

Misty Morgan and Sarah Cleary went to a Houston, Texas dance club called Trio's on the evening of June 7, 1997, and while there they met Gabriel Boyd Saxton. After a few beers and a few dances, according to Saxton, Morgan offered to give Saxton a ride to Conroe where he lived with his sister, Lori Parker.

Saxton and the young women left Trio's about 2:13 a.m. in Cleary's car. They stopped at a convenience store before going to a Houston apartment where both young women stayed frequently. (Note: James McDougal of JAMAC Investigation plotted the timeline of events in this article based upon sources that included cell-phone records, and Saxton's testimony and statements.)

According to Saxton, after they arrived at the apartment Morgan and Cleary went inside while he remained outside transferring the young women's belongings from Cleary's to Morgan's car.

Gabriel Cepeda was inside the apartment, and he later testified that Cleary told him Morgan had picked up a guy at the bar and they were going to take him home. Cepeda also testified that Cleary had asked him to call the authorities if he didn't hear from either of the women in a few hours. Cepeda never saw the two women alive again.

Morgan placed a cell-phone call at 2:38 a.m. to her stepfather. That call lasted 29 seconds, during which time she told him she was in for the night. Morgan, Cleary and Saxton left the apartment at 2:43 a.m. to purchase cocaine for Saxton at a strip club called Fanta-

JD Editor's Note: Whenever a wrongful conviction story is written for the public, the limitation on length forces choices to be made about what details to include and exclude. Most people with the time and inclination to pore over trial transcripts, affidavits, and investigation records, would be astonished at the ability of those on the prosecution side for invention, incompetence, and gall. Lonnie LaBonte's story has those elements.

A noticeable aspect in Lonnie's story is; why oh why was Gabriel Saxton not the prime suspect? Why did the police focus their efforts on other people? When asked this question Betty LaBonte responded with something that isn't included in her narrative. The police had no inkling that Saxton was at the crime scene until long after they had focused their attention elsewhere. It's kind of an unwritten police rule: first suspected, first arrested; once arrested, ignore the facts that point to someone else—even if that "someone else" is likely the perpetrator.

Failed Justice For Two Women And The Men Convicted Of Their Murder — The Lonnie LaBonte Story

By Betty LaBonte

sy North. They left the club at 3:04 a.m. to drive to Conroe, about 31 miles away.

Saxton and the women arrived in Conroe at 3:39 a.m. According to Saxton when they were about a mile from his home, Morgan asked if he wanted "to take care of some business." Saxton agreed, later saying he thought he might "get lucky." After turning onto a sandy road in a wooded area near the intersection of FM 3083 (also known as Teas Nursery Rd.) and Highway 75 (also known as N. Frazier St.) in Conroe at 3:51 a.m., Saxton says that he and the young women sat inside Morgan's car talking. Saxton also claims the girls drank alcohol and that he and Morgan smoked marijuana. After 15 minutes Saxton says he exited the car to go to the bathroom in the woods.

Misty Morgan and Sarah Cleary's Murder

Saxton later testified in court that while in the woods, he saw what he assumed to be truck headlights. Fearing it might be a police vehicle and because he had outstanding warrants for parole violations, he remained in hiding. He said three people were in the truck. The only physical description he gave was that the person sitting in the middle (who remained inside the truck) had a ponytail. Saxton also testified that the driver and one of the truck's passengers got out and talked for 5 minutes in front of their vehicle.

According to Saxton, after a brief conversation between Cleary and the unknown pickup truck driver, a struggle began that ended with Cleary being killed and Morgan being knocked unconscious. Saxton claims that he was afraid so he ran through the woods tripping, falling, scratching his face, puncturing his arm, and hurting one leg. He says that after crossing some railroad tracks he stopped and remained quiet for five minutes until the unidentified truck left. Saxton states he then went back to Morgan's car to get his personal belongings that included: a hat, cigarettes, and cocaine, and to steal items from the women.

After removing Cleary's boots, he removed her pants and forcefully ripped her panties off (remember Saxton said that Cleary was already dead at this time). However, Saxton claims he saw headlights returning, so he decided to leave in Morgan's car. He says he drove her car further into the wooded area arriving at "a dead end" approximately 150

feet from where the car was initially parked. This is the location where her burnt-out car was found.

