

A lonely woman looking for love, a handsome Army sniper, and a husband murdered in cold blood

DESPERATE HOUSEWIFE

By Edward T. Pound

FAYETTEVILLE, N.C.—“Hey baby, I miss you already. . . . I can’t wait until you come back so we can take care of each other . . . you know sex . . . sex . . . sex . . . and of course more sex.” John Diamond was crazy about Michelle Theer—and why not? He had never met anyone quite like her. She was really something—those soft, brown eyes, that adventuress nature. She held a doctorate degree in psychology, she was smart as a whip, she was easy to talk to, and she was a passionate lover—a “sexy, gorgeous, intelligent” woman, he gushed in another E-mail to her. Diamond was accustomed to getting his way with the ladies, but with Michelle, well, she was the one in control. “I love making your life easier,” he wrote another time. “That’s my function in life, you know.” Before long, if all went as planned, he would leave the Army, where he had trained as a sniper, and he and Michelle would live happily ever after.

There was a hitch, of course. John and Michelle were married—but not to each other. Her husband, Frank Martin Theer—everybody called him Marty—flew giant C-130 cargo planes for the Air Force. Captain Theer was often gone for long stretches, and Michelle would get restless, prowling the Internet for bedmates. That’s how she met Diamond. Marty and Michelle, to put it mildly, had a strained marriage, but they certainly were well off. Marty was a savvy investor, and to make sure that Michelle would be provided for, he took out a \$500,000 life insurance policy in case



SUSPECT. Michelle Theer, after her husband’s murder, dressed in the clothes police say she wore to dinner with him earlier in the evening

something happened to him. Something did.

Marty was shot to death on the night of Dec. 17, 2000, in the darkened parking lot behind Michelle’s office building in Fayetteville. Police believe the killer waited in a hedge alongside the building, watched Marty walk up the exterior steps to the second-floor landing, stepped out of the bushes, and began firing a 9-millimeter Smith & Wesson handgun at him. Five shots struck Marty—one in the right side of the stomach, a second and third in the back of his thighs, a fourth in his left forearm. Probably the last thing he ever saw, after tumbling 17½ feet down the stairway and landing on his back, was the killer bending over him and pumping the final shot—the kill shot—behind his left ear. It was al-

most 11 p.m. It was bitterly cold. Marty Theer, a strapping man, 6 feet, 1 inch, 215 pounds, was 31 years old.

Witchcraft. Police and military investigators soon discovered that Diamond, an expert shot with a 9-mm handgun or a sniper’s rifle, had an “inappropriate extramarital relationship” with Michelle Theer. That made them immediate suspects. No one else, investigators say, had a motive. Passion and greed, it was as simple as that. There were no eyewitnesses, no one who could put a gun in either suspect’s hands. But through painstaking work, investigators built a strong circumstantial case against them. Diamond was the shooter, they said; Michelle Theer played on his obsession with her to manipulate him into killing her husband.

In August 2001, an Army court-martial convicted Diamond of

killing Marty. Michelle had not yet been charged. But the following May, a civilian grand jury in Fayetteville accused her of first-degree murder and conspiracy to commit first-degree murder. By then Michelle had beat it out of Fayetteville, changed her appearance, and was hiding in Florida under assumed names. She was captured in August 2002 and convicted last December. In her three-month trial, she emerged as a complex and cunning woman who used sex, played mind games, and even dabbled in witchcraft to get what she wanted.

Violent death leaves terrible scars on the psyches of those left behind. How does a parent handle the maddening death of a child? How does a parent handle the likelihood that a son or a daughter has no soul and can kill without remorse?

Linda Gettler, who is Marty's mother, is left with only her scrapbooks and memories. She shed her tears years ago and knows they won't bring her son back. She has accepted that her only son, the love of her life, the child she reared alone and who did his best to please her, is gone. She is, amazingly, not bitter. She is convinced that the authorities nailed the right people.

On the other hand, Ann Hoefler, the mother of Michelle Theer, says her daughter would never be involved in a violent crime. She was a caring child, she says, the most affectionate of her three children. "There were," she says, "no signs of violence." John Diamond's parents, Bobby and Christen Diamond, are equally certain he didn't kill Marty Theer. "If I thought he was guilty," says Bobby Diamond, "he would still be my son, but he could rot."

As for Diamond and Michelle, the two former lovers deny having had anything to do with the killing; they point the finger at each other. "I loved Marty," Michelle said this past July during an interview at the North Carolina Correctional Institution for Women in Raleigh. "... Even the times when we were having problems, there was never hatred there." She is appealing her conviction. In a statement issued through his lawyer, Diamond, incarcerated in the Fort Leavenworth Disciplinary Barracks in Kansas, said: "I did not kill Captain Theer, nor did I conspire with anyone to seek his death." He has filed an appeal with the Army's appellate court.

