

Austin's most *gruesome murder*—a quadruple homicide of four teenage girls dubbed The Yogurt Shop Murders—is now the city's most *infamous cold case*. In the 20 years since that horrific night, suspects have been convicted and released and detectives have come and gone, but the *families are still hopeful* that the killers will eventually be brought to justice. Yet, the question remains: *How did this investigation go so wrong?* *By Anne Lang*

# THE UNFORGETTABLE CRIME



**T**wo torturous decades have passed since Barbara Ayres-Wilson's teenage daughters, Jennifer and Sarah Harbison, were killed, along with two friends, during an Austin robbery-homicide so ghastly it captured headlines around the world. But today, as Barbara sits in the den of her ranch-style home in Hays County, she still vividly remembers the details from the long-ago winter night that forever changed her life. "I was so tired that evening," she says. "I fell asleep watching TV in the bedroom, wearing my purple sweats and purple socks. Later, my husband came to bed, and I was still asleep on top of the covers."

When the doorbell of her North Austin home rang at 3 a.m., "it woke me right up," Barbara says. "I went straight to the door, and the police were standing there. I didn't have the guts to look out, to see if Jennifer's truck was there. I kept thinking: 'Did the girls come in, did they come in?' But I already knew the answer, because the police were there. I knew something was wrong. I just knew it was all over."

## LOOKING BACK

**S**ituated in northwest Austin on a corner of Rockwood and Anderson Lanes, the Hillside Shopping Center doesn't stand out from any other multi-store retail strips that populate the bustling area. But if your errands happen to take you to the north end of Hillside's parking lot, you might notice a small traffic island decorated with white stones and shaded by an oak tree that sits in front of a nail salon and a payday-loan shop. Step in close, and you'll see a bronze plaque that reads, "In Loving Memory of Amy Ayers, Jennifer Harbison, Sarah Harbison and Eliza Thomas. Forever In Our Hearts."

If you've lived in Austin for less than

two decades, this might seem like a puzzling spot for a memorial. But if you've been here long enough to recall the tragic event that occurred at the shopping center 20 years ago this month, no doubt you'll feel a sorrowful tug on your heart. You'll remember, because it left an indelible black mark on our city's history.

On the night of Dec. 6, 1991, skies were clear and temperatures hovered in the mid-50s. All across town, businesses and neighborhoods were twinkling with holiday lights. But the pervading calm was interrupted just before midnight at the Hillside complex, where a patrolling police officer noticed smoke billowing from the I Can't Believe It's Yogurt! shop.

Firefighters arrived in minutes, breaking down the locked front door and rushing in with their powerful hoses. It wasn't until after the flames were doused that they made a shocking discovery: the naked bodies of the four teenage girls who later would be named on that plaque.

The girls' limbs had been bound by their own clothes. Three of the bodies were stacked on top of each other; the fourth was nearby. Subsequent forensics revealed that each girl had been shot point-blank in the head, at least two had been sexually assaulted and the accelerant-fueled blaze had been ignited on top of the bodies. It was a quadruple homicide of outrageously heinous proportions.

Tragically, much of the crime scene evidence was inadvertently destroyed by water from the firemen's hoses. But also destroyed that night was any lingering notion that an occurrence of such grisly magnitude couldn't happen in peaceful Austin. Not since August 1966, when Charles Whitman went on a deadly shooting rampage from atop the University of Texas Tower, had the city been so horrifically shaken to its core.

Early news accounts provided basic details about the victims: Jennifer and Eliza were both 17 and seniors at Lanier High School. On the night of the murders, the friends were working the evening shift at the frozen yogurt shop. Jennifer's sister Sarah, 15, was a Lanier freshman. She and her best friend, Amy Ayers, a 13-year-old eighth-grader at Burnet Middle School, had gone shopping at Northcross Mall earlier that evening, and then joined the older girls at the store to hang out and help them close at 11 p.m. "Jennifer had started that job in July," says Barbara. "I told her, 'That's a long way from our house.' But I let her work there...I knew teenagers never have enough cash."

