

The Body in Room 348

Disclaimer: the case outlined in the following article may disturb some readers.

The corpse at the Eleganté Hotel stymied the Beaumont, Texas, police. They could find no motive for the killing of popular oil-and-gas man Greg Fleniken—and no explanation for how he had received his strange internal injuries. Bent on tracking down his killer, Fleniken’s widow, Susie, turned to private investigator Ken Brennan, the subject of a previous *Vanity Fair* story. Once again, as Mark Bowden reports, it was Brennan’s sleuthing that cracked the case.

By Mark Bowden Photograph by Dan Winters



EARLY CHECKOUT The third-floor hotel room where Greg Fleniken’s body was found—cause of death a mystery.

Greg Fleniken traveled light and lived tidy. After so many years on the road, he would leave his rolling suitcase open on the floor of his hotel room and use it as a drawer. Dirty clothes went on the closet floor. Shirts he wanted to keep unwrinkled hung above. Toiletries were in the pockets of a cloth folding case that hooked onto a towel rack in the bathroom. At the end of the day he would slide off his worn brown leather boots and line them up by the suitcase, drop his faded jeans to the floor, and put on lightweight cotton pajama bottoms.

Most evenings he never left the room. He would crank up the air conditioner—he liked a cool room at night—and sit on the bed, leaning back on two pillows propped against the headboard. Considerately, to avoid soiling the bedspread, he would lay out a clean white hand towel, on which he placed his ashtray, cigarette pack, lighter, BlackBerry, the TV remote, and a candy bar. He smoked and broke off candy bits while watching TV. This is where Greg was on the evening of Wednesday, September 15, 2010, in Room 348 of the MCM Eleganté Hotel, in Beaumont, Texas—lounging, smoking, snacking on a Reese’s Crispy Crunchy bar, sipping root beer, and watching *Iron Man 2*.

He missed the ending.

Greg was accustomed to solitary nights. As a young man he had worked as a chief engineer on oceangoing vessels, spending months at sea. In middle age he had re-invented himself as a landman, a familiar occupation in South Texas, easing the exploitation of mineral rights on private property for gas and oil companies. Slender, with a close-cropped white beard and the weathered skin of a lifelong outdoorsman, he had partnered with his brother, Michael, in a thriving oil-land leasing business based in this small city east of Houston. Every Monday morning he would make the two-hour drive in his pickup from Lafayette, Louisiana, heading west on Interstate 10 through scruffy Gulf-shore farmland broken only by cell-phone towers, oil derricks, and billboards advertising motel chains, bayou restaurants, “Adult Superstores,” and other local attractions. It took him through the stink of the big ConocoPhillips refinery at Lake Charles, a forest of piping, giant tanks, and towering chimneys. The hotel was just off the cloverleaf outside Beaumont. His company rented him a room in the “cabana,” a three-story wing that wrapped around a small swimming pool framed by potted palms.

That Wednesday night, watching his movie, Greg got an e-mail from his wife, Susie, shortly after seven. Susie was using a computer program to file for a tax extension. After she reported her progress he wrote back, “You’re doin’ good, babe.”

At some point during the loud, computer-generated showdown at the end of the film, amid all the fake violence, Greg was struck from nowhere with a very real and shattering blow. A blow so violent it would blind a man with pain. He managed to get off the bed and move toward the door before he fell, legs splayed and face-first.

He was probably dead by the time his face hit the green rug.

The following morning, Susie Fleniken called Greg’s office. Husband and wife usually spoke every morning, but he hadn’t called. He wasn’t answering his phone. When he failed to turn up at the office, two of his co-workers drove over to the hotel and knocked on his door.

There was no answer, so they got the hotel manager to open it. Their alarmed calls brought an ambulance and the Beaumont police. They found a middle-aged man dead on the rug, prone and doubled over, a spent cigarette cupped delicately between two stiff fingers of his left hand. Room 348 was stuffy and exceptionally warm. The man’s skin color had gone grayish blue. There was a wet spot at the crotch of his blue pajamas, but that wasn’t unusual.

Detective Scott Apple showed up a little more than an hour later. He is a short and very fit man with graying hair that he wears combed straight up in spikes. He is all cop. His wife had been a cop; he met her on the job. He was one of the assault-team leaders on the department’s SWAT team. He is one of those men who never stop working.

But there was little here to interest him. No sign of a break-in or struggle. Nothing disturbed in the room. No blood or obvious wounds. Fleniken’s wallet was still in the back pocket of his jeans and had a stack of \$100 bills in it, so robbery wasn’t an issue. Those staying in nearby rooms had heard nothing. As Apple questioned the neighbors, he told them it was probably a “natural-causes thing.” Sad. He poked around Fleniken’s bags, looking mostly for pills—some clue to his collapse. There were none. Susie and Michael later told him that Greg never went to a doctor. He was a stubbornly independent man, suspicious of authority and unmoved by the modern passion for health and fitness. He did not exercise. He had chain-smoked his entire adult life and had the nagging cough to prove it. He neither drank nor ate to excess, but did both freely. It was easy to conclude that his choices had simply caught up with him. Susie was ready to believe it. She was shocked and grief-stricken but she accepted that, for Greg, sudden death was a possibility. In fact, she took some solace in it. He had checked out on his own terms. Many times she had heard him remark, upon hearing of someone’s dying suddenly, “Lucky bastard. That’s how I want to go.” And so he had.

At the hotel, the police saw the death as routine. A photographer snapped pictures to make a record of the scene, and the body was driven by a transport service to the Jefferson County medical examiner for an autopsy. The only mystery here appeared to be medical, and it was likely a minor mystery at that.

