



District Attorney General Ron Davis

Scandal in the Williamson County District Attorney's Office

Oct 30, 2007

FRANKLIN, Tenn. - Questions are being raised about a plea deal arranged for a former employee in the Williamson County District Attorney's Office.



Stuart Lowery

Former staff assistant Stuart Lowery, 26, tampered with or fabricated evidence at the district attorney's office, according to the Tennessee Bureau of Investigation. A TBI investigation also found that Lowery embezzled more than \$3,000 from the Williamson County Trustee's Office.



David Raybin

"This, to me, stinks. Quite frankly," said David Raybin, an attorney. "It looks like some sort of under the table sweetheart deal that somebody got so as to keep it this from being known to the public."

Attorney Glen Funk was appointed special prosecutor in the case because the district attorney's office cannot investigate its own employees.



Glen Funk

In a move that surprised many, Funk reduced Lowery's charges and cut a deal for misdemeanors.

"I did not want that," said Ronald L. Davis, the district attorney general for Williamson County. "I said I find that absolutely unacceptable."

Davis wanted felony charges, but he's fighting thyroid cancer. He said Funk made the decision while he was in Houston for surgery.

"He started talking about protecting me and my office," Davis said. "He said we'll try to protect you and keep quiet, keep it from getting in the press. I said, Glen, I've got nothing to hide."

Davis doesn't know why Funk did what he did and wonders what backroom dealing led to Lowery's deal.

"I don't know, but I intend to find out," he said.

Davis said the scandal damages the credibility of his office.

Raybin agreed.

"When you have a crime in your own office it's viewed very seriously," Raybin said. "It's a matter of public trust."

Raybin is a former prosecutor who now represents Williamson County Sheriff Ricky Headley. Headley was indicted on four counts of official misconduct stemming from a drug case out of Nashville.

Raybin said the Lowery case raises questions about fairness in prosecution.

"If I got a deal like this for the sheriff behind closed doors in some kind of sweetheart deal like this, people would storm the courthouse," he said.

The sheriff isn't alone in thinking he was unfairly targeted while someone in the district attorney's office gets a sweetheart deal. Other defense attorneys are already asking the same thing about their clients.

Funk said there was no backroom, sweetheart dealing. It was made in open court. He said Lowery made restitution on the money stolen and was genuinely remorseful.

Funk said he made that deal so the young legal assistant would always have two serious crimes on his record.

"I stand by my decision in this case," Funk said of striking a deal to reduce Lowery's charges to a misdemeanor.

But that decision meant Lowery, who was caught red handed, would not go to court or jail.

Davis said he let Funk know he didn't like the plea deal.

"This is a county where we give 48 hours in jail for shoplifting," he said. "We prosecute."

Lowery's deal sparked speculation that he received special treatment because he worked in the district attorney's office. It is an accusation Funk denies.

"I treated this man the same way I would have treated anyone charged with this crime, whether he worked for a district attorney's office or worked for Wal-Mart," Funk said.

If Lowery's case had gone to court and a judge found him guilty, Lowery could have asked for a type of probation in which the felony charges would disappear from his record.

"I did not want these charges to ever come off his record," Funk said.

It is a decision he feels was in the best interest of the state.

"There's nothing done in any way out of the ordinary or in any way in any back room," Funk said.

Davis said as soon as he can he will get to the bottom of what happened with this case. He said he's already written letters to the group that appoints special prosecutors to ask them to kick Funk out of the program.

Funk was a prosecutor in Metro in the late 1980's. He said he has always taken the victim's feelings about a case into consideration, but in the end, he has to do what's best for the state.

Lowery no longer works in the district attorney's office. His attorney said he's upset Lowery didn't fight for a better deal. Lowery wanted to plead guilty to theft of under \$500 and falsifying government records, which are misdemeanors.