

# Sanchez to be charged with two murders, evidence lacking in Diver case

by **KIMBERLY M. KARCHER**  
Clarence Editor

Alleged bike path rapist Altemio Sanchez was expected to be arraigned on two counts of second-degree murder Tuesday.

Police believe Sanchez, of Cheektowaga, is responsible for the rape and murder of University at Buffalo student Linda S. Yalem in 1990 and Majane Mazur in 1992.

A grand jury listened to evidence on Friday and later voted to indict Sanchez on both charges, according to Erie County District Attorney Frank J. Clark.

However, evidence connecting Sanchez to the 2006 murder of Clarence resident Joan Diver is lacking, according to police.

**“The odds against it being anyone else are trillions to one ... But, with regard to the DNA aspect of it, we are confident this is the guy.”**

— District Attorney Frank Clark

“We don't have enough evidence yet,” said Mary Murray, public information officer for the Erie County Sheriff's Department.

“There was no DNA found at the scene (of Diver's death), but his DNA was found on her steering wheel. That, however, only places him in the car, not at the scene.”

“What we're going to do right now is proceed with these two cases,” Clark explained. “Once he has been arraigned, he'll go through the normal process of pretrial motion practices. My guess is we are probably looking

at at least six months for that process to run out, but while that is going on, the investigative task force, which is still intact, is concentrating on the Joan Diver case.”

Police said they collected Sanchez's DNA from utensils he was using at Sole restaurant on Main Street in Amherst and matched it to evidence collected from numerous rape and murder scenes associated with the bike path rapist.

Speculation over whether or not the DNA was legally collected has been questioned by Sanchez's attorney, Andrew LoTempio. Clark believes there was no wrongdoing in the collection process and that the evidence will be allowed to be presented in court.

“In our opinion there was no Fourth Amendment prohibitions here,” Clark said.

Sanchez is maintaining his innocence, but police believe they've got the right man.

“The DNA results are in the hundreds of billions or trillions even (of a match),” Clark said. “The odds against it being anyone else are trillions to one, but that's not the only proof we have to offer in the trial of the case. But, with regard to the DNA aspect of it, we are confident this is the guy.”

The possibility for a change of venue is also being considered by Sanchez's attorney, according to police, but Clark believes that is a highly unlikely scenario.

“I think the motion will happen, and as I've said before, I've been involved in change of venue motions proceedings for 30 years, and I've never seen one happen,” Clark said. “For it to happen you have to actually start picking a jury ... you have to show you can't get a fair and impartial jury. I've also been involved in cases that have much more publicity than this, and in my opinion it (a change of venue) shouldn't happen.”

Sanchez is being held without bail at the Erie County Holding Center. Clark said during the arraignment he would ask that bail continue to be withheld. Each murder charge carries a sentence of 25 years to life in prison, according to police officials.



**ABOVE AND BEYOND**— Three members of the Amherst Police Department were recognized with the Merit Award presented by Chief John Moslow, bottom, left, on Jan. 25. Honored were Officer Thomas Barillari, left, Officer Thomas Grillo, center, and Assistant Chief John C. Askey. The award is given to

officers continually performing their duties in an exceptional manner that reflects merit on themselves and the department. This award may be given for either a single act, or continuous meritorious service over an extended period.

Photo by John Rusac  
Purchase photos at [www.BeeNews.com](http://www.BeeNews.com)

## State law change on statute of limitations in rapes doesn't apply to Sanchez case

by **JESSICA L. FINCH**  
Associate Editor

The State Senate and Assembly passed a law in June that many people may not be aware of.

The statute of limitations on rape cases has been eliminated in New York State. Prior to the passage of the law it was five years.

Amherst Council Member William A. O'Loughlin Jr. said he was unaware of the change when he submitted a resolution on Jan. 16 to the Amherst Town Board asking the state leaders to consider changing the limitation to an indefinite period of time.

“When I heard that, it was very pleasing and heartwarming to hear they had done that,” O'Loughlin said about the law change.

The arrest of the suspected bike path rapist, Altemio Sanchez, 49, of Cheektowaga, who has been charged with two murders, also brought attention to the fact he won't be charged with any of the

rapes because of the former statute of limitations.

Any rapes occurring no more than five years before the law changed can be tried, but the crimes that allegedly involved Sanchez happened beyond that allowance.

O'Loughlin said he supports the change because of the physical, mental and emotional scars that victims are left to deal with.

He praised the Senate and Assembly's efforts, stating that legislators were sensitive to a terrible situation.

“It is a great tragedy in modern day society,” he said about rape cases.

The New York State Senate passed the law on June 21, 2006. It was sponsored by Sen. Dean Skelos, R-Rockville Center.

The law eliminated the criminal statute of limitations for rape victims and extended the civil statute of limitations from one year to five years.

“Rape and sexual assault are violent crimes committed by vio-

lent people,” Skelos said in June. “If DNA evidence is available, there is no reason why these criminals should escape prosecution merely because they were lucky enough not to get caught. These crimes have a lifelong impact on their victims. I'm pleased that the Assembly has finally agreed to pass this measure and close a loophole that allows dangerous criminals to evade justice.”

The bill eliminates the statute of limitations for the criminal prosecution of Class B felony sexual assault crimes including: first degree rape, first degree criminal sexual act (formerly called sodomy), first degree aggravated sexual abuse and first degree course of sexual conduct against a child.

The civil statute of limitations extension gives rape victims a longer period of time to pursue legal recourse from their attackers.

(Information was provided by [www.senate.state.ny.us](http://www.senate.state.ny.us) and was dated June 21, 2006.)

IN HOME MONITORING | DIABETIC CARE | IN HOME THERAPY | LEND-A-FRIEND | RECOVERY



**Independent and happy at home with Lend-A-Friend.**

Can one phone call help keep you independent in your own home? The answer is yes. Lend-A-Friend is an in-home support program designed to help people with home and daily tasks. From light housekeeping, laundry, shopping and bill paying to transportation around town, Lend-A-Friend is dependable and affordable! It helps people remain independent and happy at home.

## home care > companion.

For information on Lend-A-Friend, call WILLCARE today at 856-7500

Lend-A-Friend

WILLCARE  
Care for you at home.