

## Guilty Plea Prompted by an Act of Kindness

Source: Matthew Watkins, TheEagle.com

An offer to spare Myron Phillips' life was on the table for months as lawyers prepared for his capital murder trial.

But Phillips steadfastly refused to admit to the murder of his stepchildren's father and grandfather, turning down a plea offer of life in prison.

It was a potential juror's kindness that changed his mind, said Phillips' lawyer, Gerald Bourque.

"I have handled over 150 capital murder cases in my life and I've tried 10 death penalty cases, and never in my life have I experienced what that one woman did," Bourque said.

Phillips pleaded guilty last week to capital murder and was sentenced to life in prison without parole -- the minimum punishment for someone convicted of the crime. Prosecutors said he fatally shot David Joseph "D.J." Weichert, 35, and David Richard Weichert, 62, outside their rural home near Snook in April 2008.

Phillips was married to D.J. Weichert's ex-wife. At the time of the shootings, he was free on bail from an aggravated sexual assault charge that authorities said stemmed from an incident with his 12-year-old stepdaughter.

His stepson and stepdaughter were living with D.J. Weichert at the time of the shooting and witnessed the fight that led to their father's death, authorities said.

Lawyers on both sides said evidence in the case overwhelmingly benefited the prosecution.

"We made an exhausting evaluation of the facts from every corner and from every turn, and every single rock we turned over had a flashing neon sign that said don't come this way, but it was not our decision to make," Bourque said. "We cannot force a client to take a deal or plea."

The offer had been rescinded by last week, and about 700 people were called to court to begin jury selection on Wednesday. Being in the courtroom with the potential jurors appeared to give Phillips a new perspective on his case, lawyers on both sides said.

"I could see him for the first time dealing with the reality of what happened," Bourque said.

Phillips and Bourque began talking while the judge spoke with a potential juror about her eligibility to serve on the panel. The judge dismissed her, and she walked past the pair as she headed out the door.

"She stopped and turned and said, 'May God bless you, young man. I am going to pray for you,'" Bourque recalled.

She then walked out of the room.

"It was that random act of kindness by that gentle lady that made the difference," he said. "She single-handedly brought him to the point where he understood, and it was such a random act of kindness that I could hardly believe it. From that moment forward, we began to move in the direction that saved his life."

Phillips told his lawyer that he wanted to accept a plea deal. Bourque said he approached Burleson County District Attorney Bill Parham and asked if one could still be arranged.

Parham said he initially balked at allowing him to take the deal, but eventually changed his mind. He met with the family members of the victims in Caldwell and they gave their blessing, and attorneys arranged to meet in court on Thursday.

"If he gets the death penalty, then you stick a needle in him and it's painless," Parham said last week. "If you want him to suffer and every day to have to look over his shoulder to see if there is anyone behind him, then you give him life in prison."