



ceived quality parenting, and had siblings who were well-adjusted. Chris Porco had the upbringing of a privileged child.

The Porcos of the world force researchers to consider that there are, perhaps, those who are simply born with psychopathic traits and who conceal them until the proper factors converge and reveal those traits.

Mal Animo: "Evil Mind"

One must consider what lies at the core of the violent psychopath's personality structure: red-collar criminals do not reject violence as a solution to a perceived problem, so killing is just as viable a solution as using deceptive and manipulative characteristics to satisfy their needs. At their core, they harbor a toxicity that does not exist in, or is not as pronounced in, the non-violent psychopathic white-collar criminal. The red-collar criminal is capable of hiding his or her "core" from others by relying on psychopathic traits such as charm and manipulation as an interpersonal strategy.

A case (not included in the Perri-RCM as information is still being collected on the case) deserving of disclosure as a bona-fide fraud-detection homicide case representative of the pure evil of the defendant's "core" is the Fredric Tokars case.

In this case, a prominent defense attorney in Atlanta, Georgia, hired one of his clients to kill his wife Sara because she had discovered documents concerning Fredric's tax fraud and drug money laundering. Fredric told one of his associates, "[Sara] knows too much . . . I'm going to have to have her taken care of" (McDonald, 1998).

One of the prosecutors in the case stated that Sara could have destroyed Fredric with the fraud she had detected. "Sara," he said, "was a ticking time bomb" (McDonald, 1998). Consequently, one of the hired killers shot Sara with a shotgun blast to her head while she was in the family car—their two young sons were in the backseat. Fredric's response to an associate who asked how his children would react to their mother's death was, "They'll be alright . . . they're young, they'll get over it." Dr. Katherine Ramsland noted in the Larry King interview, "we don't know this for sure yet, but it may be the case . . . [that some who commit evil] are born to be that [psychopaths]" (CNN, 2005).

The non-violent psychopathic white-collar criminal also has a core that is destructive, but one could, perhaps, characterize it as *bitter*, rather than *evil*. According to Martens (2003), fraudsters sublimate their aggression into conning activities to avoid physical violence that might cause a negative consequence, such as

getting arrested. Moreover, the non-violent psychopath may be able to better assess the risk-reward tradeoff associated with committing a violent act. Yet, Martens (2003) acknowledges that, although psychopathic white-collar criminals are non-violent, this does not imply that they are not destructive in their own way, but that they manifest their destruction differently. Their methods might be characterized as a "slow bleed." Thus, we have psychopathic white-collar criminals who bring down organizations that are forced to claim bankruptcy, leaving hundreds without livelihoods and/or investments.

In one white-collar crime study known as the Maxwell Scandal, Dr. Basia Spalek (1999) examines the impact of white-collar crime on the victims. In this case, the white-collar criminal, Robert Maxwell, had stolen countless millions of dollars from investors. In the study the author was able to reveal through interviews with the victims that they experienced psychological, emotional, physical, behavioral, and financial harm.

The results of the study revealed that the harmful impact of fraud is similar in its force to the experience of victims of physical violence and property offenses. Some had, in fact, been the targets of other property and assault crimes unrelated to the fraud, and they stated that the impact the fraud had on their lives in terms of victimization was worse than the impact of assault and property crimes (Spalek, 1999).

Too often the "non-violent" quality of white-collar crime is what incorrectly distinguishes between types of criminals; that somehow white-collar criminals are inherently different from other criminals. Yet, such may not be the case. A study by Walters and Geyer (2004) found that male white-collar criminals with a criminal background exhibited the same level of deviant criminal thinking as other criminals.

The Devil's Trident

Trying to categorize the seriousness of the criminal's harms into violent versus non-violent is incomplete, overly simplistic, and ignores the true social harms that non-violent white-collar criminals perpetrate on society. Examining the level of aggression as a continuum of social harm offers a more well-rounded approach in observing the extent and depth of a person's sense of malice, whether based on a violent crime or fraudulent crime.

Interestingly, the legal concept of malicious injury as defined by *Black's Law Dictionary* (1990) takes into account the evil aspect of one's intent not only as it applies to violent acts, but also as it applies to fraudulent behavior. The essentially different forms of harm by which the

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Exhibit 2: Fraud Detection Homicide Investigation Profile

