

[http://en.wikipedia.org/wiki/Kerry\\_Max\\_Cook](http://en.wikipedia.org/wiki/Kerry_Max_Cook)

# Kerry Max Cook

From Wikipedia, the free encyclopedia

Jump to: [navigation](#), [search](#)

**Kerry Max Cook** (born 1956) is a former death-row inmate who was wrongly convicted for the rape and death of 21-year-old Linda Jo Edwards in 1977. <sup>[1]</sup> He was born in Stuttgart, Germany. In 1972, he moved to Texas with his family. Kerry Max Cook served over 20 years in a Texas prison on death row. Since his release, Cook has become an activist against the death penalty speaking across the United States and in Europe. <sup>[2]</sup>

Cook has written a book published by [HarperCollins](#) entitled *Chasing Justice*<sup>[3]</sup> which details the story of his wrongful conviction, the widespread prosecutorial abuses which led to the conviction, and his battle to prove his innocence. He was awarded a [Soros Justice Fellowship](#) to write the book. In his advance blurb of the memoir, former FBI Director and Federal Judge William S. Sessions noted, “Kerry Max Cook has written a brutal but compelling account of his 22 years on Texas’s death row for a murder he didn’t commit. The book depicts his struggles against all odds to free himself from an inept justice system that would not let go, despite mounting and eventually overwhelming evidence of his innocence. What is perhaps most amazing is the grace with which he now lives his life as a free man, determined to prevent others from suffering the horrors he endured.”

Cook is one of six people whose stories were dramatized in the acclaimed play "The Exonerated" written by Eric Jensen and Jessica Blank, which relates how the six had each been wrongfully convicted of murder and sentenced to death, but were later exonerated and freed after varying years of imprisonment. He often participates in the play. [The Exonerated](#) has been made into a film first aired on the CourtTV cable television on January 27, 2005.

## [\[edit\]](#) References

- *The Wrong Men* by Stanley Cohen (2003)
- [Center on Wrongful Convictions](#)
- [Frontline](#)
- [Chasing Justice](#)
- [Offender Information on Cook](#)

<http://justicedenied.org/v1issue12.html#Kerry>

**Kerry Max Cook, ex-death row resident, recently wed. Father is his next role.**

Kerry Max Cook, whose innocence was proved by DNA, but who plea bargained with Texas out of fear of returning to death row, will now lead the life of a married man. Cook says he finally is moving on to build a new life with his wife, Sandra Kaye Pressey, an environmental consultant. Mr. and Mrs. Cook married in Plano, Texas in March, but only recently had the wedding reception at the Midlothian home of one of Mr. Cook's closest friends.

Mr. Cook described his wife as his best friend. Mrs. Cook is 14 weeks pregnant, and Kerry Cook said fatherhood will enable him to put death row behind.

Mr. Kerry Cook was tried three times and convicted and sentenced to death twice. He spent 22 years in prison, 13 of them on death row. He once came within 11 days of execution.

Mr. Cook said words full of hope about his marriage, such as "It's a new beginning," and "What it signifies is actually the creation of a new life and putting the old life behind me."

Mr. Cook met his wife at a death row conference at Southern Methodist University soon after being released in 1997. He now manages a store and works as a paralegal in the Dallas area, attends a local community college and plans to enroll at Southern Methodist University.

Mr. Cook was convicted of the murder of Linda Jo Edwards, who was found in her apartment on June 10, 1977, beaten on the head with a plaster statue, stabbed in the throat, chest and back and sexually mutilated. Mr. Cook was arrested 2 months later where he worked as a bartender in Port Arthur. Officers said they found Mr. Cook's fingerprint on Ms. Edwards' apartment door.

At first he denied knowing Ms. Edwards but later said they met at the apartment complex's swimming pool and he went to her apartment.

His original conviction resulting in a death sentence was overturned because of prosecutorial misconduct. A 1992 retrial ended in a hung jury. He was again convicted and sentenced to death in 1994. That verdict was overturned in 1996.

Before a 4th trial last year, Mr. Cook pleaded no contest to a reduced charge of murder. He was sentenced to 20 years time served. Mr. Cook took the deal so he could avoid a possible return to death row without requiring him to concede guilt.

Our warmest congratulations to Mr. and Mrs. Cook as they put the past behind them.

Source: Dallas Morning News

<http://www.tmdailypost.com/article/criminal-justice/what-tyler-morning-telegraph-failed-tell-you-about-kerry-max-cook>

# What the ‘Tyler Morning Telegraph’ Failed to Tell You about Kerry Max Cook

---

by

MICHAEL HALL

|

MAR 2 2012, 11:20 AM

 [Email this](#)

The Tyler newspaper published a [story](#) this morning about Kerry Max Cook and the two motions he filed in a local district court on Tuesday (I [wrote](#) about this yesterday). The story was mostly skeptical about Cook’s filings, drawing primarily on one source, one of the men who prosecuted him.

But the paper left a few things out.

Let’s start with the headline of the story, which says “Murderer Wants DNA Testing 35 Years After Conviction.” It’s this very assumption of guilt—calling him a “murderer”—that led Cook to file his motions. The paper is calling Cook a murderer because he did not plead “not guilty” in 1999 and because he has never been officially exonerated. The story *doesn’t* tell you that on the eve of the fourth time the Smith County DA was going to take Cook to trial, it made him a plea deal—he could walk away if he pled no-contest to the murder, without admitting any guilt whatsoever. Now, if the DA honestly thought Cook was a sadistic rapist and killer, would it really have let him walk away? The modifier “Convicted” would have helped that headline immeasurably.

The most revealing fact that the paper failed to mention? The victim’s underwear had semen on it that didn’t belong to Cook. Unfortunately for him, during the time period the semen was being tested back in February 1999, the DA made the above-mentioned plea deal with Cook, one the prosecutor told him was a final offer before a fourth trial. Cook took the deal because he was terrified of being found guilty again and getting another death sentence, a very real possibility given that it had already happened twice before.

Two months later, the results came back: the semen was not his. It belonged to Edwards’ ex-boyfriend, a married man named James Mayfield, with whom she had been having an affair. The affair had ended badly three weeks before. According to one witness, a professor friend of Edwards who testified at Cook’s third trial and who had visited Edwards the night before her body was found, “she said she was going to date other men, that she had told Jim Mayfield that and he was very upset.” But the *Telegraph’s* story

doesn't mention the name Mayfield at all—or offer any explanations from the DA's office on why Mayfield has never been pursued as a suspect in his ex-girlfriend's murder.

The story also doesn't mention that Edwards' roommate originally told police she had seen a man at the apartment the night Edwards was killed and that she assumed it was Mayfield. It was only at the trial that she testified it was Cook.

Let's see, what else? The story refers to the guilty verdict in the third trial being overturned because of the testimony of a "witness who...said he had an encounter with Cook the night of the murder." The man, Robert Hoehn, indeed testified that he had had sex with Cook in his apartment and that they had watched a movie that featured a cat torture scene. The prosecution's theory was that Cook, aroused by the scene, had then raped, killed, and mutilated Edwards. But Hoehn's credibility was completely shot when it was revealed that in front of the grand jury he had said the two men had not had sex—and that in fact Cook had ignored the movie altogether. Hoehn, as unreliable a narrator as you could find, was the state's main witness.

The *Telegraph* story also doesn't mention that there was no physical evidence against Cook except for his fingerprints on her patio door. How did they get there, the state wanted to know? This would have been fairly easy to explain. Cook lived in the same apartment complex where Edwards lived and where she was killed. One of Cook's biggest mistakes was not revealing that he had met Edwards a few days before her murder out by the pool, and that she had invited him back to her apartment, where the two had made out on the couch.

Cook didn't reveal this until years later, and he says he waited so long because he was terrified that the prosecution would use this information to make him appear guilty. (He also says that, while he awaited trial, his father urged him never to say anything about it, for that exact reason.) And in fact the state withheld evidence that indeed Cook and Edwards did know each other—that a few days before the murder he had told another witness that he and she had gone to her apartment and made out. Thus, there was a logical reason for Cook's fingerprints being found on her patio door.

The *Telegraph*'s story quotes former assistant DA David Dobbs questioning the timing of Cook's filings, fifteen years after he was released from prison. Let's let Tyler native Scott Henson, of the [noted](#) criminal justice blog *Grits for Breakfast*, consider this issue:

Bizarrely, prosecutors from my home town [say they're puzzled](#) why Cook would seek formal exoneration so many years after he was sprung from death row. Just for starters, I'd say it's because Jack Skeen and David Dobbs smeared him six ways from Sunday over the course of two decades while ignoring the man who DNA evidence and an

investigation by the indefatigable Centurion Ministries say is likely the real killer. More immediately, Texas recently increased compensation for men exactly in Cook's position who were victimized by false convictions. And during the 2011 session, the Texas Legislature amended the post-conviction DNA testing statute to [eliminate most grounds for prosecutors to object](#) to testing. So it makes perfect sense to me why this is happening now.

