

FENYVESI, CSABA – FÁBIÁN, VANESSZA

Criminalistic Lessons from the Last Death Penalty in Baranya County

Preface

We met Anna exactly 48 years after that fateful day. She was sitting on the terrace of her little house in Felsőgyükés, Pécs. In the silence of the green foliage, it was as if she had been waiting for us, the researchers of the past. Memories poured out of her quickly, and words flowed like those of a reliable witness in her seventies. She knows about the events of 10 May 1974 from her mother, who never let her forget it. There was a large tree in the middle of her garden. She did not allow it to be cut down. She said many times that the plum tree had to live because Évike, the cheerful girl with curly hair who lived next door, often played in its shade.

Who was this 8-year-old girl, and what happened to her? Our study is about her, the innocent victim, and the forensic lessons learned from the investigation of her brutal killer.

The initial data

At 11 a.m. on Friday, 10 May 1974, Imre M. called the Pécs police station. His daughter, Éva M., a second-year primary school pupil (who was on holiday), had left their house in Felsőgyükés, on the side of the Mecsek hills, shortly before 8 a.m. to go shopping at a small shop in Tettye, about a thousand metres away. However, she did not return home for several hours after the 45–50-minute round trip. The family dogs sent out to search for her found the little girl's nylon bag on the footpath between the house and the shop, near the quarry, with bloodstains on it.

A large-scale search operation involving the authorities and service dogs quickly located the girl's body at 12 noon, starting from the location where the bag had been found. Bloodstains and a bloody Pepsi bottle led investigators to a bushy area about 30-40 metres from the trail, where the victim, who had visible skull injuries, was lying face down.

The crime scene investigation

The crime scene unit noticed that the unknown perpetrator(s) had also pulled down the little girl's underwear. The searchers, working in clear, sunny weather, quickly determined that the location where the body was found was not the first scene of the crime, as they discovered drag marks in addition to scattered soil and bloodstains from the cola bottle. They found an intermediate area, which could be considered the second location, at the bottom of a ravine-like depression, where a significant amount of blood had dried on the leaves and a fist-sized rock. There was no reasonable explanation as to why, after the attack on the path, the perpetrator had moved from the depths of the ravine to the less hidden bushy area, the third crime scene.

The saleswoman, Mrs S., at the small shop that still stands in Tettye today, remembered the little girl well and recounted exactly what she had bought: half a litre of milk in a bag, five rolls, three bread rolls, half a litre of lemon syrup, 100 grams of Mecsek salami, a bottle of Pepsi Cola and a bar of Maci chocolate. The milk and the bottle of Pepsi were found at the site of the first attack on the well-trodden path, while the cold cuts and some of the rolls were found at the third spot. Half of the chocolate and a third of the cold cuts wrapped in paper were missing from the bag, and only the end of one of the rolls remained.

During the autopsy, forensic experts found remnants of croissants and chocolate in the little girl's stomach.¹ They also stated that blows to the head with a hard object (a glass bottle or possibly a piece of stone) caused the skull fracture and brain damage of the girl, who had blood type A-MN, leading to her death in a very short time, without hope of survival. The damage to the hymen did not indicate sexual intercourse; a finger or an object could have caused penetration.

All of the victim's clothes and the objects found at the scene (a bloody piece of stone, a nylon bag, a cola bottle) were seized and sent to the Budapest Institute of Forensic Science (now known as the Hungarian Institute for Forensic Sciences) for examination.

The course of the investigation

The search for witnesses in the immediate and wider vicinity, which was conducted in parallel with the crime scene examination, yielded several results. In addition to the four less significant witnesses, Mrs H., who is still alive today, was accompanying her young daughter down Felsőgyűlési út towards Tettye square between 8.20 and 8.25 a.m. when she encountered a man loitering by the stone cross, which still stands today. He was unfamiliar to her.

She was able to provide a relatively good description of him. (Together with other witnesses, they compiled a composite sketch of the alleged perpetrator, but no relevant information was received from the public.)

On his way down, she also met the victim, who was already on her way home from the shop along her usual route, between approximately 8:25 and 8:30 a.m. They even talked for a while. (This was probably the little girl's last communication, as she was only about 80 metres away from the first point of attack.)