Marty Theer was buried nearly five years ago, with full military honors, at the Air Force Academy Cemetery in Colorado Springs, Colo. How he got there, the insanity of it all, is laid out in thousands of pages of court records in Fayetteville, and

in Army court-martial records: *The State of North Carolina v. Michelle Catherine Theer*, and *the United States of America v. Staff Sergeant John M. Diamond, United States Army*. Marty Theer, the records show, was a man of much promise.

FALLING IN AND OUT OF LOVE

Theer was the quintessential all-American boy. He was born in Wurzburg, Germany, on Feb. 26, 1969, where his father was stationed in the Army. The family soon moved to Rich-

land, Wash., but his parents were divorced just after Marty reached the age of 1. Linda Gettler tried marriage a second time, but that failed, too.

By the time Marty was 4, he and Linda were living in Denver. Those early days were tough. A registered nurse, Linda worked the 3-to-11 p.m. shift at a local medical center and scraped enough money together to buy a three-bedroom ranch-style house. Marty was a go-getter. He got up at 4 a.m., made breakfast, and took care of the dogs—Kiki, a German shepherd mix, and Rascal, a Labrador mix. At age 12, Marty started his own lawn-mowing business, and he later went to work at a McDonald's. He and his grandfather on his mother's side, Al Dunbar, were close. They fished and climbed mountains together, built doghouses, and even drew up designs for space stations. Dunbar, distraught after Marty's murder, died of bladder cancer three years ago.

Marty wanted to be an astronaut. His mother recalls: "When he was a boy, he said in 25 years he saw himself on a satellite beyond Pluto, studying the stars with a telescope."

Marty was an athlete, lettering in track, and a straight-A student at Abraham Lincoln High School. "Marty had the kindest heart in the world," says Army Maj. Lonnie Carlson, his closest boyhood friend. "He was the proverbial good guy."

Michelle Forcier grew up in nearby Aurora, Colo. An Air Force brat, she was born on Dec. 9, 1970, while her father, Tom Forcier, was stationed at Dyess Air Force Base in Abilene, Texas. The family lived in England for a few years, then moved to Charleston, S.C., before relocating to Colorado, in 1980.

Michelle was an adventurous kid. Her mother, Ann Hoefler, remembers, "Michelle was always very outgoing; she has a wonderful sense of humor, liked to play jokes, a real extrovert. She loved to make people laugh." But Michelle, in the prison interview, recalled the "dark" days of her early life. Her



THREESOME. Sergeant Diamond (above). Marty Theer's Air Force career kept him away from his home, and his wife, for long periods of time. Michelle Theer, according to testimony, once referred to herself as a "black widow."





SLEUTH. Detective Ralph Clinkscales, recalling Air Force pilots' bravery during his time in Vietnam, was determined to find Theer's murderer.

parents often argued, she said, and her father moved in and out of the house. In her first year at Aurora Central High School, "I was a cheerleader, and I was on the volleyball team, and I was in the choir," Michelle said. But soon, her parents' marriage collapsed into divorce, and "I had to drop out of all of that because I had to come home after school to watch my brother and sister. I had to cook dinner and fold the laundry. It was like I was a housewife, which I just hated."

In her junior year, a friend introduced Michelle to Marty. She was 16. He was 17. It was, she said, love at first sight. "He was just a genuinely nice guy," Michelle recalled. "He didn't act like he had to be something special. We did click right away, and I mean right away. I know that I wanted to see him again." The two soon became inseparable.

Marty graduated, and after fielding offers from the three service academies, he decided on the Air Force Academy. After that, it was pretty much a long-distance romance over the next four years. Michelle joined the Air Force Reserves and attended the University of Northern Colorado, in Greeley. In January 1991, her unit was activated for the Persian Gulf War. She was sent to an Air Force base in Texas to work in a command nerve center.

Later that year, Marty and Michelle decided they had been apart too long. On June 1, two days after he graduated from the Air Force Academy, they were married in the academy chapel. A wedding photo captured two beaming young newlyweds—Marty, ramrod straight in his dark-blue Air Force dress uniform; Michelle, a pretty brunette in a white, long-sleeved, full-length dress.

Over the next six years, the couple bounced around: Enid,

Okla., where Marty went to flight school—"Eeeenuud, Oklahoma, the armpit of Oklahoma," Michelle said with undisguised contempt; Colorado Springs, where Michelle got her undergraduate degree in psychology; a summer in Texas; and then Melbourne, Fla., near Patrick Air Force Base, Marty's next assignment.

"Nightmare stories." By then, the marriage was beginning to crumble. Michelle insists that Marty had an affair while in Florida. When he was transferred in 1997 to Moody Air Force Base, in Valdosta, Ga., she declined to go along. Marty often flew overseas, spending a lot of time in Kuwait and Saudi Arabia. Michelle remained behind in Melbourne, working on her master's degree at the Florida Institute of Technology. She did a year's

residency at the Tuskegee Veterans Administration Medical Center, in Auburn, Ala. She also, she says, got involved with a man she met surfing the Internet. She returned to Melbourne and got her doctorate degree in the summer of 1999.