Finally, the *Morning Telegraph* story notes that "Dobbs ... said that for all of the stories told by Cook, people need to know that Cook was a convicted felon and a fugitive at the time of Ms. Edwards' death and that on a previous occasion escaped from the Rusk State Hospital by jumping out of a window." Cook's record does show convictions for larceny, malicious mischief, burglary, and car theft prior to the time of the Edwards murder. Cook had even done time, but not for anything violent. And he was indeed in Port Arthur when he was arrested, but he swears he wasn't on probation. And Cook acknowledges three stints at Rusk, during which, he swears, he never jumped out of a window. (Though he says he once walked away with a girl who had come to pick him up.) But even if any of this was true, how do they make Cook a vicious sex killer?

Cook made two huge mistakes: first, he should have confessed that he had been in the apartment a few days before the murder, and second, he should have rejected the plea deal. Can any of us, who were facing a return to death row—where Cook says he was raped and brutalized for years—say that we would not also consider a plea deal? These were the mistakes of a terrified human being, not a killer. And at this point in Cook's life, it would be another mistake, maybe the worst of all, if he didn't try to clear his name, by whatever means necessary.

**TAGS:**

*Criminal Justice, exonerations, Kerry Max Cook, Media, Tyler Morning Telegraph, wrongfully imprisoned, Smith County*

Submitted by A Texan (not verified) on Fri, 2012-03-23 09:27.

The fact that Dobbs, Skeen and soooooo many others in the law enforcement community in Smith County are still practicing in Smith County is just WRONG! Corruption, instances of entrapment, under the table deals, drug dealing, organized crime, etc., are rampant in this East Texas area, and the scariest thing is that many of the people appointed or elected (J. B.) are involved in this travesty "up to their eyeballs.". This situation with Cook is just one of many glaring examples of the injustices that have been perpetrated on the citizens of this community for decades. Why do the citizens of this "beautiful" community allow such corrupt individuals to continue to administer "justice" in their fair city? The best predictor of future behavior is past behavior!

- **REPLY**

Submitted by Another Texan (not verified) on Mon, 2012-03-12 18:20.

I have been reading everything I could find about Kerry Max Cook for days now. Still haven't read "Chasing Justice" but I will. I want to apologize to Mr. Cook for every post made by me "Another Texan". I am sorry for the things I have posted here and sorry for thinking you were a guilty man for the past 35 years. I still do not know who killed Linda Jo, but I just can't believe that such a sweet, gentle person as I have watched in numerous videos (especially the one with his son) could have done that to another human being. God be with you Kerry and watch over your family.

- **REPLY**

Submitted by A Texan 4 Kerry (not verified) on Mon, 2012-03-12 03:10.

My family & I moved to Tyler, Tx. in 1991. It wasn't long before I heard about a Monster of a Man: Kerry Max Cook.! He was legendary in a horrific way! As I became active in the community over 16+years, opportunities of a personal and/or professional level caused my 'path' to cross a handful or more of men who were from the prosecutorial side against KMC in Smith Co. (The very same people who had been— and continue to be— involved in the death penalty case and now the current issue of exoneration of Mr. Cook.) Eventually, it was during my experiences while working with a federal agency when I became aware...and, there was NO denying—that the judicial system of East Texas is corrupt beyond belief. Some time later, I happened upon Kerry Cook's memoir "Chasing Justice" and was curious to hear what he had to say (he was GUILTY in my mind at the time, as that was all that I had ever learned and understood about him via the Tyler Morning Telegraph.) I had attended the same church as Jack Skeen; met David Dobbs, Matt Bingham & Danny Stallings; & know Buck Files (who served as the attorney for James Mayfield). I would have likely thought that Kerry Cook's book was fictional had I not learned about the abundant and on-going corruption with Smith Co. & area's surrounding it. "Chasing Justice" had a profound impact on me. Some time later I met, spent time with and grew to know and love my friend Kerry Cook, his son & wife. Kerry's battle's are of a haunting nature. Although he is extremely intelligent, kind and sensitive... & somehow able to have a great sense of humor...he is not a "FREE" man. He deserves the pittance of acknowledgement from the great state of Texas regarding his innocence and the Injustice which was wrongfully done against HIM. For those who do not understand how HE has been victimized...well, you have not invested the time to listen to and comprehend the testimony of his life. Kerry: exoneration is way past over-due. You have my prayers & support.

- **REPLY**

Submitted by A Texan 4 Kerry (not verified) on Mon, 2012-03-12 03:03.

My family & I moved to Tyler, Tx. in 1991. It wasn't long before I heard about a Monster of a Man: Kerry Max Cook.! He was legendary in a horrific way! As I became active in the community over 16+years, opportunities of a personal and/or professional level caused my 'path' to cross a handful or more of men who were from the prosecutorial side against KMC in Smith Co. (The very same people who had been— and

continue to be— involved in the death penalty case and now the current issue of exoneration of Mr. Cook.) Eventually, it was during my experiences while working with a federal agency when I became aware...and, there was NO denying—that the judicial system of East Texas is corrupt beyond belief. Some time later, I happened upon Kerry Cook’s memoir “Chasing Justice” and was curious to hear what he had to say (he was GUILTY in my mind at the time, as that was all that I had ever learned and understood about him via the Tyler Morning Telegraph.) I had attended the same church as Jack Skeen; met David Dobbs, Matt Bingham & Danny Stallings; & know Buck Files (who served as the attorney for James Mayfield). I would have likely thought that Kerry Cook’s book was fictional had I not learned about the abundant and on-going corruption with Smith Co. & area’s surrounding it. “Chasing Justice” had a profound impact on me. Some time later I met, spent time with and grew to know and love my friend Kerry Cook, his son & wife. Kerry’s battle’s are of a haunting nature. Although he is extremely intelligent, kind and sensitive... & somehow able to have a great sense of humor...he is not a “FREE” man. He deserves the pittance of acknowledgement from the great state of Texas regarding his innocence and the Injustice which was wrongfully done against HIM. For those who do not understand how HE has been victimized...well, you have not invested the time to listen to and comprehend the testimony of his life. Kerry: exoneration is way past over-due. You have my prayers & support.

- **REPLY**

Submitted by A Texan (not verified) on Sat, 2012-03-10 22:28.

All I can say is that I am happy that you are free and I will never understand why it took so long for the truth to be revealed. All this happened the year I moved from Michigan to Tyler Tx. I have always been upset that anything like this could have happened! In the 30 some years living here-I have see and heard of so many illegal crimes with the SMITH County Law enforcement-I am ashamed to say where I live! Kerry-GOD BLESSD YOU when He gave you what you needed to fight back and survive ! YOU WILL ALWAYS BE IN MY PRAYERS!!

- **REPLY**

Submitted by Kerry Max Cook (not verified) on Sat, 2012-03-10 11:54.

To The Tyler Morning Telegraph, by Kerry Max Cook (3/10/12) There hasn’t been anything “fair,” or “balanced” about the coverage by the Tyler Morning Telegraph regarding my legal saga in 35 years. Any/everything said by prosecutors goes unchecked for accuracy and gets published as fact. My Statement to you is this: I was not on probation/parole or a “fugitive” in June of 1977 as Kenneth Dean reported as fact to the Smith County readership as stated by David Dobbs. I did not “escape” from Rusk State Hospital, nor did I ever “jump out of any windows.” And one other example of many, you write and allow it to be stated by Dobbs as fact, “Cook’s fingerprints were still found at the scene and that has never been explained.” All you need to do is access the public document (Texas Court of Criminal Appeals Opinion that overturned the second wrongful conviction gained under Skeen/Dobbs) - - or actually read from the two

Motions we filed recently in a Tyler Court - - to know that these and others statements being circulated by David Dobbs are false and misleading, all designed to smear and manipulate the real facts of a persecution based on documented prosecutorial misconduct. My fingerprint has been explained, but that truth has been suppressed for 35 years. The Texas Court of Criminal Appeals called this suppression of the evidence that explained my fingerprint "highly exculpatory." All you have to do is read the fact-based Motions we filed in Tyler that tells the truth of this fraud perpetuated by David Dobbs, Jack Skeen and their acolytes. And to end your article of March 9th, 2012 with this quote from David Dobbs, "There were some things hidden from the defense in the case early on that is not a lie, but that was in the '70's." Dayna, that tells me that you haven't read ANY of the legal documents that you should have before writing this article. The entire basis of the Recusal Motion, and the accompanying documented evidence, proves this statement by David Dobbs to be an outright, bald-faced lie. And yet this is how you allowed your article to end, despite a factual legal document, sworn to under oath and notarized right there in Tyler. These unchecked, yet published slanderous comments by ex-prosecutor David Dobbs meet the criteria for slander and are libelous. Even the most rudimentary research of the records by a Tyler reporter would show them to be false. Your article showed you did do some sort of background research, but you undermined your credibility by allowing disproven, lies and manipulations to stand as "facts."

- **REPLY**

Submitted by A Texas Gal (not verified) on Wed, 2012-03-07 23:57.

I used to be pro-death penalty. This case is what made me Change my mind. If this state had executed Cook, then this State would have MURDERED an innocent man! That IS a scary thought! I spent SO many years thinking Cook was SUCH a scary monster. I was a teenager when this all happened, and I lived probably a mile away from the murder scene. It was the most horrible thing I had ever heard of, and I had nightmares over it for awhile. But when he was cleared by DNA, I felt TERRIBLE I had thought that way of him for So long. I sometimes have wished I could apologize to him for the way I felt and ask for forgiveness for the way I had judged him. I do wish Him luck, that he gets what he deserves this time—his exoneration. I pray that THIS time, justice is TRULY served.