Dr. Tommy Brown had a time-tested method. It took him 45 minutes to conduct a postmortem exam, inspecting a body inside and out, measuring and weighing organs, all the while describing what he found and noting the metrics that fleshed out the official form. He was all business—crisp, efficient, and confident. Brown was thin and bald on top and had a spray of unruly white hair on the sides that gave off a mad-scientist vibe. He did everything fast; he even talked fast. He was a local character, part of the legal landscape in Jefferson County, and a respected one. Where death was concerned, in this corner of Texas, Dr. Tommy Brown’s word was law.

The circumstances of Greg Fleniken’s death, as reported, were unremarkable. On the table before him was a 55-year-old Caucasian male who appeared to be in decent shape. After methodical inspection, the only marks Brown found on the body were a one-inch abrasion on his left cheek, where his face had hit the rug, and, curiously, a half-inch laceration of his scrotum. This was interesting. The sack itself was swollen and discolored, and around the wound was a small amount of edema fluid. The bruising had spread up through the groin area and across the right hip. Something had hit him hard.

The story his body told grew more intriguing. When Brown opened the front of the torso he discovered a surprising amount of blood and extensive internal damage. A certain amount of partly digested food had been torn from his intestines. The doctor found small lacerations there, and on the stomach and liver, as well as two broken ribs and a hole in the right atrium of his heart.

The condition of his insides reflected severe trauma: Fleniken had been beaten to death, or crushed. Brown concluded that the wound to his genitals likely had been caused by a hard kick. He had also taken a blow to the chest so severe it had caused lethal damage. He would have bled out in less than 30 seconds.

On the official form, next to “Manner of Death,” Brown wrote, “Homicide.”

Whodunit?

When he got this surprising news, Detective Apple called Brown immediately for an explanation. The doctor told him that the man in 348 had suffered the kind of severe internal injuries he was more used to seeing in crash victims, or in someone found under a heavy fallen object.

There are not that many murders in Beaumont. Greg's was one of 10 that year, which was about average. Most are not mysterious. Detective work was usually a matter of doing the obvious—interviewing the drunk boyfriend with gunpowder on his hands, or finding the neighborhood drug dealer who was owed money. A case like this was a once-in-a-career event. If you enjoy working a stubborn whodunit, which Apple does, then this one was an exciting challenge. But the problem with the hard cases is that they are indeed hard. Over the next weeks and months Apple chased down every angle he could imagine to explain the death of Greg Fleniken. But about six months into it, he was stuck.

The physical evidence didn't add up. Unless Greg had been beaten to death elsewhere, and his body had been returned to the room and carefully placed on the rug, nothing about the scene added up to a crime. How does a man get beaten so severely that ribs crack, inner organs tear, and the heart ruptures, all without significant damage to his torso? Other than the bruising and the cut at his crotch, Fleniken's outer body showed no signs of a beating. And how could such a rumble have taken place in the hotel room without a thing being toppled or even disturbed? Without anyone in adjacent rooms hearing a thing?

And there was no answer to the all-important question: Why? Greg appeared to have had no enemies. Apple talked a lot to Susie. She had been in her 20s, a singer in a rock band, when she met Greg. She clearly adored him. Susie was a delightfully offbeat southern belle, buxom and pretty and warm and oh so deferential but also, in that time-honored southern way, stubborn as a tick. She was heartbroken and furious at the same time. Greg was the nicest man she had ever met. He was so nice she had married him *twice*—first as kids and then, after parting ways for a number of years, again in middle age. When Susie first called him again after that separation, he said, "I've been waiting for you to call." They had been married the second time for 15 years.

His brother and co-workers said he had been universally liked in their company. His life at the *Eleganté* rarely intersected with anyone else's. He went to his room early in the evening and usually stayed there by himself until morning. Greg had never been seen down at the bar. He did not socialize or drink a lot or pick up women.

So this was not a drunk. This was not a philanderer or a man who got into fights. This was a decent, honorable, smart, and successful man whom people liked. The sort of man nobody would murder—yet somebody had. Through the fall and into the winter of 2010, Apple pursued a number of possibilities. Maintenance records showed that at some point early in the evening of his death, while cooking pre-packaged popcorn in the microwave, Greg had inadvertently blown an electrical circuit. The outage had affected the adjacent room, 349, and the rooms directly underneath. Greg had called the front desk to report the outage and confessed his role sheepishly to the man who had come up to reset the breaker.

This led to two theories.

The first involved sex. The *Eleganté* maintenance man happened to have a rap sheet as a sex offender. Might the puncture wound to the scrotum and internal injuries have been caused by a long screwdriver—some sort of bizarre and kinky assault? Apple spent a lot of time talking to the maintenance man and looking into his background, but this theory never advanced beyond wild suspicion.

The second theory involved a group of union electricians staying at the *Eleganté*, a number of whom had been in the room next door, Room 349, on the night Greg died. They were in town for an extended stay, doing a job for an oil company. At night, they tended to assemble in one another's rooms to drink. What if some of them had been partying next door when their electricity went out? Might one or more of them have knocked on Greg's door and, perhaps drunk and annoyed, exchanged words with and then assaulted him in the hallway? Could Greg, badly beaten, have returned to his room and then collapsed? Some of the electricians had been questioned on the day the body was found, but none of them said they had had any interaction with the man in 348.

Nine days after Greg's death, Apple and a colleague returned to the third floor of the cabana wing to question some of these same men again. Apple was wearing a hidden video camera. The men they encountered were friendly and appropriately curious.

"What happened to that guy, anyway?" asked Lance Mueller, a sharp-featured man with dark, thinning hair dressed in a T-shirt and blue jeans. Mueller was the man registered in Room 349, along with a roommate, Tim Steinmetz.

