

"I SET NO FIRE"

Baby-sitter Olivia Riner is acquitted, but a mystery remains: Who murdered little Kristie Fischer?



WHEN THE LONG, BUNGLED TRIAL OF 20-YEAR-old Olivia Riner had finally run its course, there was one last surprise. It wasn't that Riner—the so-called Killer Nanny—was acquitted; it was that it took the jury a full 12 hours to do so. Even the judge, Donald N. Silverman, went on record before the verdict say-

ing that if the jury handed down a conviction, he would seriously consider reversing it. That proved unnecessary.

“Not guilty,” said the jury foreman to the charges that Riner had murdered 3-month-old Kristie Fischer by dousing her with paint thinner and setting her on fire. The accused closed her eyes but remained immobile. The packed Westchester County courtroom gasped in relief. One spectator pumped his fist in the air. Moments later several jumped to their feet and applauded. When Olivia finally rose, tears streamed down her pale cheeks, and a huge grin spread across her face. It was one of the few times since being charged with the hideous crime that the stoic Swiss au pair had shown visible emotion of any kind. Hardly able to

believe it was over, Riner and her attorney, Laura Brevetti, 40, wrapped each other in a cathartic embrace.

Seven months ago the case seemed open and shut. The police in Mount Pleasant, a leafy suburb of New York City, claimed they had proof that would send Riner to prison for 25 years to life. At the trial's start, Assistant District Attorney George Bolen, 46, promised he would “establish a reason” for the seemingly wanton murder of a defenseless infant.

Last December, when Riner was first accused of killing Kristie, the case turned into an international cause célèbre. Not only did the crime itself seem unspeakably evil, it also became entwined in the public imagination with the Hollywood thriller *The Hand*



▲ Kristie Fischer died in the charred remains of the car seat at right. The jury also viewed an undamaged version.

◀ “I’m so happy this is all over,” beamed Olivia Riner, after a jury acquitted her following 12 hours of deliberation.

► Riner’s attorney called witness John Gallagher—seen leaving work—“walking reasonable doubt.”



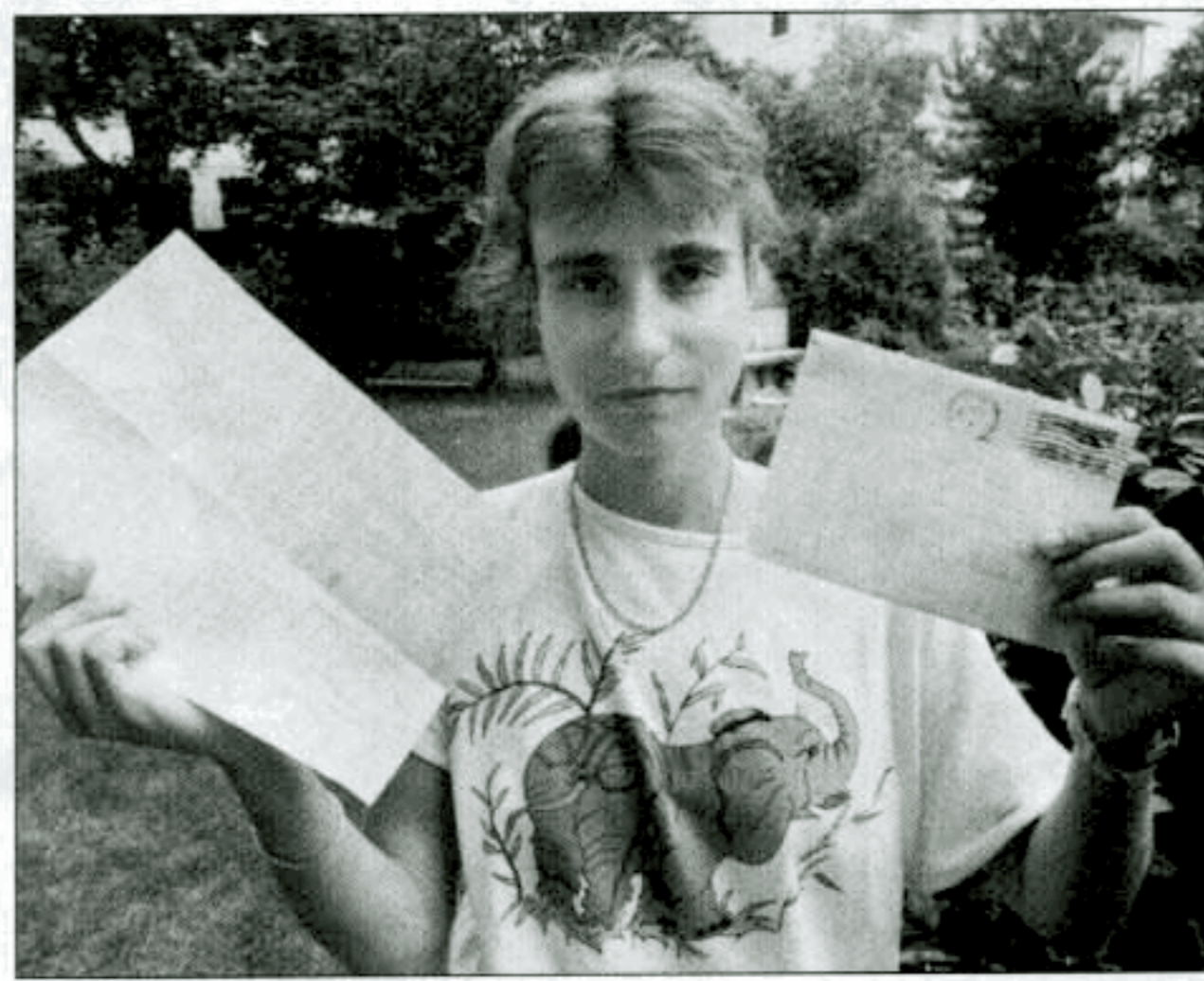
That Rocks the Cradle—a film starring Rebecca De Mornay as an outwardly charming nanny who methodically sets about destroying the family that employs her. In an eerie coincidence, the film was released just days after Riner was indicted on four counts of second-degree murder and one count of first-degree arson. Both the crime and the movie spoke to every parent's worst nightmare about nannies, baby-sitters and child care.

