

Vernal Express

Sept. 11, 1991

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## Attorney makes another appeal in Strunk case

An attorney argued before the Utah Supreme Court that a 19-year-old Vernal man serving three life terms for kidnapping, sexually abusing and slaying a 6-year-old girl is being punished too severely for his age.

Roger Dale Strunk, 19, was sentenced in November on a guilty plea to first-degree murder in the August 1988 strangulation of Veronica Fitzen of Vernal.

Eighth District Court Judge Dennis Draney also sentenced Strunk to a 15-year-to-life sentence on his guilty plea to child kidnappings and 9-years-to-life for aggravated sexual abuse of a child. The judge ordered the maximum penalties be allowed to run consecutively.

Strunk's lawyer, Sam Pappas, asked the Utah Supreme Court to reduce the minimum terms or vacate

the consecutive sentences. Pappas argued that Judge Draney failed to consider his client's age.

Assistant Utah Attorney General Creighton Horton argued "the circumstances were so bad" that they justified the sentences, regardless of Strunk's age.

Strunk was allowed to be tried as an adult after the Utah Court of Appeals unanimously decided that Juvenile Court Judge Merrill L. Hermansen followed correct procedure in determining that Strunk should remain in the adult court system.

The defendant had just turned 16 when he was charged as an adult in the death of the girl, who disappeared from the back yard of her Vernal home. He told police he

lured the girl away, sexually abused her, hit her with stick and strangled her with a sock.

The seriousness of the charges against Strunk allowed him to be charged as an adult and to be tried as an adult if he is not recalled to the Juvenile Court system.

Draney was so caught up emotionally in the case that he "overlooked the mitigating factor of his age," Pappas told the high court, which took the arguments under advisement.

Horton said that while the trial judge admitted it was at times difficult for him to control his emotions in his private chambers, "I don't think the court abused its discretion."

# Board gives Strunk harshest prison term

by Steven Wallis  
Express Editor

"It is over, I am glad it is over," said Jeannette Fitzen about last week's ruling from the Utah Board of Pardons and Parole.

Wednesday last week the board of pardons ordered convicted killer Roger Dale Strunk to serve life in prison for the 1988 kidnapping-murder of 6-year-old Veronica Fitzen. The decision represents the harshest punishment the board can impose.

Strunk was convicted in 1990 of murder, child kidnapping and aggravated sexual abuse of a child and sentenced to serve an indeterminate prison term of five years to life. At the board hearing Monday, March 28, Strunk

admitted to kidnapping his neighbor, forcing her into a pillowcase and carrying her to a secluded area where he sexually assaulted her, beat her and ultimately strangled her with her own clothing.

"We are really pleased with the outcome," said Jeannette Fitzen, the victim's mother, who spoke to the parole board last week.

"I feel he would do the same thing again if he is let out," said Mrs. Fitzen.

"I really believe the signatures helped."

During the hearing, Strunk showed no remorse for what he had done six years ago.

After the Monday hearing, the board took the case under advisement.

"This was an unspeakable crime and an immense tragedy," said Board Chairman Michael Sibbett. "We hope our decision reaffirms the value Utah places on human life and our resolve to deal harshly with those who take it in such a brutal fashion."

The board of Pardon and Parole is a five-member board whose decisions are made by majority vote.

"The nature of the offense overrides any mitigating considerations," said Curtin Hamer, board member. "The board acknowledges Mr. Strunk's young age, history of abuse and good performance since incarceration, and encourages him to continue his good behavior and programming."

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Journal Express  
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## **News Clips**

### **Court date set for Strunk**

A court date has been set for Jan. 29, 1990 to hear the case of three felony charges against a Vernal 17-year-old.

Roger Dale Strunk is accused of the murder of Veronica Fitzen nearly a year and a half ago. Earlier this year, the Utah Court of Appeals ruled that he could be tried as an adult.

Strunk is charged with first degree murder, child kidnap and aggravated sexual assault.

Nearly a year after the murder of the six-year-old the Utah Court of Appeal ruled that Roger Dale Strunk, 17, must stand trial as an adult. The ruling was the result of an appeal of a judgement rendered by Juvenile Court Judge Merrill L. Hermansen that the juvenile court should not take custody of Strunk.

Judge Hermansen ruling could mean Strunk may eventually be on trial for his life being charged with first-degree murder, child kidnapping and aggravated sexual assault.

Strunk is accused of the murder of Veronica Maria Fitzen, 6, who disappeared from her backyard Aug. 8, 1988.

