

One-time suspect could testify in Trimble murder

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By KATE HOWARD

Staff Writer

If Jeffrey Womack testifies as a witness in the murder he was once suspected of committing, his lawyer says it will be without fearing his words will get him arrested again.



Another man, Jerome Barrett, has been indicted in the 1975 murder of 9-year-old Marcia Trimble, 33 years after the fact.

Barrett is scheduled to be arraigned in Davidson County Criminal Court on Wednesday. The 61-year-old convicted rapist is already facing trial in another murder case and was indicted by a grand jury and charged with first-degree murder, felony murder and larceny in the girl's death. Investigators said Barrett is the only person they expect to arrest in the case.

Jeffrey Womack, shown here at a hearing in 1979, has agreed to testify about the Marcia Trimble case under the protection of use immunity, his attorney says, meaning that anything he says on the stand can't be used against him.

Womack has agreed to testify about the case under the protection of use immunity, meaning that anything he says on the stand can't be used against him. Womack was once arrested in the death of Trimble, but his case was never sent to the grand jury because the district attorney at the time said there was not enough evidence to justify proceeding with the case.

A spokeswoman for the district attorney general's office, which has been silent on all but the indictment in this tightly guarded case, said she could not comment on whether Womack was granted immunity. But Womack's longtime attorney, John Hollins Sr., said his client will be safe from any further charges.

The agreement raises several questions: What does the former suspect have to add to the case against Jerome Barrett? And why would a man long since cleared in the case need immunity on the witness stand?

Hollins said the request is nothing more than routine, and his client doesn't know anything about Barrett. "Before a client talks to the (district attorney) you always ask for immunity," Hollins said. "That's just something good lawyers do. It would be malpractice not to do it."

Lawyers and legal experts unconnected to the Trimble case said the request for immunity is indeed routine, but unlikely to be granted unless Womack has something that prosecutors want. And whether he shows up in the courtroom or not, Womack is likely to be a major figure in the trial as Barrett's defense attorney looks to cast doubt on the state's case by bringing up Womack's arrest.

But Womack didn't know Barrett, his attorney said. He doesn't think his client knows what happened the night Marcia disappeared, either.

Person of interest

Four years after Marcia was found strangled to death in a Green Hills garage, police went to Womack's home in the middle of the night and arrested him. He was 20 years old.

Womack had been a person of interest from day one, since Marcia's mother told police her daughter was expecting Womack to bring her money for the Girl Scout cookies he had ordered. The girl ran out of the house in a hurry, leaving her coat behind because she said she'd be right back.

She was missing until 33 days later, on Easter Sunday, when her body was found just a block away from where she was last seen.

"If there's any possibility your client could be charged with anything, even though he's not a suspect now, that person might have information or may have had knowledge of the crime and could be guilty with obstruction of justice or tampering," said Susan Kay, associate dean for clinical affairs and a law professor at Vanderbilt University Law School with no direct knowledge of the case. "You need to be sure you've protected your client from being charged."

Womack talked to police the night Marcia disappeared, after he got word they were looking for him. He told the police he didn't know anything. He went home after about 15 minutes, when his mother showed up, remembered Tommy Jacobs, a retired Metro police lieutenant.

That 15-minute conversation about a missing girl was the most interrogation Womack has ever had about the crime, Jacobs said.

"He was the person we needed to talk to that night, and that was the end of that," Jacobs said.

Womack passed several polygraph tests with the police department and private test administrators, as suspicion focused on him. But his lawyer never allowed an actual interview, Jacobs said.

“You would think he’d been interrogated time after time, but the truth is he was never interrogated,” Jacobs said.

Still, several people came forward and said they’d heard Womack allude to responsibility for the crime. He was arrested in August 1979 and taken to booking at the jail in his bare feet after the middle-of-the-night arrest.

The case was officially dropped a year later. Tom Shriver, who was the district attorney general at that time, acknowledged there wasn’t enough evidence to prosecute Womack.

Defense tactic

But that’s not likely to stop a defense attorney from mentioning Womack’s name when the case against Barrett goes to trial.

Ron Sullivan Jr., director of the Criminal Justice Institute at the Harvard Law School, said the fact that someone else has been arrested in the murder and hundreds of people interviewed over the years should provide ample material to show motives and opportunities for other suspects to have been involved.

“You need the court’s permission to do it, but they could try a third-party perpetrator defense, where they try to show someone else entirely committed the crime,” Sullivan said. “Depending on the basis for the original arrest, there may be something there they could use.”

And under the Brady doctrine, which says evidence favorable to the other side must be turned over, the defense would likely have access to the case Metro police detectives were trying to build against Womack in the late 1970s.

Dwight Aarons, an associate professor at the University of Tennessee Department of Law who is not involved in the Trimble case, said the testimony of a former suspect could end up being more valuable to a defense attorney looking for flaws in the state’s case.

“The defense could say, ‘Here’s the person you’ve been going after all these years? You believe him now?’”

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