

ASHEVILLE  
CITIZEN-TIMES

# Defendants testify in innocence case



Kenneth Kagonyera answers questions Tuesday from his attorney Noell Tim during a hearing before a three-judge panel to determine his innocence in the 2000 murder of Walter Rodney Bowman. ERIN BRETHAUER/EBRETHAU@CITIZEN-TIMES.COM

## Kagonyera, Wilcoxson deny 2000 slaying of Fairview man

By Clarke Morrison  
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ASHEVILLE — More than a year of pressure from law enforcement and his attorney to accept a plea bargain finally proved too much for Kenneth Kagonyera.

The convicted murderer testified Tuesday that although he had nothing to do with the death of Walter Bowman, he relented rather than face the prospect of life in prison or worse.

"It was pretty much you can die in prison or be put to death," Kagonyera said he was told. "There was no other way around it."

Kagonyera and Robert Wilcoxson each took the witness stand in

their own defense as a special three-judge panel seeks to determine if they are in fact innocent of Bowman's slaying at his Fairview home.

The case was referred by the N.C. Innocence Inquiry Commission, which determined there was enough new evidence that they didn't commit the crime to warrant the rare hearing.

"Did you commit the home invasion at Walter Bowman's house on Sept. 18, 2000?" defense attorney Noell Tim asked Kagonyera.

"No, I did not," he said.

The defense, which has the burden of proof under the law that created the commission, rested its case Tuesday, the sixth day of tes-

timony.

The state's first witness, called by Assistant District Attorney Kate Dreher, was Bradford Summey, who the defense maintains committed the crime along with Robert Rutherford and Lacy "J.J." Pickens but were never charged.

A federal drug agent testified earlier that Rutherford confessed in 2003 to the home invasion and named Pickens and Summey as his accomplices.

Testing by the State Bureau of Investigation determined that Summey's DNA was on a bandana found discarded near the crime scene.

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## HEARING: Man implicated in slaying denies accusation

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But Summey, who was just released from prison after serving nearly four years for holding up three convenience stores in the Asheville area at gunpoint, testified he had nothing to do with Bowman's slaying.

"I know everyone's pointing at me," he said. "I did a lot of crazy things in my life. I had nothing to do with that. I never killed anybody in my life."

Summey said Rutherford might have given the confession in an attempt to earn a reduction in his federal sentence for drug conspiracy.

Summey also testified that he, Rutherford and Pickens committed some

home break-ins in the Fairview area that went unsolved, and the bandanas they wore could have been discarded there.

"When we did breaking and enterings, we always used bandanas," he said.

But under questioning by Tin, Summey admitted that he had told investigators earlier that he had no idea how his DNA could have gotten on the bandana found near Bowman's house and never mentioned the break-ins.

"You said maybe someone took the bandana out of your house," Tin said.

Defense attorney Chris Fialko accused Summey of having an ulterior motive for his testimony.

"Mr. Summey, you know

if you don't admit to this murder, you're never going to be charged," Fialko said.

Kagonyera testified that he learned after the slaying that some of his co-defendants were making incriminating statements about his involvement.

"They were trying to protect themselves," he said.

Kagonyera said he developed a poor relationship with his attorney, Sean Devereux, who urged him to take a plea bargain rather than take the case to trial.

"It was always about a plea bargain," he said. "It was a constant struggle."

Kagonyera said he voluntarily provided a DNA sample to investigators and had assumed that test results on the bandanas would eventually demonstrate his innocence.

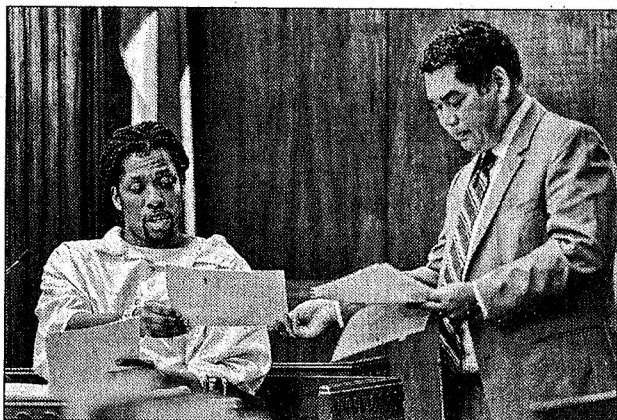
"I didn't need a test to know my DNA didn't match," he said.

It was only after his conviction that he learned that the testing had excluded the presence of DNA from any of the six men who were charged, he said.

Wilcoxson testified he pleaded guilty to second-degree murder because his lawyer, Jack Stewart, told him he couldn't win at trial and could face life in prison.

His girlfriend also was expecting their child at the time.

"She could end up with life without a father," he said.



Kenneth Kagonyera reviews documents given to him by his attorney Noell Tim on Tuesday. ERIN BRETHAUER/EBRETHAU@CITIZEN-TIMES.COM