"Hell, I don't know," Apple said, honestly. "That's what I'm trying to find out. It was almost like something fell on him or something. We're just trying to see if somebody heard something or maybe if somebody knows somebody heard something, or maybe if somebody messed with him."

Mueller and Steinmetz had nothing to offer. The two electricians said they thought they had heard the man in the next room coughing when they returned from the bar. Mueller seemed as confused as Apple was about the idea that something had crushed the man.

“There’s nothing in these rooms heavy enough,” he said.

Down the hall, they found three more of the electricians—Trent Pasano, Thomas Elkins, and Scott Hamilton. The men were friendly and tried to be helpful. One said that, when he had seen the body on a gurney in the elevator, he had first assumed they were caterers delivering a cake, or a big food tray.

“That’s a better thought,” said Apple.

Pasano said he had been in the room with Mueller and Steinmetz that night, but hadn’t seen anything.

The electricians handed over their driver’s licenses and gave Apple their cell-phone numbers. They would be in town for a few more months if anything came up. Happy to help.

Weeks went by. Months went by. Apple worked any theory he could imagine. He considered the possibility that Susie had had her husband killed. He considered Michael Fleniken, Greg’s brother and partner. There was nothing that even hinted at either person.

Who doesn’t love a mystery solved? It creates order from disorder, salves our ache for moral balance. An unsolved mystery is like a stone in your shoe. That is where the case of the body in Room 348 was by the end of 2010. Scott Apple was stymied. Hoping to unearth something new, in November the family had put up a \$50,000 reward. It produced nothing. Michael hired a private detective from Houston, a former F.B.I. agent. Apple met with the man and reviewed the case. That was the last he saw of him.

The matter of Greg Fleniken was bound for the cold files. It would be just another sad box of notes and evidence stored in the Jefferson County Court House.

A Fresh Pair of Eyes

Ken Brennan took Susie’s call on the golf course. She was surprised that he picked up the phone himself.

“Ken Brennan speaking.”

“Oh, my God, you don’t have a secretary?,” Susie asked.

She was flustered. The detective had answered on the first ring. She could barely get the story out—Greg’s death, the coroner’s finding, the dead end. He asked her to send him some files; he’d take a look. She said she had been feeling under the weather, but she would try to pull together what she had, pronto, and send it off to him.

“Well,” said Brennan, “you need to f---in’ take care of yourself.”

Like everything Brennan says, this came in a thick New York accent and a voice that sounds like it’s strained through a cubic yard of gravel. It was a no-bulls---you-better-listen-to-me command that was all the more startling because he had said something tender. It endeared him to Susie immediately.

Brennan is a former Long Island cop and D.E.A. special agent who now makes a good living as a private detective in Florida. That’s why he was on the golf course in February. He is pushing 60, still solid, and always tan and stylish, in the South Florida manner. Blue-eyed, thick-necked, and ruggedly handsome, he is partial to lightweight short-sleeved shirts that show off his torso and big arms. He wears flashes of gold at the neck and wrist, and Irish rings on several fingers. Brennan’s hair is mostly white now, and is combed straight back on the sides and straight up in the front in a low-key pompadour, cocky but dignified.



Months earlier, not long after Greg was killed, a young lawyer friend, Kea Sherman, had told Susie and Michael about Brennan. Sharing Susie's frustration with the investigation, she had hit upon the strategy of filing a lawsuit against the hotel as a means of pursuing the probe privately. She had read an article by me in this magazine ("The Case of the Vanishing Blonde," December 2010) detailing Brennan's remarkable success in resolving a 2005 cold case in Miami. Now, when the investigation seemed hopeless, Sherman brought up Brennan again.

"If you want to do something," she urged Susie, "you have got to call this guy—the one I told you about. Just find him."

Brennan can be readily found on the Internet and is asked to take more cases than he can handle. People come to him with unsolved murders and disappearances. He takes these people seriously and handles them gently. When he reads a file, he is looking for a case that intrigues him, but also one where he thinks he might be able to accomplish something. "I ain't in the business of giving people false hopes," he says. The Fleniken case appealed to him because of the mystery but also because there were so many avenues to explore—Greg's family and co-workers, hotel guests, the maintenance man. To Detective Apple, none of these leads seemed fresh anymore. To Brennan, they were all new and potentially promising. He knew that a fresh pair of eyes was perhaps the most valuable thing he brought to an investigation.

Brennan visited Lafayette in April. He worked Susie over first, asking her a lot of hard questions about their relationship, about Greg's faithfulness, about insurance arrangements, satisfying himself that the wife had no clear motive to have him killed. "Let me ask you one more thing," said Brennan. "Was there anything about the crime scene that didn't seem right to you? That seemed off?" Susie told him that she was surprised that the room was so warm when Greg's co-workers entered it the following morning. Her husband liked to crank up the A.C. at night.

Then Brennan went home and made arrangements for a second trip, to Beaumont. Apple came out to a sports bar late to meet him. The two men ate and talked. Brennan told Apple what he always tells the cops he meets in his work: "Listen, I'm not a maverick. I don't go doing things half-cocked. If I decide we're going to do this, we're going to do it as a team. There's nothing I'm going to do that you're not going to know about it, and there should be nothing that you're going to do that I don't know about. The one thing I won't do is f--- up your case. . . . I've been doing this a long time. But I also know that you're the guy in charge here, so it's your case."

Part of what was going on was Brennan checking out Apple. "I don't want to work with somebody I don't like," he told me. He prides himself on being able to read people very quickly. He liked the Beaumont detective.