- **REPLY**

Submitted by A Texan1 (not verified) on Mon, 2012-03-05 19:10.

Those of you that say the timing of this is about the money are wrong. That is what Dobbs keeps saying but he knows that's not why this is being done now. Yes, a law was passed a few years ago giving more compensation to those wrongly imprisoned. But, it is a more recent change in the law that has prompted this. The legislature recently made it easier to get this type of post conviction DNA testing done. Previously the prosecutor could have fought it. Now, its very hard for them to prevent it. That is probably why Bingham has said he won't oppose it- he can't. I'm sure he would if he could. One thing that worries me though. Both Bingham and Dobbs have said "if" any evidence exists that it should be tested. That makes me suspect that they know the evidence has been

destroyed. If it wasn't destroyed before, it probably was as soon as this motion was filed. Or, it may just be lost. Smith County has a habit of losing things, like records, when they don't want to give them up.

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 14:21.

The following quote from David Hanners pretty much says it all. Dobbs said the DNA test of the semen in the underwear would match the murderer. It did. End of story. I also wish to speak to the DNA evidence and the way the prosecution has handled it. I clearly remember David Dobbs, the prosecutor handling the retrials, telling me prior to the testing that they were excited about the prospects of a test because the semen sample "could only have been left by the killer." Those were his exact words to me, and I remember him saying it as if it were yesterday. So then the sample is sent away for testing, the deal with Mr. Cook is offered and accepted—and then the results come back showing the semen belonged to someone other than Mr. Cook. Suddenly, the prosecution's story changes. Now they say, "Well, of course it was somebody else. But Mr. Cook is still the killer."

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 11:02.

I might be slow but didn't he plead guilty? Didn't he say these facts are true? How can he now comeback and ask for money for being wrongfully convicted? I think this has everything to do with money not justice. Also, wasn't the misconduct from the first prosecutor and not Skeen/Dobbs?

- **REPLY**

Submitted by A Texan1 (not verified) on Sun, 2012-03-11 11:25.

Yes, you are slow.

- **REPLY**

Submitted by Kerry max Cook (not verified) on Fri, 2012-03-09 11:55.

Your post is deeply inaccurate. For starters, I absolutely did not "plead guilty," and records overwhelmingly support egregious misconduct on the part of Jack Skeen and David Dobbs.

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 11:37.

He did not plead guilty. He refused to do so. The prosecuter rushed to get a no contest plea from him knowing the DNA left at the scene wasn't his.

- **REPLY**

Submitted by Another Texan (not verified) on Mon, 2012-03-05 12:03.

No contest plea is also a guilty plea in the State of Texas.

- **REPLY**

Submitted by Kerry max Cook (not verified) on Fri, 2012-03-09 11:58.

Maybe it is to an outsider such as yourself who wasn't there and is not privy to those details. Along with the "No Contest," Alford-like plea, I refused to agree to the State's

mandatory Stipulation of Evidence.” If you are interested in the truth, read my book, CHASING JUSTICE or read the factual Motions that have recently been filed in Tyler. The facts contained in both of these Motions clearly set the record straight.

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 13:18.

Its treated the same but is not actually the same thing. I believe he got what is referred to as an Alford plea like the West Memphis Three recently go in Arkansas.

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 13:20.

Even if he had plead guilty that wouldn't mean he is. People who are innocent plead guilty sometimes because that's the better option. In his case it was either take the plea deal (no contest) or face the possibility of being convicted a third time. (He didn't get a fair trial the first two times. Why would he think he would the the third time?) The better question is why would Skeen and Dobbs offer a deal that would let someone whom they thought committed such a heinous murder go free?

- **REPLY**

Submitted by observant (not verified) on Wed, 2012-03-14 21:34.

Indeed! ... the irony of letting a “heinous” murderer go free! The heinous murderer has never been arrested much less convicted! And if the allegation about Cook was accurate, why didn't another murder occur? Quite the opposite - Cook was employed as a legal assistant for approx one year, married a lovely woman and has a son, Kerry Justice Cook, the only “justice” Cook once remarked he has ever gotten in the state of Texas. But one of the prosecution witnesses who gave false testimony in exchange for a “deal”, was released from prison and went on to murder twice before being imprisoned in Missouri. The irony indeed!

- **REPLY**

Submitted by A Texan1 (not verified) on Fri, 2012-03-16 11:28.

You raise a good point. It seems the prosecutors are directly responsible for the additional murders committed by Shyster Jackson. I don't recall exactly but I'm thinking they gave him a sweetheart deal letting him out of jail on a manslaughter charge when he should have gone to prison for murder. So, they let a murderer walk out of jail to kill again, allowed the actual murderer of Edwards to go unpunished, and sent an innocent man to death row. Yet, one is now a judge - amazing, isn't it.

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 11:36.

No, he did not plead guilty. He plead no contest. Wouldn't you to get off death row? No, the misconduct did not stop with AD Clark. Skeen and Dobbs continued to withhold evidence and argue evidence to the appellate courts that they knew to be false. They continued to withhold the grand jury testimony of Hoehn. There were pages missing from a report they turned over. They claimed the pages were lost. Dobbs was sitting in the courtroom reading the document when one of Cook's attorneys grabbed it from him.

Guess what? The allegedly missing pages were there. They continued to withhold the information about the detective being disciplined by the Board of Fingerprint Examiners for his testimony. They continued to argue that the the age of the fingerprints could be determined to the appellate courts even though they knew it to be false. Dobbs tried to talk to Cook in jail without his attorney (his excuse in the recent newspaper article that he was just concerned about his well being is laughable). They withheld some other exculpatory evidence as well but I can't remember all the details right now. Skeen and Dobbs are about as sleazy as they come.

- **REPLY**

Submitted by observant (not verified) on Sun, 2012-03-04 18:07.

In criminal cases, the burden is on the prosecution to prove their case beyond a reasonable doubt. Much doubt exists and existed since 1977 as to Cook taking the life of Linda Jo Edwards. Prosecution did some fancy footwork to “prove” their case yet an appeals court had a different opinion.

- **REPLY**

Submitted by David Hanners (not verified) on Sun, 2012-03-04 15:15.

As the reporter for The Dallas Morning News whose stories initially raised doubts about Mr. Cook's guilt, I believe I have a few observations I can offer to the discussion. The first would be that when it comes to Mr. Cook's saga — and there's no other word for it — the Tyler Morning Telegraph has never acquitted itself well. I'm usually hesitant to disparage another journalist or publication, but the Tyler paper's history of coverage in this case has been a sad entry in the annals of objective and fair journalism. The paper has, time after time, taken the word of local police and prosecutors as gospel in Mr. Cook's case and has done little, if any, real journalism. And, as the record reflects time after time, the word of police and prosecutors in this case has not been worth much. I am probably one of the few people who has taken an objective look at Mr. Cook's case. I wasn't out to convict him and I wasn't out to set him free. When I began looking into his case, it was to try and get an answer to a very simple question: Why did it take the Texas Court of Criminal Appeals nearly eight years to rule in his case? (As I would later find out, it was because the court basically lost the file.) Whether he was guilty or innocent really wasn't an issue to me. But as I sat in the basement of the Supreme Court Building reading his trial transcript and looking through the exhibits, it became increasingly evident to me that, at the very least, Mr. Cook had not received a fair trial and, at may well have been innocent. The record (and the Texas Court of Criminal Appeals, eventually) has proven the former, and I am firmly convinced of the latter. I just don't believe he killed Linda Jo Edwards. In discussing this case with others, I have often described it as Murphy's Law personified. Everything that could go wrong, did. The initial police investigation was hopelessly incompetent and relied on pseudo-science that was bad even for 1976. The police just didn't do what a basic police investigation would have or could have done. (To underscore that fact — and this is directed at “Kelly” — Ms. Edwards had indeed been married and divorced. I have the records and I've spoken