Upon exiting the car, Saxton admits that in addition to taking his personal items, he also stole items from the women that included Morgan's car keys, Cleary's boots, and the women's watches, cellphones and cigarettes. Saxton says he also took a cigarette pack containing a third girl's I.D. that it is believed Cleary used. Saxton claims he then again ran back through the woods and across the railroad tracks where he stayed for 15 minutes, until he heard "a whoosh" and saw "a flash of light," and then headlights backing out down the sandy road.

Saxton says he then returned to where the car was initially parked and where he had left Morgan and Cleary laying on the ground, but he could not find them. So he went to where he had left Morgan's car and saw that it was on fire. However, he claims he could not see anything or anyone inside the car due to the fire.

Saxton says he then went back through the woods for a third time, and he walked and ran down the railroad tracks. About a mile or so south of the crime scene the railroad tracks pass within a few blocks of where Saxton was living at his sister's house.

At 5:15 a.m. he called his sister when he was close to her residence. Shortly after this call Saxton says he saw headlights from a police car, so he ran to a nearby building where he accidentally dropped Cleary's cellphone and hid for 5 minutes. Saxton then resumed walking and after reaching his sister's house, he went to the attic to hide the items that he had stolen: the cell-phone, car keys, and the I.D. of the third girl. Saxton hid these items by dropping them down the inside portion of the wall in the attic, where they would remain until Saxton told police about them in February 1999.

Saxton claims he used both of the young women's cellphones to call 911 prior to and after robbing them, but asserts he was unable to get a proper signal where Morgan's car was parked. However, a cell tower was located less than half-a-mile away and Conroe police officer Taylor, who responded to the initial call to the police about discovery of the burned car, made a cellphone call from the scene.

Morgan and Cleary's Murder Investigated

On the afternoon of June 8, 1997, Robert Burrows and a group of young children riding mountain bikes in the woods found

LaBonte cont. on page 34

LaBonte cont. from page 3

Morgan's burned out car. Burrows immediately notified the Conroe Police Department. Officer Taylor was sent to verify the call. Once at the scene Taylor drove his patrol car up to the burned vehicle and discovered the remains of Morgan and Cleary inside.

Morgan was a friend of the LaBonte family. She visited the LaBonte family at their home and occasionally at their place of business. At the time of her murder, however, Lonnie had not spoken to Morgan in over three months. Lonnie knew Morgan because she was the girlfriend of his friend Gerald Barton. Neither Lonnie nor anyone else in the LaBonte family knew Cleary.

Detectives came to our home (Philip and Betty LaBonte) on the morning of June 19, 1997. They asked to talk with Lonnie regarding Gerald Barton and any connection he might have had with the death of Morgan and Cleary. Lonnie's dad and I encouraged him to speak with the detectives since he had been friends with Morgan, knew Gerald, and we knew Lonnie had nothing to hide. Lonnie allowed his fingerprints, palm prints and shoe impressions to be taken after his statement on June 19. Lonnie was questioned again by detectives on July 16, 1997.

Lonnie's then girlfriend, Melissa Brannon, also gave a police statement on June 19, and again on July 16, 1997. She denied any involvement or knowledge of the crime. She stated that she was with Lonnie at his home in New Waverly from about midnight June 7, 1997, until the following afternoon of June 8, 1997. She also said they never left during that time.

Lonnie and Melissa both willingly provided hair and blood samples to the police for DNA testing. All the tests, including the DNA tests, comparing the samples provided by Lonnie and Melissa with the crime scene evidence came back negative.

Lonnie began driving a 1996 Ford Ranger pick-up owned by Chris Vincent on June 5, 1997. Chris voluntarily allowed the police to examine the truck. Sometime between July 7 and July 10, 1997, ninety tiny spots the size of an ink-pen tip were said to be located on the outside of the truck. Nineteen of these "spots" were sent to the Department of Public Safety (DPS) Crime Lab in Houston for DNA testing. The results were inconclusive as to their origin. Kristi Wimsatt, a technician with the DPS crime lab in Houston, testified during Lonnie's trial that the tiny stains could have been iron, rust, or any number of other substances.

