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'Person of interest' in '04 Jenner beach slayings killed in New Mexico shootout

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Hiding out in a cabin in New Mexico's Jemez mountains before dawn, two sheriff's deputies watched homes across the street for signs of the elusive "Cookie Bandit."

They were hoping to catch the thief in the act. For more than a decade, someone had been breaking into the cabins northwest of Albuquerque and stealing items needed for outdoor survival.

Suddenly, the deputies were confronted last week by an armed man inside their hideout, leading to an intense but brief gun battle in which the intruder and one of the deputies died.

Adding to the shock was the man's identity: Joseph Henry Burgess, 62, who is a person of interest in four killings spanning 37 years, including the 2004 slayings of a Christian couple on a beach near Jenner.

That Burgess was alive at all was a surprise, given that he had eluded authorities for so long.

"I assumed the guy was dead. I was very surprised when I first heard it," said Ohio minister Chris Cutshall. His 22-year-old daughter, Lindsay, was shot to death along with her fiance, Jason Allen, 26. Their bodies were found on the beach Aug. 18, 2004, several days after being killed.

The slayings are perhaps the county's most notorious unsolved crime. Detectives who've spent years following leads will be going to New Mexico to try to determine



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An undated surveillance photo provided by New Mexico State Police shows 62-year-old Joseph Henry Burgess of New Jersey.

whether they've finally solved the case, or whether this is another disappointing dead-end.

"Obviously, we're very interested to see if he was in the area in 2004, but we realize this is going to be very difficult since this man has been under the radar since 1972," Sonoma County Sheriff's Capt. Matt McCaffrey said Tuesday. "He's probably not going to leave much of a trail."

Cutshall and Allen were shot to death as they lay in separate sleeping bags on what Jenner locals refer to as Fish Head or Driftwood Beach. The couple had spent the summer in California white-water rafting at a Christian youth camp and were on their final getaway before heading home to Ohio and marrying.

The killings bore a close resemblance to the 1972 slayings of Ann Barbara Durrant, 20, and Leif Bertil Carlsson, 19, who were shot to death in their sleeping bag on a Vancouver Island beach.

Burgess was then a 25-year-old draft dodger from New Jersey living on the beach. He reportedly held strong religious views and made statements taking issue with the unwed couple sleeping together on the beach. Those statements, and other evidence at the scene, made him the prime suspect in the case.

The possibility that Burgess might be tied to the Jenner slayings some 30 years later hasn't been ruled out.

McCaffrey pointed out California is not that far out of the way for someone traveling between Canada and New Mexico. Given Burgess's success eluding authorities and with living outdoors, it's not a stretch to imagine the drifter slipping in and out of Jenner undetected, he said.

Burgess's elusive ways, combined with similarities in the Canadian and Jenner murders, have raised his profile among the numerous persons of interest identified to date by Sonoma County investigators, McCaffrey said.

"This wasn't a guy who killed in '72 and moved on with his life," McCaffrey said. "This was a person who continued to live and survive, and was armed and continued to commit crimes. It's significant."

But connecting Burgess to the Jenner slayings will be all the more difficult now that he is dead.

McCaffrey said detectives will search for anything that might link Burgess to the Jenner case. That includes the weapon used to kill Cutshall and Allen — a Marlin rifle, either a lever-action type known as the Model 1894 or the Model 45, which is semi-automatic and more commonly referred to as a "camp carbine."

Such rifles are unusual in that they use ammunition that also can be used in

handguns.

Burgess was armed with a handgun when he entered the New Mexico cabin last week, said Peter Olson of the New Mexico Department of Public Safety.

In the ensuing struggle, Burgess shot and killed Sgt. Joe Harris of the Sandoval County Sheriff's Department. Harris fired his gun, but it's unclear whether those shots killed Burgess.

On Tuesday, hundreds of mourners attended the 46-year-old sergeant's funeral near Albuquerque. He left behind a wife and 10-year-old daughter.

Harris's partner in the stakeout, Deputy Teresa Moriarty, was not injured during the gun battle.

Olson said investigators found camp sites used by Burgess, along with an identification card with his name on it, a surprising find given his efforts to conceal his identity.

A photo of Burgess, taken by a surveillance camera that was being used to monitor wildlife, was released by authorities. It shows him sporting a scraggly gray beard and wearing what appears to be a warm fleece jacket, ski hat and backpack.

However, it's doubtful Burgess spent winters camped out in the frigid New Mexico mountains, Olson said.

"If he's connected to some of these other things, he didn't spend all of his time in New Mexico. He might have traveled in the summer months," Olson said.

The families of Cutshall and Allen are awaiting updates on whether the person who killed the couple finally may have been found.

Finding Burgess after so many years gives Chris Cutshall hope that an answer may some day come.

"Here he is 37 years later," Cutshall said. "At least Canada might have some answers."

Outside of finding the murder weapon or some other direct link, McCaffrey said, definitively proving whether Burgess was involved in the Jenner slayings may be difficult.

"There might be a lot of things that show he was in the area, and in the end, we might think this is our guy," McCaffrey said. "But there might not be enough to say definitely he is or isn't."

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