



The Dallas Morning News: Louis DeLuca

Kerry Max Cook gets a hug from his mother, Evelyn, as he is released on bond from the Smith County Jail on Tues-

day morning in Tyler. He has insisted that he is innocent of the mutilation slaying of a Tyler woman.

Cook released on bond after years in prison

He is scheduled for fourth murder trial in '77 slaying

By Lee Hancock

East Texas Bureau of The Dallas Morning News

TYLER — Kerry Max Cook savored the prospect of eating a pizza with everything on it Tuesday. He talked about driving a car again as soon as he can replace his 20-year-old driver's license. He wanted to go home to his mother.

He was a free man again Tuesday afternoon after spending most of the last two decades on Texas death row. He was released on bond to await a fourth capital murder trial in the 1977 mutilation slaying of Tyler secretary Linda Jo Edwards.

The release came almost a year to the day after a Texas appeals court overturned his conviction and death sentence.

"It's an out-of-body experience," Mr. Cook told reporters as he emerged from the Smith County Jail, flanked by the lawyer and private investigator who have battled for years to prove his innocence.

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■ Chronology of Cook case. 14A

the way. Every time the finish line was put in front of me, someone came and put it farther down the road," he said. "I'm very grateful. This is a very — a long time coming."

The lawyer, Paul Nugent of Houston, declined to comment, citing a gag order that prohibits even relatives of the victim or defendant from publicly discussing the case. Mr. Nugent also instructed Mr. Cook not to answer questions about his impending and unprecedented fourth prosecution.

Mr. Nugent has long argued that Mr. Cook is an innocent man who has been railroaded through systematic prosecutorial misconduct, including repeated instances of hiding evidence that might exonerate Mr. Cook.

The Texas appeals court's decision to overturn Mr. Cook's latest Please see KERRY on Page 14A.

Kerry Max Cook freed on bond in slaying

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death sentence was based on prosecutors' use of statements from a key witness who died after Mr. Cook's first trial. The appeals court ruled that the statement should not have been used because defense attorneys were not told until 1992 that the witness had made conflicting statements to a grand jury.

Chief Smith County felony prosecutor David Dobbs, who prosecuted the last two of Mr. Cook's three previous trials, entered the Smith County Jail grim-faced just before Mr. Cook walked out. He declined to comment on the case or Mr. Cook's release.

Before the gag order was issued last Friday, he and Smith County District Attorney Jack Skeen defended their decision to prosecute Mr. Cook a fourth time. They have contended that any misconduct in the case dates back to the 1978 trial and prosecutors who have long since left the Smith County district attorney's office. They have said they still have ample evidence to support a death penalty conviction against Mr. Cook.

Last-ditch effort

On Saturday, prosecutors mounted a last-ditch effort to keep Mr. Cook in custody with a lengthy motion arguing that the \$100,000 bond set last Friday by a visiting state district judge was "woefully inadequate."

The nine-page motion demanded a bond of at least \$500,000 and argued that it was justified by the viciousness of the Edwards slaying.

Ms. Edwards, 21, was beaten in the head with a plaster statue and then was stabbed a dozen times with scissors and a knife. The killer also sexually mutilated her body, which was found the next day by her roommate in a south Tyler apartment.

The motion noted that Mr. Cook's fingerprint was found on a sliding glass door in Ms. Edwards' apartment and its location was such that it could have only come from someone inside the apartment.

The motion also cited Mr. Cook's criminal record, including flight to avoid arrest, juvenile probation for kidnapping of a woman across state lines and a state prison sentence for auto theft.

A proof of the danger he posed to himself and others, prosecutors also cited Mr. Cook's history of mental illness, which included three commitments and one escape from

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— Evelyn Cook, mother of Kerry Max Cook

a state mental hospital, and four attempts to commit suicide by castration while on death row.

But Mr. Nugent said the prosecution's arguments were a rehash of old allegations that the judge had already considered.

An official with the Smith County District Clerk's office said Tuesday afternoon that the judge, Robert Jones of Austin, scheduled a hearing on the prosecution motion for later this month.

On Tuesday, the judge issued an order prohibiting Mr. Cook from taking drugs or alcohol while out on bond. He also ordered twice-monthly alcohol tests and random drug tests as conditions of his release and barred Mr. Cook from leaving the state without permission.

Just before being reunited with her son, Mr. Cook's mother, Evelyn, told reporters that the last four days had been among the toughest of her family's long ordeal. She said they had been plagued by fears that "something at the last minute" might keep him in jail.

But she said his release confirmed her faith that he would ultimately be exonerated.

"I know he's an innocent man. The truth will come out. It has to come out. The person or persons that did this horrendous crime must be really nervous right now," Ms. Cook said.

When Mr. Cook emerged from a holding area wearing the same brown pinstripe suit he has worn to court in recent years, Ms. Cook wept and shook visibly. The two locked in a long embrace, surrounded by a

KEY DATES IN THE KERRY MAX COOK MURDER CASE



EDWARDS

■ June 10, 1977 — Tyler secretary Linda Jo Edwards is found by her roommate beaten, stabbed and sexually mutilated in her apartment.

