

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-76-5073

Date \_\_\_\_\_

To: Chief, Criminal Section

Re: Unknown Subject  
San Antonio, Texas - Subject  
Ann Thomas (deceased) - Victim  
CIVIL RIGHTS

It is recommended that the above matter be closed for the following reasons:

**I. Synopsis**

On April 8, 1969, at about 2 p.m., the body of Ann Thomas, also known as Gwendolyn Glover, a 28-year-old African-American resident, was found by a public worker in a field near a power station in San Antonio, Texas. She had been shot four times at close range in the face and had been sexually assaulted. Her body was covered with flies and maggots, and the day of her death was unknown. The victim was wearing orange slacks and a white blouse. A five dollar bill, sunglasses and 35 cents were found at the scene.

\_\_\_\_\_  
Karla Dobinski  
Attorney

To: Records Section  
Office of Legal Administration

The above numbered file has been closed as of this date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief, Criminal Section

## II. Local Investigation

The San Antonio Police Department conducted a contemporaneous investigation of the murder. Its report is summarized in pertinent part as follows:

XXXXXXX identified herself as a good friend of the victim. XXXX said that her XXXXXX last saw the victim on Sunday (April 6, 1969), wearing an orange blouse, green slacks and orange sandals.

XXXXXXX reported that he was working at the XXXXXXXX Sunday night (April 6) when, at about 9:30 p.m., he heard a gunshot followed by a series of shots, coming from the direction of the power plant near the location of the victim's body. XXXXXXXX said he observed police cars subsequently drive into the area and then out.

However, a man identified only as "XXXXXXX" reported that he XXXXX the victim out of jail at about 11 p.m. on Sunday (April 6) and took her to her home. This information is not consistent with police department records that show that the most recent of the 26 times the victim was arrested for prostitution or vagrancy was twice on April 4, once in the early morning hours, and once again that evening.

Acquaintances of the victim told police that they suspected that she had been murdered by Stanley Roberson, a 33-year-old African-American man who they knew assaulted women he believed were prostitutes. XXXXXXXX said that previously, on Friday, April 4, she observed the victim getting into a light colored car with a 1969 Texas license plate GSW 490. When officers contacted Roberson at his employment, they noticed that Roberson drove a white colored Mustang with the license plate GSW 490. Roberson denied involvement in the murder and said that he would be willing to take a polygraph. There is no further information in the file regarding the investigation as it related to Roberson. However, subsequent investigation by the Federal Bureau of Investigation showed that Roberson died on January 9, 2002.

## III. Federal Investigation

In January, 2009, the Federal Bureau of Investigation (FBI) initiated a review of the circumstances of the victim's death, pursuant to the Department of Justice's "Cold Case Initiative." The FBI obtained contemporaneous newspaper articles that described the above events as well as records from the Homicide Unit of the San Antonio Police Department. The FBI also contacted the Bexar County Medical Examiner's Office, the Bexar County Sheriff's Office, the Bexar County District Attorney's Office and the Texas Department of Public Safety, and was informed that these agencies did not have any records relating to Thomas' death.

## IV. Legal Analysis

This matter does not constitute a prosecutable violation of the applicable federal criminal civil rights statute, 18 U.S. C. Sec 245. Prior to 1994, federal criminal civil rights violations

were not capital offenses, thereby a five-year statute of limitations was in effect. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes, including 18 U.S.C. § 245, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 (“An indictment for any offense punishable by death may be found at any time without limitation.”). However, the Ex Post Facto Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Second, in order to establish a violation under that statute, the government would have to prove beyond a reasonable doubt that victim was assaulted because of her race and because she was exercising a federally-protected right such as her right to employment. There is no evidence to indicate that the assault was motivated by the victim’s race. The local investigation did not identify any subjects other than Stanley Roberson who was also African-American and is now deceased.

**V. Conclusion**

Based on the foregoing, this matter does not constitute a prosecutable violation of federal criminal civil rights statutes and, therefore, should be closed.