It was mutual. As Apple would put it later, "Ken has good people skills."

Dried Toothpaste

The following morning, Apple picked up Brennan and they visited the hotel room, where Apple showed him the crime-scene photos and the autopsy results, and reviewed what he had done over the previous seven months. Brennan heard him out and then announced, "I think I know how this guy died. I think I know when he died. I think I know who killed him. And I think I know how we're going to catch him."

"Come on!" said Apple.

"Hear me out. I'll tell you what I think, but first I got to call the guy's wife."

He called Susie's cell phone.

"Your husband, was he left- or right-handed?" he asked.

"He was right-handed."

"And when he smoked, did he smoke with the cigarette in his left hand or his right hand?"

"He always smoked with his right hand."

"You sure?"

"I'm positive."

Brennan hung up and explained his conclusions to Apple. Susie had already told him how cold Greg kept his room. This helped fix the time of death. As Brennan saw it, the air conditioner had shut down with everything else when the circuit breaker blew. That time was known. Hotel records showed that their repairman had left Greg alive and well around 8:30 P.M. The movie resumed, and apparently Greg forgot to flip the A.C. back on. It would have taken a few minutes for the room to grow warm enough for him to notice, and by the time it had, he was dead. That's why he had been found in a warm room. As Brennan put it, "In September, it's hot as f--- in Beaumont, Texas."

The cigarette scotched the notion that Greg had been beaten severely somewhere else, perhaps even just out in the hall, and then returned to 348. A hallway scenario might explain why nothing had been disturbed in the room, but the cigarette ruled that out. There was no way Greg's attackers, returning him, would have added the fine touch of cupping one hand under his body and delicately placing a burning cigarette between his fingers. It was also unlikely, given the ruptured atrium, that Greg would have had time to return to the room after such a beating and calmly light up before keeling over. More likely, Greg had lit this cigarette himself *before* whatever happened to him happened. If Greg was right-handed, why was the cigarette found in his left hand? As Brennan pieced it together, examining the state of the room, Greg had gotten up from the bed and headed toward the door, shifting the cigarette to his left hand in order to grab the door handle with his right.

It was hard to see this making sense, but Brennan had learned to be patient. It was a mistake to let what you do not know race out ahead of what you do. A crime was a puzzle. If there was even one small piece that did not fit, the puzzle was incomplete. So he was willing to follow the evidence in unlikely directions. Even when the conclusions it suggested were absurd. Greg could not have been beaten to death in his room, the evidence suggested, and yet he had died there, and he had died quickly after sustaining his wounds. Somehow, that's what had happened. He didn't know yet how it had happened, but he was convinced that Greg had been quietly minding his own business just minutes, even seconds, before he was killed.

This is what led to the electricians, who were close. Their room had been partly blacked out by the blown circuit at the same time Greg's had been. So, of all the scenarios Apple had considered, this was the one that made the most sense. The union guys may well have been drunk, and may have confronted Greg in the doorway of his room, exchanged words, and kicked him to death right there. He asked Apple if he had interviewed them.

"Yeah, they were nice," said Apple.

"See anything hinky?"

"No, no."

"I'm sure if they were drinking they had to talk about it to each other," said Brennan. "So somebody knows about them. Probably one or two of their close friends or their co-workers are going to know about this."

They next paid a visit to Dr. Brown. Ken wanted to know if the injuries Brown had seen might have been caused by a severe beating. They might have, the doctor said. The laceration of the scrotum could have been caused by a hard kick, especially if the assailant had been wearing steel-toed boots. The electricians next door wore construction boots.

Brennan asked Apple to start interviewing men who had worked with the union electricians the previous summer. He returned home to continue inspecting the hotel's surveillance video. It was time-consuming work and not particularly helpful. He calls it "looking to see the to-and-fro." The cameras showed Greg coming in from work that evening. They showed several of the electricians making trips to their vehicles in the parking lot. But there was nothing obviously suspicious.

When Brennan returned to Beaumont, in late May, he and Apple went to see some of the co-workers who had not yet been interviewed. By this time the union electricians had been gone for seven months. Apple's efforts with the co-workers had uncovered nothing, but Brennan was convinced it was worthwhile. Human nature being what it was, if any of the electricians knew something about Greg's death, word would have spread.

So they made the rounds. Yes, most of the men had heard about the man who died in the *Eleganté* Hotel. What a shame. Did anyone know yet what had happened to him? All of what these men knew was second- or thirdhand or worse, and was predictably confused. As Brennan would remember it later, one of the crew foremen, a man named Aaron Bourque, had heard something about a gun going off in a boardinghouse.

"No," Apple corrected him. "That's not the same case. This was the one where a man got in a fight at the *Eleganté* Hotel."

Bourque had heard nothing about that.

As they drove away from Bourque's house, Brennan said, "We need to go back to the hotel."

"What are we going back there for?," Apple asked, noting that he and Ken had checked out the room thoroughly.

"We're going to look for a bullet."

In Room 348 they began inspecting the floor, the furniture, the walls—everything. They were both working on their hands and knees, shining flashlights under furniture. They found nothing. Brennan was frustrated, because he was now convinced that somehow a gun had been involved. They were about to give up when he noticed an indentation in the wall alongside the closed door that led into the adjoining room. The indentation was a repair job. It appeared to be right where the handle of the door would hit the wall—typical hotel-room wear and tear. But when he swung the door open, the knob and the dent didn't quite match. The doorknob touched the wall slightly to the right.

"Let's take a look at the other side," Brennan suggested. When they got the hotel security guy to let them into Room 349, there was no mistaking what they found on the wall there.

