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Russel Burket still wants to die.

He's waited more than seven **years** for it, ever since he killed a woman and her 5-**year**-old daughter in one of the most gruesome crimes ever in Virginia Beach. When a judge sentenced him to death in 1994, Burket said "Thank you" and asked if he could die right then and there.

Burket, 32, may get his wish on Wednesday when he is scheduled to die in the electric chair, a method he chose himself.

"It's going to be over soon," he said in a phone interview from death row Wednesday.

Death, he said, "is better than life in here."

Burket's attorneys have other plans. Despite his pleas to be put to death, the lawyers have filed a last-minute appeal to the U.S. Supreme Court and have asked Gov. Jim Gilmore to grant clemency to Burket. A meeting with the governor is scheduled for today.

Burket's lawyers argue that he has wanted to die since he was a teen-ager. He attempted suicide at least five times before the 1993 **murders**. He's cut his wrists, swallowed fistfuls of pills and banged his head against walls.

For that reason, the attorneys said, Burket's life should be spared. They said Burket is incompetent to make his own life-and-death decisions.

But more important, they said, new DNA tests need to be done to prove whether Burket participated in the crime. They argue there may be another suspect: Burket's brother.

Burket, known as Rusty, admits murdering his neighbors - a young woman, Katherine Tafelski, and her 5-**year**-old daughter, Ashley - in January 1993 at the Tafelski home in the Lake Placid neighborhood.

He won't talk about specifics of the crime, but in his confession to police he said that he broke into the Tafelskis' home and smashed their skulls with a rusty crowbar while they slept. He then used the crowbar to sexually assault the mother as she lay dying.

Court documents outline the grisly details of the crimes: The crowbar had torn apart Tafelski's insides, including her stomach; the same tool was used to crush the skull of her 5-**year**-old daughter. A 3-**year**-old girl visiting the home that night suffered a number of bruises and ran screaming to her mother - who discovered the slaughter - when she came to get the girl the next morning. Tafel-ski's other child, a 3-**year**-old boy, also was beaten, but survived.

Tafelski's husband at the time, a Navy SEAL, was out of town.

The memories of that day linger for many. Shawn Hoffman, one of the Virginia Beach police detectives who handled the case, had been in the homicide division three **years** and hadn't experienced anything like this case. He still hasn't.

"I had a daughter the same age," he said of the 5-**year**-old victim.

"When I walked into that little girl's room and I saw all the things that are in my daughter's room, I wanted to turn around and go home. They were the same posters - 'Beauty and the Beast' - the same blond hair, the same height, the same weight. It was just the same," said Hoffman, who will witness Burket's execution.

Hoffman spent about a week investigating the case before bringing Burket in for questioning. But he said he had zeroed in on Burket, the Tafelskis' next-door neighbor, as a suspect early on.

Burket confessed to the crimes **after** five hours of questioning. He has never recanted, and denies that anyone else was involved. For those reasons, the state attorney general's office says all appeals should be denied.

When asked if he still thinks about what he'd done, Burket said: "Not much any more. It was a long time ago."

And when asked why he did it, he let out a deep sigh and said: "I still don't have that answer."

Burket speaks in monotones with a low, dry voice and a slight country twang. Occasionally, he chuckles halfheartedly at what he says, but more often he yawns. "I just woke up," he said apologetically, at 10:30 a.m. Wednesday.

Burket pleaded guilty about a **year after the murders**, and a judge sentenced him to death. As the sentence was pronounced, Burket smiled, applauded and said, "Thank you, sir. Thank you."

Burket said he's always been remorseful, and that since he was baptized in a prison ceremony in 1998 he has been forgiven by God.

How does he know that?

"I asked for it," he said. "It was just a long process of learning about Christ and knowing that I could be forgiven and indeed I was forgiven."

He said he has not asked for forgiveness from the victims' family.

"God has forgiven me, so I don't need their forgiveness," he said. "I would just hope that they wouldn't carry that with them forever."

Efforts to reach the victims' families have been unsuccessful. Burket's family also could not be reached.

Burket says no one else was involved in the crimes, but his attorneys say more work needs to be done to be absolutely sure. They claim others may have been involved.

A few days **after** the bodies were discovered, Virginia Beach police detectives questioned the Tafelskis' next-door neighbors, brothers Lester and Russel Burket.

Police initially focused on Lester Burket, in part because of his criminal history. In 1991, he pleaded guilty to sodomizing a child, was sentenced to 12 months in jail and was ordered to undergo counseling, according to court papers.

Russel had no criminal record.

