



Wednesday, June 22, 2005

# Howell Guilty of Rape

Stephen Crews  
Editor

It took less than an hour or a 12-member jury to convict Douglas John Howell of first degree rape. Howell was just 16 at the time of the incident when he raped a seven-year-old relative.

The jury heard from several expert witnesses, the victim, family members and the defendant who all shed light into the gruesome acts that took place in 2003. The incident occurred after Howell was placed through foster care into the home of relatives and then performed sexual acts on a cousin.

Howell will not be sentenced until August 5 at 9:00 a.m. in the morning by Judge Kenneth Quattlebaum. Under the sentencing guidelines for the crime, Howell could face 10 years of life in prison for his actions. Howell was tried as an adult because he met the minimum age guidelines necessary for a youth to be tried as an adult along with the fact that the offense committed is a Class A felony. Howell is currently out of jail until his sentencing hearing on a \$75,000 bond.



Douglas John Howell

Defense attorney David Harrison used the defense that Howell, who was 16 at the time, was a victim as well and that the state should be the one on trial. According to information provided by Harrison in the trial, Howell has lived in 11 foster homes, attended nine schools, been assigned seven case workers, at least six counselors and nine psychiatrists. In addition to this, Howell has been in numerous situations where he was sexually abused as well that has resulted in him being a victim of the system.

After laying out the foundation that Howell was a victim in the case, Harrison

called experts in psychology, psychiatry and counseling to give information on Bipolar Disorders, Mania, ADHD and Post Traumatic Stress Disorders that Harrison said Howell has been diagnosed with that could have caused him to go into a mania state that led to the acts taking place.

Assistant District Attorney Stephen Smith provided questioning that showed that Howell was not suffering from any of these physical difficulties/illnesses when he performed sexual acts on the victim at least four different times. Smith also provided witnesses that showed that Howell had planned to commit the crime, committed the crime, admitted to committing the crime to at least two people and finally showed some of the problems that the victim was dealing with due to the actions taken by Howell. It was also pointed out that Howell knew the difference between wrong and right and could easily distinguish that what he did to the victim was wrong.

The victim testified during the first day of how Howell sexually abused her on numerous occasions.

She also testified of how she was talked about by her peers due to medical problems she was facing due to the rape. The problems have resulted in the victim being home schooled now rather than attending a school in the county.

In addition to this, the victim stated that she was taken to several locations outside of the home by piggyback and then the offenses would occur.

Howell also testified and upon being questioned would give answers and then refuse to answer the same question at other times saying he didn't remember. One of the more interesting questions answered by the defendant was in relation to taking the victim to his room in the home and sexually abusing her. Howell claimed that he was sleepwalking during these actions.

The final testimony came from a rebuttal witness by the state during the final day. The testimony stated that Howell had made statements that went along with him planning to do this before he was placed into the home.

Defense attorney David

## Mental Disease or Defect

(a) It is an affirmative defense to a prosecution for any crime that, at the time of the commission of the acts constituting the offense, the defendant, as a result of severe mental disease or defect, was unable to appreciate the nature and quality or wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.

(b) "Severe mental disease or defect" does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

(c) The defendant has the burden of proving the defense of insanity by clear and convincing evidence.

(Acts 1977, No. 607, p. 812, §501; Acts 1988, No. 88-654, p. 1051, §2.)

### Code of Alabama Section 13A-3-1

Harrison said, "I feel this was a well tried case by both sides. This is the most difficult case that I've ever tried in my 16 years of practicing law."

Harrison also commented on the possibility of additional charges being filed by Howell in regards to the sexual assault that has taken place on him. "We are going to cooperate with the District Attorney to see that his father is prosecuted for the crimes that he has committed," said Harrison.

Assistant District Attorney Stephen Smith was pleased with the outcome of the case. "I think the jury did the right thing," said Smith. "There is no question that he (Douglas Howell) knew what he was doing and that it was wrong."

Smith also admitted that the case had been a very difficult one for the jury. "There is no doubt this jury had a difficult case with the emotions that were involved. Despite all of this, they made the right decision."

# Herring Convicted of Manslaughter

Johnna Ingalls  
Staff writer

Almost two years ago, eastern Geneva County was stirred due to the death of William Travis Thames. The incident occurred on November 1, 2003 following a Halloween party at the Samson residence of Franklin "Gene" Herring. Thames's death was the result of a point-blank gunshot wound, which Herring admittedly inflicted. Herring was arrested shortly after and charged with first degree murder.