Brennan stood alongside a small neat hole in the wall that had been patched with a daub of faintly pink filler that turned out to be dried toothpaste. He measured its height against his hip, then walked back to 348 and measured the indentation. They lined up. A bullet had gone through the wall. The small, neat hole in 349 marked its entry; the larger hole in 348, its exit.

Beaumont's crime-scene investigators carefully excavated both holes and shined a laser through. The trajectory pointed straight up to the bed where Greg had been sitting, smoking, eating candy, and watching his movie.

Brennan said, "This motherf---er was shot."

Dr. Brown was not convinced.

He had examined the man's body from head to toe, cut him open, inspected his inner organs one by one, and reversed the expectations of the police. With precision and with the insight of years, he had determined that Greg Fleniken died not from natural causes but from a severe beating. Now they wanted to tell him that his careful and professional observations were wrong? That he had missed, of all things, a bullet wound?

Brennan volunteered to do the talking. After he and Apple had found the bullet hole and traced the trajectory, the answer to the mystery of Greg's death was, he believed, clear. But in order to act—in order to bring Greg's killer or killers to justice—they would have to get the coroner to re-write his findings. You could not argue in court that a defendant had shot someone if the medical examiner's office had concluded that the victim had not been shot.

Brown's office was a mess. Papers, files, books everywhere, every available surface was buried, even the floor. They cleared away space on two chairs to sit down, and when they mentioned they were working the Fleniken case, the doctor asked, "Oh, did you catch the guy that beat him up?"

"No, we're not there yet," said Brennan, and he then started to explain what they had discovered, trying to approach the subject delicately. Brown quickly got the picture.

"You're trying to tell me that this man was shot," he said. "I'm telling you he wasn't shot." He could see where this was heading, and he flatly refused to order the body exhumed. Exhumation is a pain in the ass. It is expensive, disturbing to the family, and a hell of a lot of work. And in this case, as it happens, it was impossible, since the body had been cremated. The ovens were hot enough to destroy metal fragments.

"Listen, Doc," Brennan proposed, "let's just take out the photos from the autopsy and go through them and see what we can find."

Brown humored them. As they looked through the photographs, passing them back and forth across the desk, Brennan pointed out things.

"What about this here?" he said, indicating a spot of damage.

“Yes, that’s the liver.”

“And what about this here?”

“Yes, that’s the intestines.”

Brennan knew what he was looking at. The bullet had entered Greg’s scrotum and torn up through him. The skin of the scrotum was soft and pliable, and it had folded over the entry wound, making it less obvious what it was. The internal injuries traced the bullet’s fatal trajectory. Brennan asked, “Doc, could all of this damage have been done—besides blunt-force trauma, could a bullet cause the same?”

“Yes, it could, but that’s not what happened here. This man was beaten.”

“O.K., Doc, but could it have?”

Brennan found something in a photo that supported his argument. It looked like a track.

“You could get the same thing from being beaten,” Brown explained.

Then they got to the heart. Brown passed the photo to the detectives.

“Doc!” Brennan said.

“What?”

“That’s a bullet hole, Doc.”

Brown took the photo.

“What?”

Brennan pointed. “That’s a f---in’ bullet hole.”

Brown explained that sometimes when a man is kicked or hit with a blunt object in the chest, it is the right atrium that normally bursts.

“Doc, that’s a f---ing bullet hole.”

Brown looked again.

“Yeah, that’s a bullet hole.”

After a long moment he added, “The media is going to kill me on this.”

“You’ve Got a Problem”

Tim Steinmetz must have been feeling pretty O.K. about this meeting with the Texas cops. Getting called had been a shocker. It was more than seven months since he and Lance Mueller had come home from the job in Beaumont. Now two cops from down there had come all the way to Wisconsin to see him and to question him about the guy who had died next door. It had been worrisome. He and Mueller had conferred about it beforehand by phone and made sure their stories were straight. Steinmetz met the detectives in an interview room at the Chippewa County Sheriff’s Department, and, really, they could not have been nicer. Tim sat in a swivel chair on one side of a big wooden table, and they sat opposite him with their notebooks open and files handy. Very official. They thanked him for coming in. They assured him that this was routine.

And they had walked him through the evening, asking a lot of questions, with Steinmetz answering diligently, trying to remember every detail—leaving out the part about the gun, of course—but the detectives had not pushed him *at all*.

“You heard that the guy next door to you died?” asked the older one, the big man with the white hair combed straight up in front, Ken Brennan.

“We did hear that,” said Steinmetz. “But we really didn’t know for sure what the hell was going on. . . . We had no idea. We didn’t hear no commotion next door, no banging, no nothin’. That’s why this is kind of weird.”

Brennan and Apple took notes, then Apple carefully wrote out Steinmetz’s statement.

“And that’s it, huh?” the electrician asked.

“That’s it,” said Apple.

“You guys flew all the way here for that?”

Brennan asked Steinmetz to go through the statement, read it out loud, and make any corrections he wanted. Steinmetz noticed that Apple had put down that he was an “apprentice,” so he changed that to “journeyman.” A few other little things. He initialed all the places where he made a change. Then they brought in a local cop to notarize the statement right there in front of him.

So Steinmetz was feeling pretty good when he stood up to go.

“Is that it?” he asked.

“Hang on a second,” said Brennan. His tone was different now, harsh. “It was, until you signed that statement. Now you’ve got a problem.”

“O.K.,” said Steinmetz, startled. He sat down again.

“Now tell us what *really* happened,” said Brennan. “Because we know what happened. Because now you’re going to jail with him. Do you want to go to jail with Lance?”

“Why am I going to go to jail with Lance?”

“You just made a false police report, that’s why,” said Brennan.