Saxton re-enacted his version of the events to police detectives on November 7, 1997. According to police officials Saxton gave different "stories" from November 1997 through February 1999. Saxton even gave a "new story" during Lonnie's trial that was different than all previously known statements. We do not know exactly how many statements Saxton has made, and they all may not have been provided to Lonnie's attorney. We do know, however, that Saxton was placed under hypnosis for 'questioning' at least once. That was never mentioned during Lonnie's trial, nor since in any legal filings.

Police Use Statement By Melissa Brannon's Half-sister To Obtain Indictments

Police officials continued to investigate the case for several years without any charges being filed. Then police questioned Melissa Brannon's half-sister, Kiley Brannon, sometime in July of 1999, after she and her live-in boyfriend were charged with an unrelated crime. We believe Kiley was tricked, cajoled and frightened into giving a false statement to the police related to Cleary and Morgan's murder. Kiley says that when she told the truth during a polygraph exam that she didn't know anything about the murder of Cleary and Morgan, she was told she was lying. After being jailed overnight, she agreed to tell the polygraph examiner and police investigators what they indicated they wanted to hear her say as "the truth." She was then tested telling the made-up story that Lonnie and Melissa were involved in the murders. She says she was then told she passed the polygraph. However, to date neither Lonnie nor any attorney representing Lonnie, has been provided with, or even seen any statements made by Kiley to the authorities, nor the result of any polygraph tests administered to her. After she gave her statement the charges pending against her and her boyfriend were dropped.

The police and prosecutors relied in part on Kiley Brannon's statement to obtain arrest warrants, and later indictments in Montgomery County of two counts of capital murder and one count of arson against Lonnie, Melissa, and Russell LaFleur. LaFleur was a young man who stayed at Lonnie's residence for about two weeks about the time of Morgan and Cleary's murder.

After the indictments in January 2000, LaFleur gave a statement placing himself at the scene of the crime but blaming Lonnie for the deaths of both girls, saying he helped commit the arson only. Unbeknownst to LaFleur the statement had been video-taped. LaFleur quickly recanted the statement, claiming he had been deprived of sleep for days, denied food and water, physically threatened during

interrogations, and mentally abused to the breaking point when his police interrogators put a syringe of drugs to his arm ready to kill him with an injection, while making it appear he had accidentally overdosed. He also said the authorities told him the crime details.

LaFleur rejected the prosecution's pressure to accept a plea bargain that would have been sweetened if he had agreed to testify against Lonnie. LaFleur was tried about six months before Lonnie. The jury relied on LaFleur's recanted confession and Saxton's testimony to convict him of murder. He was sentenced to life in prison. LaFleur did not testify at Lonnie's trial. There is every reason to believe that Russell LaFleur is also innocent of any involvement in Morgan and Cleary's murders.

After she had been held in jail for over twenty months, and after repeatedly saying she knew nothing about the murders and was with Lonnie at his residence in New Waverly at the time of the murders, Melissa changed her statement. Approximately one week before Lonnie's trial, Melissa gave a video-taped statement that basically matched Saxton's 'story.' Information in her 'taped statement' is what Melissa testified to as being truthful at Lonnie's trial. It is apparent from the video that the detectives were leading Melissa and giving her information about the crime scene. (See Problem No. 4 below.)

LaBonte's Trial

Melissa and Saxton provided the key prosecution testimony during Lonnie's trial. Melissa claimed that Lonnie drove the Ford Ranger down the sandy road 133 feet where the initial attack supposedly took place. She testified that Lonnie, LaFleur and her then left the crime scene in Lonnie's truck to find a vehicle to siphon gasoline from. After returning she said they loaded the victims into the back of the truck, and Lonnie drove another 100 feet to Morgan's car. She said they then moved the bodies from the truck to Morgan's car, and when finished they backed the truck 233 feet to the road and left. Saxton's testimony was the same as Melissa's except he did not identify Lonnie specifically, and he referred to an unidentifiable vehicle that he thought was a truck. Both Melissa and Saxton's testimony was about a crime scene scenario involving Morgan's car making one set of four tire tracks, and Lonnie's pickup truck making four sets of four tire tracks, for a total of five sets of four tire tracks.