to her ex-husband. At the time of the murder, he was in the military out on the east coast, and detectives made the trip out to interview him. In a bit of irony, the detectives couldn't be bothered to head out to the university to interview Mr. Mayfield or Ms. Edwards' co-workers. When those co-workers complained to the police about not being talked to, the detectives went out to the school and basically waited for people to come to them — in full view of Mr. Mayfield.) As another example of the utter ineptitude of the police investigation, consider the "missing" sock. As those conversant with the case know, police said they found only one sock at the scene, and so the prosecution turned that "theft" into one of the elements making it a capital murder case and the description they offered at Mr. Cook's trial was quite graphic: After killing Ms. Edwards, the killer allegedly cut out body parts and stuffed them in the sock and took them as "trophies" of his kill. Imagine if you're a member of the jury and you hear that and it is never refuted by the defense. Well, no body parts were ever taken, and when the jurors in the first retrial had the evidence back in the jury room, they opened the evidence bag containing Ms. Edwards' jeans, pulled out the pants and held them up. Out dropped the "missing" sock. The cops were too incompetent to even find a sock in a pant leg. That type of conduct permeates the police investigation, so it is legitimate to question how anyone can have any faith in it. Still, the "he-took-body-parts-in-a-sock" bit remains part of the accepted mythology surrounding this case. I've covered many murder cases over the years and realize that often they come down to circumstantial evidence. But even the circumstantial evidence in this case had to be stretched and in some cases fabricated to win a conviction. And Mr. Cook's initial defense team did little to nothing in the way of investigation, or at least the type of investigation you'd like to see in a capital murder case. Over the years, I have developed my own theory and belief into who killed Ms. Edwards, and it is a theory that fits the available evidence (direct and circumstantial) and is not inconsistent with those factors. I'll not share that theory here, but suffice to say that it doesn't involve Mr. Cook. Not to put too fine a point on it — and this is something I've spoken to him about, so he knows what I'm about to say — but Mr. Cook was not a good enough criminal or a lucky enough criminal to have committed a crime of this fury and magnitude and NOT leave a ton of evidence. He was young, immature and just didn't think that far ahead. As "iffy" as fingerprints can be, he could not have committed this crime and not left bloody fingerprints everywhere in that apartment. I also wish to speak to the DNA evidence and the way the prosecution has handled it. I clearly remember Mr. Dobbs telling me, prior to the testing, that they were excited about the prospects of a test because the semen sample "could only have been left by the killer." Those were his exact words to me and I remember him saying it as if it were yesterday. So then the sample is tested and, lo and behold, it belongs to someone other than Mr. Cook. Suddenly, the prosecution's story changes. So now the prosecution says, "Well, of course it was somebody else. But Mr. Cook is still the killer." That last point is emblematic of how the police and prosecution have behaved over the lifetime of this case. They have wanted to have it both ways. When they claimed the evidence said one thing, they claimed it

pointed to Mr. Cook's guilt, but when it was demonstrated or proven that the evidence said the exact opposite of what they claimed, they said it still proved Mr. Cook's guilt. Absent confessions from the guilty parties, I doubt we'll ever know for sure what happened to Ms. Edwards. The investigation was so screwed up that it can't be trusted and there's no way to go back in time and fix that. You don't get a do-over when it comes to collecting evidence from the scene of a 1976 crime. Mr. Cook deserves more than what the system has given him. For that matter, Ms. Edwards deserves more than what the system has given her. She, like Mr. Cook and justice itself, deserves the truth, and we do them all a disservice by perpetuating the lies that led to this abhorrent conviction.  
David Hanners St. Paul, MN

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 14:33.

Kelly, someone below said you are responding from emotion and I think that's probably true. Try to pretend that you know nothing about the parties involved and look at the evidence objectively. You say Cook's fingerprints were the only ones found in the apartment. I would counter that with the fact that Mayfield's semen was the only semen found in the victim's underwear. You lament the fact that people keep bringing up the fact that the victim was dating a married man, but that is a very important fact in the case (they aren't doing it just to smear her). The victim was dating a married man and she had broken the relationship off a few weeks before and it was reported that he was upset. So, you have a former lover with a motive. Motive is one of the first things you would normally look at in a murder case. Add to that the fact that the roommate initially identified the silhouetted figure she saw as Mayfield. Just considering those facts and weigh them. Who would you say the weight of the evidence points to, Cook, who's fingerprint was found on the door, or the spurned lover who's semen was found in the underwear? Considering that a person is significantly more likely to be murdered by someone they know than by a random stranger, you'd have to concede it is more likely that Mayfield was the killer. Then there is additional evidence pointing towards Mayfield that makes it even more likely that he was the killer. I know its hard for those that knew the victim to accept that her killer escaped punishment, but that appears to be what happened.

- **REPLY**

Submitted by Another Texan (not verified) on Sun, 2012-03-04 17:03.

The evidence shows the murderer to be Cook not Mayfield. Mayfield had no motive. A person would have to have experience in law enforcement or psychology to understand why the killer was not Mayfield. The semen was in her underwear from earlier in the day when she was with Mayfield. Her underwear was found beside her body. She was not wearing them. The person that killed Linda Jo obviously had mental & psychological problems. We know that Cook had spent time at Rusk State Hospital several times before he escaped. He had a past criminal history and was a wanted fugative at the time of the murder. He had been arrested for burglary and was also a peeping Tom. The way Linda

Jo was murdered was not by a person that knew her or had any kind of feelings for her. It was not a murder done in anger by a lover. It was a cold blooded sadistic, perverted sexual murder. That is a murder that is committed by a stranger. I still personally think Hoene helped Cook commit this murder. Kerry Max Cook wants people to believe he was this innocent kid that the police just snatched up off the street & put the blame on him. After the murder he fled to Port Arthur, Tx. He portrays himself to have been horrifically abused in prison. The fact is he abused himself! Cut on his penis and genitals and shoved things into his penis. No one else did this to him as he claims. He was in solitary confinement! All of the evidence puts Cook in that apartment and he didn't belong there. People want to believe his lies and I admit he is a good manipulator, but I know the truth as he also does. So yes, Linda Jo Edwards killer escaped punishment. He has made a living from murdering her and still will not leave it alone. He doesn't want his name cleared. If he did he would have done that years ago. Since this new law has been passed he wants that \$80,000 a year for every year he was in prison. Kerry Max Cook is a real piece of work.

- **REPLY**

Submitted by Lorie Hopper (not verified) on Fri, 2012-03-23 09:38.

You apparently have NO experience in regard to the Texas Prison Unit - Ellis I where Death Row was located during Cook's stay or you would KNOW that Kerry Cook was NOT in solitary confinement. In fact, when I worked there, he was housed on a wing that allowed deathrow inmates to participate in group recreation TOGETHER. I also disagree with your murderer-psychology comments, I'm guessing you don't have much experience there either.

- **REPLY**

Submitted by Kerry Max Cook (not verified) on Fri, 2012-03-09 00:37.

The only real "piece of work" is this scurrilous, self-serving harangue you post without a name attached to it. I can easily identify you by the lies you write. I give my name to defend myself, but you, you hide behind the same casuistry and use this inflammatory manipulation as a smoke screen to divert people from the truth. I can factually refute your vituperation's. I just wished I had the money to sue you for this bizarre deflamation. You are a liar. Everything you write in this post is a lie and cannot be backed up with any facts.

- **REPLY**

Submitted by Another Texan (not verified) on Fri, 2012-03-09 12:18.

Mr. Cook since you have chosen to reply to my post. I will in turn do the same to you. You claim everything I post is a lie. It is certainly not and further more you know that is's not. You say if you had the money, you would sue me. You also say, "I can easily identify you by the lies you write." Well, you obviously have attorneys, so I say go ahead and sue me! If you are so innocent as you proclaim, why in the hell do care what I (a person you do not know) says or posts in a forum. You were turned loose and now you want to come back and poke a sleeping bear. You are free so leave it alone! There are

people that you have not pulled the wool over their eyes. Do not expect everyone to stay quite. You are the one that has drugged this case back up.

- **REPLY**

Submitted by AThinkingTexan (not verified) on Fri, 2012-03-09 16:13.

Another Texan, I can't refrain from asking where you get this "information" from? You make claims of Cook mutilating himself in prison but your claims are specific citing a thermometer. First off, I'd have to ask how Cook had any access to a thermometer. You obviously are very close to this case. That observation is undeniable. Just where do you get all these "facts" you throw out? Can they be substantiated? I don't think they can. And one final thing, do you label EVERYONE who disagrees with you on ANY matter be it this event or anything outside of your posts here "liberal idiots"? That only makes you look like you're fighting a losing battle and can't do much but call those who disagree with you "liberal idiots". I'm a conservative- and quite so. So no liberal mindset led me to the conclusion of Cook's innocence - if you'd read the first post by David Hanners, a former Dalls Morning News reporter, there's ample enough there to refute your claims. But ... I think you're just a Lone Ranger out to set the world straight when it might be your world that needs a little righting.

- **REPLY**

Submitted by Another Texan (not verified) on Fri, 2012-03-09 17:15.

AThinkingTexan, where have I ever mentioned a thermometer in any of my posts?? Please point it out to me. You say I'm obviously very close to this case. No, not really. I can think for myself and look at the evidence and the conclusion is always the same.

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 17:47.

It seems obvious you are the same person who made this post yesterday - obviously you, for some reason, have lots of emotion invested in the matter. Yesterday, same mention of a thermometer - Submitted by A Texan (not verified) on Fri, 2012-03-02 17:23. All I can do is laugh at this dribble. Cook was so freaking crazy he shoved a glass thermometer in his penis and broke it off. And as for him claiming his DNA wouldn't be found, well since the poor woman was gutted and her sexual organs removed and discarded it might be hard to find. Thus author needs to take a reality pill and see the light and not the fabricated rainbow fed to him by Cook and his team.

- **REPLY**

Submitted by Another Texan (not verified) on Sun, 2012-03-04 19:57.

I don't know what seems obvious to you, but today was the first time I have posted. This will be my second post. You wouldn't know anything OBVIOUS if it jumped up and slapped you in the face. Since it's obvious that Kerry Max Cook murdered Linda Jo Edwards. Bunch of liberal idiots!

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 21:08.

Losing and argument so you resort to personal attacks.... sad.

- **REPLY**

Submitted by Another Texan (not verified) on Mon, 2012-03-05 12:18.

You accuse me of being another poster. I'm simply telling you that I am not. There is no argument. It's a simple debate of facts and evidence in this case. I'm not here to defend myself from other posters accusing me of being another another poster or a prosecutor in the case. I am a person that sees this case differently than you do. I believe Cook is guilty, you do not, therefore I am being attacked.