"MARTY HAD THE KINDEST HEART IN THE WORLD. HE WAS THE PROVERBIAL GOOD GUY."

Marty, meanwhile, was transferred to Pope Air Force Base in Fayetteville. Michelle rejoined him there later that summer. The long separation, Michelle's lawyer, Kirk Osborn, would later say, "was a tremendous stress on their marriage." Living in Fayetteville didn't help things. Fayetteville, she says, was right up there with Enid. Working at the veterans' hospital, "I had heard nightmare stories about this place from all the Vietnam vets who had been through here on their way to Vietnam," she recalls. "... I mean I heard about Fayette-Hell, Fayette-Nam, Fatal-Ville. I mean I just heard nightmare stories about this place."

LOVE ON THE NET

Fayetteville, population 125,000, suffers gang crime, random violence, and murders like other urban areas. Every few years

or so, however, some spectacular crime grabs the town by the throat. Locals still talk about Jeffrey MacDonald, the Green Beret doctor convicted of the 1970 murders of his pregnant wife and two daughters. The case was the subject of a famous book, *Fatal Vision*.

But the city also enjoys a storied military history. It is home to Fort Bragg, the sprawling Army compound from where elite paratroopers deploy for dangerous missions around the globe. Fort Bragg also serves as the headquarters for the Special Forces, the men who carry out classified missions in places like Afghanistan and Iraq. The Airborne & Special Operations Museum, opened in 2000, sparkles in an otherwise drab downtown. Fort Bragg was home to Staff Sgt. John Mickael Diamond, an Army Ranger assigned to the 82nd Airborne Division. "John always wanted to be in the Army," says Deborah Dvorak, his younger sister.

Now 32, Diamond was born in Louisiana and lived a nomadic life as a young man. His father, Bobby Diamond, a construction worker, traveled from job to job, state to state. "Every time a job finished," says Deborah Dvorak, "we would go somewhere else." She ticks off the states: California, Arizona, Washington State, Wyoming, Colorado, Arkansas, Texas. "We had a motor home, so we would travel in that," she recalls, "stay in that until my parents got an apartment or rented a house." It was tough, she says, "but we weren't ever without food or clothing." The family finally settled down in Killeen, Texas, in John's senior year of high school.

John always wanted to be an Army man. His family has a proud Army history. His grandfather, George Diamond, was a belly gunner on a bomber shot down over Germany in World War II. He was a prisoner of war, escaped once, was recaptured, and was held in a camp for more than six months. His father, Bobby, was an Army "tunnel rat" during the Vietnam War. Those were the guys who slid into hell, going down claustrophobic passages alone into hiding places the Viet Cong had constructed underground. Bobby Diamond talks only reluctantly about those days. "Before I'd go into a tunnel, I'd throw a grenade in, get rid of some of the booby traps," he explains. "I am no hero. Million guys served in Vietnam."

John enlisted in June 1991, right out of high school. He trained in commando tactics and martial arts and became an expert sniper, although there is no evidence, in public records, that he was ever activated in such a role. While based in Pana-

ma, Diamond assisted Army criminal agents in drug investigations and was commended for "great courage" for helping quell a riot by Cuban refugees. His Army raters said he showed strong leadership qualities. Diamond planned a long run in the Army—until he banged up his knees in a parachute jump.

A charmer, Diamond was liked by almost everyone. He liked the ladies, and they sure liked him. At 6 foot 1 and a well-muscled 200 pounds, with brown hair and blue eyes and that big grin, he was a magnet to women. He married twice and had two kids. "He always cheated on me," his second former wife, Lourdes, whom he met in Panama, testified at his court-

martial. "Women are bad luck for John," his mother, Christen, lamented.

Michelle Theer surely was. Diamond, stationed at Fort Bragg in 1998, met her in an Internet chat room in early 2000, a few months after she had moved to Fayetteville. Both their marriages were in deep trouble, and both were looking for playmates. Michelle says that Marty was away, again, this time for several months at a training school in Little Rock, Ark., and that she was "stuck in Fayetteville alone." Not for long. Of Diamond's Internet courting, she says: "He would send me these little funny messages, and they made me laugh." They agreed to meet, at a coffee shop.

Michelle had no fear of meeting a stranger in a public place. As it turned out, she had done that kind of thing before. At her murder trial, Charles McLendon, a North Carolina man, testified that he and Michelle first chatted on the Internet—she used the screen name "lookn4unow"—and then met at a coffee shop in Fayetteville. They became lovers, but McLendon said he broke it off after

discovering that she was "having relationships with other men." The password to her Yahoo! E-mail account was telling enough: "cheater."