“Tim, we know what happened,” said Apple, speaking more gently. “We know everything that happened down there. And I realize you are trying to be noble and protect a friend, but you are about to get your whole family in a bind, and it’s not worth it. It’s not worth it.”

“So, just tell us what happened,” said Brennan.

Out came the whole story, corroborated later that same day, June 1, 2011, in an interview with Trent Pasano, who had been in 349 with them. Between the two accounts, the following scenario emerged: They had been drinking beer. Mueller asked Pasano to fetch a bottle of whiskey from his car, and to also bring up his pistol, a 9-mm. Ruger. When Pasano returned, Mueller took out the handgun and, to the others’ alarm, started playing with it. He pointed it at Steinmetz, who dropped to the floor and cursed at him, and he was pointing it in Pasano’s direction, at the foot of the bed, when it went off. Pasano thought for a second that he had been hit, but then turned to see a hole in the wall behind him. Mueller freaked out, they both said. Mueller bundled up the gun and took it back out to his car. When he returned, Pasano had left for his own room, disgusted. Mueller and Steinmetz went downstairs to the bar.

Steinmetz said they had not known for sure there was anyone staying in the room next door until, as he remembered, they heard someone in the room coughing very late, after midnight, when they came back from the bar.

He held nothing back. Steinmetz’s second statement, the truthful one, laid out the whole thing. It was good to get it off his chest. When he and Mueller had seen the police at Room 348 the next morning, and had seen the gurney, they were disturbed, he told Brennan. “I thought he had killed that guy.”

The only detail that didn’t fit was this business of hearing a cough behind the closed door of Room 348 when the two returned from the bar. For several reasons neither Brennan nor Apple was inclined to place much weight on it. If it was true, then Greg had survived the gunshot for far longer than the coroner believed possible, but it did not alter the cause of death. If anything, it made the electricians’ failure to check on him or call for help all the more egregious. More likely is that they had heard Greg coughing in the room the previous evening. They had been in the room next to him that night

too. They were drunk. Fixing the cough late on the night Greg died was the only shred of their story that contradicted the detectives' reconstruction, and they clung to it, even though it hardly mattered.

"Did anybody knock on the door next door, to check on the guy?," Brennan asked.

"No," said Steinmetz. "I always ask myself, if I was in a situation like this, you know, what would I do, and I admit—"

He never finished the thought. The detectives had something else they wanted him to do.

A Long Silence

Hey, Lance, what's up?" asked Steinmetz. He'd dialed Mueller on his cell phone. Apple and Brennan were recording the conversation.

"Not much," said Mueller. "Just sittin' around. . . ."

"Well, I just got back from down there."

"How did it go?"

"Well, I told them the whole story. You know, what had happened, that we were stickin' to there, you know?"

"What's that?"

"You know, the story that we were stickin' to, that we got home late that night, you know, and the guy coughed and whatever."

"Right."

"And, uh ... " Steinmetz began to hem and haw. "And, uh, I was fixin' ... I was gonna leave there then, because your lawyer said it would be O.K., right? You know?"

"Right."

"And when I left there they said, 'O.K., you know, tell us the truth.' So, I, you know, I told them the truth, what really happened."

There was a long silence on the other end.

"About the gun going off and all that?" Mueller asked.

"Yep."

"What did they say?"

"Well, that I would be in trouble, you know, if I didn't tell them."

Another silence.

"So, what did they say?"

"Not much. I don't know if they are going to get ahold of you, or Trent, or what the hell they're going to do."

Mueller sighed heavily. Then he groaned.

"What did they mean by that? I mean 'Tell us the truth'? Did they say anything about the gun prior to that or what?"

“No. They just said they knew exactly what happened. Told me to stop f---in’ lyin’. They were pretty pissed. And then I told them exactly how everything went down, and what really and truly happened.” Steinmetz suggested that Mueller call Apple right away. “They probably are going to come and get your ass, now that they know the truth and everything. You should probably try to make some kind of effort, you know? ... The guy, he died from the gunshot.”

“Are you s---tin’ me, Tim?”

“No, I’m not.”

“Oh, my God, are you kidding me? Are you serious right now?”

“I’m serious as a heart attack, Lance.”

Mueller refused to believe it. For the next few minutes of the call, he went around and around with Steinmetz. His lawyer had obtained the autopsy report and assured him that the man had not died of a gunshot wound. The story had been all over the news. “It doesn’t make sense!” he said. “If there was a gunshot, if he was killed from, you know, a firearm, they would have said something on the damn news!” Mueller had worked hard to convince himself that the accidental gunshot and the death of the man in 348 were unrelated, and the autopsy report had confirmed it.

“It doesn’t make sense. . . . First the coroner ruled that it was a heart attack. Then they started saying that something fell on him There’s no way! There’s absolutely no way that guy was killed by a bullet.” He asked Steinmetz how he was doing.

“How’m I doin?,” Steinmetz said. “Not good. I need to drink some more beers.”

Mueller apparently applied the same remedy, because he later phoned Brennan, clearly intoxicated, and started trying to explain himself. He said he wanted to make a statement.

“You’re drunk,” Brennan told him. “I suggest you call your f---in’ attorney.”

Case Closed

Brennan was worried when the judge started reading the sentence. He had flown to Beaumont on October 29, 2012, to join Susie Fleniken and Scott Apple and a group of Greg’s family and friends for the sentencing of Lance Mueller. The electrician had entered a no-contest plea to manslaughter. As Brennan remembered it, the judge began by saying that this whole tragedy might be seen just as a terrible accident.

Oh, f---, thought Brennan. Here it goes. Don’t tell me this guy is going to get a year or something.