Dec 27, 1989

# Homicide suspect to

The seriousness of the charges against a 16-year-old Vernal boy convinced a juvenile court judge to allow the juvenile to be tried as an adult.

Judge Merrill Hermansen's ruling came Friday after the judge viewed in a closed courtroom a video of the juvenile's confession.

Friday's hearing in 8th District Juvenile Court was at the request of Kirk Bennett, attorney for Roger Dale Strunk. Strunk is charged with

three felonies in the death of a six-year-old Vernal girl who was missing from Aug. 7 to Aug. 12.

The Utah Attorney General's Office has assumed primary prosecution responsibilities in the case and filed the case in the 8th Circuit Court Aug. 16. Strunk was charged with criminal homicide in the first degree, aggravated sexual assault of a child and child kidnapping.

Utah Code, allows for serious crimes, aggravated sexual assault

and criminal homicide, for a case against a juvenile to be filed in adult court. The code also provides for a recall hearing if a motion is properly filed within 10 days.

At Friday's recall hearing Judge Hermansen said he disagreed with the code that allows the direct filing of a juvenile as an adult.

"It creates another hearing, which court time should be used to our advantage.

VE 8-31-88

## to be tried as adult

"If anything, I came to the hearing prepared to recall the case back to juvenile court," Hermansen said. But based on the evidence, "I do not see a shy, timid young man.

"He was aware totally of his actions and the fact that he has no criminal record is far overshadowed by the seriousness of his charges," Hermansen said and denied the motion to recall the case to juvenile court.

Strunk, who attended the hearing in handcuffs and a bullet-proof vest, showed little reaction to Hermansen's ruling.

Attorney Bennett earlier told the court he believed the code concerning direct filing was unconstitutional because it placed the burden of proof on the defendant.

Judge Hermansen noted the objection.

Bennett argued that his client

should have the right to a full hearing based on the fact that he was just over 16 years old and he had no prior record.

An expert witness, Dr. Arthur H. Brown III, of the Hillside Professional Clinic, testified for the defense that based on a two-hour interview earlier in the day, Strunk's emotional development was that of a 10-year-old.

Continued from page 2

GLEN PARKER DAVIS

### Juvenile...

Continued from page 1

Dr. Brown said Strunk suffered from sexual isolation, personality disorders and abuse problems. He said he believed his problems were treatable.

Under cross examination by Creighton Horton, attorney general's office, Dr. Brown said that he would not exclude anyone from treatment based on whether he was an adult or a juvenile.

Horton asked to approach the bench, and after the courtroom was cleared, to review personal matters of the suspect. The video tape was presented as evidence during the hearing.

Police maintained a tight security during the hearing allowing only members of the media, attorneys and Strunk's family to attend. Each person was searched before entering the courtroom.

Based on Hermansen's decision, Strunk's preliminary hearing will be Sept. 9 at 10 a.m. in Circuit Court.

Nov 11, 1990

# Judge sentences Strunk to three terms in prison

0626 ON  
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UTAH COUNTY

A Vernal juvenile, who pleaded guilty last June to the capital homicide of six year old Veronica Fitzen, was sentenced to life, 15 years, and 9 year prison sentences.

Roger Dale Strunk was sentenced in Eighth Circuit court by Judge Dennis Draney on Wednesday Nov. 14. He will serve a life term for the murder, 15 years for the first degree kidnapping and 9 years for the sexual abuse of a child before any parole is considered.

The sentencing comes nearly one and one-half years after the child was found strangled to death.

After sentencing, Strunk was ordered to the Utah State Penitentiary immediately. He began serving his sentence the day of the appearance. Any parole will be in the hands of the Board of Pardons at the prison.

Veronica Fitzen was found in a grove of aspen trees approximately 15 miles north of Vernal near Little Brush Creek. She had been strangled and raped. She was found in a pillow case when police were led to

her body by Strunk. She was last seen Aug. 7, 1988 at her Vernal home. She was found Aug. 12, 1988.

Strunk's defense attorney, formerly of Vernal and now practicing in Salt Lake City, Kirk Bennett, made several attempts to have his client tried as a juvenile but his attempts failed.

The Utah Court of Appeals upheld Juvenile Court Judge Merrill Hermansen's August 1988 ruling that left Strunk in the adult

court even though he was a juvenile at the time.

Strunk had just turned 16 when the murder occurred. Utah State Statute allows charges against a 16-year-old to be filed in adult court in cases of capital crimes.

With the decision by the Utah Court of Appeals, Strunk could have faced the death sentence.