Michelle and Diamond hit it off immediately. He was full of life. "When I met him," she says, "we clicked." Diamond was "very interesting," she adds, "very funny, very charming." They partied heavily and joined a North Carolina "swing" club. And just what is a swing club? Pfc. Rickie Bizon later told Army investigators that Diamond explained it all to him one day: "He told me he and Michelle were going swinging. I asked him what swinging was, and he explained to me that he and Michelle would go to a swing club and meet other couples and swapped partners."

Diamond was hooked. He had trouble letting people know how he felt about things, but not Michelle—"I'm not worried

**"WE DID CLICK RIGHT AWAY,
AND I MEAN RIGHT AWAY...
I WANTED TO SEE HIM AGAIN."**



HAPPY DAYS. Michelle and Marty Theer were wed at the Air Force Academy.

about letting you in close to me," he wrote her, adding that he wanted her to "be my confidant, my best friend, lover, and, yes, wife."

As the year progressed, however, life became more stressful. When Marty got back from Little Rock, he and Michelle went to a psychologist for help, but the counseling didn't last long. Marty wanted kids; Michelle didn't. He wanted things kept neat; she thought he was obsessive-compulsive. He liked to stay home; she liked to party and tool around town in her canary-yellow Corvette. The psychologist, summarizing the relationship, wrote that the couple "seem to be stuck in a critical and angry pattern with each other." During that summer, Michelle lived with Diamond for a time in an off-base apartment, but she moved back with Marty in early October. Michelle and Diamond continued seeing each other, however. Later that month, the lovers took a trip to Saba, in the Netherlands Antilles, and explored the idea of living there. In a job application with the Saba University School of Medicine, she wrote that she would be available for the job on Jan. 1, 2001. She listed Diamond as her fiancé.

"Leap of faith." Professionally, Michelle was doing well. She had joined the office of Thomas Harbin, a prominent psychologist, and was counseling patients on a variety of issues, including marriage. Her patients liked her. She and Harbin became close friends, confiding their problems to each other. Looking back, Harbin says it is obvious that Michelle manipulated Diamond. She knew "how to hook men," he says, "... how to get men to do things for her."

Michelle loved Diamond, she says, but she realized their relationship was at a dead end. She tried several times to break up with Diamond, she says, but he was relentless in pursuing her. His E-mails got more intense. Oct. 27, 2000: "I just don't want to lose you. I've never loved anyone or anything for that matter as much as I love you ... Please don't shut me out ... I miss you when I can't be with you for a few days. I don't eat. I can't sleep."

In November, she E-mailed Diamond, "I have loved you from the moment I set eyes on you," but "if things don't work out, or it is all an illusion, then I am left with everything I have ever feared most in my life: alone, without a home, rejected, unloved." She scolded him for lying to her: "This lack of honesty and truthfulness has created a tear in our relationship that

I cannot ignore. It prevents me from taking that leap of faith into eternity with you. ... I am giving up on us because it is torture to me to think about paradise glimpsed and not believe it can really happen." Diamond replied that she had "destroyed my faith in love and destiny." They got back together, then split again. But on Saturday, December 9, they drove to Raleigh to celebrate her birthday at a nightclub. They stayed overnight at a Holiday Inn.

Back in Fayetteville, Diamond became distraught. Their on-again, off-again relationship was off, once again. On Monday, he wrote: "Michelle, I am sorry you have forsaken us. I do re-

ally love you, but I guess your love just wasn't there. You lied quite well, you fooled me. I signed my life insurance over to you two weeks ago." He threatened suicide, then the next day wrote her that he drove "out to someplace secluded and three times I tried to pull the trigger" but couldn't. Of Marty Theer, he wrote, "He makes you miserable [yet] you still want to be with him. Why?" Finally: "I wait painfully for your call. I want so badly to see you and be with you. ... Eternal love and devotion."

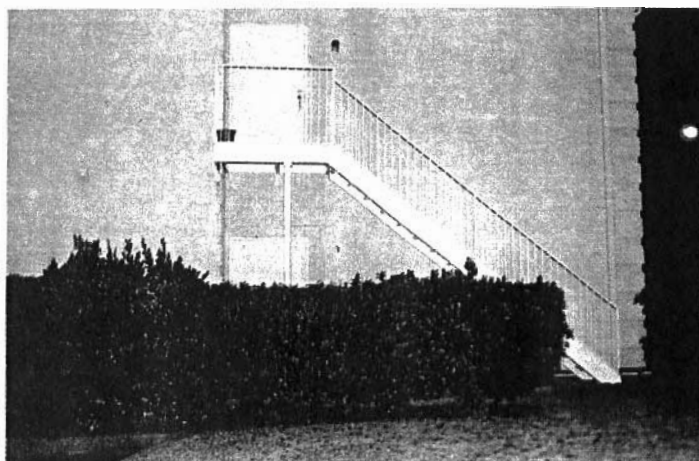
Diamond tried frantically to reach Michelle by phone but couldn't. He called her office and complained that Theer had abused Michelle. "She had him believing that Marty was physically abusing her," Harbin says. "That is so incredible, so incredible." On either Friday, December 15, or Saturday, the 16th, Diamond and Michelle met at a restaurant near her office. Michelle says that she finally just buckled under the pressure and agreed to meet Diamond. But investigators

say the two lovers had met to finalize their plan to kill Marty Theer on Sunday night, December 17.

