

In-law acted up in his cell before he was freed: police

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EDMONTON - After he was arrested for apparently trying to break into his brother's house, Ken Butler was belligerent in his holding cell, police said Monday.

He also had outstanding warrants for failing to obey court orders. But a justice of the peace granted him bail a day before 25-year-old Stephanie Rae Butler was killed.

University of Alberta criminologist Bill Pitt said the justice of the peace who ordered Butler released did nothing out of ordinary.

"The granting of bail is a charter right. The judge was well within his rights to do that," he said. "There's not a whole lot the police can do."

People with the same type of criminal history are released every day, he added.

"In this case, nobody could have predicted this."

Butler was arrested April 4 after his brother reported him banging on the door and trying to break in to his Kiniski Gardens bungalow.

The only condition laid down for his \$300 cash bail was that the 24-year-old stay away from his brother Mike's house in southeast Edmonton.

That is near where he was found Friday night, a cab driver's battered body lying nearby and Mike's wife, Stephanie, dead or near death in the house, although her father wouldn't find her body until Saturday.

"I wanted him to be in jail," said Mike Butler.

"I wanted him to stay in jail and I wanted him to be off the drugs."

Police said Mike told them not to press charges when they first arrested Butler last Wednesday, police spokeswoman Karen Carlson said Monday.

But Mike vehemently denied that. "Oh, I most definitely wanted to press charges," he said Monday. "I wanted to press charges and I wanted them to call me back and tell me if my brother had been released."

Police did neither. Carlson said police inform spouses when their husband or wife is released. "Not in cases like this," she said.

"(But) the only possible charge he could have faced would be attempted break and enter," she said.

Butler caused a disturbance while in police custody, Carlson said. "He acted up somewhat in cells." That was taken into account when the justice of the peace put the condition on his release to stay away from his brother's house.

Butler was arrested for a second time Friday night. He got into a police car parked near his brother's house and was arrested after a police dog followed his tracks from the cab to his brother's house and then to him, Carlson said.

But police didn't enter the house to check on anyone inside.

Butler's court records in Alberta were unavailable Easter Monday, but in Regina he had faced charges of break and enter and theft relating to an incident in January, but those charges were later stayed. Butler lived in Regina, where his family bought him a house, for several months before returning to Edmonton.

He had outstanding warrants for failure to appear, a traffic safety act offence and a breach of probation, all in Alberta.

The cab driver was still in critical condition at University Hospital on Monday. Carlson said Stephanie Butler's autopsy is scheduled for this morning.

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