In exchange for a guilty plea, the Utah Attorney General's office, who handled the case, agreed not to pursue the death penalty.

WEDNESDAY,  
August 24, 1988

Vernal, Utah 84078  
96th Year No. 34

24 pages

Single Copy 50¢

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# Judge to decide juvenile or adult

The case of 16-year-old Vernal juvenile boy facing capital charges filed as if he were an adult, will be heard Friday at 10 a.m. in Juvenile Court.

The Utah Attorney General's office filed information papers Aug. 16 charging Roger Dale Strunk with criminal homicide in the first degree, aggravated sexual assault of a child and child kidnapping.

Strunk has been charged by law officers for the slaying of Veronica Fitzen, who was reported missing Aug. 7. Her body was found Friday about 25 miles north of Vernal in the Little Brush Creek area, Aug. 12. Officers located the body after the suspect was brought in for questioning.

Utah Code allows juveniles to be tried as an adult if the suspect is over 16 years old and the crime is serious.

The code also allows the suspect to file a petition to the juvenile court to return the case to that court.

The day after the Attorney General's office filed its paper with the 8th Circuit Court, Kirk Bennett, Strunk's attorney filed a motion to recall the case to juvenile court.

Judge Merrill Hermansen, Juvenile Court, will take action on the motion Friday and make a decision based on the suspect's age, legal record and seriousness of the charges.

All proceedings in the juvenile court are closed to the public, but rulings are public information.

If the suspect is recalled to the juvenile court, he can still be certified as an adult, but the process is more lengthy than the direct filing.

Factors which will be considered in the juvenile court waiving jurisdiction will be the seriousness of the offense; whether the alleged offense was against person or property with greater weight given to offenses against persons; the maturity of the juvenile, the previous history of the juvenile, the likelihood of rehabilitation with facility available to the juvenile court and the desirability of trial and disposition of the entire offense in one court when alleged associates are adults.

Written reports and other materi-

als relating to the juvenile's mental, physical, educational and social history will be considered by the court, but the information is open to cross-examination if requested.

"Certification is a more detailed process and will slow things down," said Attorney Creighton Horton of the State Attorney General's Office.

If Judge Hermansen recalls the case to juvenile court, the Sept. 9 preliminary hearing set last week for Circuit Court will likely be canceled.

VE 11/30/88

## Murder case waits on appeal

The trial of a Vernal 16-year-old charged with first degree homicide is entangled in a three to four month appeal to the Utah Court of Appeals.

The case for Roger Dale Strunk, charged in the death of Veronica Fitzen, has been appealed because of the question of the constitutionality of the direct filing procedure allowed under Utah Code.

Usually juveniles, under 18 years old, who are charged with a crime are handled in juvenile court. In juvenile court it can be ruled that the youth should be tried as an adult, but a recent addition to the Utah Code allows the direct filing of a juvenile as an adult if the juvenile meets certain requirements. The juvenile must be over 16 years old and be charged with criminal homicide or aggravated sexual assault.

Strunk was arrested Aug. 16 on criminal homicide, aggravated sexual assault of a child and child kidnapping. The body of Veronica Fitzen was found in a grove of trees

north of Vernal.

During an Aug. 16 recall hearing, 8th District Juvenile Court Judge Merrill Hermansen ruled, after viewing a video of Strunk's interview with police, that the juvenile should be tried as an adult.

Defense attorney Kirk Bennett argued that the direct filing procedure in the Utah Code was unconstitutional and is preparing a brief for the Court of Appeals outlining his concerns.

Assistant to the Attorney General, Sandy Sjogren, said 40 days are allowed for filing of the legal brief and the attorney general's office has 30 days to respond.

"Once the case gets into the Court of Appeals, a decision should be made quickly," Sjogren said.

Sjogren said she expected it to be three to four months before the case would be ruled on in the appeals court.

The case will eventually come back to 8th District or Juvenile court.

RHC 0626



**Strunk**

*David Symon*

7/21/93

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# Parole hearing date cut

by **Melanie Morrison**  
Express Writer

Roger Dale Strunk, who pleaded guilty to kidnapping, sexually abusing and murdering six-year-old Vernal resident five years ago, was sentenced in Eighth District Court a second time last Wednesday to life in prison and two lesser sentences.

Eighth District Judge John Anderson hesitantly ordered that the sentences run concurrently as opposed to the original consecutive sentence handed down by the late Judge Dennis Draney. The concurrent sentences were given as a result of a ruling by the Utah Supreme Court last January.

