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Wife-slaying trial's jury scorned, praised
Killer's sentence draws hot debate

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Shock among local residents over Brenda Lee Jackson's slaying in 1999 had subsided by the time her husband pleaded guilty to murder last week in Boerne.

Emotions were rekindled, however, as the crime was relived during Paul Jackson Sr.'s sentencing hearing, and many were outraged when he received 15 years from the out-of-town jury that ruled he had acted under the influence of "sudden passion."

Jackson, a 34-year-old construction worker, killed his wife of 14 years with a high-powered rifle in front of their 2-year-old daughter after discovering her affair with his "best friend," Monty Gobert.

With credit for time served since the crime, Jackson likely will be eligible for parole in 2007.

"People can't believe he didn't get a longer sentence," said Lynn Salyers Palmer, a City Council member who works in the county attorney's office. "It's an injustice to women."

The punishment revived memories of the not-so-distant past, when the slaying of an unfaithful wife was considered justified, in certain circumstances, under a Texas Penal Code provision that was on the books until 1974.

"The statute said that a husband could kill a wife if she were caught 'in the act' of infidelity, but it wasn't clear what 'the act' was," said Geary Reamey, law professor at St. Mary's University.

"Since then, the law provides for a reduction in sentence if the killing was done in the heat of passion."

The jury in Kendall County, where the case was moved because of pretrial publicity in Bandera, found that Jackson acted under the influence of sudden passion.

That ruling made the maximum possible sentence 20 years, vs. 99 years without such a finding.

The penal code defines sudden passion as "passion directly caused by, and arising out of, provocation by the individual killed, or another acting with the person killed, which passion arises at the time of the offense and is not solely the result of former provocation."

Jackson said he came unglued after confronting Brenda on the steps of Gobert's home with proof of their affair.

Brenda, 31, told him she wanted "a real man," he testified, and after he hit her she said, "You'll never see your kids again."

Jackson said he only intended to use the rifle he retrieved from his truck to scare her, but seconds later she was dead from nine bullet wounds.

The jury of seven women and five men deliberated more than four hours Wednesday before reaching the verdict that upset the victim's family but was met with relief by Jackson and his children.

A sobbing Jackson hugged his kids over the courtroom railing before being led away by deputies.

"I told him, 'You dodged a bullet,'" Deputy Larry Foraker said. "He said he had already resigned himself to take whatever they laid out for him."

If Jackson had committed the same killing three decades ago, under the old law, longtime attorney Anthony Nicholas said, "I think he would have a great chance at acquittal. He might not even have been indicted."

As chief prosecutor in Bexar County from 1951-57, and later as a defense attorney, he has seen many wife-killers walk away unpunished.

"The old statute said in the event that a person caught his wife in the act of adultery, or about to commit adultery, or moments following the act of adultery, that he could kill his wife," Nicholas, 74, said Friday.

"It was a very good law for the criminal defense lawyers and a terrible law for the state," Nicholas recalled. "You shouldn't be able to go out and kill somebody and just walk away. I think it's a good law we have today."

The old law did not extend the same rights to wives who caught their husbands cheating. It didn't cover lovers, either, but attacks on them often went unprosecuted, Nicholas said.

Jackson's sentence provoked mixed reaction from Bandera residents.

"I go along with the old law in Texas that said if you caught your wife in bed with someone, shoot both of them and get off scot-free," said Frank Nuanes, 77, a former neighbor of the Jacksons on Cedar Street. "That's what was called a Texas divorce."

Others disagree.

"A life for a life, that's what the Bible says," said waitress Linda Kittredge, 42.

Skip Kline, 48, agreed, saying, "I think they ought to hang him."

Jackson's attorney, Pat Hancock, applauded "the courageous jury" which he said "did the right thing."

A tape Jackson secretly made of phone calls between his wife and her lover was a critical piece of evidence, juror Jerry Tilley said.

The recording made the day of the murder showed Gobert and Brenda Lee Jackson telling each other "I love you" and conspiring on alibis to keep the affair secret.

Also influencing the jury was the support of Jackson's children and their desire to be reunited with him, Tilley, 59, said Friday.

"It was very difficult," he said. "Most of us sort of felt like, it's not like he's going to go around and do

this again if he gets out."

Although it was emotionally upsetting, Tilley also found inspiration in working with 11 others picked by lot to hear the evidence and assess the appropriate punishment for a crime that left one person dead, three children motherless and a betrayed husband behind bars.

"I guess I wish I hadn't been put in that position, but it's our system, and that's the way it should work," he said. "Twelve very honest people struggled to do the best they could with what they had to work with. Everyone gave a little bit."

And to those who may find fault with their decision, Tilley said, "Anyone who criticizes it, to me, is criticizing the whole system."

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