THE EXECUTION OF MARTY THEER

Ralph Clinkscales, a Fayetteville police detective, was home asleep that Sunday night when he was awakened by the phone. It was 11:15, 11:20. His boss, Sgt. William Mitrisin, was on the line. A man had been shot to death at 2500 Raeford Road, the offices of Harbin & Associates. Mitrisin, already at the scene, told Clinkscales to get over there, pronto—he would head up the investigation. Clinkscales splashed some water on his face, threw on some clothes, rushed out into the freezing darkness, and drove 6 miles to the scene. He arrived at 11:45.

Clinkscales, now retired, remembers that the back park-



DEAD END. After jumping out of his SUV, Marty Theer climbed the stairs leading to the back door of his wife's office. The first shots caused him to tumble down the stairs; a "kill shot" was administered where he lay.





911. The video store from which Michelle Theer called to report Marty's shooting; investigators say a cellphone call to Diamond set up the kill.

ing lot of the two-story building was "already congested" with other investigators, uniformed officers, and paramedics. Marty Theer lay dead at the bottom of the outside stairwell. The paramedics had tried to revive him, but it was hopeless. He had been "executed," Clinkscales says. "There was a large amount of blood coming from the body," he would later testify, "the head portion to be exact."

On that night, his thoughts flashed back to Vietnam, where he had served as an Army military policeman. Marty Theer was an Air Force man, and more than once Air Force pilots had saved Clinkscales and his buddies from terrible injury or even death. The Viet Cong, positioned on a mountain, would "pound us with rockets and stuff," he recalled in an interview, and the Air Force "would send their planes in, and they would just wear them out for a while."

Clinkscales, soft-spoken, allows his feelings to pour out: "Here he is, lying in the streets of Fayetteville, you know, murdered, assassinated. . . . It just kind of hurt me that way. He didn't deserve to go like that—he sure didn't." The detective and other police officers, working with Army and Air Force investigators, began piecing together the facts—how a night that began with a festive Christmas party ended in brutal death.

Just hours before, around 5 o'clock, Marty Theer drove his 1999 Ford Explorer into that same parking lot. Michelle was in the passenger's seat. They picked up Heidi Mougey, the office manager at Harbin & Associates, and her boyfriend, Dominique Peterson. They headed up the road 70 miles to the Raleigh area for a Christmas dinner hosted by Thomas Harbin and his wife, Marian, at the Fox and Hound Restaurant. Harbin hadn't planned to invite Marty,

but Michelle said she wouldn't go unless her husband could come along. Everyone had a great time—there was no tension, no indication of trouble afoot.

Around 9:30 or so, they wrapped things up, and Marty, Michelle, Heidi, and Dominique headed back to Fayetteville. The Theers dropped Heidi and Dominique off in the parking lot at Harbin & Associates and headed out Rae-ford Road for the 20-minute trip back home. Heidi and Dominique had a smoke, waiting for their car to warm up, and drove off after a few minutes.

Marty stopped for gas at 10:42, about 2.3 miles from the office. According to Michelle, she suddenly remembered that she needed a book, back at the office, to complete a report she was working on. She asked Marty to drive back to her office, she says, and he dropped her off in the back

"WOMEN," LAMENTED DIAMOND'S MOTHER, "ARE BAD LUCK FOR JOHN."

parking lot at Harbin & Associates. The area directly behind the office building, dark and deserted, was not easily visible from Rae-ford Road, but it wasn't unusual for Michelle and others who worked there to enter through the second-floor back door, even at night. Marty stayed in the car as Michelle walked up the stairs to the second-floor landing, opened the outside door, and went inside. After a few minutes, Marty apparently grew impatient—he was scheduled to fly at 4 a.m. and would get only a few hours' sleep. He climbed out of his SUV and headed up the back stairs.

Seconds later a neighbor, Ramsey Lewis, watching a rap video while sitting in his house behind the office building, heard a series of shots. "Damn," he later remembered thinking, "somebody is getting killed." Michelle says she heard the loud bangs, walked to the back door, pushed it open, and saw

Marty sprawled at the bottom of the stairs. She ran down the stairs. "He was breathing, but it sounded very ragged," she says in the prison interview. "It sounded like he had a lot of phlegm in his throat." She kept wiping the blood off his forehead, she says: "And for some reason, which I still don't understand, because it seems illogical if somebody's breathing. But I put my head down on his chest to check his heartbeat or something, I guess—I don't know—but of course I couldn't hear anything because my own heart was pounding in my ear. And I remember telling him, telling him, 'It's going to be OK, it's going to be OK, I'm going to go get help.'"

