

Lewd activity nets felon 80 years in sentences

The crimes, involving five victims, all took place the same night.

By BILL BRAUN
Word Staff Writer

A Tulsa felon faces 80 years in prison sentences linked to convictions for a string of crimes involving lewd and indecent behavior on the same evening.

Tulsa County jurors found Brian Thomas Lowery guilty Thursday of seven felonies- five counts of indecent exposure and single counts of lewd molestation and first degree burglary.

Lowery, 26, received sentences for 30 years for the molestation offense, 20 years for the burglary and terms of 10, seven, five, four and four years for the indecent exposures. He also received a 90 day term upon being found guilty of a misdemeanor assault and battery.



Assistant District Attorney Jack Thorp said Lowery committed a spree of crimes involving five female victims, with the youngest being 14 years old, at different locations in south Tulsa on September 29, 2005.

The offenses were linked to a man who in some instances was partly or completely naked, police reported.

Lowery was arrested on October 1, 2005, after he was linked to a car matching the tag number obtained by an anonymous caller who saw him leave a crime scene, police reported.

Lowery did not testify.

During the trial's sentencing stage, Thorp introduced evidence that Lowery had been convicted previously for possessing a stolen vehicle and unauthorized use of a vehicle.

The two longest sentences imposed Thursday night- for burglary and lewd molestation- are for offenses that require a defendant to serve at least 85 percent of his prison sentence before he is eligible for parole.

Thorp said he will ask Associate District Judge Dana Kuehn to order all terms to run consecutively at a May 7 formal sentencing.

Lowery still faces trial in two other 2005 cases on charges that include rape by instrumentation, burglary, sexual battery and indecent exposure, records show.

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Part of gang-related murder trial to be closed

by: BILL BRAUN World Staff Writer
Saturday, October 02, 2010
10/2/2010 7:32:59 AM

A Tulsa County courtroom will be closed to most spectators during the testimony of three juvenile witnesses at a gang-related murder trial, a judge has ruled.

District Judge William Kellough decided this week that when those witnesses testify, the courtroom will be closed to the public, except for "members of the press with credentials, and female family members of the defendant," Quandrae Harding.

The trial, scheduled for next week, will be open to the public when those three witnesses are not testifying.

Assistant District Attorney Jack Thorp applied for the closure, asserting in a document that the three witnesses - expected to be called by the prosecution to testify - are minor children, and "each witness fears retaliation for 'snitching' in the form of harassment and physical harm."

First Assistant District Attorney Doug Drummond said, "This is the first time we have filed a motion like this in recent memory."

"People who are violent or in a gang intimidate people to get what they want," he said.

"Unfortunately, there are times where the intimidation tactics work," and witnesses are either too scared to attend court or "say they have problems remembering what really happened," according to Drummond.

"This is a real problem for police and prosecutors alike in Tulsa and nationwide," he said in an e-mailed statement to a Tulsa World reporter.

Harding, 20, is scheduled for trial on a first-degree murder charge linked to the June 19, 2009, fatal shooting of Johnathan Starks, 17.

Starks, whose name has been spelled Jonathan in some records and reports, was shot outside his residence in the 300 block of West 46th Place North.

Harding has been in the Tulsa Jail since his June 20, 2009, arrest.

Thorp said Harding and a brother of Starks' are members of rival gangs.

In court this week, a police officer indicated that the slain Starks was not considered to have a gang affiliation.

In a document, Thorp stated that "facts clearly indicate that the victim was murdered for being associated with" his gang-member brother.

Thorp asserted that because of the gang culture, "these witnesses have a legitimate fear, and this court has a legitimate interest in protecting the witnesses."

Harding's lawyer, Kathy Fry, objected to closing the courtroom during the trial, saying in a court filing that "there is no true risk of physical harm to the children set to testify."

Fry said the shooting resulted from a neighborhood disturbance and not gang activity.

Joey Senat, an associate professor at Oklahoma State University who teaches media law, said that if court officials are concerned about courtroom behavior by spectators, "they should take steps to monitor or control that behavior short of excluding the public."

Members of the press and news media have no more right to be present in the courtroom than the rest of the public, Senat said.