

PRESS RELEASE

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HAMMER PLEADS GUILTY TO CAPITAL MURDER IN GRAYSON COUNTY TRIPLE HOMICIDE AND IS SENTENCED TO LIFE IN PRISON WITHOUT PAROLE

Douglas Vaught, Grayson County Commonwealth's Attorney, and Richard Vaughan, Grayson County Sheriff, announced Friday that Frederick Philip Hammer appeared in Grayson County Circuit Court, Independence, Virginia, on Friday, May 22, 2009, shortly after 10:00 A.M., and entered pleas of "guilty" in five counts of capital murder, one count of robbery, one count of breaking and entering a building attached to real estate with the intent to commit larceny while armed with a deadly weapon, one count of grand larceny and one count of use of a firearm in the commission of a felony.

Under the terms of a written plea agreement signed by the Defendant, his attorneys and the Commonwealth's Attorneys, and accepted by the Court to become the basis of his sentencing, he received five consecutive sentences of life in prison without the possibility of parole, two (2) additional non-capital sentences of life in prison, additional prison terms totaling twenty-three years and fines totaling \$600,000.00. Seven cases based upon alternative theories of the facts and law and multiple charges of use of a firearm in commission of a felony were removed from docket by an order of *nolle prosequi*, a type of dismissal.

The guilty pleas were arranged this week after the recent discovery of one of the weapons used in the crimes and of money taken from Ron Hudler during the robbery. The Grayson County Sheriff's Department, assisted by the Giles County Sheriff's Department, Wythe County Sheriff's Department, and Ashe County Sheriff's Department, obtained information that the weapon and money were buried and hidden in a barn owned by one of Hammer's acquaintances, and after obtaining permission to search, the money was unearthed in the location furnished by Hammer to a fellow inmate. A .22 magnum rifle bearing the serial number matching that of a rifle sold to Hammer in the mid-1990's was located hidden under heavy rolls of woven wire fencing. Attached to the rifle was a broken scope with damage matching debris found at the door of Ronald Hudler's house on the date of the killings.

In making the announcement, Vaught explained that the members of the three victims' families were consulted prior to entering into the agreed plea and disposition. Vaught continued, "Foremost in our minds was insuring that Hammer would no longer pose a danger to individuals or the community and that the families of the victims could hopefully achieve a degree of closure without a long and painful trial and years and years of appeals following a conviction and imposition of a sentence of death.

"We believe that the evidence was sufficient, and the crimes so heinous, to support a jury verdict of death if we proceeded to trial. But weighed against that is the conservation of state expenditures in such a trial, and the consideration voiced by all the members of the families who commented to me about this, that it was best to avoid a long and emotionally draining trial most likely to be held in the spring or summer of 2010, and anticipated to last four to six weeks. They also voiced the sentiment that a sentence of life in prison as an admitted murderer without possibility of parole could be in some aspects a worse punishment than death."

Under Virginia law, death sentences resulting from capital prosecutions are granted automatic reviews by appellate courts, and then are able to be appealed in state and federal courts for years after the verdict. The sentences given Hammer under this agreed plea are not subject to such appeals, and for all intents and purposes, final sentencing orders.

No prior announcements were made by the Commonwealth’s Attorney or Sheriff, nor notifications given to press and public in general, in consideration of and respect for the families of the victims who attended the hearing, uncertainty that the agreed pleas would in fact be agreed to in all aspects and entered on Friday, and concerns for Court security brought about by the speedy way in which the events developed.

Vaught expressed his feelings for the persons involved in the investigation of these cases, saying “From the very beginning of this investigation on January 24, 2008, through the sentencing, I have been impressed and grateful for the wisdom, hard work and dedication of Sheriff Richard Vaughan and all of the Grayson County Sheriff’s Department, the Virginia State Police, the Ashe County Sheriff’s Department, the Wythe County Sheriff’s Department, the Giles County Sheriff’s Department, the North Carolina State Bureau of Investigation, the Secret Service, the FBI, Immigration and Customs Enforcement, Galax Police Department, the Medical Examiner’s Office for the Western District of Virginia, and Virginia Department of Forensic Science. Within three days of the murders, we developed sufficient probable cause to issue capital murder arrest warrants for Hammer, and the relentless pursuit of leads and evidence has provided my office with a truly solid case for prosecution, and is in great part responsible for the speedy and favorable closure of these cases by conviction and acceptable sentencing. The spirit of cooperation among our offices could not have been higher or more productive.”

The following is a detailed list of the cases in which pleas were entered and the sentences given:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION	VCC SECTION
CR08-193	Capital Murder - Abduction (F)	01/24/08	18.2-31(1)	MUR-0913-F1
CR08-190	Capital Murder - Frederick Hudler (F)	01/24/08	18.2-31(4)	MUR-0989-F1
CR08-191	Capital Murder - Ronald Hudler (F)	01/24/08	18.2-31(4)	MUR-0989-F1
CR08-192	Capital Murder - John Miller (F)	01/24/08	18.2-31(4)	MUR-0989-F1
CR08-159	Capital Murder - Multiple killings (F)	01/24/08	18.2-31(7)	MUR-0961-F1
CR08-194	Robbery (F)	01/24/08	18.2-58	ROB-1215-F9
CR08-195	Grand Larceny (F)	01/24/08	18.2-95	LAR-2359-F9
CR08-196	Statutory Burglary While Armed (F)	01/24/08	18.2-91	BUR-2217-F2
CR08-203	Use of Firearm in Robbery (F)	01/24/08	18.2-53.1	ASL-1319-F9

- CR08-159 - CAPITAL LIFE WITHOUT THE POSSIBILITY OF PAROLE AND A FINE OF \$100,000.00
- CR08-190 - CAPITAL LIFE WITHOUT THE POSSIBILITY OF PAROLE AND A FINE OF \$100,000.00
- CR08-191 - CAPITAL LIFE WITHOUT THE POSSIBILITY OF PAROLE AND A FINE OF \$100,000.00
- CR08-192 - CAPITAL LIFE WITHOUT THE POSSIBILITY OF PAROLE AND A FINE OF \$100,000.00
- CR08-193 - CAPITAL LIFE WITHOUT THE POSSIBILITY OF PAROLE AND A FINE OF \$100,000.00
- CR08-194 - CAPITAL LIFE AND A FINE OF \$100,000.00
- CR08-195 - TWENTY (20) YEARS
- CR08-196 - CAPITAL LIFE AND A FINE OF \$100,000.00
- CR08-203 - THREE (3) YEARS MANDATORY SENTENCE