

Double murder trial delayed to investigate Black Leaf chemical site's effects on defendant

Defendant spent time near toxic site

3:23 AM, May 31, 2012

Written by

Jason Riley

The Courier-Journal

A double murder trial was delayed Tuesday after defense attorneys requested time to investigate whether their client suffered any ill effects from having spent part of his youth near the former Black Leaf chemical site in Louisville's Park Hill neighborhood.

Amy Hannah and Mike Lemke, the attorneys for defendant Clarence Stiff, cited a recent Courier-Journal story outlining the testing of soil in and near what has become the city's newest Superfund toxic waste site.

Types of health issues associated with the contaminants recently discovered on and near the site include nervous system damage, dizziness, lower IQ, liver and kidney problems and cancer.

There is evidence that Stiff — who is charged in the December 2010 shooting deaths of Tracia Hernandez, 33, and her ex-boyfriend, Jason Matthews, 26 — “may have incurred some effects of this type of poisoning” during his childhood, the defense argued in court records.

Given that it is a capital case, Stiff's health and childhood could be used as mitigating factors in sentencing if he is convicted, according to the defense.

Stiff, 30, suffered from bronchitis at least five times as a child, which is a possible effect of poisoning, according to court documents.

“The situation here is somewhat like being presented with evidence of a ‘smoking gun’ regarding the effects of pesticides and heavy metals,” according to the defense's motion to postpone the trial.

Senior Judge Geoffrey Morris delayed the trial until Feb. 1.

The yards of all 50 homes tested near the Black Leaf industrial site were reported this month to have elevated levels of toxic pollutants, including some known or suspected cancer agents, according to the U.S. Environmental Protection Agency.

Last year, the Kentucky Division of Waste Management reported high levels of pesticides on the site, including the now-banned DDT and dieldrin, as well as toxic heavy metals such as arsenic and lead. And last October, nearby alleys were found to have elevated arsenic and lead levels.

Hernandez and Matthews were found dead in Hernandez's home in the 5300 block of Halsey Court at the Washington Park complex in southern Louisville, where Hernandez lived with her 9- and 10-year-old sons.

In a recent letter to the newspaper, Stiff said he was "falsely accused" and had "nothing to do with this horrible crime."

Reporter Jason Riley can be reached at (502) 584-2197.