But then the judge started cataloguing the long list of willfully irresponsible choices that had led to this day.

More like it, thought Brennan.

The judge gave Mueller 10 years, half of what the law allowed. The apology Mueller offered in court, no matter how sincere, came way too late. There was his criminally irresponsible decision to drunkenly play with the gun. As Steinmetz had said, they had suspected from the start that the errant bullet had at least helped kill the man in Room 348. Even a heart attack, which had been the first assumption as the police rolled his body out on a gurney, might have been triggered by the gunshot. Then, after the coroner had ruled that Greg had died of blunt-force trauma, Mueller was happy to accept that something might have crushed him to death, even if it was hard to imagine what. Still, he had been worried enough about the gunshot. He had himself patched the hole with toothpaste. He had hidden the gun immediately in his car, then stashed it with a friend for the first few days after the incident, and had then handed it over to an attorney for safekeeping before he left Texas.

What a huge mistake. If he had come forward at any time prior to Brennan and Apple’s solving the mystery, which had taken about eight months, it is unlikely he would have been charged with manslaughter, much less have gone to jail. Mueller had gambled from the start that whatever connection he had to Greg’s death would never be discovered. The odds in his favor were good, too. As it was, even after the connection was made, the county district attorney’s office had been reluctant to prosecute the case as a felony.

Brennan had turned that idea around. When he found out that the prosecutor might opt for a plea deal, he flew to Beaumont and joined a meeting between Apple and Paul Noyola, an investigator for the D.A.’s office. Noyola explained that accidental gun discharges in Texas were not uncommon, and that juries and judges tended to understand them, and

that ... well, the whole issue of accidental deaths was a fairly gray area of the Texas criminal code. In other words, the whole thing was looking like more of a hassle than a slam dunk.

The private detective was indignant. He arranged to bring Susie Fleniken to Beaumont for a meeting with the assistant D.A. in charge of the case. Among other complications, the A.D.A. told them, Mueller's gun was still locked in the lawyer's safe, and the lawyer was making noises about fighting efforts to have it turned over.

"I suggest you go down there with a search warrant and a f---in' blowtorch and go get the f---ing weapon!," Brennan said. "It's evidence of a capital crime. What the f--- are you talking about?" Brennan was pretty worked up. Here's what he remembers saying:

"The victim was important to everybody here," he said, gesturing around the table. "And we're not going to let this thing be brushed under the rug, let somebody take a plea on this. This is not a f---ing accident. An accident is when somebody comes in, has taken off their gun, their gun discharges, and, God forbid, somebody is hit. . . . That's one thing. It's completely different when somebody f---in' brings a gun that they shouldn't have into another f---in' state, s---faced drunk, f---ing around with a gun. The people with him realize that something bad could happen. . . . He discharges a round. Almost kills the guy he's with. And then he *does* kill somebody on the other side of the wall. He knows that's something that could happen; it's an occupied hotel. He doesn't even bother to knock on the door next door to see if anybody's hurt. And after that, his answer to the whole thing is to go get drunk some more in the f---ing bar of the hotel? And then when he sees a body being taken out the next day, and he is 100 percent certain he killed somebody, he decides not to say anything about it but run to his attorney and leave the f---ing weapon in a safe, and the f---ing attorney doesn't say anything about it, either? You know what that is? That's f---ing murder. So if you think we're going to forget about this f---ing thing, think again. Because that ain't f---in' happening."

Brennan's anger can fill a room.

After Mueller was sentenced, Brennan and Apple went out for a celebratory lunch. Brennan ordered a cocktail. Apple, who was on duty, didn't. They made plans to play a round of golf together.

In the courtroom that day, Susie Fleniken had a chance to speak to Mueller directly.

"I have waited over two years to look you in the face, eye to eye, and simply have the chance to speak directly to you," she said. "You would never have come forward with the truth. . . . You murdered him. No, you didn't intentionally seek him out to murder him, but you murdered him, with every lie you told, with every intentional selfish deception, with every cover-up, over and over again. . . . You saw his body taken out of the room in a body bag the next day. You knew you killed him. He meant *nothing* to you."

Later, Susie told me that she watched Mueller's face as the sentence was pronounced, and that he had looked terribly shocked. That was good, she thought. *He's shocked, but not as shocked as my husband was.*

That night in Room 348, relaxing, smoking, watching *Iron Man 2*, Greg Fleniken could not have known what hit him in the moments before he died.

Mueller knew exactly what was hitting him.

"You have met your match," said the small woman, staring across the courtroom at him, a study in controlled ferocity. "I would have spent the rest of my life tracking you down. And I found you. Greg's murderer. I brought you to justice."

<http://www.vanityfair.com/culture/2013/05/true-crime-elegante-hotel-texas-murder>

Detective Ken Brennan on How to Crack a Cold Case



BY **Jack Deligter**

In this month's *Vanity Fair*, [contributing editor Mark Bowden](#) re-unites with Ken Brennan—the private detective whose intrepid work Bowden [first profiled](#) in “The Case of the Vanishing Blonde”—to chronicle the [cracking of yet another unsolvable case](#). VF Daily caught up with Brennan to discuss his tricks of the trade, his taste for detective fiction, and his thoughts on wearing a fedora.

VF Daily: As a child, did you want to be a detective?

Ken Brennan: I always wanted to be a police officer. I credit my mother with my interest in being a detective. Back then, she was into *True Detective* magazine and the original *National Enquirer*—a precursor to today's tabloids with

much more emphasis on violent crimes, including full-on graphic crime-scene photos—and she'd also watch whatever detective shows were popular, like *Dragnet*. I remember hanging out with her watching these shows and checking out the magazine stories and became very interested in being a detective because of that.

