

# Despite record, dog handler under fire

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Controversial dog handler John Preston has made a minimum of \$7,429 assisting Brevard police and prosecutors investigate some 60 felony cases since 1981.

But recent questions about the reliability of his scent-trained dogs may cost him future business here.

His credentials never doubted by the Brevard agencies that hired him, Preston and his dogs helped local prosecutors convict "about eight or 10" suspects, according to As-

sistant State Attorney Dean Moxley.

Most of those suspects were accused of murder. One was sentenced to die.

But defense attorneys and dog handling experts across the country have challenged Preston's credibility, saying he guides his dogs and exaggerates their capabilities.

Attempting to end the controversy, Brevard Circuit Judge Gil Goshorn — presiding over a murder case — ordered Preston to undergo two independent tests.

The former Pennsylvania

state trooper and his dog, Bear, failed one of the court-ordered tracking tests in Brevard July 20, according to a dog expert who asked not to be identified.

Bear "just wandered around for about 30 minutes" while attempting to track a 5-day-old human scent along a 1½-mile route, the expert said. Preston had said his dogs could track an 8½-year-old scent.

After failing the test, Preston and Bear left Brevard, leaving the second test undone, according to the expert.

It still is uncertain whether the second test will be attempted.

Goshorn wanted the test, because Preston has provided the key evidence allegedly linking four suspects to the crime. The trial is scheduled to start Aug. 20. The status of the case remains unknown.

Preston, of Galton, Pa., and one of his dogs, Harrass II, first came to Brevard in 1981 after prosecutor Moxley received a phone call from an Orange County deputy.

Moxley was handling the case of Mark Wayne Jones, a Sharpes construction worker charged with first-degree murder in the shooting deaths of two teen-age girls.

Preston's dog did link Jones to the crime, Moxley said, but the dog handler's testimony was not used. Jones pleaded guilty when prosecutors agreed not to seek the death penalty.

Moxley said prosecutor never checked into Preston's background or claims because "the things he was doing in Brevard were so self-verifying."

The prosecutor discount Preston's critics, saying they are "just the folks who have a

records supplied by some officials are incomplete.

## STATE ATTORNEY'S OFFICE

The agency that first summoned Preston to Brevard was the state attorney's office. Records showing the amount of money they paid the dog trainer were not available late last week, however.

Executive Director W.J. "Buzzy" Patterson said it would be difficult to retrieve the records which he said are stored in three different locations.

Incomplete records — showing how much Preston was paid for expert testimony as a prosecution witness during trials — were provided by the Brevard County Finance Department and Deputy Court Clerk Don Prather.

According to those records, from Jan. 1, 1984, to date, Preston has received \$12,750. Under a law enacted Jan. 1, the state picked up the tab for those services.

From October 1982 to December 1983, county records — which are incomplete — show Preston received \$3,140.76, when the county was footing the bill.

Records for 1981 and more complete records for 1982, however, would be difficult to retrieve because they also are stored at three locations, according to county Comptroller Doug Martin.

The money he received for those trips to Brevard are not included in the \$37,429 figure.

## SHERIFF'S DEPARTMENT

The agency first used Preston in February 1982. To date, Preston has received \$17,539 from the agency for his work in numerous felony cases, according to spokeswoman

ax to ground" providing only "half the story."

"What they are saying cannot be done, I've seen done," Moxley said.

Under court order not to comment, Moxley declined to discuss the results of the recent test in Brevard.

The prosecutor only said, "Preston's character has been assassinated and he hasn't had an opportunity to tell the facts."

Preston, who declined comment while in Brevard, couldn't be reached for comment in Galton.

But L. Wilson Davis, a 77-year-old government researcher on dog scenting, believes Preston's dogs can do what he says they can — including tracking an 8½-year-old scent.

"I had my doubts, but now I absolutely believe him," Davis said Saturday. "I saw him do it."

Davis, "war dog officer" for the Marines in the Pacific during World War II, also is the author of "Go Find," a 1974 training manual for amateur tracking buffs.

The Hyde, Md., resident described Preston as "an excellent dog handler with excellent dogs" and said the trainer should not be incriminated on the strength of an unsuccessful court-ordered test.

Although Preston has helped police and prosecutors in several states, he has worked on more cases in Brevard than anywhere else, according to his testimony in a 1983 murder trial.

The following is a breakdown of which local agencies employed Preston and how much he was paid. Records for 1981, however,

**TITUSVILLE POLICE**

The department has paid Preston \$1,500. Preston was paid \$1,200 by the department for his work in the upcoming murder trial of Elton Kimbrough, Warner Gibbs, Kenneth Michael Burch and Robert Samuel Taylor. The four men are accused in the 1983 suffocation murder of 89-year-old Irene Allen of Titusville.

It was this case that spurred the independent tracking test

The department also paid Preston \$300 for his work in the case of James Elmen. Despite the evidence provided by the dog handler, Elmen — accused in the stabbing death of Steven Luthicum — was acquitted earlier this year by a Brevard jury

*Accountly in Dec for 85 murder in 7/27/84*

**PALM BAY POLICE**

The agency used Preston on three occasions and paid him a total of \$750. On two of those occasions, he "was not productive for us," said Police Chief Charles Simmons

The third time was the Gary Stanley Bennett murder case.

Earlier this year, Bennett, whose pair print was found at the crime scene, was convicted of first-degree murder and sentenced to life imprisonment in the slaying of Helen Nardi of Palm Bay

According to prosecutor Moxley, Preston's dog also found Bennett's scent on a pair of scissors used to kill Nardi. The dog, however, destroyed other evidence in a scent line-up by urinating on it, officials said.

**INDIALANTIC POLICE**

The department paid Preston \$900 for his work in the case of accused rapist Scott Carroll.

Carroll, who is in custody in New York, has several rape cases pending in Brevard.

**MELBOURNE POLICE**

The police department also used Preston in another Scott Carroll case, at a cost of \$300.

**SATELLITE BEACH POLICE**

The agency paid Preston \$250 after using the trainer and his dog in one of accused rapist Gary Dirk's cases. The case is pending

"We used the dog because the state attorney recommended we use it," said Police Chief Tom McCarthy. Dirk's fingerprint was found at the crime scene, he said, and the evidence provided by Preston is just "frosting on the cake."

**INDIAN HARBOUR BEACH POLICE**

The department paid Preston \$300 for his efforts in attempting to solve the March 18 disappearance and murder of Terry Ferguson, believed to be one of the victims of accused mass-murderer Christopher Wilder

Wilder shot himself to death in New Hampshire after being cornered by police conducting an extensive manhunt

Indian Harbour Police Chief Fred Fernez said Preston's dog led officials to the motel room where Wilder was suspected of taking the 31-year-old woman.

Her body was found in rural Polk County.



**TRAINER JOHN PRESTON**  
... evidence in question