

STATE OF TEXAS

v.

JACOB W. ANDERTSON

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IN THE 19th DISTRICT COURT

McLENNAN COUNTY, TEXAS

FILED
2018 AUG 29 PM 11:02
JANICE HUBLE
DISTRICT CLERK
McLENNAN CO. TX
DEBRA S
Amdra ymewa

VICTIM'S NOTICE OF OBJECTION TO PLEA BARGAIN,
and
REQUEST FOR OPPORTUNITY TO COMPLETE VICTIM IMPACT STATEMENT,
and
REQUEST FOR POSTPONEMENT OF PLEA BARGAIN AGREEMENT SO THAT VICTIM
IMPACT STATEMENT CAN BE CONSIDERED, ACCORDING TO LAW, BEFORE THE
PLEA BARGAIN AGREEMENT IS ACCEPTED

TO THE HONORABLE JUDGE OF SAID COURT:

By This Instrument Appears the victim of this crime and herby voices her objection to the proposed plea bargain in this case (which would remove any allegation of sexual assault, guarantee probation, and not require defendant to register as a sex offender), and **MOVES** the Court to refuse to accept the plea bargain, or in the alternative, **MOVES** the Court to postpone accepting the proposed plea bargain until the victim has had an opportunity to complete her victim impact statement and have it considered by the Court **PRIOR** to the plea bargain being accepted.

I. The Law:

Art. 56.02. CRIME VICTIMS' RIGHTS.

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(12) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; (Underline Added.)

2. The Facts:

In March 2016, the victim of this crime was brutally raped by Jacob Walter Anderson and left to die face down in her own vomit. This rape did not occur in a bedroom, but outside of an unsanctioned fraternity house in a secluded area, after she had been over-served with alcohol, and led there by the defendant, Jacob Walter Anderson. Upon regaining consciousness, the victim located a friend and went immediately to a hospital for a sexual assault examination. The victim was a minor at the time. Serving her alcohol was also an offense against Texas law.

The undersigned attorney was asked by the victim and her parents in April, 2016, to assist them in their communications with the District Attorney's Office. The undersigned attorney files this Notice and Request at the behest of the victim and her parents. (See emails: Exhibit A, Exhibit B, and Exhibit C).

Since the inception of the case, the victim and her parents were told by the Prosecutor that the case would go to trial and that it definitely would not be plea bargained down without the consultation and consent of the victim. They were assured it was not a question of guilt/innocence, but of punishment only. The undersigned attorney met with the prosecutor and was given the same assurances.

On August 23, 2018, the victim learned by reading a Waco News Paper that the defendant's charges were being reduced and he was being allowed to plead no contest. (Exhibit D).

On the next day, August 24th, the Prosecutor sent an email to the victim and her parents stating, "I've accepted an offer on Jacob Anderson. It's for probation on the charge of Felony Unlawful Restraint not Sexual Assault – therefore, he will not have to register as a sex offender. I realize this is not the outcome we had hoped for or that I had originally offered..." As justification, she went on to compare the victim's case to one she had recently lost, and stated she wanted to avoid any "emotional damage" to the victim herein in the event of another loss.

The victim herein followed the other case in the paper and states there is no comparison between the two cases and she is willing to risk "emotional damage" for the opportunity of seeing justice done. (See email Exhibit A).

As yet, no Victim Impact Statement has been requested from the victim of this crime. The Plea is set for September 4, 2018. Consequently, there is no way this Court can consider the Victim Impact Statement "before a plea bargain agreement is accepted." Article 56.02 (a) (12) (A), unless the Court reschedules the Plea Date.

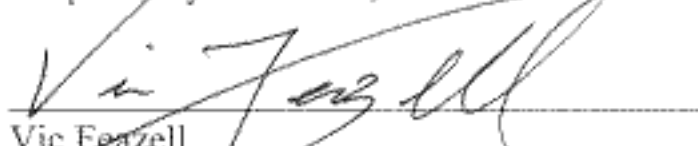
3. The Requests:

The victim and her parents live out of state and will be traveling overseas for the next three or four weeks.

The victim therefore **REQUESTS** that the Plea be continued until after mid-October in order to give her a chance to return home and fill out the necessary paperwork for her Victim Impact Statement to be considered.

The victim **FURTHER REQUESTS** that after considering her Victim Impact Statement, the Court **REFUSE** to accept the reduced plea bargain for the man who brutally raped her, and for the **COURT** to set the case for trial.