As shock waves from the incident were still rippling across the city, tips—as well as a slew of false confessions—were pouring into the Austin Police Department. Eight days after the murders, 16-year-old Maurice Pierce was arrested after being caught at Northcross Mall with a .22-caliber handgun. At the police station, Pierce, who had no link to the girls, told investigators that the gun had been used at the yogurt shop on Dec. 6.

However, tests failed to link the gun to the weapon used at the scene, and Pierce was released. Another false confession? Investigators weren't entirely convinced and made sure to place Pierce's profile in a prominent file. They also interviewed three boys they suspected had been with Pierce on the night of the murders: Michael Scott and Robert Springsteen, both 17, and 15-year-old Forrest Welborn. But following the interviews, the APD found no reason to detain the boys.

During the next 10 months, the APD continued to interview dozens of people associated with the victims. All evidence that could possibly be gathered from the charred bodies and waterlogged crime

## THE YOGURT SHOP MURDERS A 20-YEAR TIMELINE

► **DEC. 6, 1991:** The night of the murders and fire at the I Can't Believe It's Yogurt! shop in the Hillside Shopping Center in North Austin.

► **DEC. 14, 1991:** Maurice Pierce, 16, is arrested at

Northcross Mall for carrying a .22-caliber gun, which he says was used in the murders. But, tests comparing the gun to the murder weapon find that they don't match. Later that

month, police interview and release three friends whom they suspect had been with Pierce on the night of the murders: Michael Scott and Robert Springsteen, both 17, and Forrest Welborn, 15.

► **OCTOBER 1992:** A man in Mexico confesses to the killings, but he later recants and is dismissed as a suspect by APD for lack of evidence.

► **1993:** The families of the four victims file a civil suit



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## Robbery may be motive in teens' slayings

### More than 1 raided shop, police say

Ashes yield  
clues where  
4 teens died

By Kerry Haglund  
American-Statesman Staff

More than one person was involved in the slaying of four teenage girls last Friday at a North Austin yogurt shop, police said Monday. Investigators said the killers apparently tried to cover their tracks.

Headlines about the  
shocking murders

Classmate  
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up Friday night, authorities said.  
Firefighters and police were shaken by  
the slayings, describing them as senseless  
and brutal, and like many other recent

## THE SPARK OF FEAR

Murders of 4 teens touch soul of city,  
raising sense of alarm and foreboding

### More than 1 raided yogurt shop, police say

Continued from A1

Nick Lara, former schoolmate of Eliza Thomas, stopped by the yogurt shop Sunday where his friend and three other teens were murdered this weekend. Mourning is observed throughout the day with cards, tears and silence.

## Teens' violent deaths mourned

By Sylvia Martinez  
American-Statesman Staff

blaze at the I Can't Believe It's Yogurt  
store at 2949 W. Anderson Lane.

Bayardo said there was little doubt  
about identities and he expected to  
confirm them through dental records.

scene was submitted for analysis. In October 1992, it appeared that a break in the case had arrived when a man in Mexico confessed to the killings. He and a second suspect were arrested. But the first suspect later recanted, claiming his confession was coerced under torture by Mexican police, and the APD dismissed both men as suspects.

"It was very emotional," Barbara, now 60, remembers. "But I never believed that those men in Mexico were connected." She says APD detectives had predicted that the Mexico connection would evolve into a dead end, and they were right. "Throughout this investigation," she says, "the police have told us in advance about

the possibilities, and everything they ever told us has happened exactly the way they said it would."

### CRACKING THE CASE

The next real break in the investigation didn't occur for seven years. In the fall of 1999, as detectives were plugging away on their interviews with the victims' associates, they talked to Michael Scott for the first time since 1991. During 20 hours of interrogation, Scott confessed to the murders, implicating Pierce, Springsteen and Welborn with him.