The story doesn't match the crime scene evidence. It is known that Taylor's patrol car drove in 233 feet from the highway where Morgan's burned out car was found at the end

LaBonte cont. on page 35

LaBonte cont. from page 34

of the sandy road. The crime scene photos taken by police investigators clearly show only two sets of tire tracks: those of Morgan's car and Taylor's patrol car. Period. There are no tracks of the Ford Ranger Lonnie was driving at the time. Which proves it is impossible for the events they testified about to have happened as they testified they occurred.

Detective Joseph Sclider reported two shoe impressions were found at and near the crime scene. One was found near where the attack occurred, and the second by the railroad tracks. Both shoeprints were going in the direction of the railroad tracks, and the size 12 impressions appeared to be made by the same person. The only known person to go near the railroad tracks and known to be with the girls just before and immediately after their demise is Saxton. Lonnie's shoeprint is size 10, two sizes smaller than the crime scene shoeprints.

Other inconsistencies in the prosecution's case would have been exposed if Lonnie's lawyer had subpoenaed a critical exculpatory witness – Chris Gillaspie. Gillaspie is a friend of Saxton who gave a police statement in late 1997 describing how on the night of June 8, 1997, while partying on Galveston's Crystal Beach, Saxton admitted to killing and burning Morgan and Cleary earlier that day. Saxton also bragged that he had committed the perfect murders. Saxton's admissions would have been about 18 hours after Cleary and Morgan were murdered, and he would have been expected to be feeling the adrenaline rush from his deed.

Lonnie's lawyer was incompetent; no defense witness or expert testified and the sole defense exhibit was a police photo taken months after Morgan and Cleary were murdered that showed injuries from the night of their murder still visible on Saxton's body. During his closing statement Lonnie's lawyer argued to the jury that the prosecution hadn't proven their case against Lonnie beyond a reasonable doubt, and that Saxton was the killer.

Relying on the testimony of Saxton and Melissa, on September 26, 2000, the jury found Lonnie guilty of the murders, but they deadlocked on the arson count.

Prosecutors dropped the arson charge. Lonnie was sentenced to life in prison on September 28, 2000. He will have to serve a minimum of 40 years before being eligible for parole.

Melissa's reward for testifying against Lonnie was that two months after his trial she was released when the capital murder and arson charges against her were dismissed due to a

"lack of evidence." Yet the prosecution had claimed that there was enough evidence to arrest her, indict her for murder and arson, and hold her in jail for almost two years while awaiting her trial. Her trial never happened only because she testified in accordance with her agreement with Montgomery County District Attorney Michael McDougal to commit perjury in exchange for dismissal of the charges against her. (See Problem No. 4 below.) Prior to Lonnie's trial, neither he nor his attorney was informed about that agreement.

The Texas Court of Criminal Appeals denied Lonnie's direct appeal on February 19, 2003. His state habeas petition was denied on April 12, 2006.

Problems With Lonnie's Case

There are many problems with this case. A few of the more obvious ones are:

1. The boots Saxton said he removed from Cleary's body have never been found.

2. Lonnie had no wounds when questioned by police on June 19, 1997, 11 days after the murders. In contrast, according to the police more than three months after Cleary and Morgan's murder Saxton still had "noticeable" injuries from that night, including deep scratches on his face, deep wounds on his arm, and one leg was injured severely enough that he was still limping. Police detectives were informed that Saxton's "scratches" did not appear to be caused from a bush, but were believed to be "fingernail scratches" and caused "from a fight."

3. Cellphone records prove that Lonnie was at his New Waverly residence during the time that the police say the murders and arson occurred. Lonnie's cellphone had a local calling area of Houston and surrounding areas that included Conroe. Lonnie's cellphone automatically went into roam mode when he was outside his cellphones local calling area. New Waverly is almost 50 miles north of Houston and about 16 miles north of the Conroe crime scene. New Waverly is outside Lonnie's cellphone local calling area, and so his cellphone was in roam mode for all calls made from his New Waverly residence. Records provided by Lonnie's cellphone provider prove that several calls were made with Lonnie's cellphone during the early-morning hours of June 8, 1997, while it was in roam mode, and that the calls were transmitted by the New Waverly cellphone tower, the range of which ended about 1,500 feet from Lonnie's residence.

