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GUILTY

By Johnna Ingalls and Stephen Crews
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It took less than an hour for a jury of 12 to find Steven Lomax Preachers guilty of capital murder in the death of Angel Marie Whitley on Thursday, August 4 in the main courtroom of the Geneva County Courthouse. Due to sentencing guidelines for a capital murder offense, Judge Kenneth Quattlebaum went ahead with sentencing and gave Preachers life without the possibility of parole, the only possible sentence for the crime, following the verdict rendered by the jury.

"Law enforcement officials did such a great job of making this case," said Geneva County District Attorney Kirke Adams following the verdict and sentencing of Preachers. "Dr. Stephen Boudreau closed out any possibilities that someone else committed this crime."

Adams went on to say that he was pleased with the work of his staff. "This was a team effort. I can't thank my Assistant District Attorneys Bill Filmore, Stephen Smith and Cathey Wood enough for the work that they did on this case. I also would like to thank Sheriff Greg Ward, AB Investigators JR Ward and Tommy Merritt and DHR Case Worker Leslie Henderson for their help in making this case."

Adams was also pleased with the decision by the jury. "I can't thank the jury enough for seeing through the defendant's lies as they were able to see that he was the true killer of Angel Marie Whitley. I am most happy for Angel's family as they have had to wait a long time to hear the guilty verdict."

Week Two Begins

As the second week of testimony began in the case against Steven Preachers, the defense continued to present their case that the mother, Gale Whitley, was the killer instead of Preachers.

David Harrison - Attorney

The first witness for the week was Attorney David Harrison. Harrison represented Preachers in a drug case in Houston County and went to see Preachers after hearing of his arrest.

After visiting Preachers in jail, Harrison went to the home where the crime took place on June 12, 2003 where he proceeded to do an investigation of his own. Harrison stated that his Paralegal, Tammy Hildreth, accompanied him on the trip and that Brenda Smith was at the home when they arrived.

Harrison testified that he took several items in the home that he considered evidence and had it placed in bags. The evidence collected included lent from the dryer that contained numerous hairs. Harrison went on to testify that all of the evidence collected was not con-



GUILTY

It took less than an hour for a jury to find Steven Lomax Preachers guilty of murder on Thursday morning at the Geneva County Courthouse. This is a photo of Preachers taken from outside of the courtroom during the first week of testimony in the case. (Staff photo by Stephen Crews)

taminated.

In addition to inspecting the bedroom where the crime allegedly took place, Harrison took swabs in the bathroom to determine if there might have been some blood stains. While inspecting the bedroom, Harrison stated that he noticed quite a bit of dust on the dresser and that nothing appeared to be moved.

During the cross examination, Harrison stated that he did not personally put the lent from the dryer in a bag but that someone else did it. He also stated that he did not do any of the labeling of the evidence.

Chief Assistant District Attorney Bill Filmore questioned Harrison as to what qualified him to collect evidence that might contain possible DNA and Harrison responded that he had no qualifications for the procedure. In addition to this, Harrison stated that he had taken pictures of the home and crime scene but when questioned about it by Filmore he stated that he did not have the pictures in court for review. "I wanted to be able to help Mr. Preachers prove his innocence or guilt when the day came for him in court," Harrison stated near the completion of his testimony.

Deborah Smith - Aunt of Steven Preachers

Deborah Smith, the aunt of Steven Preachers, testified that she was given the evidence collected by Harrison to put in a safe place. She went on to testify that she observed Harrison collecting the evidence and then took it and locked it up in a safe with a key.

Smith stated that she kept the evidence for one day before turning it over to Robert Preachers. She also testified that there was dust everywhere in Steven's room and that the pictures didn't show what shape the dresser

was really in.

During cross examination by Filmore, Smith stated that all evidence was put in a big black bag before it was given to her.

Robert Preachers - Steven Preachers' Uncle

Robert Preachers, uncle of Steven Preachers, testified that he received the plastic bag of evidence from Smith on June 13, 2003 and that he placed the evidence in a secure area along with other secure information that he is required to keep with his position as coroner of Coffee County.

Preachers testified that he never looked in the bag and that he never changed out the bag. He went on to testify that the only time that the evidence was moved was when it was turned over to UAB Medical Services in the presence of Charles Blakeney.