The case was tried in the last week during circuit court in Geneva County. Chief Assistant District Attorney Bill Filmore was the prosecuting assistant district attorney who presented substantial evidence that the shooting was no accident, as Herring claimed it was. The event happened after Thames and Herring's common law wife, Lisa Alford, spent the night following the party together in Herring's barn.

The prosecution played off the event with a scenario that Herring was supposedly jealous of the relationship that had unfolded the previous night and took his ag-

gressions out on Thames. Defense attorney Donna Crooks proposed that Thames and Herring were lifelong friends and had no argument.

Thames and Alford had been friends for a long time, and there was no romantic interests in the relationship. Herring brought the gun out to show it off to Thames, and it misfired as a result of cramped space inside the mobile home.

Several witnesses were called by the state. The first were investigators and deputies from the Geneva County Sheriff's Department. All who testified on behalf of the state said that a Stevens 410 shotgun, the type of gun Thames was shot with, was very unlikely to misfire due to the difficulty someone would have to engage the weapon. Herring's argument was that he was unable to intentionally fire the weapon due to his dependence on a walking cane. Investigator Annie Henderson, Deputy Jeff Lowery, and Deputy David Hall, the lead investigator on the case, all testified that it was possible to operate the weapon, even if a person was disabled.

Although the witness tes-

timonies made a profound impact, the hard forensic evidence swayed the jury's decision the most. According to ballistic evidence, the gunshot wound was inflicted at a downward angle and could not have been the result of an accident. Also toxicology reports verify that both Thames and Herring had been drinking extensively before the occurrence. Deputy Hall also disproved the defense's theory that Herring was incapable of operating the weapon while using a cane. Hall demonstrated that it was not only possible, but probable that Herring used the gun and walking stick at the same time.

After the prosecution rested and the defense pled their case, the 12 member, all male jury retired to deliberate. Judge Charlie Fleming instructed the jury on their duties and options; the charges Herring could be convicted of were murder, manslaughter, or criminally negligent homicide.

Less than four hours of discussion were needed, and the jury returned to the courtroom with the verdict. Gene Herring was found guilty of first degree

manslaughter. With Herring's numerous family members and friends grieving from the result and Thames's survivors and family rejoicing for the justice, court adjourned.

Chief Assistant District Attorney Bill Filmore was excited with the results of the case. "I just want to say that I think it was a difficult case for the jury to decide and I think they did a great job in seriously deliberating the case. Because it was a difficult case and a real close call between murder and manslaughter, I consider a manslaughter verdict a victory for the State." Filmore also commended Judge Fleming, who presided over the case, for his impartiality. "I want to thank the law enforcement who made my job much easier. The Geneva County Sheriff's Office with lead Deputy David Hall did an excellent job in putting the case together. The Geneva County Drug Taskforce, ABI, State Troopers all assisted and did an excellent job."

Sentencing will take place later on this year, with the punishment for manslaughter ranging from 2 to 20 years.

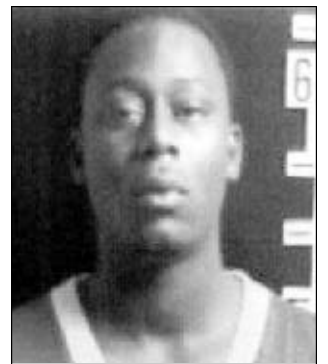
# Nunn Pleads Guilty; Sentenced to 25 Years

Stephen Crews  
Editor

Geneva County District Attorney Kirke Adams is glad to see another drug dealer off the streets in Geneva County. In a case prepared to go to trial on Monday, June 13, the defense and the DA were able to reach an agreement at the last minute that avoided the trial and will send Joel Nunn to jail on a 25 year conviction.

The agreement reached by Nunn, his attorney David Robinson and District Attorney Kirke Adams came to light on Tuesday morning. Nunn agreed to plea guilty to a charge of possession of marijuana and trafficking cocaine that both occurred together in 2004. The agreement will allow for the dismissal of three other cases against Nunn.

Also agreed to in the plea was the agreement to release and distribute approximately \$7,000 that was confiscated in the 2004 arrest. The distribution of the money will give the Geneva County Drug



Joel Nunn

Task Force 40 percent of the funds and the Samson Police Department 60 percent of the funds.

"Hopefully Mr. Nunn will be able to get his life together during the time he is serving in prison," said Geneva County District Attorney Kirke Adams who was planning to try the case. "I am certainly pleased with the outcome of this case and I feel that the law enforcement agencies involved are as well. West Geneva County is now a safer place because Mr. Nunn is off the streets."

Nunn was sentenced to 25 years for each case by Judge Kenneth Quattlebaum. The sentences will run concurrently.