Gaffes. She was hysterical, she says, but couldn't get back into her office because she had left her keys inside and the outside door was locked. She ran to Raeford Road, tried to flag down a motorist, without any luck. Then she ran some 200 yards up the road to a Video Hut in a strip mall and asked the clerks to call 911. After a brief, and confusing, discussion with a 911 officer, she ran back to the parking lot. When a uniformed police officer arrived several minutes after 11, Michelle was kneeling over her husband. The officer pulled her away, and another officer placed her in a squad car.

The next few days, Michelle says, were agonizing. She was questioned several times by Clinkscales and other detectives, first at the parking lot, later at her home, and then at the police station. It soon became apparent that she and her lover, John Diamond, were the primary—and only—suspects. Police and military investigators began building a case. From the beginning, they never bought her story, or Diamond's. It was all an act, they concluded, conceived by a woman who used her wiles to get her lover to kill her husband.

The plot, the investigators believed, was hatched months before. *Criminals*, no matter how careful, always make mistakes, Clinkscales says, and in this case, the killers outsmarted themselves. For starters, Michelle was at the scene, meaning that in the ordinary course of police work, she had to be cleared as a suspect. "I wanted to treat her as a grieving widow," Clinkscales says, "but on the other side of your mind, you realize that she has not been cleared yet." In her initial interview, on the night of the murder, Clinkscales says, Michelle told detectives that her marriage was fine, and she didn't mention the affair with Diamond. After she was pressed, however, she acknowledged the affair, Clinkscales says, but said she had broken it off.

There were other gaffes. Perhaps the most critical, certainly in the early stages of the investigation, came when Clinkscales and Mitrison questioned Michelle at the police station on December 20. Asked whether she had talked to Diamond on the day of the murder, Clinkscales says, Michelle replied that she had last spoken to him around 4 p.m. But when

Mitrison said that they would check her cellphone records, she suddenly remembered that she had called Diamond's cellphone, from the restroom at the Fox and Hound Restaurant, just before leaving to go back to Fayetteville the night of the murder. Diamond, she said, didn't answer the phone. Her response, Clinkscales says, made the investigators suspicious. The cellphone call from the Fox and Hound, the investigators concluded, was Michelle's signal for Diamond to position himself outside her office and wait for the kill.

At the time of the call, Diamond was at the home of his estranged wife, Lourdes. He quickly put on some warm clothing and left, according to Lourdes Diamond's account to authorities.

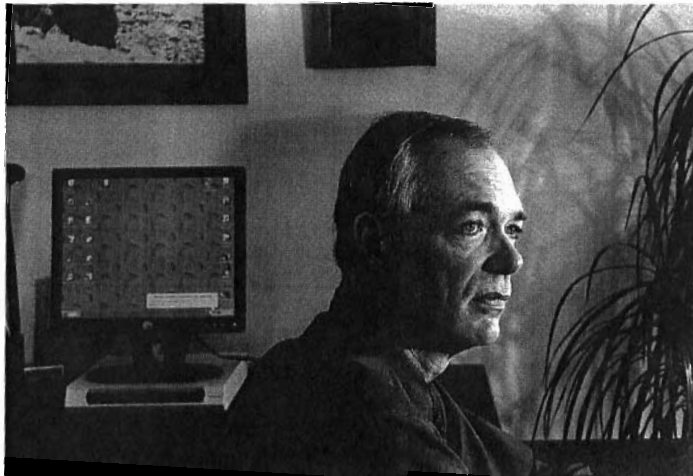
Investigators tracked the movements of Michelle and Diamond, in the months before the murder and in the months after. They learned, among other things, that on the morning after the murder, Diamond had practiced firing a handgun at a local indoor target range. This was part of the coverup, they said—if they had tried to test whether he had fired a gun, he would have good reason for having gunpowder on his hands.

Investigators also discovered the lovers' trip to Saba. Neighbors then reported seeing Diamond parking his teal Pontiac Firebird near her home in the weeks after Marty was killed. The Air Force Office of Special Investigations put a six-member surveillance team on Michelle. Investigators also installed two video cameras in a neighbor's house so they could watch her comings

and goings. Ballistics tests showed that two shell casings found in the parking lot, and three slugs recovered from Marty's body, could have come only from one of two Smith & Wesson 9-mm handguns—model 639 or model 5906. Investigators traced Diamond's cellphone records and found that he had called an Army buddy, a man named Peyton Donald, who lived in Fayetteville and had served in Panama with Diamond. A day or two before Marty was killed, it turned out, Diamond had borrowed Donald's gun—a Smith & Wesson model 5906.

