

Note: Explorer Scout Jim Waddell, 17, was riding with Deputy Thornton that night and this is his story of the events.

The Murder of Stanislaus County Deputy Sheriff Harold Thornton 8-23-67

I was a member of the founding group of Explorer Scouts and was riding on patrol with Harold when he was shot and killed by a lone gunman in what was later determined to be a set-up and ambush. I was 17 years of age at the time.

To be able to get the entire story told, I will need to back up to February, 1967 to describe the call or event that ultimately led to Thornton's murder in August.

I joined the Sheriffs Explorers in December, 1966 while a senior in high school. (Others of note in that first group were Dale Hinkle and Vince Ladd, both of whom eventually retired from the Sheriffs Office as Lieutenants. Dale and I were classmates at the FBI National! Academy in Quantico, VA in the summer of 1992).

It was a weekday afternoon in February and I had been assigned to ride with Deputy Cliff Gee. At that time, swing shift was from 4pm until midnight. Military time was not in use back then, We were in the briefing room, downstairs in the basement area of the Sheriff's Office on 1st Street There were several other deputies attending briefing. Being 41 years later, I cannot remember who the others were,

Being involved in the explorers for just over two months at the time, I had little or no knowledge of radio or crime codes. During briefing, I remember hearing someone from the dispatch area, call over the intercom, something I could not understand. The deputies did, coffee cups went flying, deputies running for the door and carport, I remember Cliff telling me, "If you're coming with me, get with it, NOW."

Off we went, there were about 5 or 6 sheriffs cars, all going code 3 from Modesto, east on Yosemite Blvd. During this "trip," Cliff explained to me that we had gotten an 11-99 call at the Breezewood Trailer park which was on Santa Fe, about 1/2 mile south of Yosemite in Empire. We arrived at the Breezewood, at a trailer in the middle of the park. I was told to wait in the car.

Several minutes later, Cliff and other deputies came out, escorting a prisoner who had been identified as John Britton Miller. Miller had only one arm and I think he was in his mid to late 40's. After we had cleared from the call, Cliff Gee explained to me what had taken place.

Miller and a roommate accomplice had gone to a mini-mart on Santa Fe, just down from the Breezewood, They saw a man they knew lived in the park with them, come out of the store. Miller and friend committed a strong-armed robbery against this man. Apparently, all three returned to the trailer park. The victim called the Sheriff's Office to report the crime. Day Shift Deputy Ed Lyman responded to the call.

In those days it was uncommon to send backup units except in rare cases. Lyman responded and handled the call by himself. Gee explained to me that Lyman, after taking the victim's statement contacted the suspects. When he entered their trailer, somehow the two suspects subdued him. I'm not clear as to the sequence of events or what happened to Lyman's handgun but while he was subdued, Miller seized a .410 shotgun, making statements he was going to shoot and kill Deputy

Lyman. Miller apparently had trouble finding his ammunition. In the meantime, Lyman escaped and was able to put out a call for help. This was the call that prompted our response. Miller was convicted in the case but of an obvious lesser offense and was sentenced to county time. During his stay in the jail, he was able to become a trustee doing janitorial duties around the sheriff's office. Thus, he was able to view the patrol schedule which at the time, was posted in a hallway, with the deputies names, shifts and beats written on a board with a grease pencil. This all took place between February and August of that year, 1967. I don't know during that time period when Miller was released from jail but upon his release he moved to the trailer park located at 604 Olivero Road in South Modesto.

It was determined by detectives working on the Thornton homicide case that while Miller was serving his county jail sentence, he plotted to kill Deputy Ed Lyman in revenge for the incident at the Breezewood in February. By reading the patrol schedule in the sheriffs office, Miller determined Lyman would be working a night shift patrol beat in South Modesto in late August of 1967.

What Miller did not know was that Lyman had put in for vacation for the third week in August and it had been approved. There were two South Modesto beats at that time. divided by Crow's Landing Road. The address of 604 Olivero Road was in the eastern beat. Deputy Harold Thornton had the area west of Crow's Landing Road. Lyman's beat on the east side on August 23, 1967 was being covered by Reserve Deputy Dale Hinkle.

Our shift on Wednesday night, August 23, was from 5:00pm to 1:00am. Prior to our lunch break which we took just before 10pm that night, we had responded to a few calls and worked some warrants. It was a rather normal weeknight shift for a very hot summer night.

