

Los Angeles Times

Saturday, April 26, 2008

Judge bars D.A. from murder appeal

A woman convicted of killing her abusive boyfriend in 1982 wins a key victory in her battle for freedom.

By JACK LEONARD
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A Los Angeles judge Friday removed the entire district attorney's office from a high-profile case in which a woman imprisoned for murdering her abusive boyfriend in 1982 contends that county prosecutors agreed to support her release but then reneged on the deal.

The unusual ruling was welcomed by attorneys for Deborah Peagler, 48, as a key victory in her ongoing battle for freedom, which they said had been blocked by internal squabbling and prosecutorial misconduct within Dist. Atty. Steve Cooley's office.

Superior Court Judge William C. Ryan said he believed that district attorney's officials could not fairly cross-examine their own bosses if Cooley and other top prosecutors are called to testify in the case. Ryan ordered the state attorney general's office to handle Peagler's petition for release instead.

"Today, the judge allowed us to undo all of the damage the D.A. has done," said Joshua Safran, one of Peagler's attorneys. "The D.A. has been put in his place."

District attorney's officials said they were disappointed with the ruling and believed

[See *Murder*, Page B8]

D.A. is removed in murder appeal

[*Murder*, from Page B1] that they were capable of handling the case fairly.

They said Cooley and his top aides made an initial agreement in 2005 to allow Peagler to plead to a lesser charge that would have allowed her immediate release but changed their minds after learning more about the slaying.

"In extending the plea offer in the first place, our prosecutors were acting in the interests of justice," said Deputy Dist. Atty. Tracey Lopez. "When they learned more about the facts and the law and the circumstances of this case . . . it was withdrawn also in the spirit of justice."

Peagler's lawyers maintain that the deal — and its subsequent withdrawal — hampered their efforts two years ago to present the necessary evidence for a court to order her release. As a result, they said, a judge declined to hold a hearing to determine whether Peagler should be freed. Now they are trying again.

Peagler pleaded guilty in 1983 to arranging the murder of longtime boyfriend Oliver Wilson, 23, a pimp and drug dealer.

Peagler was accused of luring Wilson to an Inglewood park, where two men beat and strangled him with a cord. Both men are in prison serving life sentences.

Prosecutors believed that Peagler hired the attackers to cash in on a \$17,000 life insurance policy she took out on Wilson. They initially sought the death penalty, but Peagler was sentenced to 25 years to life as part of her plea agreement.

Since her plea, California has allowed defendants convicted of killing their batterers to win reduced sentences if they can show that the abuse

and its effects led to the killing.

Peagler's attorneys say she suffered years of extreme violence at the hands of Wilson, who allegedly forced her into prostitution, beat her with a bullwhip and sexually assaulted her. A few days before the killing, Peagler said, he took her to a motel and repeatedly raped her.

Peagler's lawyers met with Cooley and his chief deputy in 2005. Cooley, they said, pledged to accept a voluntary manslaughter plea to replace her murder conviction, effectively allowing her release. Peagler's lawyers filed court papers asking for her to be freed.

At the request of Cooley's office, they said, they did not include evidence that prosecutors had previously hidden a 1983 memo from Peagler's defense attorney that showed a key witness had lied while testifying against her.

They also accuse the original prosecutor on the case of using the threat of a possible death sentence to coerce Peagler into pleading guilty to murder.

District attorney's officials strongly dispute the claims of misconduct and say Peagler has admitted her role in the killing. They accuse her of exaggerating the abuse, saying she has added more shocking allegations as time has gone by.

Prosecutors also contend that Peagler had several reasons to kill Wilson, including jealousy of his new girlfriend and a desire to cash in on his life insurance.

"I think the evidence . . . is overwhelming that it was for a multitude of reasons, including financial gain," said Deputy Dist. Atty. Laura Jane Kessner.

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