

15-YEAR-OLD CASE: Murder Retrial To Begin

WOMAN'S REMAINS FOUND IN 2000; IDENTIFIED IN 2010

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It took 15 years for prosecutors to bring someone to trial in the murder of Goldie Thornsberry.

And it took a few seconds in August for the case against Raymond Douglas to be derailed by a mistrial when his ex-wife made a comment in court that, according to the judge, could have unfairly prejudiced the jury.

Today Douglas, 42, will stand trial on a charge of first-degree murder for the second time.

FAST FACTS

Douglas Trial

Defendant: Raymond Douglas

Charge: First-degree murder

Age: 42

Trial: Begins at 9 a.m. today; scheduled for two days

Presiding: Circuit Judge William Storey

Source: Staff Report

John Threet, Washington County prosecuting attorney, said its rare for mistrials to occur locally based on a statement during testimony. Legal experts disagree on whether prosecutors or the defense gain an advantage in a retrial.

Douglas attorney, Ronald Davis Jr., did not return two messages left at his Little Rock office Thursday and Friday.

The First Trial

Prosecutors were wrapping up their case Aug. 16 when Douglas ex-wife and Thornsberry's daughter, Reta Flowers, took the stand.

Flowers also has been charged with first-degree murder. She testified that in exchange for her testimony she will plead guilty to a lesser charge of hindering prosecution and receive a sentence of 20 years in prison with 10 years suspended.

No date has been set for Flowers' change of plea.

The couple lived with Thornsberry in her South Lewis Street home in Fayetteville in early 1996. Douglas and Thornsberry reportedly did not get along well.

Flowers said she was ill and in a fog for several days in late January 1996 when her mother went missing.

Police found few traces of Thornsberry, but the couple quickly became the prime suspects. Flowers and Douglas moved to Little Rock in late 1996 after they pleaded guilty to forging some of Thornsberry's checks and were sentenced to 15 days time served in jail. The couple divorced in 1999.

Flowers testified in the first trial that as the couple drove to finalize their divorce, Douglas told her he had killed her mother by hitting her in the head with a heavy clock radio and strangling her. He believed killing the woman would save their relationship, Flowers said.

But the trial ended abruptly when Threet asked Flowers what Douglas had told her about Thornsberry's disappearance between 1996 and 1999.

"He would say the police were just trying to pin something on him to get him back in jail," Flowers said.

After speaking with attorneys for a few minutes, Circuit Judge William Storey declared a mistrial, ruling the jury could be unfairly prejudiced by hearing about Douglas' previous jail time.

Threet said his staff previously told Flowers not to mention Douglas' jail time, but could offer no explanation for why she brought it up in August.

Sometimes during a trial, things happen, he said.

Juries are typically not permitted to consider previous criminal history while deliberating whether a person is guilty of a crime.

Second Chance

Brian Gallini, an associate professor of law at the University of Arkansas, said a new trial usually benefits prosecutors.

It gives them a dry run, he said. They know what does and doesn't work.

Threet said that when a second trial is necessary, he looks for things that need to be improved for the second trial. He declined to say what, if anything, he'll do differently for Douglas's new trial.

Gallini said a significant delay between trials can help a defendant because witnesses' memories can fade. But he said a delay now is unlikely to help Douglas's defense in a murder case that's already so old.

It's been 15 years, he said. So what's another two months?

Thornsberrys skeletal remains were discovered in 2000 in an abandoned well in Little Rock. They were not identified as Thornsberry until 2010. Flowers did not tell authorities about Douglas's alleged confession until earlier this year.

Laurent Sacharoff, an assistant law professor at the University of Arkansas, said he believes Douglas's defense will benefit from the new trial.

Since Douglas's attorney has seen almost all of the prosecution's witnesses, he now has many more statements he can use to impeach them, Sacharoff said. The defense also has the opportunity to spring a few surprises on prosecutors.

They didn't get to the defense's case, Sacharoff said. Often with a mistrial, the defendant tips his hand. They were able to keep things under wraps, including if the defendant will testify.