We had just finished our lunch break. We had been at Burnett's (I think that's the name) on Crow's Landing near School Street. As soon as we cleared, I remember Dale Hinkle calling off on his lunch break. (Harold commented that while Dale was at lunch, we had all of South Modesto). Sometime after 10pm, probably closer to 10:20pm, we received a call of a 245 PC, stabbing, at 604 Olivero. I remember the dispatcher, Sgt. Jim Scott telling us to meet with the victim and reporting person at the manager's trailer, telling us it was a trailer park. In 1967, civilian dispatchers had not been invented yet, at least at this department. Sergeants were the dispatchers and when they were off or busy elsewhere, deputies were assigned as dispatchers.

I cannot remember exactly where we were when we received the call. I think we were just leaving Burnetts or possibly still in the parking lot. Either way, we were only a few blocks from Olivero at the time. Olivero runs east off Crow's Landing Road and ends at what is now Jim Way. At the time, the entire L shaped street was called Olivero, so it ran east for several blocks from Crow's Landing, then took a 90 degree turn to the left for just a short way, ending at East Hatch Road.

We turned onto Olivero, going east from Crow's Landing Road Using the roof mounted spotlight, Harold was searching for numbers. He was obviously unfamiliar with that area. Olivero at the time had several lots, interspersed between houses. Some of the houses sat close to the road, others were farther back. I remember the house numbers were missing on several of the residences and some were not in sequence. This made locating the number 604

quite difficult. It was so difficult, Harold made two or three trips back and forth.

We finally found the trailer park. There were no numbers showing it was 604. The entrance was on the south side of Olivero and due to the darkness, we could not see any trailers from the entrance. The driveway was about 40 to 50 yards, from the road to the first trailer which in fact was the manager's trailer.

As we arrived at the manager's trailer, I could see the trailer had a screened-in, added on porch that looked pretty large. It had dim lights and as we pulled in, the manager saw the patrol car and came running out to where we were. I could see another man, lying on a lounge, on his back, with his upper body elevated to a 45 degree angle. Even with the dim lighting and looking through the screen, I could see he was wearing a white t-shirt and it was covered with blood.

We both exited the patrol car and went in. We saw where the victim had been stabbed.

I'm not sure how many times, I think it was three times in the front upper torso, however he was conscious and coherent. He knew who his attacker was, telling us it was another tenant named John Miller and that he only had one arm. The victim said he'd been sitting on the commode in the restroom that's located in the park for all of the tenants to use. While he was sitting there, Miller burst into his stall and I remember the quote from the victim, "he just started runnin' that knife into me for no reason." He said he knew Miller's name and where he lived but other than that he had never had any contact or any kind of trouble with him.

I followed Harold back to the patrol car. He went to radio for an ambulance as portables didn't exist yet. Other people in the manager's porch area had been giving first aid to the stabbing victim. After requesting an ambulance, Harold told me he was going to contact the suspect as witnesses said they saw him go back to his trailer after the assault. He instructed me to take my flashlight and walk back out to the roadway so I could guide the ambulance in when it arrived. He said since we had such a difficult time finding the entrance he assumed the ambulance driver would have the same trouble.

So, off I went, walking the distance to the entrance. Walking that 40 or 50 yards or so took less than a minute. I had just gotten to the entrance when I heard a series of gunshots coming from back in the trailer park. I remember hearing 8 or 9 shots. The first several shots were in rapid succession. The last two or three were after the initial volley, fired slowly, like someone had time to take aim.

Without being armed, I was not going back in that park, so I started to run across the street to get to a phone. After taking a few steps, I heard someone running toward me from inside the park. It had to have been one of the tenant/witnesses as a male voice shouted, "Officer, your partner's been shot." He apparently saw my uniform and thought I was a deputy, then saw me walk out to the entrance.

When that happened, I really put it in high gear and ran to a house, directly across the street from the entrance. I saw a light on inside. The front door was open as the night was really hot. I started to knock but didn't want to stand out there on that front door exposed to who may be coming after me so I tried to open the door and walk in. The screen door was fastened by some type of flimsy lock on the inside. I jerked it loose and ran inside.

As I entered the living room, an elderly man came running into the room with a towel wrapped around his middle (He'd been in the shower). I told him what had happened and that the suspect could be coming our way and to get down on the floor. I slammed and locked his front door, grabbed his phone and called the operator (911 hadn't been invented yet either). She connected me to the Sheriff's Office.

Sgt. Jim Scott answered the call. I told him briefly what had happened and I heard him in the background radio for assistance. He told me to stay put and wait for help as other units were already enroute. I made sure the man of the house had all the doors and windows locked and then we both propped out on his living room floor.

