

3/29/88 Contempt Charges Against Pair Dropped

Lerma Scolded By Visiting Judge

By ALLEN ESSEX
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BROWNSVILLE — Contempt of court charges against Cameron County Commissioner D.J. Lerma and Chief Sheriff's Deputy Carlos Tapia were dismissed by visiting state District Court Judge Vernon Harvell Monday.

The pair faced contempt charges of court by County Court-at-Law No. 1 Judge Noe Robles over the release from jail of Luis Leal, 57, of San Benito, last week.

Tapia released Leal from jail March 18, after receiving an appeal bond prepared by Lerma, acting as Leal's private attorney in a driving while under the influence case.

Harvell, from Corpus Christi, was brought in to hear the case because Robles was a witness. Joe Connors of McAllen was the special prosecutor for the case. Lerma was represented by his son, Robert, and Rene Oliveira, both Brownsville lawyers.

While on the witness stand, Robles said that Leal had not shown any remorse for the charge of DWI and had been convicted of the same charge twice before.

Leal had made it clear he had political clout and would use it, if he were jailed, Robles and Connors said.

Leal had also said that "I should not put him in jail, if I wanted to continue being a judge," Robles said.

During the March 18 hearing

on Leal's drunk driving charge, Robles placed Leal in the sheriff's custody. A request for an appeal bond made by Lerma was not denied, but Robles told him, "I'll consider that, when you file your proper motion," according to the court transcript.

Harvell dismissed the case, but said it was clear that Lerma, a lawyer for many years, knew what Robles had meant in court, but Harvell said that Robles did not make his order clear enough and, therefore, he could not find Lerma in contempt. Robert Lerma argued that Robles never revoked Leal's original bond, so that bond was still in effect when he was released.

Connors said there was no question what Robles had ordered in court. "It seems to me that Judge Robles is inferentially saying 'I'm not continuing your man on the original personal recognizance bond.' That's the only implication I can see.

He said Lerma's a smart lawyer who has been around for a long time and is well thought of over here. Connors said he thinks Lerma understood Robles' order but thought there was another way to get his man out of jail without going to see Robles that afternoon.

On the witness stand, Tapia said the bond Lerma presented appeared to be in order, but added he is not a lawyer.

Leal was sentenced by Robles to one year in jail, fined \$10,000 and charged \$88.50 in court costs for the DUI violation. He was re-arrested and then later released on bond.