When Scott was interviewed, Sgt. Ron Lara was a young detective serving on the yogurt shop case. Now a 26-year vet-

eran of the APD, he serves as the agency's homicide cold case unit supervisor. "We had started from the outer perimeter of people we needed to talk to," explains Lara, 49. "But it wasn't until Michael Scott sat down and talked to us that there was something to it. The lightbulb came on when we spoke to Michael, and that gave us our direction from there."

That direction led to another interview with Springsteen, who—like Scott—ended up confessing to the murders. (Later, Springsteen and Scott recanted their confessions, claiming investigators had coerced them.) Welborn and Pierce did not offer confessions, but each made numerous key reference points, on which Lara

against I Can't Believe It's Yogurt! parent company Brice Foods and the owners of the shopping center, accusing both parties of not providing sufficient security.

■ **1994:** The lawsuit is settled out of court for \$12 million, some of which is

used to form the nonprofit We Will Not Forget SAJE Foundation, which promotes workplace safety for teens.

■ **SEPTEMBER 1999:** Scott and Springsteen, now 25, are summoned for second interviews. Both confess to the murders, though they

later retract their confessions. Welborn and Pierce are also implicated.

■ **OCT. 6, 1999:** Springsteen, Scott, Pierce and Welborn are arrested on charges of capital murder.

■ **DECEMBER 1999:** A jury indicts Springsteen,

Scott and Pierce on four counts of capital murder.

■ **JUNE 2000:** A DPS report reveals that none of the four co-defendants' DNA was found at the crime scene. A judge dismisses capital murder charges against Welborn after two



# THE SUSPECTS

Photos of the four men who went on trial for The Yogurt Shop Murders



PIERCE, YEAR UNKNOWN



WELBORN IN 1999



SCOTT IN 1999



SPRINGSTEEN IN 2007

declines to elaborate, during their individual interrogations that fall. "After we had spoken to each of the four men," Lara says, "we were able to corroborate many of the details that had not yet been released as they pertained to the crime scene."

Subsequent arrests, involving charges of capital murder, took place in October 1999: Springsteen, 24, in Charleston, W. Va.; Scott, 25, in Buda; Pierce, 24, in Lewisville; and Welborn, 23, in Lockhart. Two months later, citing probable cause, a Travis County judge authorized Pierce and Welborn to be tried as adults. In December, a grand jury indicted Springsteen, Scott and Pierce on four counts of capital

murder. (Welborn's capital murder charges were dropped in June 2000 after two grand juries failed to indict him. He was released from jail due to lack of evidence and testimony.)

Lara says he "absolutely" feels they colared the right men, even when it turned out in 2000 that DNA collected from the crime scene did not match any of the four. He explains: "I think the simple answer is based on the facts of the information, the interviews, the ability to corroborate the actual crime scene details that were not known at the time, to both [Scott and Springsteen] saying the same thing, even though they were living more than 1,300 miles apart."

Barbara agrees with Lara. "I know there are a lot of people who say, 'Oh, we've got the wrong people. They coerced their confessions,'" she says. "But let me tell you something: I sat through two trials, I heard the evidence. The lawyers negotiated to take out a lot of stuff that would have convicted those four even more. We have the right people."

In May 2001, Springsteen went on trial for the murder of Amy Ayers. (It is common in multiple murder cases for suspects to go on trial for only one murder.) During the three-week trial, Springsteen testified in an attempt to prove his confession was coerced, but Scott never took the stand.

Maria Thomas, 56, mother of Eliza, says

she experienced almost unbearable mental anguish while sitting through Springsteen's trial and Scott's a year later. "When those four were arrested eight years after the murder, I had just been starting to heal a little bit," she says. "But the trials threw me right back into all that pain, for weeks and weeks. Only this time, it's even more horrible, because you're learning all the details and seeing faces."