4. Melissa Brannon gave a sworn Deposition on February 10, 2004, during which she described the "wink-type deal" she negotiated

with the Montgomery County District Attorney Michael McDougal exchanging her perjurious testimony against Lonnie for D.A. McDougal dropping the murder and arson charges against her. (See excerpts from "The Oral Sworn Deposition Of Melissa Brannon On February 10, 2004", on page 36.)

5. A sworn affidavit by Alfred Beauchamp documents conversations indicating a plea deal was negotiated between D.A. McDougal and Saxton long before Lonnie's trial. The substance of the deal is that in exchange for his prosecution favorable testimony against Lonnie, Saxton would not be prosecuted for murdering Cleary and Morgan. Mr. Beauchamp's affidavit was submitted as apart of Lonnie's state Habeas Corpus petition (Pursuant to Rule 11.07.).

6. James McDougal of JAMAC Investigations documents in an affidavit, his conversation with Saxton's Mother, Jackie Lewis, during which Saxton admitted to his mother that the prosecution told him what to say to ensure Lonnie would be convicted. James McDougal also states that Ms. Lewis said that Saxton admitted that he could neither see nor identify anyone as being involved in the crime, and that he doesn't know Lonnie. Ms. Lewis also stated that D.A. McDougal and police investigators threatened Saxton that if he ever told anyone about their deal he would be charged with conspiracy to murder Cleary and Morgan.

7. There had been a quarter of an inch of rain in Conroe on the afternoon and evening of June 7, 1997. Because of the moist ground it would be expected that there would have been tire track impressions of all vehicles driving down the sandy road in the early morning hours of June 8. In fact, there were tracks of the only two vehicles that there is proof drove down the road – Morgan's car and Taylor's police vehicle.¹

8. Four people who saw smoke coming from the area where Morgan's burned-out car was found while separately driving on Teas Nursery Road (FM 3083) between 5:15 a.m. and 6:20 a.m., on June 8, 1997, gave statements to the police. None of those witnesses testified at Lonnie's trial, and none of their statements were introduced as evidence for the jury to consider. All four statements were submitted as apart of Lonnie's state Habeas Corpus petition.

9. The police recovered an outside surveillance video from a business located near the turn-off on to the sandy road where Morgan's car was found. We have not yet been allowed to view this video that may conclusively

LaBonte cont. on page 36

LaBonte cont. from page 35

prove the truck Lonnie was driving on June 8 did not enter the sandy road at any time.

Conclusion

None of the physical or forensic evidence in this case implicates Lonnie LaBonte, or Russell LaFleur, or Melissa Brannon in the murder of Misty Morgan and Sarah Cleary. In contrast, Gabriel Saxton admits he was with Morgan and Cleary at the scene of their murder prior to and after they were murdered, that he robbed items from both women, and that he even stole Cleary's boots from her corpse. Furthermore, he admitted to someone hours after the murders that he had committed the "perfect murders." It is consistent with what is known about the crimes to conclude that Saxton perjured himself at Lonnie's trial to save himself from two capital murder convictions and a likely death sentence.

Justice has not been served for society in Lonnie LaBonte's case because all the known evidence points to the real murderer of Morgan and Cleary being protected from prosecution by an agreement with Mont-

gomery County D.A. Michael McDougal to testify favorably for the prosecution.

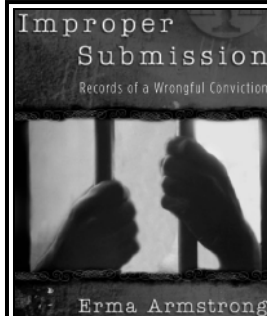
We all expect the judicial system to not fail victims. Victims deserve justice. It is equally important that the judicial system not create additional victims by wrongly convicting innocent persons. Please do what you can to help right the wrong done to Morgan, Cleary, Lonnie, LaFleur, Melissa, and our families. If you don't ... who will?

The Texas Center for Actual Innocence is currently reviewing Lonnie's case.

