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Graf attorney sees 'excellent chance' for new trial

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The attorney for Edward E. Graf Jr. is seeking a new trial for his client, who was sentenced to a life prison term in the August 1986 arson death of one of his two adopted sons.

Lynn Malone filed a motion for a new trial for Graf at the McLennan County district clerk's office.

On April 28, a 54th State District Court jury convicted Graf of capital murder in the death of Jason Graf, 8, after about four hours of

deliberations. The next day, the jury sentenced Graf to life in prison instead of handing him the death penalty.

"Motions were presented in the utmost good faith. We feel a new trial is justified. We feel we have an excellent chance," said Charles M. McDonald, Malone's law partner.

The motion claims the evidence presented in Graf's trial was insufficient to support a conviction.

It also claims the evidence was not sufficient to find that the

deaths of the boys was anything other than accidental, McDonald said. The motion also claims there was no evidence to tie Graf into an alleged crime, he said.

Allen said a hearing on the motion has not been set.

During the trial, Graf testified that he had nothing to do with the boys' deaths.

Prosecutors Vic Feazell and Karen Amos presented several witnesses during the trial, including Graf's former wife, Clare Gerdes, who said Graf was a well-

organized, meticulous person who was very demanding of her and the two boys.

Feazell could not be reached for comment.

Graf, 36, also is charged with capital murder in the death of Jason's brother, Joby, 9, but was tried in only one death.

The boys' bodies were found in a storage shed at 505 Angel Fire Drive in Hewitt.

On Friday, 170th State District Judge Joe Johnson is scheduled to preside over a contempt hearing

involving Graf and Gerdes.

A motion filed by Waco attorney Merrilee L. Harmon asks that Gerdes be jailed for six months and fined \$500 for not allowing Graf visitation rights with his 2-year-old son, Edward E. Graf III, on March 11 and April 22 in violation of court orders.

The motion also alleges that Gerdes failed to tell Graf the name of the child's day-care center, another alleged violation.

Gerdes and Graf were divorced in March 1987.