After deliberating for 13 hours, the jury convicted Springsteen of capital murder and sentenced him to death row. (In 2005, that sentence would be commuted to life in prison due to a U.S. Supreme Court ruling that disallows convicted killers aged 17 and under to be executed.) Scott went on trial in September 2002 and was convicted of capital murder in the death of Amy Ayers, which came with a sentence of life in prison. But in 2003, capital murder charges against Pierce were dropped, and he was released from jail due to lack of evidence and testimony—as had been the case with Welborn, three years earlier.

In May 2006, two pivotal events occurred: In a 5-4 decision, the Texas Court of Criminal Appeals ruled that Scott's constitutional rights were violated during his trial, which granted him a new trial. Also that month, Springsteen's murder conviction was overturned when the same appellate court declared that Scott's written confession was improperly used against Springsteen. Predictably, the following year, Scott's murder conviction was overturned when the appellate court declared that Springsteen's confession was improperly used against Scott. Both men stayed behind bars, while Travis County prosecutors began preparations to re-try them.

Then, in the spring of 2008, Travis County District Attorney Rosemary Lehmberg ordered a more advanced DNA test, Y-STR, on vaginal swabs containing fluids

grand juries fail to indict him. He is released from jail.

► **MAY 2001:** Springsteen goes on trial for the murder of Ayers. The jury convicts him of capital murder and sentences him to death row.

► **SEPTEMBER 2002:** Scott goes on trial and is con-

victed of capital murder in the death of Ayers. He's sentenced to life in prison.

► **JANUARY 2003:** Travis County District Attorney Ronnie Earle dismisses charges against Pierce, who is released from jail due to lack of evidence.

► **MAY 2006:** The Texas Court of Criminal Appeals rules that Scott's constitutional rights were violated during his trial, and he is granted a new trial. The same court overturns Springsteen's murder conviction, declaring that Scott's confession was improperly used

against Springsteen.

► **JUNE 2007:** Scott's murder conviction is overturned when the Texas Court of Criminal Appeals declares that Springsteen's confession was improperly used against Scott. Both men continue to serve a life sentence.



from two of the girls who were sexually assaulted. The results showed no DNA matches to any of the original four co-defendants. And further, they implied that an unidentified fifth male was involved at the scene. Since Y-STR samples can't be stored in the national system, investigators have to test people one by one. Along with the co-defendants, more than 130 males were tested as well, including firefighters, police officers, lab technicians, friends of the co-defendants and friends and family of the victims. No one matched.

## HUNTING DOWN THE MYSTERY MAN

**W**ith the introduction of a possible unknown fifth male—and no new trial dates in sight as prosecutors struggled to gain solid footing based on the new findings—in June 2009, Travis County Judge Mike Lynch released Springsteen and Scott from prison on personal bond, largely due to the state's failure to fulfill the co-defendants' legal rights to a speedy retrial. In October, under increasing pressure to set trial dates, Lehmberg suddenly asked the judge to drop all charges against Springsteen and Scott.

"Currently," Lehmberg said in a statement released at the time, "it is clear to me that our evidence in the death of these four young women includes DNA from one male whose identity is not yet known to us. I could not in good conscience allow this case to go to trial before the identity of this male donor is determined, and the full truth is known. I remain confident that both Robert Springsteen and Michael Scott are responsible for the deaths at the yo-

gurt shop, but it would not be prudent to risk a trial until we also know the nature of the involvement of this unknown male."

