

blog: The Legend

<http://downdirtyword.blogspot.com/2012/06/plea-bargain-ends-3-year-jail-term-for.html>

Friday, June 15, 2012

Plea bargain ends record 3-year jail term for murder

Deal nets him life term with a possibility of parole

*It ain't over 'til it's over. - Yogi Berra*

Waco – Yolanda Leonard awoke in the early morning hours one day in October of 2008 to find Jeremy Lee Lowrey standing in her bedroom.

Mr. Lowrey, who was then 25 and hails from the Hill County town of Itasca, had a romantic interest in the young lady.

Her screams brought her mother and her boyfriend to her rescue.

In the knife attack that took place, Rebecca Leonard, 52, lost her life; her boyfriend, Jerry Patterson suffered grave injuries. The home invasion burglary netted Mr. Lowrey an indictment for capital murder and attempted capital murder, the penalties for which crime could have led to his execution by lethal injection.

After a record stay of more than three years in the McLennan County Jail, during which he requested 13 continuances of his case because of a dispute over DNA evidence he claimed would show his innocence, Mr. Lowrey walked into 54th Criminal District Court Friday afternoon with the peculiarly pigeon-toed gait affected by those restrained by chains at their wrists and ankles, and entered pleas of guilty to the two offenses.

He thereby removed from the State's responsibility all burden of proof that he committed the crimes when the judge accepted his pleas of guilty to the two offenses.

If the truth ever meant anything to Mr. Lowrey, it was never so vital as it will become over the next few days.

In exchange for his sudden cooperation, he obtained a plea-bargained

agreement with the prosecution in which he will be evaluated by investigators who work for the District Attorney's office.

If they find his answers to key questions credible, and District Attorney Abel Reyna agrees with them as to his veracity, Judge Matt Johnson said he will withhold a finding of guilt in the charge of capital murder. He will assess his punishment at life imprisonment with the possibility of parole in a sentencing hearing to be held Thursday afternoon, June 28.

The determination will be placed at the sole discretion of Mr. Reyna, according to the terms of the plea agreement.

The state waived the death penalty when prosecutors sought and obtained the indictments for capital murder and attempted capital murder.

“Is your sole and only reason for pleading guilty that you are guilty?” Judge Johnson asked the beleaguered and sallow-faced young man standing before him, shackled hand and foot and dressed in filthy striped jail coveralls.

His response was barely audible.

The judge then took Mr. Lowrey through the litany of the rights he had waived by giving his assent to the agreement, which includes a right to confront and cross examine witnesses, to a jury trial, to have the Judge make a finding of either guilt, or innocence, to assess the punishment, and, lastly, a relinquishment of any right of appeal of the Court's decision, unless the Court personally grants permission.

To all of these conditions, Mr. Lowrey gave his assent and signed a notarized statement to that effect.

It's not over until it's over, but all this brought to an end the sometimes brutal and rather ugly dispute between the prosecutor and the defendant over the Waco Police Department's alleged reluctance to submit a specimen to the Department of Public Safety laboratory in Austin for DNA analysis.

There have been allegations by both prosecution and defense attorneys Sandy Gately and Scott Stevens that Detective John Rozyskie had refused to comply with a request by the prosecution to submit the specimen. They and Mr. Jarrett requested a continuance until July 18 to give the detective an opportunity to comply, but Judge Johnson worked through the morning and

most of the afternoon conferring with the prosecutor and defense attorneys in his chambers as they hammered out the terms of the plea agreement.

Mr. Lowrey will face a team of investigators that includes Mike McNamara, the lawman who, while working as a private detective, brought Pastor Matt Baker to justice in the murder of his wife, and part of the team who, with his brother U.S. Deputy Marshal Parnell McNamara, sought out and made the case on serial murderer Kenneth McDuff.