Lonnie LaBonte can be written at:
Lonnie LaBonte 1003685
Polunsky Unit
3872 FM 350 South
Livingston, TX 77351

Lonnie's outside contact are his parents:
Philip and Betty LaBonte
681 Portico
Livingston, Texas 77351
Email: freerson@livingston.net

There is Petition to Free Lonnie LaBonte at:
<http://gopetition.com/online/5162.html>



This is the story of Karlyn Eklof, a young woman delivered into the hands of a psychotic killer by traffickers in porn and mind control. She witnessed a murder and is currently serving two life sentences in Ore-

gon for that crime. *Improper Submission* by Erma Armstrong documents:

- The way the killer's psychotic bragging was used by the prosecution against Karlyn.
- The way exculpatory evidence was hidden from the defense.
- The way erroneous assertions by the prosecution were used by the media, judges reviewing the case, and even by her own lawyers to avoid looking at the record that reveals her innocence.

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Oral Sworn Deposition of Melissa Brannon on February 10, 2004

Excerpts from pages 26-29, 32-33

All questions (Q.) by Attorney Janice Baldwin. All answers (A.) by Melissa Brannon. Michael (Mike) McDougal is District Attorney for Montgomery County, Texas.

Q. And who suggested to you that it would be the better idea?

A. Mike McDougal offering me deals and whatnot.

Q. Okay. Can you remember and can you say in his words exactly what he said to you?

...
A. Also he had, right before the trial, he had told me that if I would have made this statement that I was fixing to make at the trial from the day one, I would have never been in jail, they would have let me go the first day. I would have never had to sit in there. [Jailed

for 20 months] So if were to make this statement and help the state on this trial, that I have a strong possibility of being

able to go home.

Q. Okay. Did he ever say directly to you to tell something other than the truth. And when I say "he" I mean Michael McDougal. **Did Michael McDougal ever say to you to tell something other than the truth on the witness stand?**

A. Yes.

Q. All right. Do you ever remember him using those exact words or was it just done by innuendo?

A. Both. He had innuendo, and he also told me **when I testified to make sure that I tell the court that we had no deals and that he has not promised me anything, and that he really reiterated that I have to make sure that I tell them that we have no deals and he had not promised me anything because he could get in**

trouble otherwise.

Q. And he said those specific words, "he could get in trouble?"

A. Oh, yeah, that he could get in trouble.

Q. Okay. So let me ask you this, had the deal been made to dismiss your case prior to your testimony in the LaBonte case?

A. Assumably so. verbally, you know, verbally not, it was kind of a wink-type deal. He couldn't come out and tell me this was what he was going to do for me, but he insinuated to the fact that this was what was going to happen if I did this for him but he couldn't promise or guarantee anything for the sake of the law. It had to be this way.

Q. Because he knew he would be doing something illegal

A. Exactly.

Q. Is that what your intimidation was?

A. Very much so.

Q. And after your testimony in the LaBonte, in the 410th District Court, did you

thereafter receive a motion and an order to dismiss the case against you?

A. Yes.

Q. Do you remember seeing that motion at any time?

A. Yes.

Q. And do you remember that motion in part saying, "Due in large part to her testimony, Lonnie LaBonte was convicted of capital murder and sentenced to life in the Institutional Division of the Texas Department of Criminal Justice. Her testimony revealed that she had been present at the time of the murders but that she had nothing to do with planning or participating in them."

A. Right.

Q. "Subsequent to giving such testimony, the Defendant did submit to a polygraph examination conducted by the Federal Bureau of Examination," excuse me, "of Investigation which indicated that she was telling the truth."

A. Right. **The FBI never gave me a polygraph.**

Q. Okay. So you are saying that this statement in this particular motion to dismiss that you were given a polygraph examination by the Federal Bureau of Investigation, never happened?

A. Correct.

...

Q. Okay. Let me ask you this. Are you under the influence of any drugs or alcohol today?

A. No.

Q. And you have already told me that no one forced you or coerced you or paid you anything to come here at this time and that you are simply here to set the record straight and to see that justice is done.

A. Correct.

...

Q. ... And you are absolutely sure that this is the correct and true statement that you are giving today.

A. Right. It's always been from the get-go until two weeks before trial.

Melissa Brannon's entire 36-page deposition is available at, http://justicedenied.org/issue/issue_33/brannon_02102004.pdf