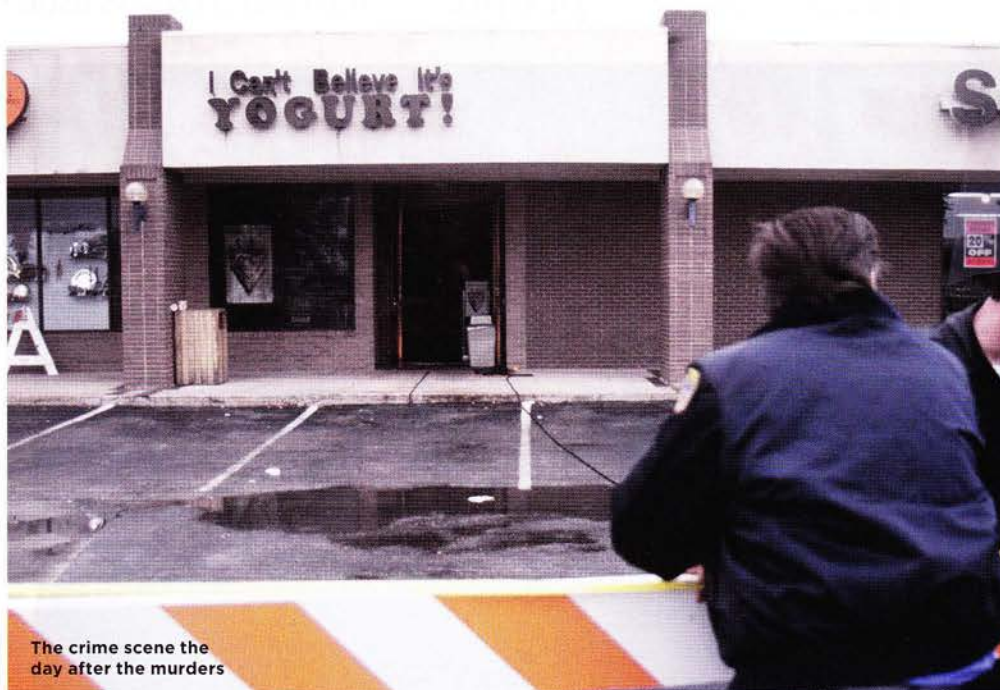
Today, Lehmberg still believes she did the right thing. "It was an extremely difficult decision, but it was necessary, for the good of the case and the good of the community," she says. And she defends the fact that the case remains unsolved after two decades. "The crime scene was washed away from the beginning. It was totally compromised," she says, adding, "I would like very much to bring this case to

closure. I'm pretty optimistic about that."

Maria feels differently about the men getting released. "I was deeply upset," she says. "I was furious; I wanted to punch things. When you're dealing with losing a child to murder, you're also dealing with the injustice of the justice system."

But Lara says he agreed with Lehmberg's recommendation. "I'm not going to sidestep or criticize anything that was done," he says. "We've always felt it's important that we coordinate our efforts with the district attorney's office, and

**"The *crime scene* was washed away from the very beginning. It was *totally compromised*." —District Attorney Lehmberg**



The crime scene the day after the murders

Prosecutors begin preparations to re-try them.

► **MARCH 2008:** District Attorney Rosemary Lehmberg orders new DNA tests on vaginal swabs containing fluids from two of the girls who were sexually assaulted. The results do

not match any of the four original co-defendants.

► **JUNE 24, 2009:** Due to the state's failure to fulfill the co-defendants' right to a speedy retrial, Judge Mike Lynch releases Springsteen and Scott from prison.

► **OCT. 28, 2009:** Pressured

to set a trial date, Lehmberg suddenly asks the judge to drop all charges against Springsteen and Scott.

► **2010:** The We Will Not Forget SAJE Foundation is closed; the remainder of its funds are distributed to various charities.

► **DEC. 23, 2010:** Pierce is fatally shot by a police officer, after he slashes the officer's neck with a knife.

► **DECEMBER 2011:** Twenty years later, the APD Homicide Cold Case Unit continues its work on the case; they still hope to solve it.



we've been successful in doing that. If we pursue this now with a trial and then lose, we wouldn't be able to come back with other evidence. So I think the best scenario for us is to try to uncover this evidence before we pursue any other charges.