¹ Bencze, L.: Tactics for investigating sexually motivated homicides. *Belügyi Szemle*, 23/6. 1975. 91–98. o.

Investigators examined the *modus operandi*, previous police checks and control measures, convicted offenders involved in sexual offences, and recently released “dangerous criminals” who had undergone psychiatric treatment. Investigators checked approximately 3,000 people. Sixty of them were personally suspected, but none of them was found to be thoroughly suspicious. (There was one person who confessed to the crime, but it turned out that this was motivated by mental illness and was not actually related to the crime.) Local and national warrants, witness searches, local checks, informants and press releases did not yield any meaningful progress. Summer had already passed, and still no trace of the perpetrator had been found. After four months, the investigation had reached a cold end.

A well-known professional is saying that in such wide-ranging, high-profile investigations, *"the perpetrator is in the file."*² As it turned out, this conclusion holds here as well.

On 2 October, the police received a report that Erna O. knew the perpetrator's identity. The slightly intoxicated lady, who had been boasting to her friends at the Hullám restaurant, told the detectives that she believed Oszkár Nyéki was the perpetrator. Nyéki was also at the Hullám restaurant and heard his partner's betrayal. He wanted to take her home, but the staff hid the visibly intoxicated and frightened woman.

She made this claim because her partner confessed it to her on 27 August during a trip to Budapest. Due to his bad reputation in Isaszeg (he had also stolen from his parents), the family moved to Komló in 1966 and then to Pécs, but Oszkár Nyéki continued his vagrant, petty-criminal lifestyle there as well. At most, he was less noticeable in the big city and did not “damage” the family's reputation as much. He managed to get into the Aszód reformatory, then received a suspended prison sentence, followed by several enforceable sentences.

However, they agreed that she would not tell anyone if he did not abuse her again. Because this had happened before, especially when “Oszi” had drunk his favourite beer and mixed drink. The emotionally unstable, skinny

² Ibid. 91–98. o.

man, who his miner father often beat as a child, promised his partner that this would never happen again in the future. However, he was unable to keep his promise. He got drunk again and beat the woman once more. After that, she no longer kept quiet.

The investigation also revealed that Erna O. had already blabbed about Oszkár's actions in September at the Olimpia restaurant, but her listeners did not take the drunk woman's words seriously. Then, in early October, she blurted out what she knew at the Aranykacsa restaurant. From there, she and Nyéki went to the Napsugár café, then to the Hullám restaurant, where they believed her story and notified the police.

As it turned out, Oszkár Nyéki, born in Isaszeg in 1951, was wandering around Tettye Square. He had already been checked and questioned by the police in June. The unskilled labourer, who had failed several times and finally graduated from primary school with a satisfactory grade, claimed that he had accompanied a girlfriend to the amusement park and was walking down the street afterwards when he was stopped and asked for his ID. He cited his work commitments on 10 May, which his half-brother, Tibor Ny, confirmed. The investigators overlooked this, even though it emerged in October that he had not gone to work on that fateful day, nor had he done so for several days.

On 3 October, a search was conducted at Nyéki's flat on Állomás street in Pécs. The investigators confiscated all his clothes, including the ones he was wearing.

O. Erna had already been convicted four times for theft and property offences, and was released from Sopronkőhida-prison on 15 January 1974 after serving a sentence of 4 years and 8 months. Oszkár Nyéki was arrested for receiving stolen goods.

The evidence

The interrogators did not stop at reporting the crimes against property. After initially denying the charges, on 7 October, the 23-year-old young man

also confessed to the murder, which was motivated by aberrant (paedophilic fantasies) sexual motives (and excessive alcohol consumption). He revealed such details that on 12 November, as part of an attempt to prove his case, he used a doll at the actual scene to show the meeting point, his movements as he pulled her aside and attacked her, his punches, the relevant locations, his blows to kill the little girl (hitting her on the head with a glass bottle and a stone) due to her resistance and cries for help, and his use of his fingers. Afterwards, he showed the locations in the Mecsek Mountains where he had hidden for two days.

He also revealed that a patrolling police car with a radio almost hit him while he was wandering in the woods, but he managed to jump out of the way of the blue-and-white Zsiguli and, despite the police's warnings, fled into the woods. They found no trace of him.