It seemed like only seconds before I heard sirens coming from both directions on Olivero Road. I looked out the front window and saw several patrol cars, Sheriff, Modesto Police and California Highway Patrol approach. Some of them drove into where we had originally parked. Shortly thereafter, the ambulance that Harold originally called for the stabbing victim pulled up and stopped at the entrance to the park.

I went out of the house into the front yard. I can't remember now which officers arrived first. I'm pretty sure Dale Hinkle was one of the first to arrive. By this time, I had walked back across the street and started down the driveway toward the scene. I saw the ambulance personnel wheeling their gurney from inside the park, out the driveway toward the ambulance. On the gurney was Harold. He was barely recognizable as his glasses were askew with one of the lenses broken out. There was blood all over him but the Stanislaus County Sheriff's shoulder patch was clearly visible and recognizable. I stood there as they wheeled him past me and loaded him into the ambulance. (I remember thinking, "15 minutes ago we were eating hamburgers, now this").

At that point I was contacted by either Sgt. Blanusca or Watch Commander, Lt. Vic Lombreglia. There were several deputies or supervisors talking to me, asking me what happened and if I was hurt or too upset. By this time a second ambulance arrived and the suspect, John Britton Miller was taken to Scenic General with a gunshot wound to the lower abdomen. When they wheeled him out, I saw he only had one arm. He was cursing all the officers and I heard him state, "Give me a gun and I'll shoot all you bastards."

I'm pretty sure it was Mike Blanusca who explained to me what had taken place, based on witness statements and his own observations. I also remember he paid special attention to me, telling me that he being the advisor to the Sheriff's Explorers he wanted to make sure I was taken care of. I told him the fear had worn off but I was dumbfounded at what had taken place. To my knowledge, this was the first incident of this type in Stanislaus County in many years.

Blanusca said when he arrived and witnesses directed him to the suspect's (Miller) trailer, he saw both Harold and Miller lying fairly close to each other. Miller was telling him he had just bought his pistol recently (the pistol was some kind of cheap .38 Special) and it had paid for itself. I don't know if Miller knew at the time it wasn't Lyman he'd shot.

Based on witness statements at the time and even a statement from Miller, he stabbed the victim in the restroom. just to get a deputy out there. After the

stabbing, Miller went back to his trailer and armed with his "new" .38, he waited, hiding behind a tree near one end of his trailer for the deputy to approach. When the deputy approached, Miller opened up on him, emptying his pistol.

Harold went down. One of the rounds penetrated his mace can he carried on the front of his Sam Browne belt. Investigators thought the exploding mace container had a negative effect on Harold's ability to return effective fire. I don't know how many of Miller's initial shots struck Harold but in his return fire, Harold struck Miller in the lower abdomen with one round which led to Miller's permanent need of a colostomy bag. Miller apparently, after being struck by one of Harold's rounds, crawled over to where Harold lay on the ground, picked up Harold's .357 Magnum and fired into him at least once, maybe twice, I cannot remember. This was where Harold and the suspect were lying when arriving officers found them.

I remember investigators telling me later that all 6 rounds had been fired from Miller's gun and I think 3 from Harold's. I also remember hearing the detectives talking. I think it was Sgt. Don Bear who said they thought Harold might still have been alive when he was transported from the scene but was deceased upon arrival at the hospital. Sgt. Bear also told me later the autopsy report on Harold showed none of the bullets that struck Harold were fatal in themselves. The cause of death was from shock. Possibly from hypo-volemic shock, I can't remember.

Back to the scene: After Mike Blanus was satisfied that I was ok, he asked if I would drive one of the patrol cars back to the Sheriffs Office as that deputy was riding with the suspect in the ambulance. I drove the patrol car back and spent until sometime around 8:00 or 9:00 the following morning, sitting in the office talking with detectives. During the ensuing court proceedings, it was found that Miller was mentally incompetent to stand trial. He was sent to the state mental hospital for the criminally insane at Atascadero. It wasn't until just about one year later that he was found suitable to aid in his defense. In the summer of 1968 I was in Basic Training with the U.S. Army at Fort Dix, New Jersey. The Stanislaus County District Attorney at the time, Alexander M. Wolfe arranged to have me flown back to Modesto to testify.

Miller was found guilty of first degree homicide and sentenced to death. Sometime after that, the death penalty was overturned and his sentence was commuted to life in prison. He died in prison some 12 years after his conviction. Harold Thornton was 33 years of age at the time of his death. He had been with the Sheriffs Office approximately 3 years. He left a wife and several children behind.

Jim Waddell, Oakdale, California May 13,2008