

## March arrested 9 years after wife disappears, police bring second-degree murder charge in notorious Nashville case

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FBI Supervisory Special Agent Keith Bryars answers questions about the Perry March case as Davidson County Deputy District Attorney Tom Thurman, middle, and United States Attorney Jim Vines, right, listen during a news conference at police headquarters in Nashville. SANFORD MYERS / STAFF

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Although Janet March's body has never been found, her husband, Perry March, was deported from Mexico yesterday and brought to the U.S. to face charges that he murdered her nine years ago.

The former Nashville lawyer was in jail last night in Los Angeles awaiting extradition to Tennessee. If March challenges that process, it could be several weeks before he returns to Nashville for trial, authorities said. If not, he could arrive as early as next week.

March, 44, who did not report his wife's 1996 disappearance to police for two weeks, quickly became the prime suspect in an investigation that authorities said pointed to foul play. March has maintained his innocence since the beginning.

In December, a Davidson County grand jury found that there was enough evidence to charge March with second-degree murder, abusing a corpse and tampering with evidence. The indictment was kept secret for nearly eight months while negotiations were under way between U.S. and Mexican officials to bring him back.

The extradition and deportation talks were conducted with Mexican immigration officials at the "highest level," said D. Keith Bryars, supervisory special agent in charge of the Nashville FBI office.

Nashville lawyer John Herbison, who has represented March in the past, said yesterday that he was anxious to see what evidence prosecutors have. The arrest was his first indication that criminal charges were even pending in the case, he said.

Herbison said last night that he had not been retained by March, but said it was likely he would represent him.

March did not resist arrest when FBI agents stationed in Mexico took him into custody yesterday morning, Bryars said. Agents had March under 24-hour surveillance, tracking his habits and movements, he said.

March was at a restaurant at the time of his arrest, Herbison said. He was flown from Mexico to L.A., which is routine procedure, and turned over to the Los Angeles Police Department pending extradition to Nashville, Bryars said.

Metro police, local prosecutors and FBI officials yesterday would not say how they thought Janet March was murdered and what evidence they have against her husband. They would not say whether new evidence had surfaced recently, spurring the indictment.

"This is a culmination of thousands and thousands of hours of investigation by many dedicated individuals," said Deputy District Attorney General Tom Thurman.

For nearly nine years, while the case remained open, tips continued to come in, Thurman said. "It would be unusual to have a week when someone didn't come forward."

The case continued to be a "front burner" case, worked on, often behind the scenes, by Metro's Cold Case Unit, Metro Police Chief Ronal Serpas said. The unit handles cases in which leads have dried up.

"This is an example of what it means to work a cold case," he said. "This is example of what it means to work a case until it's solved for a family."

The disappearance of the Forest Hills artist and mother of two young children has been one of Nashville's most talked about unsolved mysteries. After he was named as a suspect, March relocated with their children to Chicago and then to Ajijic, Mexico. He fought with her parents over custody and financial issues from both locations.

While yesterday's arrest only adds to the number of unanswered questions, some legal experts say the case shows evidence of a lot of strategizing.

"They thought all this out," said David Raybin, a Nashville criminal defense attorney and former prosecutor. Charging March "was not a snap decision."

March faces a charge of second-degree murder, which is easier to prove than first-degree murder because prosecutors don't have to show that the crime was premeditated, Raybin said.

"As a prosecutor, you don't want to set too high a burden for yourself," Raybin said. "In a case like this, where you don't have a body, the case will be based on circumstantial proof."

But, since there isn't a body, the state must prove that Janet March was murdered, instead of being killed accidentally, and then prosecutors must show that Perry March killed her, he said.

If prosecutors don't think they're going to get any more evidence and that their case is as good as it's going to get, they would want to seek charges before the case starts to deteriorate, Raybin said.

"You don't want to delay — witnesses die or move out of town," he said.

The statute of limitations on second-degree murder is 15 years. After 15 years, the state would have no choice but to pursue a first-degree murder charge, which has no statute of limitations, or none at all.

The Mexican government might have fought extradition on a first-degree murder charge because it could lead to the death penalty, which is banned there, Thurman said. Since March's indictment, officials here were pursuing simultaneous tracks of deportation, in which the Mexican government kicks him out, and extradition, in which he is surrendered to the U.S., Thurman said. In the end, March was deported.

March also faces a charge of abusing a corpse, which generally can be applied if someone illegally disposed of a body, Thurman said. He would not say to what the charge against March specifically refers.

In addition, March faces a separate 1999 charge of felony theft for allegedly stealing more than \$10,000 from the law firm of Lawrence Levine, his onetime father-in-law, where he used to work.

If convicted on all four counts, March faces up to 39 years in prison.

Once March is back in Nashville, it could take from six months to a year for a trial to begin, Thurman said.