In shackles and handcuffs, Strunk, now in his 20s, stood before Judge Anderson with his attorney, Sam N. Pappas, while the judge told him that his victim, Veronica Fitzen, was very vulnerable because of her age and because he was a trusted neigh-

bor. After rendering his decision, he told Strunk that his victim's family and the community demanded retribution and, "you will have to live with yourself."

Judge Anderson, said the Utah Supreme Court had "tied my hands," and he imposed the maximum sentences possible for the charges of first-degree murder, child kidnapping and sexual abuse of a child. The sentences were life, 15 years to life and nine years to life, respectively.

Strunk will be eligible for parole after serving 15 years. If he served the consecutive sentences in the original sentence, he would have been eligible for parole in 24 years. The new sentence cuts 9 years from the time when Strunk is eligible for a hearing before the parole board.

The victim's father, Jerry Fitzen, who was in the courtroom, said he was disappointed with the judicial

system. "We were told when we agreed to not pursue the death penalty, that Roger would never see the light of day outside prison walls. But now he could walk in 12 years."

Strunk's new sentence will run from the original sentencing date of Nov. 16, 1990, allowing his parole hearing to be in the year 2005. Fitzen accused Strunk of manipulating the system — the system is far too lenient on criminals.

"These judges [Utah Supreme Court] didn't have to identify their daughter's mutilated body," Fitzen said of the 4-1 decision from the higher court. "I did. I know what he [Strunk] did to my daughter."

Also in the courtroom were Strunk's grandmother and mother. Strunk's grandmother said they are proud of the progress Roger has made since being incarcerated. She said he has completed high school and is attending intense therapy.

Strunk is being held at a facility in Cedar City.

Deputy prosecutor from the Utah Attorney General's office, Creighton Horton said the state asked for the maximum sentence allowed by the Supreme Court. "There was nothing we could do different," Horton stated. "We didn't reduce or drop any of the charges when Strunk confessed. We only agreed not to pursue the death penalty in the case." He explained that the Fitzens' input was a large consideration in the original sentence.

Strunk's attorney pleaded, prior to the sentencing, with Judge Anderson to consider his defendant's age at the time of the crime, that it was his client's first incident with the law, that he fully cooperated with Vernal City Police detec-

See Strunk page 2

*over*



## Strunk

Continued from page 1

tives, and the reports rendered by doctors and therapists at the Cedar City facility.

Judge Anderson, in rendering his decision, told Strunk and his attorney that all mitigating factors were taken into account on each of the three charges. But that he had no choice but to pronounce the longest minimum/mandatory term allowed in Utah.

Strunk said, just prior to being taken back to prison, that he was very sorry both to his victim's family and to the community, but there wasn't anything he could do to bring the young girl back. When asked if he believed he received a fair sentence, he replied "yes." He said that he didn't believe in the death penalty. "One murder doesn't deserve another murder."

Strunk was 16 in August 1988 when he forced his crying neighbor into the back seat of his mother's car and drove her to Little Brush Creek, north of Vernal. According to court records, that is where he sexually abused her, beat her in the head and body with sticks and finally strangled her with a stocking. Her body was found following five days of intensive search in the area. Strunk was questioned by Vernal City Police detectives to whom he eventually confessed to the murder, and led investigators to her body.

The late District Judge Dennis Draney had sentenced Strunk to life in prison for the murder and to the longest mandatory sentences allowed on the other two charges.

# Vernal Express

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# Police solve case of missing 6-year-old

## Officers recover body, 16-year-old in custody

Vernal residents mourn the loss of a 6-year-old girl while the suspect in the rape and killing is arraigned in circuit court.

Services for Veronica Fitzen were Monday at 11 a.m. in the Vernal First Baptist Church.

Her body was found in a grove of aspen trees 25 miles north of Vernal at the Little Brush Creek area. Her body was in a pillow case.

State medical examiners determined the cause of death was strangulation, and she had been raped.

The suspect in the case, a 16-year-old neighbor boy, led law officers to the body after being brought in for questioning Friday.

The search for Veronica Fitzen began Aug. 7 when she was last seen in her yard at 6 p.m. Law officers employed a three-area investigation: local, national and inter-national.

Before Friday's interview, police had very little evidence and no witnesses. They had followed several leads, and searches of property based on information supplied by individuals, but nothing could be linked to the case.

The 16-year-old was the one of three people in the neighborhood who were brought in by police for interviews.

During the interview Lt. Mel Curtis pursued some psychological indicators which police report led to a confession.