The first call came in to the local police at about 5:10 P.M. last Dec. 2. "Hi, fire," Olivia Riner, clearly agitated, told the police operator. About five minutes later, in a second phone call, she was edging toward hysteria. "The baby's in the room!" she's heard to scream on the police tape. Riner had been home alone with Kristie at the



◀ **After the arrest, Marlies stayed in the U.S. with Olivia while Kurt often flew in from Wettingen, Switzerland, to lend moral support to their only child.**

▶ **"Olivia is sweet," says her best friend, Nicole Voegeli. In a letter sent from the U.S. last November, Riner wrote, "I feel very good here."**



IAN COOK

two-story house of William Fischer, 48, owner of an auto-repair shop, and his wife, Denise, 39, an accountant. Riner had left Kristie asleep in her nursery in a plastic car seat, where the baby often napped. The nanny, meanwhile, fed the Fischers' four cats. Suddenly one of the cats became spooked; Riner quickly discovered the house was ablaze (three separate fires had been set).

John P. Gallagher III, a 26-year-old auto mechanic and the boyfriend of Leah Fischer, little Kristie's 22-year-old half sister, was the first to reach the scene. At the trial he testified that he had been on the way to the Fischer

house to meet Leah. Gallagher said that he grabbed a fire extinguisher from a panicky Riner and kicked open the nursery door, which had inexplicably been locked. "The baby was on the floor in front of me . . . the flames were coming right off the child," he said. Gallagher claimed he extinguished the fire and saw that the child, burned over 80 percent of her body, was dead.

Police and fire units arrived within minutes, quickly followed by Kristie's distraught family. The Fischers had hired Riner—from Wettingen, Switzerland—through the E.F. Au Pair agency of Cambridge, Mass., to work for a year. She had previously been a pediatrician's assistant in Switzerland and, over three incident-free years, the baby-sitter for a Swiss family. William Fischer testified that before the fire he felt Riner was an intelligent girl who enjoyed a good rapport with Kristie and, though a reserved bookworm, was comfortable with the family.

