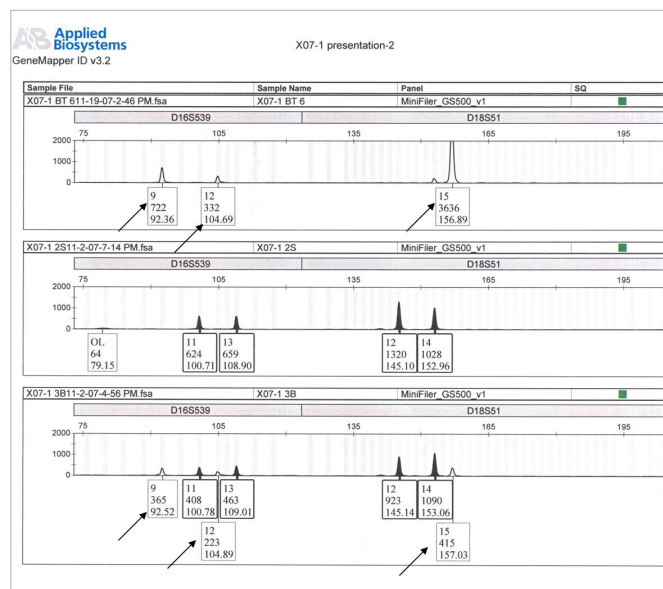
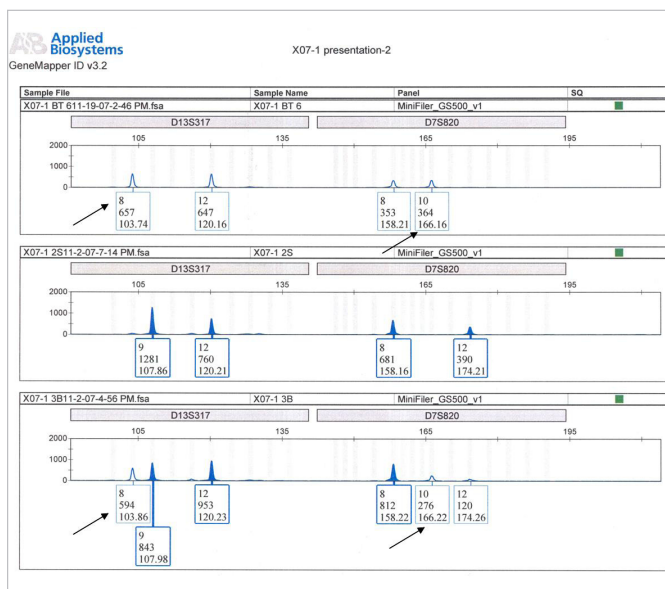


Figure 3: MiniFiler™ Kit electropherograms presented by individual dye sets showing the profile from the John Paul Phillips reference standard (top pane in each dye set), the victim reference standard (second pane in each dye set) and the left hand fingernail scrapings (bottom pane in each dye set). Alleles consistent with the victim have been highlighted and minor components of the mixture consistent with the Phillips reference standard are noted with arrows. The Y scale for all results was set at 2000 rf; allele designation, peak height and base pair size are provided for each sample.

As shown in Figure 3 (opposite page), results identified in the fingernail scraping sample using the MiniFiler™ Kit are consistent with a mixture of DNA from the victim and John Paul Phillips.

Two Cases Closed

On February 8, 2008, Lt. Paul Echols received a report from the ISP DNA R&D Laboratory that they had detected a DNA profile consistent with John Paul Phillips from the fingernail scrapings collected from the left hand of Kathleen McSharry during her autopsy on July 12, 1976.

As previously mentioned, Phillips was convicted of Joan Wetherall's murder in 1986. While investigators always believed that he also murdered Kathleen McSharry, this DNA evidence confirmed these speculations. This was the first time probative physical evidence linked John Paul Phillips to one of his murder victims. It also validated Thomas Mocoby's court testimony in 1986 that Phillips had told him he murdered Theresa Clark, Kathleen McSharry, and Joan Wetherall. Therefore, the new DNA evidence combined with the Mocoby testimony and the fact that the Theresa Clark crime scene was almost identical to the McSharry crime scene allowed the Carbondale Police Department to also close the Clark murder case. Both murders have been attributed to John Paul Phillips.

The Carbondale Police Department and the Clark and McSharry Families thank the Illinois State Police Laboratory in Carbondale and the Illinois State Police DNA Research and Development Laboratory in Springfield for their extensive work in bringing final resolution and closure to these old cases.

For additional information, contact:

Lt. Paul Echols, Investigations Commander
Carbondale Police Department
pechols@carbondale.il.us

or

William Frank, DNA Research Coordinator
Research & Development Laboratory
Illinois State Police
William_Frank@isp.state.il.us