The suspect, who has been a resident of the community for about two years, is being charged with first degree murder, aggravated kidnap and aggravated sexual assault, all first degree felonies. Law officers are pursuing having the juvenile tried as an adult.

During a detention hearing Monday, Judge Dennis Drahey, 8th District Court, ruled that for safety reasons, the suspect should continue to be detained at the Vernal Juvenile Detention Center. There have been several death threats against the suspect.

The arrest of the suspect ended a five-day search for the girl, but began an outpour of grief from the community.

"There just aren't words to express how I feel," said Mayor Sam



CHIEF Robert T. Downard, Lt. Mel Curtis and Det. Rick Hawkins answer questions from the media during a press conference disclosing the results of their investigation into the death of a 6-year-old.

Snyder.

"It's a personal tragedy for all of us," said Chief Robert T. Downard, Vernal City Police.

Monday's funeral service for Veronica was conducted by Rev. Herb Stoneman.

Others who spoke were Bishop Lloyd Swain, Vernal 2nd Ward of The Church of Jesus Christ of Latter-day Saints and Preston McNutt, pastor of the Belcheld Chapel. Burial was in the Vernal Memorial Park.

"If there can be something positive from such a negative event, that is what is desired," Rev. Stoneman told about 200 at the service. Many came to the service holding only one flower, as the family requested.

## State takes case, files as adult

The Utah Attorney General at two deputies filed information in 8th Circuit Court Tuesday 1 p.m., charging a Vernal 16-year-old as an adult with capital homicide and two felonies.

Utah law allows in cases where juvenile is over 16 years old and crime is serious, the case can be filed with the court as if the juvenile were an adult.

The State Attorney General's Office was requested by County Attorney Alvin Nash to prosecute the case.

Attorney Craig Horton, of the State Attorney General's Office, will be the prosecutor in the case. "He is one of two of the most experienced homicide prosecutors in the state," said David L. Willardson, State Attorney General. Horton prosecuted child molester Gary Bishop.

Horton said the information in Vernal Monday charges the suspect with criminal homicide in first degree, aggravated sexual assault of a child and child kidnapping.

## Attorney general files murder case...

Continued from page 1

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The law allows the prosecution to proceed with the case as if the juvenile is an adult and the statute allows the defense to contest the filing.

The court appointed Kirk Bennett, formerly a Vernal attorney who is now employed in Salt Lake City, to be the defense attorney.

Since the information was filed as if he was an adult, Wilkinson said the suspect's name, Roger Dale Strunk, is now a matter of public record.

Wilkinson said the attorney general's office is frequently called in to prosecute a major case. The main reason for the attorney general's intervention in this case is the gravity of the crimes.

"You know this is a high profile case when the state attorney general and two deputies come out to handle it," said Lance T. Wilkerson, Vernal attorney initially assigned to the case.

Police are seeking two possible witnesses in the case who spoke with the suspect while he was in the Little Brush Creek area. The two are described by police officers as driving a blue truck with a white camper shell. The two were dressed in hiking shorts and boots. The man was six-feet two inches tall with a brown beard. The woman was five-feet eight inches tall. The truck was parked in a gravel pit area off U-191. The truck had Colorado license plates. Police request that the witness contact police at 789-5835.

The witness are not necessary for prosecution in the case, but "would

be icing on the cake," said Chief Downard.

Arraignment in the case was Tuesday and the preliminary hearing was set for Sept. 9. County Attorney Alvin Nash's office has been barred by a court order not to release any information concerning the case.

Although Attorney Alvin Nash's name appears on papers filed Tuesday, he will be only an advisor on the case.

### Community Meeting

Because of recent deaths in the community, a community meeting for parents and their children will be Monday, Aug. 22 at 10 a.m. at the Central School gymnasium.

"Bad Things Do Happen to Good People...Let's Talk About It" will be the topic of discussion. Sponsors of the meeting will be Ashley Valley Medical Center, Dr. Susan Reichert, Vernal City Police and Uintah Basin Counseling.

Speakers at the meeting will be professionals from the community.

RHC 0626

WEDNESDAY  
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INSIDE:

- Dinosaur Days excitement
- Sculptor casts feelings
- Winners of women's softball
- Hunters draw out for all permits

## Search continues for six-year-old Vernal girl

City and county officials are continuing the search for a six-year-old Vernal girl who has been missing since Sunday at 6 p.m.

Initial search for Veronica Fitzen, who was last seen in southwest Vernal, began Sunday and continued until 3 a.m. Monday. The search resumed at 8 a.m. Monday.

