

Lerma contempt charge is thrown out by judge

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A contempt of court charge filed against Cameron County Commissioner D.J. Lerma was thrown out this morning by State District Judge Vernon Harville of Corpus Christi.

The charge had been filed in connection with the unauthorized release of a prisoner, Luis Leal Jr., 57, convicted of driving while intoxicated earlier this month.

Leal of San Benito was sentenced to one year in jail, fined \$10,000 and assessed \$88.50 in court cost by County Court at Law No.1 Judge Noe Robles.

But three hours after his arrest, Leal was released "on an appeal bond as per chief (Carlos) Tapia," records state.

Following Leal's release, Robles then ordered the arrests of Tapia and Lerma on contempt of court charges.

Speaking on behalf of his client, defense attorney Rene Oliveira said he was pleased with the



Herald photo by Brad Doherty

D.J. Lerma outside courtroom

outcome of the case.

"My client (Lerma) has been vindicated," he said. "It was an unfortunate incident which is behind us now."

He said Lerma has been a county court at law judge, a justice of the peace and is now a

county commissioner, and has more legal experience than most lawyers who were present in the courtroom today.

"It's important to him to clear his name and to avoid any further damage to his reputation as he represents thousands of people here," Oliveira said.

During his testimony this morning, Robles charged that Lerma intentionally circumvented the judge's authority in securing the release of a convicted offender.

Robles said Lerma misled the Cameron County Sheriff's Office in gaining the release of Leal.

Although Chief Deputy Tapia had authorized the release of Leal on March 18, the charges against the chief deputy were quickly dropped today.

Joe Connor, who acted as a special prosecutor in the contempt hearing case, asked that Tapia be granted immunity in exchange for his testimony.

Harville quickly agreed to that
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request.

Robles alleged that he never authorized Leal's release on appeal bond after the judge convicted him on driving-while-intoxicated charges on March 18.

Robles contended that Leal's release was unlawful since Lerma did not go through proper legal channels in gaining the release.

Lerma's case was largely built on his arguments around a state law which states that a defendant is entitled to be released on a reasonable bail while there is a pending action for a new trial.

Tapia had earlier testified that he authorized Leal's release because he feared a false imprisonment charge would be filed against the county. Tapia said he was unable to secure legal counsel from the county attorney's office before allowing Leal's release.