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Charges dropped in firebomb case

By PAT ARNOLD
Daily News Staff Writer

YREKA — A Weed couple charged with the attempted murder of a Weed businessman walked out of the courthouse last week, with all charges against them dismissed.

The reason given for the dismissal by the district attorney's office was insufficient evidence.

Luke Elrod, 31, and Lorraine Hayes, 40, were

arrested in August 2002, when Hayes' estranged husband, Aaron Hayes, accused the couple of throwing fire bombs at his house.

Aaron Hayes also testified at a preliminary hearing that Lorraine Hayes had pointed a gun at him and fired a single shot as she said "goodbye."

Aaron Hayes was not injured in the alleged shooting.

Elrod and Lorraine Hayes were arrested and held in the Siskiyou County Jail on

\$500,000 bail on charges of attempted murder, arson, soliciting the commission of murder and conspiracy to commit murder from August until January when a judge ordered them released on their own recognizance.

It was at that point that a Department of Justice polygraph examiner determined from the answers Lorraine Hayes gave during a polygraph test that she had not participated in the crimes she and Elrod had been arrested

on. In January, a scheduled jury trial was postponed by agreement of both sides, to give the attorneys a chance to review a number of items of evidence, including fingerprint analysis on a threatening letter Aaron Hayes said he had received and an analysis of gun powder residue on clothing worn by Lorraine Hayes on the night of her arrest.

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SISKIYOU DAILY NEWS FILE PHOTO/PAT ARNOLD
Charges have been dropped against Luke Elrod and Lorraine Hayes.

Charges

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A joint press release issued this week by the district attorney's office and defense attorneys William Duncan and Allen King confirmed the dismissal of the charges against Elrod and Hayes. According to the press release, both defense attorneys claimed the deputy district attorney handling the case "had lost

objectivity," which prompted District Attorney Pete Knoll and Assistant District Attorney Tim Pappas to step in and become actively involved in the case.

Duncan, who represented Elrod, said this week that he and King had provided the district attorney's office with a memo listing "at least 20 reasons it was impossible

for our clients to have done this. All of the evidence, including very significant scientific evidence, indisputably shows that neither of these people were involved in the alleged crime."

The press release describes the case against Elrod and Hayes as a very difficult one involving "serious charges and extremely significant consequences which could

have resulted in life sentences." After a review of the testimonial, eyewitness and physical evidence generated during the case and sharing the results of scientific tests, investigative leads and legal theories, the press release says a decision was made to dismiss the case against Elrod and Hayes.

"It is the responsibility of the district attorney to prosecute criminal con-

duct while ensuring that the power of his office is not abused by the prosecution of cases lacking sufficient credible evidence; a matter of balance, which in this case has been perfectly achieved," the press release said.

Assistant District Attorney Tim Pappas also

said Tuesday, "We like to take a fresh look at a case if there is any allegation that the deputy handling it is not seeing the big picture. Whether we agree or not, we will still take an independent look at it. That is our duty and that is what we did in this case."