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 14:18.

This is the problem with anonymous posts. I am not the person who accused you of being another poster. But, you're the one who resorted to personal attacks.

- **REPLY**

Submitted by NativeTexan (not verified) on Sun, 2012-03-04 20:40.

LOL! So anyone who believes in Cook's innocence is a liberal? Thanks for the laugh but seriously, you sound quite immature. And, by the way, I'm not a liberal, not a progressive Democrat, not a tree hugger. Can you spell CONSERVATIVE? Seems you overlooked the post by the Dallas Morning News reporter as well. No intelligent conversation arises from your keyboard - just juvenile insults.

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 17:41.

Just sayin' - seems the "real piece of work" would be yourself. One does not have to be a rocket scientist or even "smarter than a first-grader" to note the hatred and vitriol .... someone involved in some aspect of the case from the prosecution side ... easy to see.

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 17:22.

Why is it something makes me think you are either Dobbs or the detective who committed perjury in this case.

- **REPLY**

Submitted by Another Texan (not verified) on Sun, 2012-03-04 20:05.

Why? Well, probably because you are not the brightest bulb in the box. I have no love loss for Smith Co. prosecutors. They screwed up the case that is a fact, but they had the right guy. I blame Smith Co. for letting Linda Jo's killer go free.

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 09:02.

More insults and personal attacks. That is either a sign of someone who doesn't have the facts on their side in an argument or someone who simply lacks the intellectual acuity to carry on an honest debate.

- **REPLY**

Submitted by ATexanwithaBrain! (not verified) on Mon, 2012-03-05 01:54.

And is there any blame to lay on Ms. Edwards herself? Could her reported promiscuous nature have sealed her own fate? Having an affair with a married man, her employer no

less, while divorcing another man, meeting Cook at the pool approx. 4 days before her demise, per Cook's own admission in his book "Chasing Justice" - "Linda Jo" inviting Cook to her apartment for a glass of iced tea, Cook and Linda Jo "making out" on the sofa, Cook stating in his book that Linda Jo began to moan and pant quickly - well, let's just say that Ms. Edwards is not the angel you attempt to portray. Cook mentions his first notice of Linda Jo was of her standing in her bedroom before an open window, naked, and "fondling" herself. Point is, when one plays with fire, one can get burned. Mayfield, the spurned lover, had motive and also "Linda Jo" had attempted suicide a month previous when Mayfield broke off the relationship. So Ms. Edwards was not without some contribution to her demise. Her relationship with Mayfield was her undoing - sad to say.

- **REPLY**

Submitted by Another Texan (not verified) on Mon, 2012-03-05 12:12.

Again, blame the victim for being murdered. Everything you state in your above post is quoted from Cook's book. You are taking every word in his book to be the gospel truth. It's a book of lies. You call yourself "ATexanwithaBrain!" I think not.

- **REPLY**

Submitted by A Texan1 (not verified) on Mon, 2012-03-05 15:00.

Like Jack Skeen and David Dobbs are credible sources. Jack Skeen has a well established history of dishonesty. If you believe a word he or Dobbs says....well....I won't throw out any labels. They have been caught repeatedly doing dishonest things in this case and others. I'd take just about anyone's word over their's.

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 17:38.

I was thinking the same thing. Such vitriol .... the truth is Cook attempted suicide 4 times - the incident with cutting off a body part was a suicide attempt in which he asserted his innocence in bloody messages to his family and brother that he "was an innocent man". But, to save face, poster speaks only half-truths. The details behind Cook being admitted to Rusk State Hospital were not because he was mentally disturbed, but rather because he was the subject of continual law enforcement harrassment by the police department in Jacksonville. A one page report called Cook "emotionally immature" and noted he "cried for his mother" -

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 17:21.

As far as the psychological aspects go, it is much more likely that this type of murder was done by a spurned lover than some random stranger. Btw, what do you make of the fact that Mayfield had ordered a book for the library about this type of mutilation murder? Just a coincidence? I don't think so. Btw, I have a degree in psychology and law enforcement experience. And, in my opinion, the motive of a spurned lover is a very important factor in this case.

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 17:17.

Your argument about Mayfield being with her earlier in the day just makes him look more guilty. It puts him with her the day of the murder. Another thing that makes him the more likely killer than Mayfield.

- **REPLY**

Submitted by A Texan (not verified) on Sun, 2012-03-04 17:18.

Sorry, typo...meant, that's another thing that makes Mayfield more likely than Cook to be the killer.

- **REPLY**

Submitted by Kelly (not verified) on Sat, 2012-03-03 21:47.

She was 21 yrs old. She made a mistake by dating a married man. That isn't the issue here. James Mayfield did not kill Linda. You state that she was going through a troubling divorce. Linda Jo was never married. It's obvious that YOU have no idea what you are talking about. I have read every word of Kerry Max Cook. He may fool a lot of people but not me. I followed every trial that always found him guilty. James Mayfield was with Linda Jo earlier that day, before she was murdered. That is why his DNA was found. I'm sick and tired of people throwing up the fact that she was dating a married man. As if she deserved to be murdered for that mistake. People want to blame the victim and forgive the murderer. Linda Jo isn't here to defend herself. I will do my best to do it for her.

- **REPLY**

Submitted by A Texan (not verified) on Sat, 2012-03-03 22:09.

While you claim Mayfield did not kill Edwards, where is your proof that Mayfield was "with" Edwards "earlier in the day". Your statements are a little inaccurate - the third trial ended in a hung jury - and finally what about this - "Prosecutors only recently revealed that James Mayfield's daughter, Luella Frances Mayfield, who was 16 in 1977, told her father's co-workers she was going to kill Linda Jo Edwards because of Edwards' affair with her father. The woman, who now uses the name Frances Raitano, made the same threat to Edwards five days before the murder, attorneys claim" - from [http://www.chron.com/CDA/archives/archive.mpl/1992\\_1092246/after-14-1-2-...](http://www.chron.com/CDA/archives/archive.mpl/1992_1092246/after-14-1-2-...)

- **REPLY**

Submitted by Kelly (not verified) on Sat, 2012-03-03 22:57.

The only persons finger prints found was Kerry Max Cooks! Not James Mayfields, Not Luella Mayfields, no one else but Cooks! Plain and simple.

- **REPLY**

Submitted by A Texan (not verified) on Sat, 2012-03-03 23:49.

Kelly, you claimed to know "all" about the case - I'd say your last reply was very lacking and you're operating out of emotion rather than logic. Perhaps you might read up on the matter a little further ..... more than fingerprints are needed for a conviction. What about the roommate first saying she saw Mayfield's shadow in the apartment - yet she later changed her story? What about the book Mayfield ordered? What about Mayfield asking someone to teach him how to "beat" a lie detector test.

- **REPLY**

Submitted by A Texan (not verified) on Sat, 2012-03-03 22:17.

Dallas Observer excerpt on relationship between Edwards and Mayfield - Rudolph went straight to her bedroom and within 5 minutes heard the patio doors open and shut. At 2:30 p.m. that same day, Jim Mayfield showed up at the police station offering to help. Eddie Clark, the detective leading the investigation, interviewed him. Mayfield was the dean of library sciences at Texas Eastern University (which became the University of Texas at Tyler), and said he had first met Edwards when she was hired as his periodicals clerk. He told Clark they developed a "close relationship" in January 1976 when she began having marital problems. Mayfield was also married, but he invited Edwards to live with his family for 6 months. As their relationship grew more intense, he left his wife and 3 children, living with Edwards at the Embarcadero Apartments in May 1977. After a few days, he returned to his wife, and despite Edwards' subsequent suicide attempt, they continued their relationship as friends. He and Edwards had even spent some time together on the day of the murder. But that night, he claimed, he was home, asleep in bed with his wife. His 16-year-old daughter, Luella, was also at home and would confirm his story. Mayfield agreed to take a police polygraph the following Monday, but by that time he had hired a lawyer who advised the family not to take the exam. Although the police theorized that any one of the Mayfields could have done this in anger, investigators cleared them of all charges. None of their fingerprints were found at the scene, and the police said they could not disprove their alibis. The police interviewed only a few people at the university, believing the murder had more to do with Edwards' home than with her job" <http://www.fdp.dk/uk/art/art-21.htm>.

- **REPLY**

Submitted by Kelly (not verified) on Sat, 2012-03-03 20:36.

I was 8 yrs. old when Linda Jo was killed. I remember that sunny Saturday morning and my dad telling me that somebody had killed Linda Jo. Why? Why would someone want to hurt her? She was so beautiful, tall, with long jet black hair. I can remember how her eyes sparkled. Several days later. I saw the newspaper lying on the arm of dads chair. There was a picture of this guy with long dark hair and so scary looking. My God! The person who killed Linda Jo. At 8 years old I wasn't the best reader but I could read enough to know what he did to her. That first picture of her killer has been ingrained in my mind for almost 34 yrs. I still think about her and I still ask why?

- **REPLY**

Submitted by A Texan (not verified) on Sat, 2012-03-03 21:13.

Kelly, it's obvious you idolized Linda Jo but, at age 8, what did you know about a woman you idolized and her questionable choices? Having an affair with a MARRIED man, James Mayfield (the man responsible for her death), moving in with the Mayfield family while Mayfield, also her employer, is claiming to be "aiding" Linda Jo as she went through a troubling divorce. Mayfield left his wife for Linda Jo - and the tawdry details about Mayfield's relationship with Linda Jo are out there - if you look for them.

