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Risking a life term to protect a child

CONVICTED BURGLAR TURNS OVER SEX-CRIME EVIDENCE FROM STOLEN PROPERTY

By Sean Webby
Mercury News

Matthew Ryan Hahn glared in disbelief at the digital photographs of a man molesting a girl. She was only a year old, maybe 2.

The next thing to do would be obvious -- call police. But Hahn had been convicted of burglary more than once. And the memory card on which he discovered the photos came from a stolen safe.

Hahn knew being nabbed for another crime could make him a three-striker and send him to prison for life. But the images were burned into his mind. One photo showed some freshly overturned earth -- could the little girl already have been killed and buried?

After a sleepless night, Hahn took the card, placed it inside a pink change purse and attached a typewritten note. It said: ``Please remove this animal from the streets.''

He wrapped the whole thing in a package that he jammed into a random mailbox. It was addressed to the Los Gatos Police Department.

A year later, Hahn, 26, is in Elmwood correctional facility. Housed in the next building over, in protective custody, is John ``Robbie'' Robertson Aitken. The 22-year-old with no previous criminal record is charged with molesting his infant goddaughter -- his boss's child.

This is the story of two young Los Gatos men, both facing life in prison, and how one's crime may have halted the other's.

``There is honor among thieves,'' said Dana Overstreet, who is prosecuting Aitken. ``In my case, Hahn is a hero.''

Opening arguments are expected to begin early this week. Hahn is expected to be one of the prosecution's main witnesses against Aitken. And then, he too will go on trial.

Lives intersected

Their lives collided sometime after midnight on Feb. 28, 2005, in the darkness of a messy studio apartment on Wedgewood Avenue.

Aitken woke up with a start and turned on the light, according to court records. He heard noises, like whispers and a box being kicked. His Liberty gun safe was gone.

He called 911.

He told police that there was a handgun and some personal papers in there.

Both the responding police and Aitken's friends noticed that he seemed extraordinarily anxious about the theft, court records said. His boss's wife recalled that after the theft, Aitken told her: ``I feel like my life as I know it is over.'' When asked how she responded to that, the woman told Aitken: ``Oh, Robbie, you'll get over it.''

Suspect won't talk

Police say Hahn was probably the burglar that night or -- if not -- that he illegally got what was in that safe.

Hahn, who spoke with the Mercury News from Elmwood this week, refused to talk about where he got the memory stick or whether he burglarized Aitken's apartment that night.

But he described sliding the card into his computer and watching as the thumbnail photographs popped up on his screen. Among some shots of fishing and a minor car accident were others, different. He clicked on them.

"It seemed like it wasn't possible what I was seeing," Hahn said. "I turned away and when I looked back, they were still there."

There were about 10 photographs of a baby girl being molested by a man.

Hahn's stomach turned. He knew people who had been molested.

But what should he do with evidence which, after all, was stolen property? Hahn's criminal record meant his next conviction could mean life in prison. He fantasized about confronting this man himself. The man's name was among the papers in the safe.

Still "it was not a matter of if, it was matter of when and how" he would turn the photos in to authorities, he said.

He tossed and turned all night. The following morning, before the sun came up, he sent off his package -- and began to watch the newspapers.

Feared for child

When investigators got the package March 1 and saw what was in it, they moved quickly, fearing for the safety of the child in the photos.

Whoever had sent the package had written: "Property of Robert Aitken, Wedgewood Drive." Wasn't that the guy who had just reported a burglary?

With the help of Overstreet and District Attorney Investigator Carl Lewis, detectives Dan Accardo and Mike Barbieri quickly came up with a plan. On March 3, they called Aitken. They had some follow-up questions -- could he come down? Aitken and the investigators talked for a while, casually. Then Lewis said he had something else they needed to talk about.

He opened up a leather folder. Inside was a blown-up photograph of Aitken's face from the memory card. Aitken knew immediately what it meant.

"He just melted into the chair," Barbieri said. "It gave me goose bumps."

Aitken put his hands over his face, according to court documents, took a deep sigh, and started talking:

"It was just, I, I, I -- it's stupid, you know? It was one day, you know being stupid. And you know, did it, and you know, halfway through it I was so upset at myself I just stopped and said 'What am I doing?'. . . And you know, stopped and spent the next week just throwing up, all upset about it, thinking, you know, how could I do this to somebody I love?"

Aitken was talking about his love for the Los Gatos family whose daughter he had allegedly molested. Years before, he had started as an employee -- working at the computer store owned by the father.

But soon he was more family than employee. Aitken went with them to Tahoe, Hawaii and Italy. He babysat. They had made him the godfather of their beloved, first girl. They were so close that "Robbie" sometimes slept with the child so she could go to sleep.

Discovered dress

Police searched Aitken's apartment. There they found one of the little girl's dresses, stuffed in a bag inside a motorcycle helmet. A computer forensic search found thousands of pornographic images -- including more than 100 that were identified as illegal child pornography.

According to court documents, the child's mother went to Elmwood to ask Aitken two questions:

Was I there?

No, he said.

Did you sell the photographs?

No, he said.

Then she left.

The mother carefully watched her daughter for signs. Two weeks after her mother explained about her private parts, the child said that ``Robbie" had touched her there.

``Robbie did a bad thing," she told her daughter, then 3. ``And he'll never be back."

To face trial

Hahn was arrested April 8, 2005, on a warrant for unrelated crimes. Barring a plea deal, he will soon face trial on 12 counts of first-degree burglary, possession of stolen property and grand theft.

But none of Hahn's current charges is for stealing the safe. Police didn't even know he was the person who tipped them off to Aitken.

Until they arrested him, and he said: ``I gave you Robbie Aitken."

It's unclear whether Hahn might receive some leniency for turning over the memory stick. His attorney, Allen Schwartz, said he plans to ask Overstreet to testify at Hahn's sentencing.

Hahn still can't get the images out of his head.

``They don't leave," he said.

He said he was reading psychology and philosophy books in jail, and is now reading ``Zen and the Art of Motorcycle Maintenance" by Robert Pirsig -- a book that probes the fundamental questions on how to live.

Hahn said he often thinks about what he did with the memory card. He asks himself if it balances in some moral way against his own crimes.

But in the end, he said he is confused about his role in bringing an alleged child molester to justice.

``It was almost like fate," Hahn said. ``It was almost like it couldn't have happened any other way."

Contact Sean Webby at swebby@mercurynews.com.