Det. Rick Hawkins, Vernal City Police, said some leads have been reported, but no concrete evidence has turned up.

The girl is 3-foot 6-inches tall, with dark brown hair and was last seen wearing a turquoise short jumpsuit, red socks and white shoes. She is the daughter of Jerry and Janette Fitzen.

Persons with any information are advised to contact Det. Hawkins at 789-4222.



Veronica Fitzen

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June 27, 1990

#0626

# Strunk confesses murder

In exchange for the state not seeking the death penalty, a Vernal teenager pleaded guilty to charges of first-degree murder, aggravated sexual abuse of a child and child kidnapping.

Roger Dale Strunk, 17, entered the

plea during a Wednesday hearing last week in 8th District Court. Strunk is charged with the 1988 kidnapping and death of a 6-year-old Vernal girl.

8th District Court Judge Dennis Draney set the sentencing date for

Sept. 11.

Strunk just turned 16 when he was charged as an adult in the death of Veronica Fitzen, who disappeared from her Vernal home Aug. 7, 1988. The girl's body was found by offi-

Continued on page 2

## Strunk pleads guilty

Continued from page 1

cers in a grove of trees 25 miles north of Vernal. Strunk led officers to the body which was placed in a pillow case.

Strunk's attorney, Kirk Bennett, has spent nearly two years appealing a ruling by a juvenile court judge that Strunk should remain in the adult court system.

Assistant Utah Attorney General Creighton Horton maintained that the law allows, in cases of serious crimes, adult charges to be filed against a 16-year-old. The Utah Court of Appeals agreed in a ruling last June and refused to remand the case to the juvenile courts.

Bennett had taken the case to the Utah Supreme Court where he was scheduled to make oral arguments in September, but the guilty pleas have the matter moot.

Horton said he would ask Draney to sentence Strunk to consecutive terms at Utah State Prison. The judge ordered Strunk to undergo a 90-day evaluation at the prison before sentencing.

The first-degree murder charge is punishable by life in prison and the two first-degree felonies carry terms of five-years-to life.

The state agreed to forego the death penalty because Strunk was just 16 when the crime was committed and he had no prior record, Horton said.

VE 2/10/93

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## Strunk to be re-sentenced

A court date has not been set, but convicted murderer, Roger Dale Strunk, will appear before 8th District Court Judge John Anderson for re-sentencing.

Strunk was sentenced Nov. 14, 1990 for the murder of Veronica Fitzen, 6, of Vernal. Strunk was sentenced by Eighth District Court Judge Dennis Draney to three terms: life in prison for murder, 15 years to life for first degree kidnapping, and 9 years to life for sexual abuse of a child. It would be 24 years of prison before Strunk could be considered for parole.

In September 1991 Strunk's attorney, Sam Pappas, appealed to the Utah Supreme Court to reduce the minimum terms or vacate the consecutive sentences. Pappas argued that Judge Draney failed to consider his client's age when issuing the sentence.

Assistant Utah Attorney General Creighton Horton argued "the circumstances were so bad" that they justified the sentences, regardless of Strunk's age.

Strunk was tried as an adult after the Utah Court of Appeals unanimously decided that Juvenile Court Judge Merrill L. Hermansen followed correct procedure in determining that Strunk should remain in the adult court system.

Strunk had just turned 16 when he was charged as an adult in the death of Fitzen, who had disappeared from the back yard of her Vernal home. Strunk led police at a grove of trees north of Vernal where the girl's body was found in a pillow case. Utah law allows in crimes of seriousness nature that individuals who would normally be tried in juvenile court can be charged as an adult if they are not recalled to the Juvenile Court system.

The Utah Supreme Court agreed that Strunk's age should have been considered more thoroughly during the sentencing. Judge Anderson at an unscheduled date will re-sentence Strunk in light of the Utah Supreme Court decision. Strunk will be brought back to Vernal for the sentencing.

# Strunk trial goes to Utah Supreme Court

A Jan. 29 trial date for accused homicide, kidnapping and child molestation suspect Roger Dale Strunk, 17, was postponed last week until the Utah Supreme Court reviews the case.

Deputy Attorney General Creighton Horton said his office was informed that the high court would intervene. Strunk is charged with first-degree murder, kidnapping and sexual molestation of

Veronica Fitzen, 6. Her body was discovered in a grove of trees north of Vernal Aug. 7, 1988.