But it's easier to relive this from the mind of an eight-year old? Kerry Max Cook did not murder Linda Jo Edwards - or did you just comment without reading the article?  
Seems so...

- **REPLY**

Submitted by Kerry Max Cook (not verified) on Sat, 2012-03-03 12:07.

This scurrilous comment about my stay in prison raped and abused wrongly convicted in the worst example of prosecutorial misconduct imaginable - - John Grisham says "If it were fiction, no one would believe it" - - comes from ex Smith County prosecutor David Dobbs, or at best, one of his minions. This is yet another pathetic attempt to divert readers attention away from the truth and real facts of this case, which overwhelmingly prove my innocence.

- **REPLY**

Submitted by A Texan (not verified) on Sat, 2012-03-03 11:43.

I am so moved by the story of Kerry Max Cook, who has been a victim of Smith County Justice inept our legal system for 35 years. As far as the "evidence" goes, Kerry Cook's innocence has already been established, but if there is more that can be tested to scream this even louder, by all means, let's do it. The article states that one of the witnesses directly lied in exchange for a reduced sentence. The fingerprint expert expressed that his opinion could not be backed up by science and that he only supplied this "perjury" because Tyler prosecutors pressured him to do it. Evidence was withheld by the state that could have changed the outcome of the trial had it not been suppressed. The list of problems goes on and on. It doesn't take a rocket scientist to see that Mr. Cook was framed by Smith County authorities who are still, 35 years later, trying to cover that up.

- **REPLY**

Submitted by A Texan (not verified) on Fri, 2012-03-02 19:14.

How would you be privy to such intimate details about Cook's actions as your allegation regarding the thermometer. The only dribble is your post - David Dobbs, maybe, or someone who also served time with Cook in prison. You sould like a mean varmint.

- **REPLY**

Submitted by A Texan (not verified) on Fri, 2012-03-02 18:23.

All I can do is laugh at this dribble. Cook was so freaking crazy he shoved a glass thermometer in his penis and broke it off. And as for him claiming his DNA wouldn't be found, well since the poor woman was gutted and her sexual organs removed and discarded it might be hard to find. Thus author needs to take a reality pill and see the light and not the fabricated rainbow fed to him by Cook and his team.

- **REPLY**

Submitted by A Texan (not verified) on Sat, 2012-03-03 18:22.

Ummmm, the truth hurts and mama always said the "hurt dog" hollers the loudest. Could it be Mr. Dobbs is attempting, in his slanderous comment, attempting "damage control" - little late for that, don't ya think? 'Tis a case of making a man fit the crime by whatever means possible not making the real murderer pay.

- **REPLY**

Submitted by A Texan (not verified) on Fri, 2012-03-02 15:42.

The Tyler Morning Telegraph has long been an embarrassment to East Texans. Full reportage is not their forte and they have been the puppets of the DA's office in a number of stories. They can handle lists of what's happening in town but not much else.

- **REPLY**

Submitted by A Texan (not verified) on Fri, 2012-03-02 13:46.

Of course the Tyler Morning Telegraph printed a one-sided story. This is the usual M.O. of "The Voice of the State," a paper that loyally and unquestioningly prints whatever garbage prosecutors (or former prosecutors) tell it to, while generally failing to do any investigation on its own, and also generally failing to examine the defense side of the case. No wonder so many people think of the Tyler Morning Telegraph as "The Voice of the State."

- **REPLY**

Submitted by A Texan (not verified) on Mon, 2012-03-05 11:00.

I might be slow but didn't he plead guilty? Didn't he say these facts are true? How can he now comeback and ask for money for being wrongfully convicted? I think this has everything to do with money not justice. Also, wasn't the misconduct from the first prosecutor and not Skeen/Dobbs?

- **REPLY**

Submitted by A Texan1 (not verified) on Fri, 2012-03-09 14:12.

Yes, you are slow

- **REPLY**

Submitted by Kerry Max Cook (not verified) on Mon, 2012-03-12 19:13.

"...It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, not to convict, but to see that justice is done. They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused (Preamble to the Texas State Penal Code, Article 2.01) What do Williamson County's Ken Anderson and Smith County's Jack Skeen share in common? Both were awarded "Prosecutor of the Year" by the County and District Attorneys section of the Texas State Bar. And both were later appointed to District Judgeship by Gov. Rick Perry. When a Tyler Judge in Smith County moved my case to Williamson County in 1992 for the first of what would become a series of retrials in the '90's, then-District Attorney Jack Skeen sent me back to death row a second time. In fact, of all the things you can say Jack Skeen and Ken Anderson have in common, the one thing they don't is that Jack Skeen is not facing a Court of Inquiry and Ken Anderson is. If anyone really sat down and took the time to wade through all the documented Jack Skeen and David Dobbs misconduct in my case, I think you would be shocked at how bad it really was. It would make the machinations of John Bradley look like Cinderella. But that won't happen. You see, in Texas we have what I like to call Sak's Fifth Avenue justice for the Ken Andersons and Jack Skeens, and Walk-Mart justice for the Michael Mortons and Kerry Cooks. Take my case for example.

Here you have one of our largest newspapers in Texas, the Dallas Morning News, from 1980 until 1992 writing an award-winning series of investigative stories on my persecution that began with Inmate was Railroaded, Testimony in Cook case called mostly false, Convicted Man Called Innocent, Key Evidence in Cook Case Suppressed, Wrong Man on Death row, Psychologist Views on Inmate Disputed, Conclusions Wrong, Experts Say, Police Didn't Pursue Leads in '77 Killing: Tyler Inquiry called Sloppy, and many more. These headlines were published across the state of Texas. The man first responsible who caused those torrid headlines to be written was 1977-78 Smith County district attorney A.D. Clark, III. Fourteen years later, Jack Skeen (A.D. Clark, III's first-cousin) used the exact same "fraudulent" case A.D. Clark, III first built to convict me and then pushed it until he got a second conviction and death sentence at a third trial in 1994 with a Williamson County jury.

<http://205.196.121.73/9bl1991pf1tg/5semh07l2gfcidix/Motion+to+Recuse+and+...> These Dallas Morning News investigative headlines had already splashed across Texas long before Jack Skeen received his "Prosecutor of the Year" award in 1997. In addition, by this time, Jack Skeen had already sent me back to death row once more and was on his way to do it again in a fourth trial after the conviction he obtained in my third trial with the use of the very same "fraudulent evidence (See Tex. Ct. Crim. Apps. Nov. 6th. 1996 Opinion)." The County and District Attorney's Association knew all of this when they nominated Jack Skeen "Prosecutor of the Year" in 1997. Maybe one day the spirit of the words found in Article 2.01 of the Texas Penal Code can have meaning in Texas. Today, they don't. After what I have gone through in Smith County, I'm not sure they ever did.

- **REPLY**

<http://tmdailypost.com/article/criminal-justice/last-man-exonerated>

from Texas Monthly

## The Last Man Exonerated

---

by

[MICHAEL HALL](#)

|

MAR 1 2012, 10:00 AM

•  [Email this](#)

Kerry Max Cook walked off Texas's death row in 1997, but earlier this week he filed [two motions](#) in the 241st District Court in Smith County that he hopes will finally clear his name. Cook (pictured above) and his Dallas lawyers, working with the New York-based Innocence Project, petitioned for post-conviction DNA testing on untested evidence he is certain will show once and for all that he is innocent of killing Linda Jo Edwards in Tyler in 1977. He also asked to have the DNA motion considered by a judge from outside Smith County, where he claims he was a victim of "the most well-documented and notorious instance of prosecutorial misconduct in the annals of Texas jurisprudence."

Now would seem to be a good time to file these motions. Since 2000, four dozen Texans have been exonerated, most by DNA evidence. Recently we've seen several high-profile cases in which men sent to prison—including death row—were exonerated and freed, to great fanfare. Timothy Cole, convicted of rape in Lubbock in 1985, was [exonerated posthumously](#) in 2009 after a court of inquiry found him innocent. Anthony Graves, a former death row inmate, was [freed in 2010](#) after a special prosecutor found his trial prosecutor had "handled this case in a way that would best be described as a criminal justice system's nightmare." Michael Morton, convicted of killing his wife in 1987, was [freed in October](#) after tests revealed his wife's blood and another man's DNA on a bandana near the crime scene.

Cook was released when these other men were still in prison. Any yet, unlike them, he is not legally an exoneree. That's because, even though his death sentence was overturned twice by higher courts, and even though DNA taken from the murder victim didn't match him, when prosecutors were preparing to put him on trial for a fourth time, Cook pleaded no contest instead of not guilty. Thirteen years later, his murder conviction is still on his record.

Why did Cook plead no contest to a murder he didn't commit? Good question. Cook's case is a strange one, one of the strangest in Texas history. He was arrested in June 1977 for the rape and murder of Linda Jo Edwards, who had been stabbed, beaten, and

mutilated in her apartment. Her roommate told of seeing a man at the apartment whom she assumed was James Mayfield, a married man with whom Edwards had been having an affair. But the affair had ended three weeks before the murder. Police instead zeroed in on Kerry Max Cook, who lived in the same complex and whose fingerprints were found on a patio door of the apartment. Cook said he was innocent.