"We don't know that we have a fifth suspect at all," Lara adds. "One degree of this investigation involves identifying individuals who either may have known these girls or had a consensual relationship with them. The other degree involves continuing to take a look at who else might have been associated with these guys that we believe were involved. Given the circumstances, you have to look at everything, including possibly a fifth person."

Last winter, a bizarre inci-

dent took place involving one of the four original co-defendants. On Dec. 23, around 11 p.m., Pierce was pursued by Austin police after running a stop sign near Parmer and McNeil roads. He pulled his car to the side of the road, then took off on foot. Of-

ficer Frank Wilson chased Pierce through a neighborhood, cornering him. In the ensuing struggle, Pierce grabbed Wilson's knife and slashed his neck. The injured officer pulled his gun and fatally shot Pierce. (Wilson recovered from his wounds.)

Pierce had had several run-ins with police throughout Texas since 2003, and many were violent in nature. "I'm not surprised at the outcome, given Maurice's involvement with the police over the past 10 years," says Lara. "I think he had some personal issues that he was dealing with, and he just did not like the police."

Today, the APD Homicide Cold Case Unit is still working the 20-year investigation, led by aptly named detective Richard

Faithful. "Every single day, each one of us is working diligently to submit DNA samples that could have a positive outcome for the yogurt shop case," says Lara, who has a tabletop model of the Hillside Shopping Center at police headquarters. "It's important that we don't give up, and we never have."

But it's hard for the girls' mothers to remain optimistic after 20 years. "There's always that little hint of hope that the case will one day be solved, but in reality, I don't really expect anything," says Pam Ayers, 58, mother of Amy. "We had so little to go on from the beginning. And I would rather have not known anything from the trials than to have gone through what I did. Because bad as we ever thought it was, it turned out to be even worse." She adds, "The truth is, there's never closure. Even when we thought we had the boys in prison to stay, that was still not closure. And there will never be closure, not until the day I die."

Barbara has similar thoughts, though she believes the case will be solved someday. "I may be dead and gone, but somebody will figure out who, how and why," she says. "But it will not make a difference to me, because I lost Jennifer and Sarah. All the rest of this—who gets punished, who doesn't—is just the crap that goes with it. Jennifer and Sarah are the only things that matter." ❧

**"I know there are a lot of people who say, 'Oh, we've got the wrong people. They coerced their confessions.' But let me tell you something: I sat through two trials, *I heard the evidence...We have the right people.*" —Barbara Ayres-Wilson**



Barbara Ayres-Wilson  
at her home, with  
portraits of her daughters



# REMEMBERING THEIR DAUGHTERS

## JENNIFER & SARAH HARBISON

Barbara has lovingly packed away almost all of her daughters' belongings from high school: snapshots, homecoming ribbons and myriad other tokens of teenage life. Several large, lovely portraits of the sisters hang in her home, along with newer photos of her four step-grandchildren. But memories of her daughters remain, materializing in more than one form. "Every once in a while, I'll dream about one or the other," she says. "And I know when they visit; I'll just feel their presence. It's funny, I can always tell which one it is. But they never come together."

Jennifer, 17, was a senior at Lanier High School, where she was FFA president and raised lambs for show. From the time she was born, "Jennifer was easy-breezy," says Barbara. "She was always the best little girl in the world, happy all the time and loving to everyone." She also was "a total tomboy—always outside, always active. And she loved country music and country dancing." Jennifer played the violin and could belt out Reba McEntire tunes like a pro. "She always wanted to perform," says her mother. "I wouldn't have been surprised if she had taken that route in her life." To make 2-year-old Jennifer feel special when Sarah was born, her father, Mike Harbison, gave her two necklaces. "The first thing Jennifer said was: 'One for me, and one for Sarah,'" says Barbara. "That was just her generous spirit."