Linking Diamond to that gun was key. On the afternoon of February 12, two months after the murder of Marty Theer, Clinkscales, an Army criminal investigator named David Rudd, and Air Force special agent Vincent Bustillo interviewed Donald at his home. He had lent the handgun to Diamond again, in January, Donald told the investigators, but Diamond hadn't returned the weapon. The investigators asked him to call Diamond and get the gun back. Donald spoke with Diamond twice and told him that the authorities wanted to test the gun as part of their inquiry. Both times, Diamond said he no longer had the gun. The investigators started to leave Donald's house, but, suddenly, Donald's phone rang, and he motioned for them to stop. Diamond was on the line. "Donald advised that he spoke with Diamond, and Diamond had the gun in his car,"

SHE KNEW "HOW TO HOOK MEN...HOW TO GET MEN TO DO THINGS FOR HER."



WITNESS. Thomas Harbin, Michelle Theer's boss, testified against her.



ALIBI. The firing range where Diamond practiced the day after Theer's murder. Police called it a ruse to explain gunpowder residue on his hands.

Rudd wrote in a report, "and that he would bring the gun to Donald tonight."

Diamond was at Michelle's house when he called Donald. They had just returned from a four-day trip to Florida. Around 6 p.m., at Fort Bragg, Diamond reported to military police that his Firebird, which he said had been parked at Fort Bragg for four days, had been broken into. Someone, he said, had busted in the passenger's window and taken a gun—Donald's 9-mm Smith & Wesson—from under the seat. That was a big mistake—and part of the continuing coverup, investigators said. For one thing, Diamond's car had been in Florida and on the road during the four days when he said it was parked at Fort Bragg. For another, the Air Force surveillance cameras, placed down the street from Michelle's home, caught her and Diamond leaving in separate cars at 5:17 p.m., shortly before he reported the theft at Fort Bragg. The videotape showed that the passenger window on Diamond's car was intact. Investigators said Diamond had broken the window in his car so that he could explain why he no longer had Donald's gun. Diamond was in trouble.

One month later, the Army charged him with premeditated murder, conspiracy, and obstruction of justice. Michelle was named a coconspirator, but the Army, with no jurisdiction over a civilian, could not charge her. Army officials pressed local civilian prosecutors to pursue charges against her. That would come in another year. Meanwhile, Diamond, jailed, was court-martialed in the summer of 2001.

TRIAL AND ERROR

Diamond never had a prayer. At the court-martial at Fort Bragg, his lawyer, Coy Brewer, claimed that Diamond was

"set up" by his lover. He charged, in his closing argument, that Michelle was the shooter, yet he had produced no evidence during the trial to support that claim. The Army's chief prosecutor, Randall Bagwell, calling Diamond "a cold-blooded killer," laid out the circumstantial evidence—the trysts, the borrowed Smith & Wesson, how Michelle had lured the "target" to the "kill zone"—the second-floor landing at the back of her office building—Diamond's skill with guns, and so on. He explained how a sniper works: "When you're setting up a kill zone for an ambush, you want the enemy to have absolutely no place to go, and

that's what the accused left Captain Theer, absolutely no place to go. He was receiving fire from below, and the door up above [on the landing] is locked. All he can do is stand there and get shot."

Bagwell could never put

Diamond at the scene, but it didn't matter—the six-member court-martial panel had heard enough.

On August 24, the panel returned guilty verdicts against Diamond on all three counts. Diamond, given life in prison without parole, maintained his innocence at his sentencing. "I didn't kill anyone, and I did not conspire to do it with anyone," he told the jury. And: "Maybe someday people will find out what actually happened. I can't tell you . . . because I wasn't there that night"—a statement he recanted only four months later in an effort to obtain a reduced sentence.

Diamond's Army attorney, Capt. Katy Martin, prepared a 13-page offer of testimony that civilian prosecutors could use if they decided to prosecute Michelle. In the proffer, Martin said Diamond thought Marty Theer was abusing Michelle; that he borrowed the gun and gave it to Michelle

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AS MUCH AS I LOVE
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after she asked for one for protection; that he did not know she planned to shoot Marty; that he agreed to meet her on the night of December 17 at her office, at 11 o'clock; and that when he arrived on foot after parking his car, he heard gunshots and saw "Michelle standing over [Theer] holding the gun." According to Martin, Diamond asked Michelle to give him the gun, and she did. Later, "they disposed of pieces" of the gun in dumpsters on their four-day trip to Florida, the statement said. Civilian prosecutors rejected the offer.

From brunet to blond. The prosecutors, meanwhile, began closing in on Michelle. In May 2002, a grand jury in Fayetteville indicted her on first-degree murder and conspiracy charges. But Michelle, who says she expected to be indicted, wasn't hanging around.

A few days before her indictment, she left New Orleans, where she had moved, and went underground. She moved to Lauderdale-by-the-Sea, Fla., and created several new identities. She boned up on how to lose herself in America, reading such books as *Reborn in the U.S. of A.*, *Secrets for Getting a New Identity*, and *How to Disappear in America*. She signed her apartment lease as "Liza Pendragon" and obtained a Florida driver's license under the name "Alexandra Solomon." There were other names she would use, if needed: "Ashford Tierney," "Wilma Sherman," "Maia Branwen." She used a computer software program to prepare official-looking documents, including fake birth and baptismal certificates.

