

MERCURY-REGISTER

Defendant acquitted in fatal motel shoot-out

By TERRY VAU DELL - Staff Writer

Article Launched: 06/23/2008 09:27:51 PM PDT

OROVILLE -- A Butte County jury Monday acquitted a man of two murder charges stemming from a fatal drug-related shoot-out in 2006 at an Oroville motel.

"I want to thank my family ... and the people on the jury in Butte County for seeing the truth," said Deandre Tyrone Lowe, 39, of Vallejo, as he embraced his attorney and several supporters in the courtroom following the verdict.

District Attorney Mike Ramsey alleged Lowe was attempting to rob four Oroville marijuana sellers when one of his two companions fired a shot in the air, which triggered a gunfight Oct. 22, 2006 that left three men dead inside a room at the Best Value Inn on Oro Dam Boulevard.

Although Lowe was not armed, Ramsey argued to the jury that as an accomplice to an attempted robbery, the defendant was criminally liable for two of the men's deaths.

But Lowe's attorney, Mario Andrews, of Oakland, contended there was no evidence Lowe either knew of a robbery plot, if it ever existed, or did anything to assist such a crime.

After about five hours of deliberations, the seven-man, five-woman Butte County Superior Court jury found Lowe not guilty on two counts of first-degree murder and two lesser charges of attempted robbery.

Said the jury foreman outside of court later: "We found there wasn't enough specific proof that he

(Lowe) knew there was going to be a robbery, or that the robbery was pre-planned."

The verdict of acquittal provoked a loud shriek of delight and tears of joy from the defendant's family, including his parents, seated in the courtroom.

"I knew from the start that my son was not guilty, and with the help of the Lord I knew that he would come through this, said Lowe's mother, Lucille Lowe-Wroten, who had commuted daily from her home in Vallejo with several other family members for the two-week jury trial.

"I just want to thank everyone who gave my brother a fair shot," said Lowe's younger brother.

Lowe's attorney said he felt Monday's verdict "should send a clear message to the district attorney that they should review their cases and only file cases that are viable."

Ramsey called it a "difficult case."

Unable to determine what was in the defendant's mind because he invoked his right not to talk to the police, Ramsey said, "We were asking the jury quite frankly to take a look at his very incriminating actions."

In his closing summation to the jury Monday morning, Ramsey had pointed out Lowe's fingerprints were found on an inner vacuum-sealed container of "flash money," comprised mostly of one-dollar bills wrapped around a few larger bills, which Ramsey argued had been used as bait to lure the pot sellers into a false sense of security so they could be robbed of the large stash of marijuana.

While haggling over the price of the pot, one of two men with Lowe, Dejuan Dean, 34, of Sacramento, went into the motel bathroom and came out

MERCURY-REGISTER

moments later, firing a shot into the ceiling with a semi-automatic pistol, and ordering his two companions, including Lowe, to grab the pot and the cash, according to the prosecution witnesses.

One of the pot sellers, Thomas John Kile, 37, of Concow, reportedly pulled his own .45-caliber pistol, and returned fire.

Kile, Dean and a second would-be drug buyer, Lee Miles Nixon, 33, of Vallejo, were killed in the hail of bullets.

Ramsey argued to the jury the three-man "robbery crew" each had a separate function, with Lowe being the "money man," Dean, the gunman and Nixon, to restrain the intended victims with a set of plastic "zip ties" recovered by police from the motel room after the fatal gunfight.

Lowe was charged with Kile's slaying under the so-called "felony murder rule," which holds accomplices criminally liable for deaths that occur during certain inherently dangerous crimes, including robbery.

Even though Nixon was also viewed by the police as an accomplice, Ramsey had asked the jury to convict Lowe as well under a lesser known provision of the law called the "provocative act doctrine."

In closing arguments to the jury, the district attorney contended that but for Dean's dangerous actions of firing the pistol into the motel ceiling, the shoot-out would not have occurred, and Nixon would not have been caught in the cross-fire.

Andrews argued there was "no evidence" to suggest Lowe had gone to the motel room for anything other than purchasing marijuana to sell later at a profit.

The defense attorney pointed out Nixon had

negotiated the large marijuana deal weeks earlier with a co-worker, Joshua Roberts, 23, of Oroville, who acted as a go-between for three Concow-area pot sellers.

It would be "illogical" for Nixon to try to rob someone who knew where he lived and worked, Andrews told Lowe's jury.

Moreover, he said, had Lowe planned to rob the marijuana sellers, he would have been armed himself, and certainly would not have left the money and the pot behind after the gunfire stopped.

Taking the witness stand last week in his own defense, Lowe testified that Dean, a longtime friend with whom he had done past drug deals, had asked him to take part in a 20-pound marijuana deal that day.

He claimed he drove his girlfriend's car from the Elk Grove home where he was living and brought along \$15,000 of his own money to purchase some of the marijuana to sell on the street.

When Dean pulled out his gun and fired into the air inside the motel, Lowe told the jury, he was so scared he dove to the floor, where he remained until the shooting ended. He fled before the police arrived.