On 10 May, Nyéki, who had a tattoo of a legionnaire's coat of arms on his chest, was still living with another woman, whom he broke up with in June. Sz. Ilona's testimony was also incriminating for her partner, who was described as a pervert, 174 cm tall, with brown eyes and missing teeth. She stated that he had not slept at home for three days, specifically on 9, 10 and 11 May, and had been staying at an unknown location.

The investigation revealed that on Thursday, 9 May 1974, the day before the crime, Oszkár Nyéki met a doctor he knew, with whom he had a homosexual relationship and who allowed him to sleep in his surgery. The next morning, after drinking a decilitre of red wine, he left wearing pinkish-purple trousers made of "Tekla" fabric, a cherry-red jumper, a blue work coat and unlined mid-calf boots. He downed a mixed drink and two beers at the Pályán pub, then set off for Tettyé, thinking of a 10-12-year-old girl. As a booster, he drank another beer at the Piros Rózsa on the way. On one of the benches in Tettye, near the so-called "Tornyos villa", he ate the sausage and bread he had brought with him, drank his cola, and then waited.

After his return home, he behaved in a noticeably agitated and confused manner, his clothes were muddy and wet, and his face was scratched. He

did not tell her specifically what he had been doing for two or three days. He lied that he had spent some money from work unlawfully.

This was partly true because his supervisor at work, the lady in the warehouse, gave him 270 forints to pay his heating bill, but he spent it on booze instead. Later, his half-brother helped him out and gave the money to his boss, who gave him a "warning" but did not dismiss him from the Pécs Municipal Unified Health Institution, where his work was not criticised, although he was known to be a very reserved person.

However, the witness also said that he had had homosexual relationships since the age of 14 with his gaunt-faced partner, about whom he also knew that he had been in hiding and wandering around as a teenager and had lost three toes on his left foot while escaping from an institution. They had frozen and had to be amputated.

The investigators created a route-time diagram showing the movements of the girl and the perpetrator in time and space. The meeting point where Oszkár Nyéki deliberately collided with the schoolgirl on her way home was clearly marked. (According to our current measurements, the exact location coordinates are: latitude 46° 5'22.96" N, longitude 18°14'12.38" W in decimal format: 46.089711, 18.236772 (46°05'22.96"N 18°14'12.38"E).

One of the pairs of trousers found and seized during the house search (now referred to as a search) is very special, made of fabric manufactured by the German company Hoechst. It is woven with purple, pink and black elemental fibres. These were found on the victim's body. After comparison, a chemist from the Institute of Forensic Science identified the special material residue, which had a sponge-like cross-section.

Bloodstains were also found on the fabric of the special trousers.

It was also established that the victim's clothes had come into contact with the defendant's trousers.

The experts also stated that five distinct morphological material residues characteristic of the crime scene were found on the clothes the defendant wore at the time of the crime. In contrast, no such residues were found on his other clothes. Serological experts found that the blood on the seized

stones, the cola bottle and the nylon bag found at the scene was of the same blood type as that of the little girl.

The opinions of psychiatric experts did not find any pathological condition or any slight limitation of his mind. They found antisocial and psychopathic traits, emotional poverty, bisexual tendencies with a tendency towards perversion, unreliability, moral insensitivity, aggressiveness, impulsiveness and average intellectual capacity.

Summary of the court (trial) phase – the verdict

The Baranya County Chief Prosecutor's Office brought charges of murder committed in a particularly cruel manner and for a despicable reason in its indictment No. B. 10.055/74/1. The Chief Prosecutor's Office did not press charges for the minor (and, we might say, insignificant in comparison to the main offence) embezzlement and fraud committed by Nyéki.

In view of the enormous interest in the case, the Baranya County Court held its open hearings in the large hall of the Ságvári Cultural Centre, which seats several hundred people, on 13, 14 and 15 January 1975.

The County Court did not hear Éva M.'s mother as a witness because she was already in a high-risk pregnancy. According to our research, the family later had two children and moved from their home in Pécs to a village. We found only traces of their house in Felsőgyükés during my personal visit to the site in May 2022.

