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## Brookins jury selection

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April 19, 2010 9:02 PM

BY JIM MUSTIAN

After grilling a pool of 80 potential jurors, defense attorneys and prosecutors on Monday seated a jury of seven men and five women to hear the case of Ray Edward Brookins, a former West Texas State School assistant superintendent accused of sexually abusing a male inmate in 2004.

The long-awaited case is set to begin this morning at the Ector County Courthouse with opening statements at 9 a.m. Brookins, 44, was indicted in 2007 on two counts each of "improper relationship between an educator and student," a second-degree felony, and "improper sexual conduct with a person in custody," a state jail felony.

He has pleaded not guilty. He faces up to 20 years in prison if convicted.

Brookins is one of two former school administrators charged in what erupted into a statewide scandal that led to the revamping of the Texas Youth Commission. Authorities said Brookins and former principal John Paul Hernandez sexually abused several inmates and threatened them to keep them from telling anyone about the complaints filed by inmates fell on deaf ears for years before a Texas Rangers investigation revealed several lurid details that led to thick headlines and lengthy indictments.

No court date has been set in Hernandez's case, but state District Judge Jay Gibson has said he will set one shortly after Brookins' trial.

Brookins' proceedings have crept at a snail's pace for three years, plagued by continuances and other delays. He initially had problems retaining a defense attorney, though three have since been appointed to represent him.

Brookins was charged in Ward County, but District Attorney Randy Reynolds recused his office from the case, and the trial was later moved to Odessa in light of intense media attention.

Concerned that their client was long since convicted in the court of public opinion, defense attorneys pointed to that media coverage on Monday in urging Gibson to continue the trial again.

"This case has received extensive and prejudicial media coverage," Odessa attorney Jason Leach told the judge moments after a newspaper was passed around the defense table. Leach said he was concerned that news reports contained facts that will not be admissible in Brookins' trial.

Gibson denied the motion, saying media coverage could be expected at any time and place the trial is held. Court officials, however, put paper over the windows of the courtroom doors in part to block the view of the television cameras, which are not allowed inside the courtroom. Gibson also asked all of the attorneys to avoid speaking to reporters.

In keeping with the pace of the proceedings, jury selection took the entire day Monday, but Gibson said the intense questioning was needed because the case involves so many "issues." Jurors were quizzed about their knowledge of the law, defendants' rights and

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burden of proof.

"We're talking about the highest burden in the land because we're talking about someone's liberty," defense attorney Rick Navarrette said during an animated PowerPoint presentation.

Some questions hinted at what could be expected when testimony begins this week. Defense attorneys, for instance, polled the jurors about their views on pornography and probation and suggested it would be unlikely that Brookins will testify.

Brookins wore a navy blue suit, blue-striped tie and a large watch, and Navarrette joked at one point that Brookins' attire made him indistinguishable from the defense attorneys.

For a man looking at possible prison time, Brookins appeared remarkably calm and upbeat Monday; he even laughed on several occasions. With a hand over his mouth, he took notes and scanned the countenances of the men and women who will determine his fate.

Several feet away, boxes stacked behind the prosecutors' table held three-ring binders and exhibits, some six years worth of evidence collected by investigators. Prosecutors said they brought so many materials with them that they were unable to fly from Austin to Odessa.

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