

[back to article](#)

pressdemocrat.com

No link to Jenner slaying found in fugitive's DNA

By *DEREK J. MOORE*
THE PRESS DEMOCRAT

Published: Friday, July 31, 2009 at 10:16 a.m.

Authorities say they are unable to link a dead fugitive to the 2004 slayings of a couple on a beach near Jenner, dashing hopes of solving a case that continues to baffle investigators and torment the victims' families.

A DNA sample taken from Joseph Henry Burgess and a bullet found among his possessions do not match evidence gathered by investigators in the Jenner case, the Sonoma County Sheriff's Department said Friday.



PD FILE
Joseph Henry Burgess

While that doesn't rule out the 62-year-old Burgess as a person of interest in the case, the findings also fail to establish that he had anything to do with the beach slayings.

"It's frustrating, but that's the business we are in," Sonoma County Sheriff's Capt. Matt McCaffrey said Friday.

Burgess, who was wanted in connection with the 1972 slayings of a young couple on a beach in Canada, was killed July 16 in a gun battle with New Mexico sheriff's deputies that left a deputy dead.

Sonoma County detectives traveled to New Mexico last week searching for evidence that might have implicated Burgess in the Jenner case.

Lindsay Cutshall, 22, and her fiance, 26-year-old Jason Allen, were found shot to death on Aug. 18, 2004. The couple were camped out on Fish Head Beach on what was supposed to be their final weekend in California before returning home to Ohio and marrying.

The case bears strong resemblance to the 1972 slayings of Ann Durrant, a 20-year-old Canadian, and Leif Carlsson, 19, an exchange student from Sweden, who were camping on a remote beach near Tofino, on West Vancouver Island.

Police said that after the couple went to sleep, Burgess, who was then 25 and a Vietnam-era draft dodger, snuck out from the bushes and shot each one in the head with a .22-caliber rifle.

Burgess, who was described by police as a religious fanatic, did not approve of pre-marital sex and had told a witness that the young couple's behavior bothered him.

Cutshall and Allen had taken vows of chastity and were in separate sleeping bags when they were shot. But like Durrant and Carlsson, the couple was open about their Christian beliefs, beliefs that in theory could have made them targets to someone such as Burgess.

But no one knew the New Jersey-born man was even alive before his deadly encounter two weeks ago with two New Mexico sheriff's deputies who were conducting a surveillance operation to nab a thief dubbed "The Cookie Bandit."

The intruder had been breaking into cabins in New Mexico's Jemez mountains for a decade and stealing food and other items. On this particular morning, he chose to enter the cabin where the deputies were staked out, leading to an intense fight.

Despite being handcuffed, Burgess managed to reach a .357-revolver tucked in his waistband behind his back and start firing. Both he and Sgt. Joe Harris of the Sandoval County Sheriff's Department died in the ensuing gun battle.

Authorities later determined that Burgess' gun was registered to another man who was reported missing in 2007 after he failed to return from a camping trip in the Jemez mountains.

Sonoma County detectives took DNA samples from Burgess to compare with DNA found in saliva that was on a beer bottle recovered from the Jenner beach.

Normally, such tests can take weeks or months. But the California Department of Justice made it a priority, underscoring interest in the case and hopes that it might finally be solved.

McCaffrey said Friday that had the DNA matched, it would have been strong evidence that Burgess took part in the slayings, as it would have placed him at the beach.

A positive match on an expended .45-caliber bullet that was found among Burgess' possessions could have been an even more definitive link.

Investigators have identified two types of rifles, both made by Marlin Firearms Co.

in North Haven, Conn., that could have been used to kill Cutshall and Allen, who were each shot once in the head.

One rifle is a lever-action type known as the Model 1894. The other is the Model 45, which is semi-automatic and more commonly referred to as a "camp carbine."

The rifles are unique in that they use ammunition that also can be used in handguns.

McCaffrey said the bullet found in New Mexico was determined to have been fired from a pistol, and not from the rifle used in the Jenner slayings. He said the spent bullet has been sent back to New Mexico.

McCaffrey said no other items possibly related to the Jenner case were found in New Mexico. He said authorities there are still searching for evidence, but that Sonoma County investigators "are not holding our breaths."

He also spoke of the frustration of not finding a definitive resolution as the five-year anniversary of the couple's deaths approaches this month.

"We've had so many times where we've had evidence or a suspect where we thought, 'Boy, this looks really good,'" he said. "But we have to keep from getting too high or low on any case. You can't get too emotionally attached."