Oszkár Nyéki admitted his guilt at the trial, but he did so dispassionately, without emotion or sincere remorse, according to the reasoning section of the judgment. His only substantive defence was that if the little girl had not resisted, the killing would not have happened. The presiding judge was Dr József Tamásfy (now deceased), who also taught the author in a criminal law seminar at the Faculty of Law of Janus Pannonius University in Pécs between 1980 and 1985. According to our research, neither of the two judges nor the prosecutor who presided over the case is still alive. According

to our research, the two layman judges and the chief prosecutor are also no longer alive.

During the investigation and at the trial, Mrs H. positively identified the defendant as the person she saw between 8.15 and 8.30 a.m. on the morning of the crime above the Tettye quarry, near the stone cross.

The broad team of experts maintained the opinion given during the investigation.

On 15 January 1975, the council announced its judgment in case no. 1. B. 907/1974/7.

Based on the facts and classification of the charges, it imposed the death penalty.

According to the record found in the archives, Nyéki was transferred from the Pécs Prison to the Budapest Penitentiary and Maximum Security Prison the very next day, on 16 January 1975.

Péter Dulai, a doctoral student at the Doctoral School of Law Enforcement Sciences at the University of Public Service, actively participated in exploring the past and acquiring archival data. He also wrote about the results of his research.³

From there, he was escorted to the Supreme Court building for a public hearing on 27 March 1975, held in response to his appeal for a reduction in sentence. There, he heard the ruling upholding the first-instance sentence. The council, led by László Egeli, did not consider the Chief Prosecutor's motion, which it considered premeditated, to be well-founded, nor did it consider the defence's reference to the defendant's psychopathic personality as a mitigating circumstance.

According to the Supreme Court's argument, since the defendant had sexual intentions, he did not plan the killing. This intent developed in him only at the scene, as a result of the victim's resistance, and he resorted to the most serious act out of fear of being caught. (Agreed with the other two aggravating circumstances, namely, particular cruelty and base motives.)

³ Dulai, P.: Bloodstains on the path. 168 Óra. 23. 2022. 40–45. o.

In the early hours of 29 April 1975, the death penalty was carried out by hanging in the prison.

1. Forensic conclusions and lessons learned 51 years later

- A) The authorities must take very seriously and deal with cases of disappearance, especially when people who are unable to defend themselves, including minors, do not return home. We do not have accurate statistics on this, but as the above case shows, very often homicide is behind these disappearances. From the outset, the possibility of homicide must be taken into account, and the "first strike" measures must be taken with this in mind.⁴⁵
- B) Recognising and inspecting multiple locations is an extremely important factor, as each one offers clues and material evidence, and logical conclusions can often be drawn about all the basic questions of criminal investigation. (What, where, when, how, who, with whom, why did they commit the crime?)
- C) The use of a "bio-detective", a dog to track scents (and possibly identify them later), can be useful in detection and evidence gathering. This applies to the initial search for clues, material remains and bodies, and later to the identification and verification process.
- D) A description of the perpetrator based on witness statements, drawings and images can greatly assist the investigation, especially with the involvement of the media and, nowadays, social networks.
- E) An accurate *modus operandi* can effectively assist in the verification of potential suspects. Incomplete records, on the other hand, do not help in the "search for a needle in a haystack". It is an old truth that only what has ever been entered into the databases can be retrieved from them.

⁴ Fenyvesi, Cs.: Trends in criminalistics. Dialóg Campus Publishing. 2017.

⁵ Fenyvesi, Cs.: The crime scene investigation as the first step in criminalistics. In: Bárd, P. – Hack, P. – Holé, K. (eds.): In memory of László Pusztai. OKRI, ELTE ÁJK. 2014. 111–123. o.

- F) The same applies to other registers, such as the list of persons released from penal institutions. Presumably, this works more accurately in today's computerised data management than it did in 1974.
- G) Many experts believe that the methods used by individual offenders are "banded". According to their view, property offenders (such as "thieves") do not resort to violence, so we should not look for them among murderers. The case of Oszkár Nyéki refutes this assumption. Unfortunately, even thieves and fences who do not use violence (no burglary, no robbery) can become perpetrators of horrific acts of violence. Therefore, they cannot be ignored or left out of the picture when the investigating authorities carry out routine identity checks.
- H) In the case of every potential suspect, the alleged alibi must be examined and verified with particular care. Failure to do so, or doing so superficially, is a serious professional error. Negligence is so delicate and dangerous that it can bring the investigation to a standstill.⁶
- I) Sometimes, the only way to move an investigation that has reached a dead end forward is with luck or the "greatest policeman", chance. Or by combing through the entire file again and rethinking the "dead case". Keeping the above-mentioned principle in mind, the perpetrator is in the file.
- J) According to French criminologists, there is a woman in some form in every (mysterious) criminal case. *Cherchez la femme!* – they say. Look for the woman! And in this case, too, the key to the solution was handed over to the police by a woman in the background.
- K) In the case of a reasonable suspect, it is desirable to seize all their clothes, real estate and movable property as part of the "first strike" and then subject them to expert examination.

