

Joline Gutierrez Krueger: Will the justice system continue to fail Shirm family?

By Joline Gutierrez Krueger
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The Shirm family might have thought they had endured their share of tragedy when Jennifer Lynn, the youngest at age 22, was bludgeoned to death and tossed under brush off East Central Avenue in 1985.

It took 15 years for a scar-faced, wild-haired, meth-dealing ex-boyfriend to be charged with her death, then six years more for the case to fall apart.

Last year, the District Attorney's Office dismissed murder charges against that man, Alex Eugene Murray, saying DNA evidence and waffling witnesses had irreparably damaged the case.

Justice slipped away.

But tragedy hadn't.

Last month, eldest sister Judy Webb, 66, was struck - deliberately, witnesses say - by a car careening out of the John Brooks Supermart on Coors Boulevard Northwest where Webb is an assistant manager.

Authorities say the driver was one of two shoplifters Webb and sister Jessie Shirm had confronted in the parking lot.

Webb was nearly killed over two pilfered 30-packs of Bud Light.

Somehow, Webb held on. But the Oct. 12 trauma to her brain has left her unable to walk, talk or function as she had before the attack.

"She has to relearn everything over again," Jessie Shirm said.

Recently, she was moved to a rehabilitation facility to continue that painful relearning process, leaving her family to once again face the judicial process that let them down before.

This time, the family hopes for a better shot at justice.

This time they hope the system works.

But things have not begun well.

Both of Webb's accused assailants - brothers Anthony and Leonard Lopez - are out of jail.

Bail for Anthony Lopez, 31, had been set at \$50,000 cash-only at the time of his arrest. Court documents show that his bail was increased to \$100,000 cash or surety upon his indictment Oct. 29 on aggravated battery, accident involving death or personal injuries, great bodily harm or injury by vehicle, tampering with evidence and, oh yes, shoplifting.

But at his arraignment Nov. 5, state District Judge Charles Brown reduced the bail to \$50,000, this time allowing Lopez to post 10 percent surety, or \$5,000, provided he stayed in contact with pretrial services as a sort of pre-conviction probation.

Lopez did so that day. He was released from the Metropolitan Detention Center two days later.

His younger brother, charged with misdemeanor battery and shoplifting, was released from jail after posting \$1,000 bond hours after the crash.

Leonard Lopez, 25, is the brother Shirm said roughed her up as she yanked the beer from the trunk of his car.

Both brothers have retained private attorneys.

All of that is within the brothers' rights, of course. And though it's stunning that a man suspected of deliberately running over a woman while fleeing from a crime could so easily walk out of jail, the brothers are, as that quaint saying goes, innocent until proven guilty.

But the Shirms have rights, too, and lest the powers that be have forgotten, they include:

- The right to be notified of the charges.
- The right to be notified of the offender's release from jail or prison.
- The right to appear and be heard at criminal proceedings.
- v The right to be notified of proceedings in time to attend.

The District Attorney's Office and the courts violated those rights by not notifying the Shirms about what transpired in the case.

Instead, Jessie Shirm said she learned what occurred when she stopped by state District Court and by asking a bail bondsman friend.

"We were not very happy to learn this this way," Jessie Shirm said. "Here is this guy who nearly killed my sister, and I have to learn on my own that he's out there somewhere. . . . It's just not right."

Prosecutors blame an unfortunate lapse in the rush to indict Anthony Lopez for the lack of communication.

"We really do try, but things happened quickly," Deputy District Attorney David Waymire said.

Certainly, oversights within the ever-busy District Attorney's Office occur. But with a family who for decades now has already been tossed about in the bloodless seas of the judicial system, any blunder makes their tragedy all the more unbearable.

The system has slipped up so far. But it must not allow justice, in whatever form that takes, to slip away again.