While the brothers were being questioned, Burket's parents initially hired local attorney F. William McGraw - now deceased - to represent Lester but not Russel, according to court documents. **After** four hours of questioning, Lester was freed, and he and McGraw told the press Lester had been cleared. Meanwhile, Russel remained in the police station under interrogation. He twice asked for a lawyer, but was denied. Police told him he was free to leave any time.

**After** five hours of interrogation, in which he gave a statement implicating himself, he was read his rights and charged with **murder**.

Burket didn't ask for a lawyer **after** hearing his rights, but he did ask for his father. He was not allowed to see him, according to the confession.

**After** further pressuring by detectives, Burket gave a detailed confession, admitting he broke in through the back door with the crowbar, snuck into Tafelski's room, struck her in the head and violated her with the tool.

"I was out of my head," Burket told the detective.

The family retained McGraw to represent Russel the same day.

Police found a blue washcloth with semen on it near the woman's body. DNA testing showed that it was a close match to Russel and 7.8 percent of the male Caucasian population, including his brother Lester, according to the clemency petition filed for Burket.

Burket's lawyer, Andrew A. Protogyrou of Norfolk, has asked Gov. Gilmore to stop the execution at least until new, more sophisticated, DNA testing can be done. Just this month, Gilmore ordered DNA testing for another convicted murderer, Earl Washington Jr., whose sentence was commuted from death to life in prison by a former governor when evidence of his innocence surfaced.

Police also found human and animal hairs near the bodies that could be tested using the latest technology. Prior tests showed that the human hair did not match Russel's, Protogyrou said.

He also said there is evidence that implicates others. One of children who survived told police a black man committed the crimes. Protogyrou also discovered a document that suggests Lester was involved, according to the appeal filed to the U.S. Supreme Court last week.

The document, an affidavit purportedly written by the Burkets' father, Lester Burket Sr., states that Russel didn't want to plead guilty because Lester committed the crimes.

"Rusty told me and McGraw that he was going to tell the police and prosecutors that Lester committed the **murders**. He told us that the deputies in the jail said they knew that Lester had committed the **murder** and that if he did not tell on Lester he would be hurt," according to the affidavit, typed by McGraw sometime before the trial.

"McGraw and I discouraged Rusty from accusing Lester," the affidavit said.

Appeals courts have refused to accept that affidavit because it was not signed. Protogyrou said Burket's father refused to sign it **after** showing it to his wife, who became upset by it.

Protogyrou is now asking the governor and the Supreme Court to halt the execution, based in part on the document. He said McGraw's action showed a conflict of interest and called McGraw's entire representation of Russel Burket incompetent.

The attorney general's office argues that the unsigned document is hearsay and would not be admitted as evidence in any court. Appeals courts have already upheld that in this case.

In his appeal and clemency petition, Protogyrou also asks for mercy because if Burket's history of mental illness, which has included hallucinations, conversations with "monsters" and discussions with "shadows of people in my room."

He said Burket never had a hearing to determine if he was competent to stand trial. But Burket also has refused to sit with psychiatrists since he's been in prison.

Protogyrou cites as evidence Burket's visits to psychiatrists and psychologists dating to when he was 6 **years** old; a borderline IQ; the suicide attempts; and his involuntary commitments in shackles to secure mental hospitals.

However, the attorney general's office points out that several appellate courts have already debunked these arguments. In its response to Protogyrou's petition, the office said three mental health experts who examined Burket before trial found that he suffered some mild mental impairments, but was competent.

Burket said he doesn't understand why his lawyers don't follow his wishes. He said he has informed them that he does not want them filing appeals or clemency petitions and that their actions are illegal.

"They never listen to me. They always file things that are contrary to the truth and they've always gone against my wishes," he said on the phone from death row.

Legal experts say that if attorneys believe a prisoner is incompetent or insane, they can file appeals without the person's permission.

"Any legal officer involved in the case who has a good-faith doubt of competence has an obligation to raise that doubt," said Richard J. Bonnie, a law professor at the University of Richmond and director of the school's Institute of Law, Psychiatry and Public Policy.

"It's something of a conundrum when someone doesn't want to be evaluated," he said. "If a defendant wants to terminate appeals, then he has to be competent to do that."

Burket, meanwhile, just wants it all to end.

He said he would have committed suicide already, but because he was baptized he cannot.

"It's a sin," he said.

Reach Tim McGlone at 446-2343 or [trmcglone\(AT\)pilotonline.com](mailto:trmcglone(AT)pilotonline.com)

**Description of illustration(s):**

Photos

Ashley Tafelski

Katherine Tafelski

Color photo

Russel Burket wants to be executed Wednesday, but his lawyers have appealed.

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