Gallagher was briefly questioned by

for 10 years, she deemed prosecutor Bolen's case "a tale of the Emperor's new clothes." Despite the promise in December of Police Chief Paul J. Oliva (now retired) that "we are prepared to show that she did it," the authorities provided no physical evidence linking the au pair to the murder. The prosecution produced no incriminating fingerprints on paint-thinner containers found in the house, and no traces of any fire accelerant were found on Riner's clothes. Equally important, Bolen failed to come up with a plausible motive.

In fact, Brevetti argued, the police had botched the investigation: Among other things, they took no notes when they spoke to Gallagher at the scene, had discarded a blood sample found on the doorjamb near Kristie's room and didn't examine the baby's incinerated car seat until two days after the murder. Perhaps, Brevetti implied, even favoritism was at work: Gallagher's family had close ties with

police. Riner, who speaks Swiss-German and only halting English, was questioned for 10 hours straight, first at a neighbor's house and then at police headquarters. Never was an interpreter or lawyer present. Though bewildered, she steadfastly maintained her innocence. "I don't set no fire," she said over and over again to detectives. Meanwhile, Gallagher and the Fischers were automatically given immunity for their grand jury testimony.

When the trial started June 2, the open-and-shut case began to collapse under defense attorney Brevetti's caustic cross-examinations. Formerly a federal organized-crime prosecutor

the police. Indeed, Gallagher calls current Police Chief Anthony Provenzano "Uncle Tony." One of the first officers on the scene was Gallagher's former swimming coach. And, Brevetti suggested, Gallagher had a motive for starting the three separate fires in the Fischer home: After the Fischers hired Olivia Riner, they had demanded that he stop sleeping over at their house, so as not to upset the nanny. Outside the courthouse Brevetti called Gallagher "walking reasonable doubt." On the stand Gallagher denied any involvement in the fires.

Throughout the four weeks of testimony, Riner seemed the very picture of



wronged innocence. Dressed in demure whites or navy blues, she looked like an awkward schoolgirl. Deeply concerned about their only child, Riner's mother, Marlies, 38, a part-time secretary, remained with Olivia through the seven-month ordeal, and her father, Kurt, a regional chief of civil defense, flew over regularly to be with her. Earlier, when her parents were unable to raise Olivia's \$350,000 bail, Swiss friends and strangers convinced of her innocence quickly pitched in. Says Willy Reinert, a former teacher of Olivia's from Wettingen, as well as the father of two children for whom she baby-sat: "I cannot imagine that she would do anything like this. She *liked* children. I would have employed her as an au pair anytime."

In the aftermath of the verdict, the Fischers, the Riners and Gallagher were all left in varying states of pain. Olivia Riner, surrounded by cameras and speaking through a translator, told reporters, "I can't be angry. I am relieved at this point. I am sorry this happened, and I am very sad [the Fischers] lost their daughter." An elated Kurt chimed in, "At last we can be a family again."

The Fischers, however, remained inconsolable, convinced of Olivia's



guilt and Gallagher's innocence. "She wasn't as sweet as you would think," said Denise, who later added that the verdict was "horrible." John Gallagher, who sat with his mother, Carol, and the Fischers at the end of the trial, reacted to Brevetti's attacks by saying, "I'd like to get up and punch her in the mouth. . . . She made me look like an idiot." His mother, her voice cracking, added, "It's been rough on him; it's been rough on the whole family. There is tension in the house."

Later, as the triumphant Brevetti whisked the Riner family through a cheering crowd and out to a luxury sedan waiting at the curb, District Attor-

ney Carl Vergari announced that the case would not be reopened. The Fischers made their way down to a deserted basement parking garage to retrieve their car. From their stricken expressions, one could see that their wounds will not soon heal. "It was extremely rude of the people in the courtroom to give a standing ovation and forget about the fact that we lost our baby," said a tearful Denise Fischer. "The real thing here is, we lost our baby. How do we go on?"

■ ALEX PRUD'HOMME

■ SAMUEL MEAD, BRYAN ALEXANDER and MARIA SPEIDEL in *White Plains*, HELGA CHUDACOFFE-LONNE in *Wettingen*

▲ Denise and William Fischer are downcast after the verdict. "I know [Riner] started the fire," insisted William.

◀ It took several hours to put out the three blazes the murderer set in the Fischers' Mount Pleasant, N.Y., house last December.