A unanimous decision by the Utah Court of Appeal ruled that Juvenile Court Judge Merrill L. Hermansen acted correctly in allowing Strunk to be tried as an adult in July 1989. Now Strunk's attorney, Kirk Bennett will argue before the supreme court that Strunk should not be tried as an adult because he had just 16 when the incident occurred and his mental age was much lower than 16 years.

The Court of Appeals judges ruled that Hermansen followed all the statutory requirements in determining that Strunk should remain in the adult court system. Hermansen's ruling means Strunk could eventually face the death penalty.



## Murder

# Victim's mother wants no parole

by Steven Wallis  
Express Editor

Convicted murder and rapist Robert Dale Strunk will be up for parole this month and the victim's parents are doing everything possible to make sure his parole is not granted.

Mother of the victim, Jeannette Fitzen of Vernal and a group of volunteers have been soliciting signatures on a petition to keep Strunk in prison.

"I think he is a Ted Bundy," said Mrs. Fitzen. "Part of the plea bargain was that we would not seek the death penalty if he would be sentenced to life without parole."

Strunk, now 21, pleaded guilty to kidnapping, sexually abusing and murdering Veronica Fitzen, 6, of Vernal, in August of 1988.

He was later sentenced to life in prison for murder, 15 years to life for child kidnapping and 9 years to life for sexual abuse of a child. Strunk would be eligible for parole in 15 years under the original sentencing. Last July, Strunk was resentenced. Because of a new ruling from the Utah Supreme Court, Judge John Anderson, 8th District Court, had no choice but to make the sentences run concurrently, making him eligible for parole after serving only six years.

Monday, Mrs. Fitzen was at a booth near the entrance to Smith's Food King requesting people to sign the petition.

"I really don't know how many signatures we have, we will be here until Thursday to get as many as possible," she said.

**JEANNETTE FITZEN** reads the petition to her daughter's assailant, who is up for parole, but was denied in 1988.

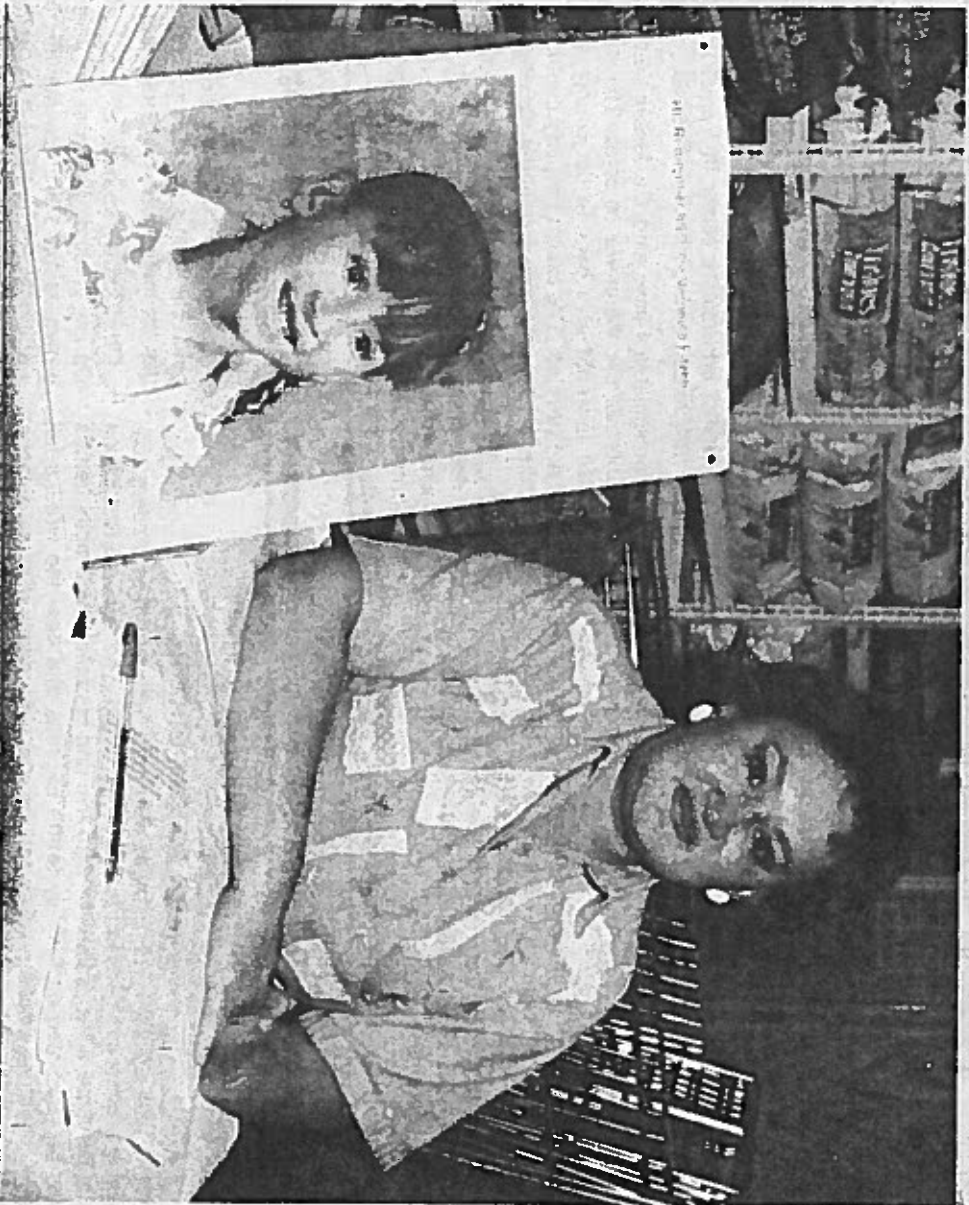
"What I do now is for the children," she said. "There is nothing I can do for my child, pointing to a picture of her daughter. 'I don't want another person to have to go through what I have. I believe if he is let out, he will do the same to another little girl.'"