Sarah, 15, was a Lanier freshman who raised lambs for FFA, was a junior varsity cheerleader, played on the freshman basketball and volleyball teams, served on student council and played alto saxophone. She adored her big sister, sharing Jennifer's love for country music and animals. "We had hamsters, guinea pigs, three dogs and two cats," says Barbara, who feels certain that Sarah would have become a veterinarian. "Sarah was clear on that," says Barbara. "She was very focused, loving and fun, but driven in a quiet way." She also had a dry sense of humor and a feminine side. "When she was little, she'd gravitate toward dresses and pink," says Barbara. "One day at Cavender's, she found a pink cowgirl's dress. She wanted that dress so bad, and her stepdad gave in. It looked so cute on her. That was Sarah: cowgirl in a pink dress."



Jennifer Harbison



Sarah Harbison



Eliza Thomas



Amy Ayers

## ELIZA THOMAS

Eliza, 17, was a Lanier senior who was a gifted writer, loved country music and raised pigs for show in FFA. She belonged to Young Life, was close to her little sister, Sonora, and loved Roper jeans, Chinese food and Mountain Dew. Her mother, Maria, chose Eliza's name while watching *My Fair Lady*, and like the film's ingénue, Eliza (whose father is Maria's ex-husband, James) was "vivacious, passionate and beautiful," Maria says. Eliza also loved animals. "She had a pet rat that had followed her home from a park," Maria says. "Its face was all messed up, and it had to go to the vet for plastic surgery. It cost a fortune, but I had to do it because I couldn't stand to have Eliza sobbing." After the memorial service, a letter arrived from one of Eliza's co-workers at the yogurt shop. "She told me what an extraordinary and compassionate girl Eliza had been," says Maria, who moved with Sonora to Oregon after the murders and only recently returned to Austin. "She said that one time the cash register came up short, and Eliza made up the difference so that no one would get in trouble. That was Eliza."

## AMY AYERS

A quiet eighth grader at Burnet Middle School, 13-year-old Amy was a fan of Mexican food and chocolate, enjoyed raising pigs for show in the junior chapter of the Lanier FFA and adored the music of George Strait and the Belamy Brothers. During her first seven years of life in Stephenville, where her father, Bob, managed a ranch, "Amy was outside all the time," says Pam. Amy spent hours with her docile stallion, Copy, on whom she competed in cutting horse events. Riding was an activity she shared with her older brother, Shawn. After the family moved to Austin, Amy juggled her time between school, horses and the Lanier agricultural center. When she was little, Amy asked her dad for money so she could buy a hummingbird wind chime for her mom. To this day, the delicate bird hangs by the family's kitchen sink and remains one of Pam's most treasured possessions. "Every once in a while it chimes, like there's a breeze that came through," Pam says. "When it happens, I always think of Amy. Sometimes I feel like she's right there with me."



Austin Monthly Wins Five Lone Star Awards  
from the Houston Press Club!

# AUSTIN MONTHLY

THE MAGAZINE OF AUSTIN

July 2012 – *Austin Monthly* is pleased to announce that the magazine won five **2012 Lone Star Awards** from the Houston Press Club for both writing and design. Check out the stories and layouts that took home top prize:

## **Best Column**

1st Place, Dale Dudley for his December 2011 column, "Ghosts of Christmases Past"

## **Best Feature Writing**

1st Place, Ashley Womble for her April 2011 feature, "His Own Worst Enemy"

2nd Place, Anne Lang for her Dec 2011 feature, "An Unforgettable Crime"

## **Best Design**

1st Place, October 2011 Beauty Issue

2nd Place, November 2011 Food Issue

The Lone Star Awards are given each year in recognition of outstanding achievements in journalism and mass communication in the state of Texas. The competition encompasses efforts in the fields of print, radio, television and internet journalism, as well as public relations and student publications and broadcasts. Awards are given to first, second and third place entries in each category.

The Houston Press Club is dedicated to fostering growth and interaction in these various fields with the aim of improving the whole business of mass communications. The organization also supports the efforts of tomorrow's professionals through achievement awards and scholarship funding for students in these fields.