The prosecution made a strong case at Cook's first trial in 1978. A police detective testified that his fingerprints could actually be dated as having been left there within hours of the murder. The roommate who originally thought the killer was Mayfield now said it was Cook. A jailhouse snitch said Cook confessed to him that he'd killed Edwards. And a gay hairdresser named Robert Hoehn said that on the night of the murder he and Cook had watched the movie *The Sailor Who Fell From Grace With the Sea*; Hoehn said he had performed sex acts on Cook, who also had masturbated during a scene involving the torture of a cat. The prosecution's theory was that Cook, aroused by the torture scene, had rushed out to rape, kill, and mutilate Edwards, a total stranger. Cook, who says he knew Edwards and had visited her apartment by invitation (thus accounting for the prints), was found guilty, convicted, given the death penalty, and sent to death row.

Ten years later, stories in the *Dallas Morning News* began alleging serious improprieties at the original trial. For example, the snitch admitted that he had lied as part of a deal with prosecutors (his pending murder charge was reduced to involuntary manslaughter in exchange for his testimony), and the detective's testimony about being able to tell the age of fingerprints was shown to be highly misleading, if not downright absurd. In 1991 Cook's sentence was overturned on a technicality and sent back to the trial court.

By this point, the state's case was in the hands of a tough prosecutor named Jack Skeen, who had been elected Smith County DA in 1983. Cook had found his own advocate in Jim McCloskey of Centurion Ministries, a New Jersey group that helps the wrongly convicted. Centurion did some research and found four dozen people who knew Mayfield, the man Edwards had been having an affair with; none had ever been interviewed by police. McCloskey became convinced of Cook's innocence and wrote a report titled "Why Centurion Ministries Believes Jim Mayfield Killed Linda Jo Edwards."

Cook's second trial was moved to Williamson County in 1992, but it ended in a hung jury and a mistrial. By this point other evidence that suggested prosecutorial misconduct had been revealed—the state hadn't turned over evidence that Mayfield's teenaged daughter had repeatedly threatened to kill Edwards in the weeks before her death. The state also withheld evidence that Cook and Edwards did indeed know each other and that Hoehn had originally told the grand jury that he had not had sex with Cook (who, he had also said, didn't pay any attention to the movie). Finally, the state hadn't revealed a written statement from the detective who had testified about the age of the fingerprint in

which he said he had told prosecutors this opinion was unsound and couldn't be backed up by any science. Still, he stated, prosecutors pressed him to give it, and he did, to devastating effect.

At trial number three, in 1994, even without the testimony of the snitch or the detective regarding the age of the fingerprints, the state was allowed to use the testimony of Hoehn, who had recently died. Cook was again found guilty and again given the death penalty.

In 1996 Cook finally got his first vindication. The Texas Court of Criminal Appeals reversed the latest conviction, pointing to the massive official misconduct. "Prosecutorial and police misconduct has tainted this entire matter from the outset," the majority opinion declared. Cook made bail in 1997, but the state prepared to try him again. Skeen, who was elected Prosecutor of the Year by the State Bar of Texas, remained convinced of Cook's guilt.

In an attempt to head off a fourth trial, Skeen's office offered Cook a deal: plead guilty, be sentenced to time served, and go home. Cook refused. He was innocent, he swore. In early 1999, Edward's underwear was sent to a DPS lab for modern forensic testing. On February 5, the lab confirmed the presence of semen. Six days later a hopeful Cook gave a blood sample. The next day, before the results of the DNA test came back, the DA's office made another offer: a no contest plea, in which he would maintain his innocence while acknowledging that witnesses against him "would testify sufficiently to prove beyond a reasonable doubt" that he'd killed Edwards. Again Cook refused. On February 16, the DA came back with a final offer: a no-contest plea in which Cook would maintain his innocence while only acknowledging the evidence the state would offer to try and convict him. Cook took the deal. He didn't want to run the risk of another trial, another guilty verdict, and another death sentence in law-and-order Smith County.

Two months later, the test results came back: the semen belonged to Mayfield—who had given a blood sample a month after the plea deal. Skeen's office maintained that the results didn't prove anything—after all, Mayfield had recently had a sexual relationship with Edwards, and who knew when that semen had been deposited there? Cook was still guilty. As Assistant DA David Dobbs said later, "The important thing for us was to insure that he got a conviction for murder that would follow him for the rest of his life."

In 2003, Skeen became judge of the 241st District Court. One of Cook's motions filed Tuesday specifically asks for his case to be tried by someone other than his former prosecutor. In this motion for recusal, Cook's attorneys note new evidence that they say suggests Skeen failed to follow the law. In particular, in May 2011 Cook's lawyers say they found a **polygraph** report on the jailhouse snitch that indicated deception during his 1977 questioning—a report that was never turned over to any of the defense lawyers,

either in 1978 or 1994. Cook's lawyers write, "the State was unquestionably obligated to provide this highly exculpatory document to the defense."

The CCA, in its review, concluded that the improprieties in the case were confined to the original investigation, in the late 1970s. A footnote to its majority decision in 1996 reads: "We note the acts of misconduct ... took place nearly 20 years ago and we do not imply any complicity in said acts on the part of the current District Attorney or current members of the Tyler Police Department." But Judge Charlie Baird, in a separate opinion, disagreed, saying that he thought the misconduct went further: "the State's misconduct in this case does not consist of an isolated incident or the doing of a police officer, but consists of the deliberate misconduct by members of the bar, representing the State, over a fourteen year period—from the initial discovery proceedings in 1977, through the first trial in 1978 and continuing with the concealment of the misconduct until 1992." By that point, Skeen had been DA for nine years.

One of the more intriguing questions is whether Skeen knew the results of the DNA test before making the plea offer in 1999. In *Chasing Justice*, a book Cook wrote about his experience, he says that McCloskey suspected so. "I'll tell you what I think," Cook remembers McCloskey saying. "I think they ran a preliminary test on the semen stain and have at least got a blood type; they know you aren't the donor." In the DNA motion, Cook can only speculate on what happened:

Based on statements made by the District Attorney, what likely occurred between February 12 and February 16, 1999 is that an initial analysis was performed on Mr. Cook's blood sample for purposes of comparison to the semen stain on Ms. Edwards' clothing, which had only been provided the day before the prosecution's offer to Mr. Cook of 40 years in prison. And in hindsight it is apparent that this initial analysis excluded Mr. Cook as the individual that raped and murdered Ms. Edwards. Just after Mr. Cook entered his no-contest plea, a local newspaper reported that, "[t]esting continues on a recently discovered semen stain on the dead woman's underwear, said Skeen. But initial indications were that the new evidence would not prove helpful to prosecutors, he [Skeen] said.' The prosecution knew that once a jury was informed that the semen from Ms. Edwards' panties did not belong to Mr. Cook, the State would not be able to convict Mr. Cook of her rape and murder. Again, Mayfield did not submit his blood until after the plea agreement was entered, so when the prosecution made the deal with Mr. Cook they may not have known with scientific certainty who did rape and kill Ms. Edwards, but they absolutely knew who did not—Kerry Max Cook.

The intent of the DNA motion seems to be to start the ball rolling to get Cook eventually declared actually innocent. This is a tall order in Texas, especially this long after the verdict. The motion states:

Mr. Cook is factually and actually innocent of the 1977 rape and murder of Ms. Edwards and requests further DNA testing to verify and corroborate the other powerful evidence of his innocence. While previous DNA testing has already provided exculpatory evidence and established overwhelming proof of Mr. Cook's innocence, there is a substantial volume of additional un-tested evidence that will further corroborate Mr. Cook's innocence.

The motion is referring to things taken from the bloody crime scene that were never tested for DNA, including Edwards' bloody blue jeans, a hair found on her body, and other biological samples taken from her bra and a knife.

One of the great mysteries of the case is why Mayfield, whose semen was found on Linda Jo Edwards' underwear, was never tried for her murder. If his DNA profile were to be found in the untested blood or hair, could Mayfield (who lives in Houston and has refused requests for interviews for 35 years now) ultimately be prosecuted? Could Cook be exonerated?

Cook's case is a deeply tragic one. He was one of the first of the modern wave of men to be freed after years of wrongful imprisonment. And yet Cook never experienced a profound public vindication. He never got to raise his arms high as he was cheered leaving the courthouse—like [Morton recently did](#). He doesn't get millions of dollars in compensation from the state for those wasted years—like [the others do](#). He doesn't have a brotherhood of fellow exonerees—like [the men in Dallas have](#). He isn't even, technically, an exoneree.

“Every day I fight against the darkest depression imaginable,” he says, “because of what Smith County did to me and continued to do to me for 35 years. First there was the horror of my prison experience as an innocent man, then my fate when I was freed, which in some ways was almost as bad. I developed severe PTSD. I was forced to move five times by people who found out about my past. Kids won't play with my son because they find out he's the son of a man who was on death row. My wife and I—we have no insurance. I can't get an apartment, I can't get a real job. It's been unbelievable. Nobody knows what it's like. It's like I'm behind another set of bars. I'm not free.

“I want the official exoneration. I want what Ernest Willis and Tim Cole and Michael Morton got. I deserve it. It's my turn.”