The petitions will be sent to the parole board Friday. Behind closed doors, the board will decide

Strunk's fate on March 26 at 10:30 a.m. in Cedar City, where he is being held.

"The board will take all information into account before making their decision regarding the status of any inmate," said John Green, administrative coordinator of the Board of Pardons. "There is no single factor surrounding the board's decision on any case."

Court records state that her daughter was forced into the back seat of a vehicle and driven to Little Brush Creek, north of Vernal, where she was sexually abused, beaten and strangled with a stocking. Her body was found five days later after Strunk led law enforcement officers to the site.



Vernal Express 3-16-9 X

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# Victims get say about Strunk parole

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by Steven Wallis  
Express Editor

The parole hearing for convicted murderer and rapist, Roger Dale Strunk, 21, was Monday morning in Cedar City where he is incarcerated.

One member of the parole board and about 25 others listened to Strunk tell the reasons why he committed the murder of Veronica Fitzen six years ago. Veronica was found five days after the murder when Strunk confessed the crime to Vernal City Police officers. Strunk said he visualized the crime about a month before he did it.

Pablo Fitzen, brother to Veronica, said the incident has "torn my family apart. We are not happy like we were."

Jeannette Fitzen, Veronica's mother, said that it is not right for Strunk to be set free when her daughter has been permanently imprisoned.

The parole board members asked Jerry Fitzen if he would like to kill Strunk. "Yes, I would and it would be a very slow and painful death like he did to my daughter. But I would not murder him because it would jeopardize my family."

Sitting just five feet behind Strunk, Fitzen continued "The 13 areas of the body I learned in the military where you can kill someone kept going through my mind, but I also realized it would be a death of retaliation not self-defense which would condemn me and my family."

During the ten days before the hearing, the Fitzens, and friends of the family, were able to gather just under 10,000 signatures of area residents on a petition to keep Strunk in prison.

"I think it had a big impact," said Mr. Fitzen about the petition. "I express gratitude and thankfulness to the people of this community because it [the petition] had a great

impact."

The one parole board member at the hearing said she would recommend to the other four members of the board that Strunk remain incarcerated and not have another parole hearing for 12 years. The decision of the parole board will not be announced for two to three weeks.

"I feel satisfied with the hearing," Mr. Fitzen said Tuesday.

"I don't think we will ever be able to put this behind us. Every year something comes up. My family has been tormented and dragged through a lot. It would be good to go 12 years with no court hearings, parole hearings and other things."

In 12 years Mr. Fitzen said he will

be prepared to once again get the signatures and testify before the parole board to stop Strunk from getting out.

"I very definitely believe if he is let out, he will do it again," he said.

Mr. Fitzen said his situation is an example of the decay in the criminal justice system. "We need to get back to the Constitution and not baby our criminals."

Strunk is serving three sentences: life in prison for murder, 15 years to life for child kidnapping and 9 years to life for sexual abuse of a child. Because of a Utah Supreme Court ruling, Strunk's sentences were changed to run concurrently, making him eligible for parole after serving only six years.

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