Rachel Sayer - UAB Medical Clinic Representative

Sayers testified that UAB Medical Services was called upon to do some DNA testing that resulted in them coming to get the materials from Robert Preachers. Sayer also testified that the evidence was in a clear bag that was later shown to the jury and not a black bag as had previously been reported in other testimony.

Sayer said that nothing was done to change the contents of the bags and that tests were attempted but could not be done through their services because there were not enough molecules to do the nuclear DNA test so the evidence was sent on to Lab Corp.

In addition to this, Sayer testified that the evidence was handled carefully and that there was no contamination problems on their part.

Anthony Winston - DNA Testing Expert for

Minochondrial Testing

Anthony Winston testified that he has been called to testify in at least 12 trials on the subject of forensic science and DNA. Winston said that he was a member of the American Academy of Forensic Sciences and that he is considered an expert in this field of study.

Winston testified that his lab received samples to test on July 18, 2005. He went on to state that they determined that one hair strand tested matched Angel Marie Whitley based on the minochondrial test which determines the maternal DNA for Angel. The end result is that the test concludes that the hair could belong to Angel or anyone related to her on her maternal side.

Despite the testing, the state used their questioning to ask about other hairs that had been found in the lent compartment on the dryer. Winston stated that there were numerous hairs in the compartment and that some appeared to be nonhuman hairs.

Based on the minochondrial DNA testing information provided by Winston, it can be concluded that 99.82 percent of the population can be excluded as a possibility for being the owner of the hair. In addition to this, Winston stated that hair loss per day by individuals is common

Defense Rests, State Calls Rebuttal Witness

Dr. Stephen Boudreau - State Forensic's Expert

Dr. Stephen Boudreau was the only witness that the state elected to use during their rebuttal to the defense's case. Boudreau testified that the injuries Angel Marie Whitley were devastating and would have resulted in her rapidly going downhill and likely dying in less than 30 minutes if she

were not treated. He continued by stating that the brain swelling would have been rapid.

The key answer for the state's case was when Boudreau stated that there were no signs that the injuries could have been a result of being placed in a clothes dryer as was described by Preachers' testimony.

"The dryer couldn't generate those types of injuries," said Boudreau. "There is no way she could have received these injuries from a dryer."

Boudreau went on to explain how Angel's hair might have gotten in the dryer. Boudreau stated that each person loses approximately 100 hairs per day and that her hair could have gotten into the dryer from a cloth that was placed on her head or from air being sucked into the dryer.

Closing Arguments

Prosecution Closing (First)

District Attorney Kirke Adams wrapped up the state's case against Steven Preachers.

In his closing statement, Adams reminded jury mem-

bers of Dr. Stephen Boudreau's testimony as to the death of Angel Marie Whitley. Angel was a healthy, normal child, Boudreau had said. She had no signs of prior abuse, no ailments, and no unusual injuries, except the devastating blow to the back of her head. Dr. Boudreau had cited blunt force trauma to the head as the cause of death in the case; the incident was also listed as a homicide. Adams also recounted how Boudreau had documented bruises on the child's inner thighs that resembled hand prints. After being presented with the scenario that the child was placed in the dryer, Dr. Boudreau had testified that none of her injuries resembled that kind of situation. The injuries that lead to her death were caused by a single, forceful blow to a solid, flat surface. Dr. Boudreau also told the court of how common it was to find hair in a dryer, and the DNA analysis of the strands that were found in Preachers' lint trap actually proved nothing.

Throughout the course of the trial, the defense had tried to implement the child's mother, Gale Whitley,

Franklin Herring Sentenced to 11 Years

Johnna Ingalls
Staff writer

Asentencing hearing in the case of Franklin Eugene Herring was held on Tuesday, August 2. Herring, a Samson native, was convicted earlier this summer on manslaughter charges in the death of William Travis Thames.

A jury of 12 men heard the tale unfold of how Herring and Thames had been drinking heavily at a Halloween party the night before the incident. On November 1, 2003, still under the influence, Herring allegedly learned his common-law wife and Thames had spent the night together in Herring's barn. That morning, Thames entered the mobile home where Herring lived. The events that unfolded thereafter are vague, but Herring proceeded to take down a gun he kept in the living room "to demonstrate the way he hunted to Travis." The gun was fired and Thames suffered a fatal point-blank gunshot wound to the chest.

