



Attorney General Doug Peterson

News Release

FOR IMMEDIATE RELEASE

October 3, 2017

Today in Albion, the Nebraska Attorney General's Office announced a resolution to an 80 year-old cold case. The case involves the murders of Boone County Sheriff Lawrence Smoyer and Boone County Constable William Wathen, who were shot on June 17, 1937 in a field northwest of Albion.

Eighty years to the day after Wathen's death, the identity of the suspects is now officially confirmed.

"Today brings clarity to these deaths and provides justice for these families," the Attorney General stated. "These men died in the line of duty and we honor the memory of their service."

The officers were investigating a suspicious vehicle and trespassing complaint in a cattle pasture reported several days in a row by a local rancher. Both officers were shot by two well-dressed men driving a stolen black 1937 Ford Coupe with Colorado license plates. Sheriff Smoyer died instantly while Constable Wathen survived 108 days before succumbing to his wound on Sunday, October 3, 1937. It was Wathen's detailed, written account that provided many clues that led to eventually solving the case.

The suspects responsible for the homicides were Charles Orville Doody and Marion Armstrong Cooley, who are tied to the crime scene by numerous articles of evidence.

Both of these men were named in a Colorado arrest warrant for the theft of the vehicle used in the commission of this crime. Additionally, both men were career criminals at the time of the murders, each having served two terms in the Colorado State Penitentiary System for crimes including in armed robbery, auto theft, business burglary, forgery and armed assault on officers, collectively.

Their identities were discovered by investigators within three days of the crimes but it would take just over a year to collect enough evidence to issue Marion Cooley an arrest warrant for first-degree murder. By this time, Cooley was serving his third term for armed robbery in Colorado and according to the laws at the time, Nebraska had to wait until he was paroled in 1948 before they could take him into custody. A warrant for Doody was not obtained by investigators because his whereabouts were unknown.

The original investigation into these murders would have resulted in the prosecution of these suspects 80 years ago if it were not for numerous circumstances, including the interference of World War II.

When Cooley was paroled in 1948, the original investigators who would have served as witnesses were retired to places unknown, had died or been killed, or were still in the military stationed at unknown posts.

“The original investigation of these crimes was outstanding,” the Attorney General said. “While world events slowed justice from immediately being carried out, today, our office as well as the Boone County and the Seward County Sheriffs’ offices are grateful the facts can be revealed.”

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Suzanne Gage
Director of Communications
Nebraska Attorney General
Office: 402-471-2656
Mobile: 402-560-3518
Suzanne.gage@nebraska.gov





Press Packet

Resolution to the Smoyer-Wathen Homicides

October 3, 2017

Officers Killed in the Line of Duty

Boone County Sheriff



Lawrence I. Smoyer

- Born June 6, 1896 in Syracuse, Nebraska
- Died June 17, 1937 in the line of duty
- 41 years old at the time of his death
- Elected sheriff in 1926; served 11 years before he was killed
- Was married and had 6 children
- A Veteran of World War I with the 155th Army Infantry Company H

**Photo courtesy of Nebraska Life Magazine*

Boone County Constable



William Henry Wathen

- Born August 15, 1883 in Millville, Iowa
- Wounded on June 17, 1937; survived 108 days after being shot
- Died October 3, 1937
- 53 years old at the time of his death
- Had been a Boone County Sheriff's Deputy from 1925 to 1927
- Became Boone County Constable in 1927

**Photo courtesy of Nebraska Life Magazine*

Agencies Involved in the Investigation

Original Investigators

Office of the Nebraska State Sheriff, State Sheriff William F. Flake

Boone County Sheriff's Office, Sheriff Louis "Scout" Smoyer

Fillmore County Sheriff's Office, Sheriff Frank Steinacher

Nebraska State Sheriff's Association, Sheriff John Harr

Clay County Sheriff's Office, Sheriff John Harr

Out of State Law Enforcement Agencies

(Special Contributions to the Original Investigation)

Boulder Colorado Sheriff's Office, Sheriff George Rickart

Laramie County Wyoming Sheriff's Office, Sheriff George Carroll

Agencies Involved in the Modern Day Investigation

Seward County Sheriff's Office, Sheriff Joe Yocum

Office of the Nebraska State Attorney General, William Black, Chief of Investigators

Suspects Responsible for these Murders



Marion Armstrong Cooley

Born March 17, 1896

Died September 11, 1965

41-years-old when the murders were
committed



Charles Orville Doody

Born January 17, 1902

Died October 17, 1995

35-years-old when the murders were
committed

- Both were named in a Colorado arrest warrant for the theft of the vehicle used in the commission of the crime
- Both served two terms in the Colorado State Penitentiary System
- Cooley and Doody collectively specialized in armed robbery, auto theft, business burglary, forgery and armed assault on officers
- Cooley was independently identified by 3 eyewitness
- At the time of the crime, Cooley was wanted for questioning in a successful kidnap-for-ransom scheme
- At the time of the crime, Doody was wanted for armed bank robbery and escape from jail in Brighton, Colorado

Synopsis of the Homicides:

On Thursday, June 17, 1937 at approximately 8:00 am, Boone County Sheriff Lawrence I. Smoyer and Boone County Constable William Henry "Will" Wathen were shot while investigating a suspicious vehicle and trespassing complaint reported several days in a row by a local rancher in a cattle pasture twenty-five miles northwest of the county seat of Albion, Nebraska. The officers were shot by two well-dressed men driving a black 1937 Ford Coupe with Colorado license plates. This vehicle had been stolen in Denver four days earlier and had been seen in the area of the pasture over the previous three days. Sheriff Smoyer (shot once in the chest) died instantly. Constable Wathen (shot once through both hips) survived for 108 days, finally succumbing to his wound on Sunday, October 3, 1937.

Evidence Linking the Suspects to the Crime:

Articles of evidence that tie Marion Cooley and Charles Doody to the crime:

- The car that the two shooters were driving was a brand new 1937 Ford Coupe that was stolen from Denver, Colorado with license plates stolen from a Boulder mining company. Colorado was able to identify the thieves as Doody and Cooley. Wathen also recorded that he had shot the car multiple times. This car was eventually found in Cheyenne, Wyoming with multiple gunshots.
- There were multiple sightings of the car and men matching Cooley and Doody's description in the Albion area. In addition, three eyewitnesses independently identified Cooley as one of the men in the car around the time of the crime.
- A plaster of Paris cast matched Cooley's footprints to the scene of the crime. In addition, one of the eyewitnesses, as well as William Wathen, reported that one of the men was wearing black and white saddle shoes. When Cooley was apprehended in Cheyenne, Wyoming, his shoes were black and white saddle shoes dyed black.
- Wathen's detailed account of the shooting, which he wrote down in his logbook at the scene after exchanging gunfire with the suspects, included descriptions of both shooters, the car's description and license plate, and the circumstances of the shooting.