She cut her brown hair short and became a blond, and laid out nearly \$15,000 for plastic surgery on her face. A surgeon straightened her nose, gave her a chin implant, and performed laser surgery for acne and other blemishes.

The police in Fayetteville turned to the U.S. marshals for help in finding her. Using phone records and some old-fashioned shoe leather, marshals tracked Michelle to New Orleans, then to Florida, and identified her new boyfriend. Their big break came when she called a New Orleans storage facility, where she had some personal effects, on July 28, two months after her indictment. On August 5, marshals tailed her boyfriend to her apartment and arrested her. Michelle was a mess. She had just returned from laser surgery on her face. "It almost looked like her face had been burnt or she had been in a fire," Walter Reilly, the marshal who arrested her, testified at her trial two years later.

Despite all her efforts to hide, Michelle says she wasn't running from the law but wanted only to try to make a new start: "I was running away from the terror. . . . I was not running from the police."

She could have struck a deal with prosecutors but declined a plea offer. The three-month trial in Fayetteville last year was a circus. The chief prosecutor, Margaret "Buntie" Russ,

charged that money and lust drove Michelle; she cited the half-million dollars that Michelle stood to collect from her husband's life insurance policy. Her promiscuous lifestyle was laid out in stark detail. Her former employer, Thomas Harbin, testified that she once had jokingly referred to herself as a "black widow," a woman who kills her husband for money. Diamond's sister, Deborah Dvorak, testified that Michelle practiced black magic and witchcraft. "She told me she could put spells on people," Dvorak said. Throughout the proceedings, Michelle kept a Bible at her side. She didn't testify, but her attorneys argued that she was shattered by Marty's murder. It took the jury less than six hours to convict her on December 3 last year, six days before her 34th birthday. Today, she is serving a life sentence without parole.

During the interview with *U.S. News*, in a small conference room in the women's prison in Raleigh, wearing her prison blue shirt and jeans, her hair (she's a brunet once again) pulled back, Michelle came across as cool and articulate—even when she was asked if she was a cold-blooded killer: "I don't think people will ever believe that I am not a monster." Later: "I guess everyone thinks . . . I didn't love him and obviously killed him, that's what they think."

For the families involved, the pain may never end. Ann Hoefler sat through her daughter's trial and says Michelle was convicted because of her swinging lifestyle. "She was unhappy. What does that

prove?" Hoefler asks. "She really lost her way, but does that mean somebody killed somebody?"

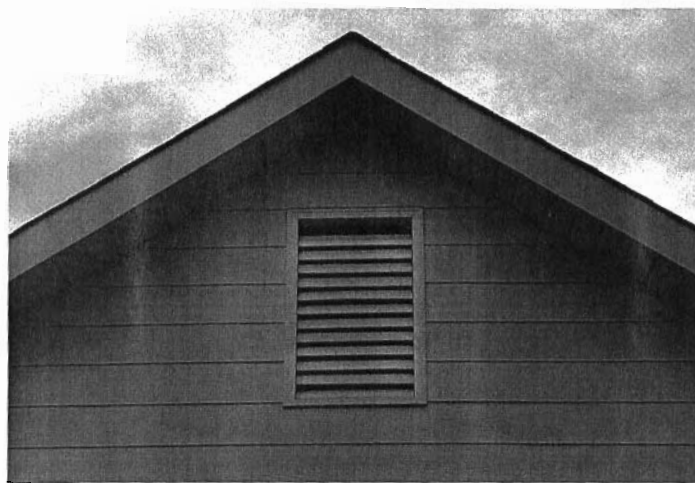
John Diamond's parents are convinced that he is guilty—but only of poor taste in women. His father, Bobby, is driving heavy rigs in Iraq for a civilian contractor to finance the work of an appellate lawyer, Donald Rehkopf. In his appeal, filed with the Army Court of Criminal Appeals, Rehkopf charged that the police work was sloppy, that Diamond's civilian lawyers performed miserably at his court-martial, and that only Michelle had a motive to kill her husband.

For Linda Gettler, there is only the painful knowledge that she will never again speak to Marty, her only son. "For me," she said at Diamond's court-martial, "it's the fact that every time the phone rings, I know when I pick it up, I'm not going to hear, 'Hi, Mom.' I'm never going to hear, 'I love you, Mom.'"

With research by Jennifer Jack

An edited transcript of the interview with Michelle Theer, along with an appeal brief filed by John Diamond with an Army court, can be read at www.usnews.com/murder. Theer was transferred to the Southern Correctional Institution in Troy, N.C., last September.

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EYE SPY. A police camera in a neighbor's attic helped keep tabs on the lovers.