- I. Employment of victim
- II. Business owner or employee
- III. Victim occupational status:
 - blue-collar or white-collar
- IV. Criminal history of victim
 - A. White-collar crimes
 - B. Violent crimes
- V. Victim's source of income (tax returns, bank statements, etc.)
- VI. Fraud detection by victim
 - A. Was the victim in a position to detect fraud?
 - B. Notice to defendant of the detection by victim
 - C. Did the victim cooperate and/or give notice to a third party concerning defendant's fraud?
- VII. Third party detection of the defendant's fraudulent behavior without victim's assistance
- VIII. Fraudulent behavior of the victim
 - A. Would the victim have had a reason to commit fraud?
 1. Support lifestyle
 2. Debt problems
 3. Addiction issues
 - B. How would the victim commit the fraud?
- IX. Type of fraud involved
- X. Potential fraud co-conspirators (examine computer evidence such as email)
- XI. Did the victim have reason to fear retaliation by the defendant for fraud detection or disclosures to witnesses?
- XII. History of business conflicts between victim, customers, or business associates
- XIII. Third party business records indicating fraudulent behavior (fraudulent loan applications, etc.)

and the company records, but also a correlation between the defendant's fraud and attempts to silence the bookkeeper as her suspicions of fraud increased.

In the Christopher Porco case, the family members would have been in a unique position to detect fraud because their personal financial positions were being used by the killer to advance his schemes. In the Bernal (Case 6 & 7) and Barajas (Case 8 & 9) cases, the business owners were in a unique position to detect the fraud of their agent.

However, in the process of discovering a potential suspect, it may be necessary for the forensic investigator to consider whether the victim was involved in the underlying fraud. For example, in the Kimes and Johnson murders, the victims had been co-conspirators in the killers' fraud schemes.

Establishing Motive in the Prosecution of Fraud Detection Homicide

Many of the homicide cases in the Perri-RCM indicate that the red-collar criminals harbored an inflated belief in their own competencies, and in fact, the majority of them left a trail of evidence that clearly identified them as the killer. However, the link to each fraud detection was crucial in establishing a motive for murder when the prosecution had weak direct evidence, but supportive circumstantial evidence of guilt. Establishing fraud detection as a motive is especially important when the psychopath will attempt to use his or her lack of violent criminality as an advantage when the case against him or her may be entirely circumstantial.

For example, the defense attempted to use Scott Dyleski's (Case 2) non-violent, even gentle, background to suggest that he was not capable of such brutality (Sweetingham, 2006a, c; "Court TV News," 2006). Defendant Christopher Porco advanced the same philosophy: "A matter of dispute between my father and me was taken completely out of context and then multiplied by the police and the prosecution because they needed to invent a reason as to why a person who has never been violent in his entire life would randomly decide one day to partake in an unspeakable destruction of life" ("Transcript," 2006). Some of the jurors in the Porco murder were hesitant to find the defendant guilty given that he had no documented history of violence (Lyons, 2006).

Porco's statement is demonstrative of how he tried to use his non-violent background as a strategy to convince others that he was not capable of such acts. Porco attempted to "blend in" by creating the perception that he was like most normal people who have no violence in their backgrounds and who lack the ability to

commit such unspeakable violence. He went on to say, "By caving in to public pressure to hold the most convenient suspect responsible, the police deprived all of us the justice we are entitled to" ("Transcript," 2006). His ploy was clearly to craft the perception that if he had been denied justice, then all the people with whom he "blended in" would suffer the same fate, should they be charged with a crime. The red-collar criminal's resort to chameleon strategy is not unexpected (Perri & Lichtenwald, in press, a).

The prosecution must be cognizant of the fact that the defendant is attempting to bond with the jury by putting forward the message that "because I look like you, behave like you, and have no background in violence as you (the jury), I am not capable of such brutality." Though motive is not necessary to prove a murder case, without motive, the jury may have only a sterile circumstantial evidence case, which is one of the most difficult types of cases to prosecute, even when the circumstantial evidence is strong. Establishing a motive for the murder neutralizes the defendant's bonding strategy with the jury. A motive demonstrates the decision-making process that propelled the defendant to commit the heinous act.

Conclusion

Exhaustive review of cases where white-collar criminals were arrested and convicted for murder reveals that in each of the murder cases, fraud either preceded or occurred at the same time as the murder. The data gathered from the murder cases did not support the position that the killer had merely experienced a 'lapse' in moral judgment.

Although fraud detection may not be an apparent motive for a homicide, law enforcement and prosecutors would benefit from considering the detection of an underlying white-collar crime as a possible motive to commit homicide. It is suggested that homicide detectives consider either consulting with or including forensic accountants and certified fraud examiners as part of their investigation teams.

Further, the FBI *Crime Classification Manual* should offer an appropriate system for categorizing these murders for profiling reasons. For descriptive purposes, the 27 murder cases have been given the general classification of fraud-detection homicides and the perpetrators who meet the criteria of having committed a fraud-detection homicide have been classified as red-collar criminals. Other forensic examiners are welcomed to submit further findings and additions to the Perri-RCM. This matrix should be viewed as a work in progress.

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