⁶ Fenyvesi, Cs. – Kodba, F.: Investigation of brutal homicide committed against a young child. *Belügyi Szemle*, 38/4. 1990. 106–113. o.

- L) There is no need to break down the door when interrogating a potential suspect. The correct tactic is to start with something minor, less serious, and gradually, gently build the person's trust to get to the main offence.⁷
- M) The perpetrators of repulsive acts that shock many people, no matter how depraved they may be, want to ease their oppressive psychological burden. They want to talk about it, they want to tell someone, they want some relief for themselves. Oszkár Nyéki couldn't keep it to himself either. This could and should have been used as a basis for his interrogation, and some "acknowledging" tactic should have been used to get him to make a full confession.
- N) In any case, an on-scene interrogation must be conducted as soon as possible (in today's terminology) with the accused who has confessed to the crime. In the case of an on-the-scene confession recorded in image and sound, the interrogator conducting the investigation must strive to uncover as many facts as possible known to the perpetrator. This information can be compared with data from the crime scene investigation, expert opinions, and witness statements (and, in some cases, co-defendants' statements).
- O) It is the responsibility of the authority or authorities to verify the authenticity of the confession. False confessions, which can lead to miscarriages of justice, have also occurred in Hungarian legal history. Thus, we say, theoretically, that even confessions that sometimes seem credible or appear to be easy solutions may be untrue and misleading.
- P) Edmond Locard was not mistaken: the principle of "*principe de l'échange*" (in English: "*theoretical exchange*" or "*transfer principle*")

⁷ Elek, B.: Interrogation. In: Fenyvesi, Cs. – Herke, Cs. – Tremmel, F. (eds.): Criminalistics. Ludovika University Press. 2022. 435–472. o.

works. *"Every contact leaves a trace."* Traces and material residues must be consciously sought at the scene, on the victim, and on the potential perpetrator.⁸

Q) There is always something to look for, because material residues are "partisans". Our choice of words is based on that:

- they are hidden and often cannot be seen with the naked eye;
- yet they exist and are almost everywhere, popping up from behind every tree and under every bush;
- they often pop up in the most unexpected places, and we find them at crime scenes;
- they are almost impossible to eradicate, they are permanently embedded, resistant (bloodstains were still visible on Oszkár Nyéki's washed trousers five months later);
- they are highly effective, as even a single micro-hair or speck of dust can be enough to impose the most severe penalties after providing an exact, unique answer to the question "Who did it?"
- we could also say that it is almost impossible to defeat them if we search for, record and examine them intelligently;
- They can be played back over a long period of time and can also answer the question WHEN?
- they describe the entire causal process, the HOW?, the logical connections between events, and with their help, the past, even the distant past, can be reconstructed;
- they show the actual place or places where the crime was committed (see the three locations in this case);
- they almost always arise from the interaction of people and objects; think of dust and smell, for example.
- they are constantly evolving, we are discovering more and more about them, their scope is widening, and at the same time,

⁸ Locard, E. (1931–1940): *Traité de criminalistique*. II. Desvigne

we are seeing them more and more accurately, thanks to the dynamic, wide-ranging scientific research associated with them.

Final thoughts

Presumably, under today's circumstances, DNA testing and electronic data, which have become widespread in recent decades, would contribute to effective investigation (without repeating the mistakes of 1974). Detectives would collect and check data from public cameras, the mobile phones and computers of potential suspects, their correspondence, and their social media activity. With all this, there is a greater likelihood today that the investigation will not reach a cold end, and there will be no need for blind luck, chance, or a confidant.