When both parties rested, Judge Fleming made his decision. The possible sentence for a manslaughter conviction ranges from 2 to 20 years. While the State sought the maximum punishment, Herring and his defense attorney had pleaded for a "split sentence" that would allow Herring to substitute probation for jail time. The court denied his request and Franklin Eugene Herring was sentenced to 11 years in a state penitentiary for the Class B felony of manslaughter. Herring must also complete a substance abuse program while behind bars, and pay restitution for Thames' funeral expenses.

Almost two years after the horrific incident, the case of the State of Alabama vs. Franklin Eugene Herring was put to rest.

Judge Sentences Preachers to Life Without Parole

as the guilty party. "There is no doubt that leaving the child with Preachers was a fatal mistake," Adams told the jury. "This case comes down not to what Gale said or did, but whether you believe [Preachers]... She did not kill this child." Dr. Boudreau's expertise was referred to again in this instance. When the defense proposed that Gale had injured Angel the morning before she went to Preachers' house, Boudreau told the court that Angel would not have survived for more than 30 minutes without medical assistance with the kind of injury she sustained.

Adams then addressed the issue of the confession. Preachers testified earlier that he had been promised he could go home if he would confess to injuring Angel. Adams reminded jurors that Preachers had been arrested previously, so "he knew the drill" and "his expectations after his confession were un-

reasonable." According to an assessment made by ABI investigators Ward and Merritt, Preachers was of above-average intelligence and he knew exactly what he was doing. Preachers had also been told Angel was dead; his claim that he did not know the crime he was confessing to was false. Adams also told the jury the reason Preachers' confession had been so emotional was because it was the truth. "False confessions don't contain an expression of guilt," Adams said. "Some murder is pre-meditated, but intent is instantaneous." Throughout the course of the investigation and trial, Preachers had changed his story numerous times. In the conversations he had with Sheriff Greg Ward and ABI investigators, however, his story was the same every time he recounted the events of June 5. Preachers had also never implemented Gale Whitley in the events until taking the

stand on July 29.

Defense Closing

"I'll kill that God [Expletive] young'n before I let you have her," is the statement that Defense Attorney Charles Blakeney opened with to remind the jury of what Gale Whitley might be capable of. Blakeney reminded the jury that Whitley's marriage was falling apart and Preachers had rejected her and wanted to end the affair. The end result was that Whitley had "carried out on her threat."

Blakeney said that an "amazing leap of faith" would be to say that Preachers definitely killed the child and Whitley did not. He added that Whitley became violent when someone said that Angel wasn't Preachers' child and "didn't want her when she found out that Angel wasn't Preachers."

The dresser in the Preachers' room also was a

reminder to the jury that it didn't happen according to the defense. "The dresser was cluttered and nothing was turned over or broken," said Blakeney. "Angel's head did not hit the dresser."

A reminder that law enforcement officials failed to record the confession made by Preachers was also reintroduced to the jury. Blakeney explained how everything has been recorded in the Natalie Holloway case in Aruba but the law enforcement officials here didn't seem too concerned about doing the same thing.

Blakeney went on to explain that the confession was a "false confession based on a promise to a naive young 'fella' who thought that he could go home." He added that Preachers' confessed to the two blows because Boudreau had told the Sheriff there were two fractures to the skull of Angel

Marie Whitley.

From this point, Blakeney told the jury that the ABI and Sheriff "were taking shortcuts on a guilty man"; "there was no innocent until proven guilty" mind set. Blakeney added that the state did not present phone records to prove whether Preachers called Whitley and told her that Angel had fallen.

Summing it all up, Blakeney told the jury that Sheriff Ward told Preachers to "give us a statement and then you can go home." He also reminded the jury that David Harrison said that there was a thick coat of dust on everything in the room, including the dresser which he said was undisturbed.

Prosecution Closing (Second)

In response to the defense's closing arguments, D.A. Kirke Adams again addressed the jurors. Adams

told the jurors that Steven Preachers had "been through the system" and knew the consequences if he confessed to the murder. He also questioned the validity of David Harrison's claims to taking numerous pictures of the crime scene including the house, dresser, and bedroom, "Where are all these pictures? And why haven't they been submitted into evidence?" Adams also informed the jury that it was ABI policy to obtain a written confession in every scenario; they don't rely on audio or video tapes to avoid accusations that the materials could've been altered. "To say Preachers is telling the truth would be to call all the witnesses here liars," Adams told the court. Preachers has had more than two years to concoct his story, Adams said. "The only person with a reason to lie is [Steven Preachers]." With that, the state rested their case.