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SEP 18 95

## Pastor Lowery Appeals Kissing Conviction

By Cash Michaels

Staff Writer

A former Wake County pastor, convicted in Wake District Court in June of kissing a 17-year-old boy in his church office, will stand trial again today, this time before a Wake Superior Court jury.

Rev. Ronald Lorenzo Lowery, formerly pastor of New Bethel Baptist in Rolesville, is expected to



LOWERY

once again plead not guilty to the charge of simple assault against now 18-year-old James Brown, Jr.

In the first trial, Brown testified that Lowery invited the teen into his church office to tell him about sexual dreams he was having about him, and then turned out the lights and started kissing the boy on the face.

Before Brown could leave the room, he testified, the pastor had touched other private bodily areas as well.

## PASTOR RETRIED

Continued from page 1

The teen also told the court he has experienced psychological problems ever since the incident, having to shower several times a day because "I felt dirty."

Wake District Court Judge Donald Overby believed Brown's testimony, despite Lowery charging that it was the teen who wanted to have sex with him.

Judge Overby sentenced the minister to a suspended 30-day sentence, 12 months unsupervised probation, 50 hours of community service, and a \$100 fine.

Lowery's attorney, J. Henry Banks of Henderson, gave notice of appeal to Wake Superior Court, to have the case heard by a jury, which starts today.

Meanwhile, the fractured congregation of New Bethel Baptist, divided for years because of controversy surrounding the pastor, voted shortly after his conviction to release him from his contract.

The Vance County Public School System, for which Lowery worked for 14 years, also terminated him after the conviction.

An attorney for the Brown family told The CAROLINIAN last June that a civil suit would probably be filed against Rev. Lowery, regardless of the outcome of the Superior Court case.

(See PASTOR RETRIED, P. 2)



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## Pastor Gets A Mistrial

By Cash Michaels

Staff Writer

The Wake Superior Court retrial of a former Wake County pastor, convicted in District Court last June of kissing a 17-year-old male member of his congregation, ended in a hung jury Tuesday morning.

It is not clear whether Rev. Ronald Lorenzo Lowery, 38, will be tried for a third time on the simple assault charge that ripped New Bethel Baptist Church in Rolesville, the church he pastored until last June, apart.

Andy Sandman, the Wake assistant District Attorney prosecuting the case, said a decision will be made by next week on what to do next.

"It's never good to make that kind of decision right after the heat of battle," Sandman told The CAROLINIAN. He also confirmed speaking with the alleged victim, James Brown, and his family, and said they seemed willing to have the case tried a third time.



PICTURED ABOVE IS REV. RONALD LOWERY, RIGHT, WITH HIS DEFENSE ATTORNEY J. HENRY BANKS

"Our decision will be based on whether we feel we can get a conviction next time," Sandman said.

The jury received the case from Wake Superior Court Judge Abraham Penn Jones Monday at 11 a.m., and deliberated until that evening, when they were sent

(See HUNG JURY, P. 3)

## HUNG JURY

Continued from page 1

home. The panel resumed deliberations Tuesday morning, but shortly after indicated that they were still deadlocked.

Judge Jones released the jury, and declared a mistrial.

The Wake District Attorney's office has several options now in proceeding. It could put Lowery on trial for yet a third time for the misdemeanor charge; a less expensive plea bargain could be arranged, or the case could be dropped altogether.

Lowery was accused of kissing Brown, now 18, in his church office last March 1. Brown testified that Lowery told him that he'd been having dreams about having sex with him, and then turned out the

lights in the office, and proceeded to kiss the teen on his face.

Brown testified that before he could leave the office, the pastor also touched him in his crotch area.

But Lowery countered on the stand that it was Brown, not he, who had indicated interest in having a sexual relationship, and the minister just ignored him. He added that at no time did he touch the young man.

Sources at the trial tell The CAROLINIAN that many of Rev. Lowery's defense witnesses changed their stories from the District Court case, causing prosecutor Sandman to sometimes refer back to their previous testimony while asking questions.

Sandman told The CAROLINIAN that in fact, "not as much" came out during this case as during the first trial.

"Because we were now before a jury, I had to try this case differently," Sandman said.

But published reports indicate that defense attorneys J. Henry Banks and William Plyler may have created enough reasonable doubt to stall any unanimous determination by the jury.

In closing arguments, the attorneys alleged that a one-minute pause by Brown during questioning, was not his "saying a prayer" to give him strength answering embarrassing questions as he portrayed, but the teen's forgetting "scripted lines" for testimony.

Sandman said he didn't think that was really a factor in the jury's indecision.

"It basically came down to the

reverend's word versus James Brown, and we had to prove it beyond a reasonable doubt, which is difficult in this case," he said.

Defense lawyers also hinted that turmoil at the church was the true reason for the charge against Rev. Lowery.

Church members The CAROLINIAN has spoken with deny that allegation, but did say their church has been a "happier" place since Lowery was terminated last June.

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