■ Aug. 5, 1977 — Police arrest Kerry Max Cook after identifying his fingerprint on a sliding glass door to Ms. Edwards' apartment. Mr. Cook lived at the same complex at the time of the slaying.

■ June 1978 — Mr. Cook is convicted of capital murder and sentenced to death.

■ December 1987 — The Texas Court of Criminal Appeals upholds the conviction and death sentence.

■ June 1988 — Mr. Cook comes within 11 days of a July 8 execution date before the U.S. Supreme Court stays the order and tells the Texas Court of Criminal Appeals to review its earlier decision.

■ January 1990 — The Court of Criminal Appeals again upholds the conviction.

■ Sept. 18, 1991 — In a rare reversal of its two previous rulings, the appeals court overturns the conviction, citing punishment phase testimony by a psychiatrist who failed to warn Mr. Cook that their interview could be used in court.

■ Nov. 30-Dec. 18, 1992 — Mr. Cook's first retrial, moved to Georgetown, takes three weeks and ends in a mistrial with jurors deadlocked. During deliberations, jurors inspecting Ms. Edwards' jeans find a long-missing ankle stocking that prosecutors at both trials accused Mr. Cook of using to carry off missing body parts.

■ Jan. 29, 1993 — A state district judge rules that prosecutors engaged in systematic misconduct at the 1978 trial, citing among other things a secret deal with a jail inmate who testified — and later recanted — that Mr. Cook confessed to the slaying; suppression of key evidence; and tainted fingerprint testimony. But the judge says the conduct was "not so egregious" as to preclude a retrial.

SOURCE: Dallas Morning News research



Kerry Max Cook (left) confers with his attorney, Paul Nugent, in January 1994 during his third capital murder trial.

■ Jan. 31, 1994 — Mr. Cook's second retrial begins in Georgetown.

■ Feb. 23, 1994 — After 28 hours of deliberations across four days, jurors convict Mr. Cook of capital murder.

■ March 3, 1994 — Jurors return a death penalty verdict.

■ Nov. 6, 1996 — The Texas Court of Criminal Appeals reverses the 1994 conviction, saying that improper evidence — testimony by a now-dead friend of Mr. Cook who told a different story to a grand jury — was presented by prosecutors. The appeals court sends the case back to the trial court.

■ Oct. 6, 1997 — The U.S. Supreme Court refuses to overturn the appeals court ruling. Smith County prosecutors say they will seek a fourth murder trial.

■ Nov. 7, 1997 — Bail is set for Mr. Cook at \$100,000.

■ Nov. 11, 1997 — Mr. Cook is released from the Smith County Jail after posting bond.

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small knot of relatives, supporters and media.

Outside the jail, Mr. Cook posed for a photograph in front of the dun-colored jail building with Mr. Nugent and his longtime private investigator, Jim McCloskey of Centurion Ministries. The New Jersey-based ministry specializes in investigating allegations of wrongful imprisonment.

Mr. McCloskey said his organization paid Mr. Cook's bond with \$100,000 in cash Tuesday after receiving donations from "some pri-

vate, very generous benefactors." He declined to identify further the sources of the bond money.

Nearly overcome

As he spoke with reporters, Mr. Cook appeared at times to be nearly overcome. He said he had not slept in the four days since the hearing in which he was granted bond. Asked about his experience on death row, Mr. Cook's face clouded visibly and he paused before answering. "A world within a world. Very, very traumatic. Very, very painful. It's difficult to put into

words," he said. "A nightmare."

But he also joked about his new freedom. He laughed as he told reporters that he and his defense team were carrying all he owned in three small mesh bags and his only set of clothing was the loose-fitting pinstripe suit that his lawyer had picked out for him.

Asked if he planned to buy new clothes, he said, "I have to find out my size. On death row, one size fits all."

He said he has been offered a job as a computer programmer and again cracked a smile when asked

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— Kerry Max Cook

whether his computer skills stayed current in prison. "I know how to write a lawyer," he said.

He then walked with his attorney to a waiting car, joking about wanting to drive himself home to Jacksonville. There, his mother said, his family planned an all-night reunion Tuesday night with take-out pizzas, homemade Chinese food, John Wayne movies and videotapes of some of the family events Mr. Cook has missed.

Ms. Cook told reporters that her son has not decided where he will live while awaiting his next trial.

But as he tries to reconstruct a life in the free world, Mr. Cook faces the prospect of another capital murder trial. The trial has been set next September, and it has already attracted national media attention.

A film crew from the ABC News program *Turning Point* was in Tyler to film Mr. Cook's release and was headed to his mother's home in Jacksonville on Tuesday night to film his family reunion. Mr. Cook also was visited several weeks ago at the Smith County Jail by a producer for the CBS News show *60 Minutes*.

When the initial attention and celebration fades, Ms. Cook said, she worries that her son faces a "terrible adjustment" to the free world after 20 years behind bars.

"For him to make a transition, he's gonna have a lot of counseling. Turning on a light switch or playing a CD or a VCR — he'll be like a child learning all this again," she said. "He just wants to catch up on what he's lost."