How long were you a D.E.A. agent?

I was with D.E.A. for eight years as a lead agent in a narcotics task force for Broward and then Palm Beach counties. The best way to continue using my skill sets that I'd developed during my career in law enforcement was to be able to apply them in the private sector—kind of a no-brainer.

What is the biggest difference between being a public officer and being a private detective?

The most obvious difference has to do with the law, as it applies differently to members of law enforcement than to private individuals. The scope of what a private detective can do is much narrower, as it should be to protect not only every citizen's rights but to protect the criminal justice system necessary to prosecute the bad guys. That's why I work closely with the relevant law enforcement that has jurisdiction of a case during an investigation.

The other side of the coin is that as a private detective, I'm able to devote my efforts to a specific case—a luxury not generally afforded to (police homicide) detectives.

Do you read crime novels?

With my caseload, I barely have enough time to review all the info relevant to the ongoing unsolved murders or disappearances I'm working on, so reading for pleasure doesn't happen very often, but when it does, I think Ann Rule and John Douglas get it right. I'll also make time for any golf-related material when I can!

Do you have a favorite fictional private eye?

Probably Sherlock Holmes—especially the old series with Basil Rathbone and Nigel Bruce. Again because of my mom, since that's what she watched when I was a kid.

Have you ever considered wearing a Sam Spade–esque fedora?

While it's often been said that I'm a throwback to the old-school kind of detective (Spade, Marlowe, etc.), I've never thought about dressing the part.

How do law-enforcement types usually treat private investigators? Is there ever any antagonism?

Florida has strict licensing requirements for private investigators, but unfortunately the laws governing and regulating private investigators aren't uniform and vary from state to state. In some states, there is no testing or licensing required for P.I.'s, so I can understand why there is sometimes disdain and resistance within law enforcement when a family hires one. Generally speaking, when I'm retained and contact the assigned lead detective on a case, any preconceived issues are quickly resolved once I share my law-enforcement background; belonging to the same brotherhood has its advantages across the board, from knowing the correct protocol and procedural directives uniform to any branch of law enforcement, among other things.

What's the most common type of case that you usually work on?

Cold-case homicides and missing-person cases where there is the presumption of foul play. I am fortunate to be at a point in my career where I'm able to select those particular cases that interest me most, both in terms of their complex nature and with regard to my belief that I can solve them by finding an answer for the clients who retain me.

How often do you turn down cases?

My work primarily focuses on cold-case homicide investigations, so I do turn down cases outside of that parameter. Also, due to time and financial considerations, I can only earmark a certain number of hours during the year to work pro bono on cold-case homicides on behalf of families who have either exhausted their limited resources or don't have any. In these instances, I offer these families the option to be added to my (extensive) wait list or, regretfully, continue their search for help.

As a private investigator, it seems your interaction with the families of victims can be very intimate. How do you deal with that?

Yes, it can be intimate, because of what it is—an investigation into a loved one's unresolved death. An essential element to my work is being able to maintain an emotional distance and clinical detachment on a case in order to remain objective and focus on the facts, wherever that leads.

What is it you do differently from other investigators that helps you solve some of the most uncrackable cases?

The first thing I do is contact the lead police detective assigned to the case to introduce myself and establish a good line of communication. I'm meticulous in my review of existing information within a case file, and that's always my starting point. If, for whatever reason, access to a case file isn't possible, I begin by constructing my own. From there, it becomes about separating fact from fiction and seeing if there are any patterns within the factual evidence that may lead to a specific individual or individuals. I doubt any investigator is aware of the mechanics of their own thought processes, and I certainly can't explain mine. For example, I don't have an awareness of how I'm able to look at a crime-scene photo that has been previously reviewed countless times by others and see something in it—or maybe not see something in it that should be there—and figure out if or how that plays into other known facts; I just know I'm able to do it.

In Mark's piece, it is incredibly apparent how invested you were in the verdict against Greg's killer. Is this usually the case?

No, it's not usually the case, but it does occur. I am committed to the facts and the truth to any case I take on and have faith in and a reliance on our legal system to uphold justice. With Greg Fleniken's murder, it seemed the prosecutor didn't initially have the same strength of commitment, which is why I thought a meeting with all parties would be beneficial to justice being served, and it was.

Do you ever stay in touch with your clients after the case is closed?

That's kind of like asking if you stay in touch with a surgeon who successfully operates on you, or if you're friends with your lawyer or accountant. As a professional, I am retained by clients to perform a service. That's not to say I don't get best wishes for a new year (or the like) from previous clients. I do become friends with those members of law enforcement I work with on my cases, if we're not friends already, and those tend to be lasting friendships.

What's the longest span of time you've spent working on a specific case?

I'm most comfortable carrying a caseload of about three active cases at any given time. Any more than that and I'm spread too thin. The longest ongoing case probably lasted about two years.

How often do you have to walk away from a case without a resolution?

Part of my responsibility to clients is to provide honest and accurate assessments during every stage of an investigation in order to help everyone manage their expectations from the outset, and that includes a definition of "resolved." Ideally a case concludes with the guilty offender being tried and sentenced, and this is the result in the majority of my cases. Sometimes that doesn't happen and justice can be delayed because, while I may know without a doubt who committed the crime, there isn't enough evidence to prove it in court. So, while I haven't yet had a case without a resolution, I have had cases where I knew who committed the crime but didn't have enough evidence to secure a conviction. I consider these cases still open, with the hope that at some point additional evidence will come to light that will be sufficient to see justice served.

<http://www.vanityfair.com/online/daily/2013/04/detective-ken-brennan-how-to-crack-cold-case.print>