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II 35 A



DNA doesn't match convicted killer Cook's

He says test proves innocence; DA disagrees

By Pete Slover

Staff Writer of The Dallas Morning News

Decades-old DNA from the underwear of a Tyler murder victim matches her ex-boyfriend's, not that of Kerry Max Cook, who recently pleaded no contest to murdering the victim, Linda Jo Edwards.

Smith County prosecutors and the lawyer for ex-boyfriend James Mayfield said, the analysis added nothing meaningful to the 1977 case. Mr. Cook and his lawyers said that he was innocent and that the test results affirmed that.

"Why is Smith County trying to undermine this, not to let it work for me?" Mr. Cook, 42, said Friday, after the district attorney in Tyler released the results of tests conducted on a dot of semen discov-

ered this year. "I'm a walking, talking oxymoron: I'm convicted, but I'm innocent."

Mr. Mayfield, now 65 and living in Houston, could not be reached for comment.

"The results of the DPS [Department of Public Safety] analysis only indicate that intercourse occurred at some time," said his lawyer, F.R. "Buck" Files. "It is impossible to know when or where the relations took place."

Smith County prosecutor David Dobbs said Friday that the semen stain was centered on the inside surface of the underwear, consistent with what would be expected in the hours or days after

Please see COOK on Back Page.

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Cook, district attorney disagree on meaning of DNA findings

Continued from Page 35A.

consensual sex. He said that the sample, not visible with the naked eye, may have even survived a washing of the panties, which were found sliced off and bunched up on the floor near the victim's leg.

Court records show that Mr. Mayfield testified several times over the years that he hadn't had sex with the victim since she attempted suicide nearly three weeks before her death in June 1977.

At the time of the suicide try, he said, he reconciled with his wife and forswore sex with Ms. Edwards.

Mr. Cook's lawyers said that the DNA evidence contradicted that account and that Mr. Mayfield should be subject to perjury charges for his sworn statements.

Mr. Files said that he couldn't recall his client's testimony about when he last had sex with the victim but that the timetable didn't matter.

"James Mayfield has passed two polygraphs" regarding his guilt, the most recent one this year, Mr. Files said. "My conclusion is that Mayfield's innocent and Cook's guilty, and it's just that simple."

Mr. Files said that, contrary to assertions by Mr. Cook's lawyers, Mr. Mayfield had never failed a lie-detector test.

Mr. Cook said he was looking for work and living with a girlfriend in Cedar Hill.

He was sentenced to death in 1978 after a trial in which a jury found that he hit Ms. Edwards, 21, in the head with a plaster statue, stabbed her repeatedly and sexually mutilated her in her Tyler apartment.

After 13 years, the capital murder conviction was overturned because of prosecutorial misconduct. A 1992 retrial ended in a hung jury. He was convicted and sentenced to death again in 1994; in 1996, that verdict was overturned.

On Feb. 16, on the eve of a fourth trial, Mr. Cook pleaded no contest to a reduced charge of murder and was sentenced to 20 years of time

already served. At the time, Mr. Cook said he took the deal because it allowed him to avoid the prospect of a return to death row without requiring him to concede guilt.

Mr. Cook's lawyers accused Tyler officials of protecting Mr. Mayfield and said the murder case should be referred to the state attorney general for independent prosecution.

"Semen stains at the scene of the crime?" said defense attorney Paul Nugent. "Any legitimate district attorney's office would say the sus-

pect is the donor of the semen."

They said they would seek a further review of the case and the new evidence, perhaps through a lawsuit, a request for U.S. Justice Department intervention or a motion in state criminal court.

Mr. Dobbs said the Linda Jo Edwards murder file was closed.

"We have no plans to do anything else with this case," he said, "other than to enjoy the fact that Mr. Cook was convicted of the crime he committed."