**TAGS:**

[\*Criminal Justice, exonerations, Kerry Max Cook, wrongfully imprisoned\*](#)

## **The Exonerated**

Stage Play written by Erik Jensen and Jessica Blank

Featuring a rotating cast

Reviewed by Hans Sherrer

***Justice:Denied* magazine, Issue 24, page 17**

*The Exonerated* is a 90 minute stage play revolving around the stories of six former Death Row prisoners who were released from prison after their convictions were reversed. The play briefly tells in narrative fashion each person's story of what she or he was falsely accused of, how she or he was wrongly convicted, and his or her eventual exoneration.

The play is staged with a spartan set of 10 chairs lined up across the stage. There is a lectern in front of each chair that has a copy of the script. There is no physical movement since the actors remain seated throughout the play. The acting is in the voice inflections and accents of the performers as they recite dialogue based on court transcripts and interviews related to the cases of the five men and one women:

- Kerry Max Cook, convicted in 1978 of murdering a woman acquaintance. He was wrongly imprisoned in Texas for 22 years.
- Robert Earl Hayes, convicted in 1991 of murdering and raping a co-worker. He was wrongly imprisoned in Florida for six years.
- Delbert Tibbs, convicted in 1974 of murdering a man and raping his companion. He was wrongly imprisoned in Florida for three years.

- Sonia Jacobs, convicted in 1976 of murdering two policemen. She was wrongly imprisoned in Florida for 16 years.
- Gary Gauger, convicted in 1993 of murdering his mother and father. He was wrongly imprisoned in Illinois for three years.
- David Keaton, convicted in 1971 of murder. He was wrongly imprisoned in Florida for two years.

Four other actors, two men and two women, wear multiple hats by reciting dialogue of judges, prosecutors, and defense lawyers in the cases, as well as several other people.

*The Exonerated* is touring the country as of the spring of 2004. The Moore Theater in Seattle was nearly sold out when I saw the play in January 2004. Pulling in a large audience willing to pay over \$50 a ticket requires marquee performers, and during the plays six day run in Seattle, veteran actors Brian Dennehy and Lynn Redgrave played Gary Gauger and Sonia Jacobs, respectively. An assortment of “name” performers, including Richard Dreyfus, Amanda Plummer, Gabriel Byrne, Marlo Thomas, and Vincent D’Onofrio have played parts in the play in different cities.

I was somewhat disappointed with *The Exonerated*. Perhaps reflecting that its writers are of the MTV generation – it has the feel of watching a music video as it jumps from one person to another every few minutes (or less). I suppose that is great if you have the attention span of a two year-old, but I thought it was distracting. So much so that I found myself thinking of ways the play could have been designed to be more dramatic and less “hip.” I was also taken aback by the way the play is staged “on the cheap.” Go to any high school play in the country and you are likely to see significantly higher production values than are incorporated into *The Exonerated*.

*The Exonerated* does however, provide a reason for the snob faction of its audience to indignantly exclaim after a night at the theater - “Oh my, isn’t what happened to those people just terrible!” – and the next day go on with their life as if the night before they had been bothered by a bout of indigestion.

Based on the adage that there is no such thing as bad publicity, *The Exonerated* has been good for helping to put a spotlight on several serious miscarriages of justice. However it owes that press coverage to the “name-brand” actors in the cast and not its subject matter or production values. How is that known? The release of an innocent person from prison rarely merits more than a paragraph in newspapers outside of the city or town affected. However to have Brian Dennehy *portray* Gary Gauger, who was released from prison *eight years ago*, and Lynn Redgrave *portray* Sonia Jacobs, who was released *12 years ago*, merited almost 1-1/2 pages of coverage in The Seattle Times (Jan. 11, 2004, pgs K1, K4; and, Jan. 15, 2004, C3). That could be more coverage than the paper devoted in total to reports about the 76 people exonerated or pardoned in the U.S. in 2003 (See, The Innocents Database at, [http://forejustice.org/search\\_idb.htm](http://forejustice.org/search_idb.htm)).

In spite of its deficiencies, *The Exonerated* is worth seeing at least once by anyone with a smidgen of social consciousness, but not at the \$52 dollars I paid for a ticket *in the balcony*. In a few years community, high school, and college theater groups, typically charging \$5-\$15 dollars a ticket for a seat that is often times only yards from the performers, will begin staging *The Exonerated*. The actors in those productions will be just as effective as the “name” performers in the off-Broadway touring version – and probably more so because they will better project to the audience that will be closer to the stage.

Waiting for a local production of *The Exonerated* is a viable option for two reasons: there is nothing about the play that makes it a must see right now (unless you want to see a big name performer read a script); and you can take your savings (up to \$80 for two people) and have your own Wrongful Conviction Movie Fest – including popcorn and drink refreshments! There are over 70 movies related to wrongful convictions that you can choose from listed in The Innocents Bibliography at: <http://forejustice.org/biblio/bibliography.htm>. Many of those movies are based on actual cases, and can typically be rented at video locations where they are available for \$3 or less, or for free from your local library. Any one of those movies could provide as much or more information than *The Exonerated* about the process by which an innocent person is wrongly convicted, what the person goes through, and how they are eventually exonerated. It is also worth keeping in mind that *each* of these dramatically powerful and informative movies starring “name” performers has been seen by *many times* more people than will see a theater performance of *The Exonerated* in a hundred years.

The following are brief summaries of nine movies related to wrongful convictions you might want to consider seeing, if you haven’t already.

- *In the Blink of an Eye* tells the tragic story of Sonia Jacobs and Jesse Tafero who were wrongly convicted of the 1976 murder of two policemen and sentenced to death. The 1996 movie stars Mimi Rogers as Sonia Jacobs, and effectively portrays the heroic efforts of her childhood friend, Micki Dickoff, a documentary film maker, who believed in her innocence and worked for years towards her exoneration.
- *Call Northside 777* tells the compelling story of Joseph Majczek, who was convicted of murdering a Chicago policeman in 1933 and sentenced to life in prison. The 1948 movie stars Jimmy Stewart as the enterprising reporter who beat the bushes for proof of Majczek's innocence after responding to a classified ad by Majczek's mother seeking help. His mother had worked for years scrubbing floors to save \$5,000 (a significant amount in the 1940s) to offer as a reward for information that would exonerate her son.
- *The Hurricane* tells the moving story of Rubin "Hurricane" Carter and his co-defendant, John Artis, who were wrongly convicted *twice* of murdering three people. The 1999 movie stars Denzel Washington (nominated for the Oscar's Best Actor award) and shows how important the efforts of three Canadians, including a teenager, were to the eventual exoneration of the two men.
- *Dangerous Evidence: The Lori Jackson Story*, tells the inspiring story of activist lawyer Lori Jackson's efforts to aid a US Marine Corp Battalion's only African American corporal who she believed was wrongly convicted of raping a white officer's wife. The 1999 movie stars Lynn Whitfield.
- *The Thin Blue Lie* tells of the doggedly determined effort of *Philadelphia Inquirer* reporter Jonathan Neumann to investigate corruption in the Philadelphia Police Department. As he discovered, their untoward actions included framing innocent people, one of whom was on death row for causing five arson related deaths. Neumann won a Pulitzer Prize for the reporting this movie is based on. The 2000 movie stars Rob Morrow, Randy Quaid and Paul Sorvino. See the review of [The Thin Blue Lie](#) in *Justice:Denied* Issue 23.

- *In The Name of the Father* tells the story of four Irishmen known as the Guildford Four, who were framed by the police for an IRA bombing that killed five people in a Guildford, England pub. The 1994 movie stars Daniel Day Lewis as Gerry Conlon, and Emma Thompson as Gareth Peirce, the lawyer who relentlessly searched for years to finding exonerating evidence. See the review of the movie in *Justice Denied*, Vol. 2, No. 4, that can be viewed at, <http://www.justicedenied.org/inthenameofthefather.htm>.
- *A Cry in the Dark* tells the double tragedy that befell the Chamberlain family in Australia. Lindy Chamberlain was wrongly convicted of murdering her young daughter, who was actually dragged away by a dingo during a camping trip. The 1988 movie stars Meryl Streep and Sam Neill.
- *Ten Rillington Place* tells the too impossible not to be true story of Timothy Evans. In 1949 Evans was charged with the gruesome slaying of his wife and baby after being induced by police to falsely confess to the murders. Evans was convicted, and then hanged in March 1950. However after his execution it was discovered the actual killer had continued his murder spree. Timothy Evan's execution influenced many people in the U.K. to recognize a fatal flaw with capital punishment is the inability to correct an innocent person's execution. The 1970 movie stars Richard Attenborough.
- *The Wrong Man* tells of the devastating effect on nightclub musician "Manny" Balestro and his wife when he was wrongly accused of robbing an insurance office in 1954. Alfred Hitchcock directed this movie that is based on an account published in Life magazine. The 1956 movie stars Henry Fonda, Vera Miles and Anthony Quayle.

After watching a half-dozen movies about wrongful convictions you should have money left over from what tickets to the touring version of *The Exonerated* would have cost. To come out even with the cost of the play's tickets, you could do the good deed of donating the leftover money to one or more of the cash strapped grassroots organizations concerned with various aspects of wrongful convictions. Then you can check out *The Exonerated* if it is locally produced in your community.