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# Randy Maniloff: People who help solve crimes don't always get the reward

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The use of rewards as a crime-solving tool dates back to the nation's founding. Several have been offered in connection with the abduction of Nancy Guthrie, including one from the Guthrie family, of up to \$1,000,000, for information about her whereabouts.

Countless rewards are paid as promised. Their entire purpose would be defeated if those with knowledge to share harbored doubt about getting rewarded for telling.

Nonetheless, sometimes the person who provides the information that lands the suspect in court, ends up there himself — as a plaintiff, seeking to recover the promised bounty. Sometimes even the innocent learn that crime doesn't pay.

### When the matter lands in court

For example, on Nov. 10, 1867, August Tesch was murdered on train tracks in Milwaukee. All the police had to go on was that two suspicious-looking men had been seen in the area at the time of the crime. The sheriff offered a \$500 reward for the arrest and conviction of those responsible.

A man named Austin provided the lawman the names of the shady duo. While this led to their arrest and conviction, he was denied the reward and sued.

The state's highest court, in *Austin v. Supervisors of Milwaukee County* (1869), concluded that the money was not owed because the tipster provided the sheriff with only the men's identities, but furnished no evidence to justify their arrest. The court reasoned that "it was only by the exertions and skill of experienced detectives, acting upon the clue furnished by [Austin]," that they were brought to justice.

Often in these cases, the source's information satisfied the reward's purpose. Someone sought help to solve a crime and someone came forward with information that cracked the case. So a check should be written.

But, instead, the matter landed in court. The offer was now placed under a microscope and subject to strict application of legal doctrine.

In some cases, the principles are clear. There are no rewards for simply doing one's job, for example.

An armored car company offered a reward in connection with the killing of a security officer. A polygraph examiner, while questioning an individual on an unrelated matter, obtained an admission that he murdered the guard. The examiner was turned down for the reward.

A Florida appeals court, in *Slattry v. Wells Fargo Armored Service Corp.* (1979), concluded this was proper. At the time of the polygraph, he had been contracted by a law enforcement agency and was obligated to provide the information obtained through the examination. When he revealed the confession, he was simply performing a "pre-existing duty."

Likewise, a pre-existing duty prevented bank employees from recovering a reward for providing information that led to the arrest of armed men who robbed their branch in Eubank, Kentucky.

While the court in *Denney v. Reppert* (1968) gave credit to the employees' "cool bravery," and called them "heroes," it concluded that, at the time of the robbery, they were already "under a duty" to protect the bank's money.

### Risk and timing

Just as with investing, risk can be tied to reward. The sheriff of Johnson County, Arkansas offered a reward "for the arrest" of parties convicted of a bank robbery and murder. An individual notified the sheriff that one of the suspects was under arrest in Indiana for vagrancy under an assumed name. The sheriff went there, apprehended him, and brought him back to Johnson County, where he was tried, convicted and executed for the crime.

In *McClaghry v. King* (1906), the Eighth U.S. Circuit Court of Appeals at the time of Glover's assistance, she was unaware of it.

The U.S. Court of Appeals for the District of Columbia Circuit, in *Glover v. Jewish War Veterans* (1949), treated the reward like a contract. Because Glover did not know of the offer when she provided the tip, she could not act with the intention of accepting it. Therefore, it was not owed.

### A famous case

Whether a source deserved a reward was a matter in one of the most famous crimes in American history.

In *Shuey v. United States* (1875), the Supreme Court of the United States concluded that Henri Beaumont de Sainte-Marie was only entitled to recover \$10,000 for the information that he provided that led to the arrest in Egypt of John Surratt, one of John Wilkes Booth's alleged accomplices in the assassination of President Lincoln.

A \$25,000 reward had been offered for the "apprehension" of Surratt. But the nation's highest court concluded that there is a distinction between making an arrest and giving information that leads to it.

### He had chutzpah

Chutzpah is the only way to describe one would-be reward recipient's attempt to collect. After Lawrence Busch was shot and killed in a supermarket parking lot, his widow offered a reward for information leading to the arrest and conviction of those responsible.

Delbert Richmond, while in custody of the Akron, Ohio, police on an unrelated charge, admitted his involvement in Busch's killing and identified two accomplices. Richmond got a deal to plead guilty to involuntary manslaughter and testified against his co-conspirators. After they were found guilty, Richmond sought to recover the reward.

The Ohio appeals court, in *Richmond v. Busch* (1977), adopted an "equitable principle" and held that the money was not owed because Richmond "cannot claim the benefit of his own fraud or that of his privies."

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