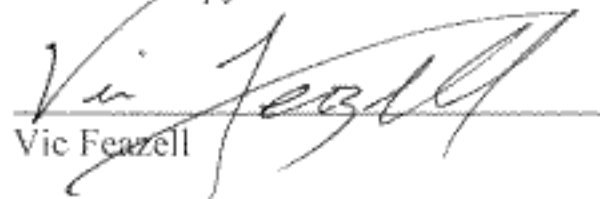
Respectfully submitted,



Vic Feazell
SBOT# 06872280
3302 West Waco Drive
Waco, Texas 76710
254-772-7500
Vic@WithVic.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this document was served on the State and the Defense.



Vic Feazell

From: [REDACTED] <>
Date: August 28, 2018 at 2:31:00 PM CDT
To: yffeazell
Subject: client/attorney communication

Vic,

I am so upset and don't understand why Hilary offered him a plea! She promised us she would not do this. She said the case was so strong and she would get a conviction and it was really more about what his punishment would be. All along she said she had more evidence than any other case she had previously tried.

This guy violently raped me multiple times, choked me and when I blacked out he dumped me face down on the ground and left me to die. When I woke up aspirating on my own vomit, my friends immediately took me to the hospital and we reported it to the Waco police, Baylor police and Title IX office. I spent 3 months enduring the Title IX investigation which found him guilty and expelled him. This whole experience has been terrifying.

The case she lost is nothing like my case. It sounds like she is agreeing with the jurors that he's too good looking to be convicted, or he only raped one girl so we will let him go. Or because I was a virgin (innocent in her words) the physical damage and trauma is acceptable. It is not acceptable to rape one girl no matter who you are or what you look like!

Why is she so worried about him getting counseling instead of him being convicted for rape? Put him in jail and he will not be able to rape another person! He can get counseling in jail!

I have been waiting two and a half years for this trial. I have been through hell and back and my life has been forever turned upside down. I feel like I should have the right to the trial for the four counts of sexual assault the grand jury indicted him on. It has felt like Hilary has constantly let the defense choose dates and delay the trial. She has not kept me informed and has not discussed the plea with me at any time, other than to say she would not offer him one. I was furious and devastated when I read the news paper article that she was basically dropping the sexual assault charges.

And then in utter shock when her reason was because she lost a completely different case so she didn't trust a jury to do the right thing.

This is the reason rape victims hesitate to report the crime. I had the courage to report the crime, go through an investigation, wait all these years to testify. I have had to courage to keep on living so that I can testify.

I want to tell my story to the jury and in front of him, so he knows exactly what he did to me! I want my witnesses to have a chance to tell what they saw.

Rape is a sex offense. He is a sex offender and he should have to register as one for the rest of his life.

Exhibit A

I hope there is something we can do to stop this plea and keep him indicted on the four counts of sexual assault. Otherwise it will just be another story rapists will hear and know that they will always be set free and can rape all they want.

It will be another slap on the wrist and go on and live your life.

I truly feel betrayed by the one person who was able to get justice.

██████████

From: [REDACTED]
Sent: Thursday, August 23, 2018 7:49:59 PM
To: vffeazell [REDACTED]
Subject: plea?

Vic,

[REDACTED] and I are so upset!!!! What is going on? Why are we reading that the DA is offering a plea less than sexual assault?

This man raped our daughter 4 times and left her to die!!!!

Hilary said she would not offer a plea!! She is not answering!

He should be charged with kidnapping and attempted murder and as much as can be added!

The article says he graduated from Baylor last year!!! I thought he was expelled!!!!
If he was expelled how did he graduate from Baylor?

Kind Regards,

[REDACTED]

F u b i l i t R

From: [REDACTED]
Date: Thu, Aug 23, 2018 at 8:32 PM
Subject: Re: Plea?
To: [REDACTED]
Cc: <Hilary,LaBordes>, <vffeazell>

Hillary,

A plea by this rapist to a lower crime is unacceptable and will not go away quietly. My daughter was brutally raped and left to die. Why is this rapist allowed to walk away from this crime? Why is he getting selective and preferential treatment? Is it because he is white or does he have rich connections? A grand jury said he should go to trial. The last time you spoke with my wife you said there would be no plea bargains.

I trust and expect you will pursue justice.

[REDACTED]

Evil

https://www.wacotrib.com/news/courts_and_trials/former-baylor-frat-president-likely-to-plead-down-sexual-assault/article_935cd791-db10-50f5-94fe-de4567cf0b50.html

Former Baylor frat president likely to plead down sexual assault charges

By TOMMY WITHERSPOON twitherspoon@wacotrib.com Aug 23, 2018



Anderson

A former Baylor University fraternity president who is charged with four counts of sexual assault has reached a plea agreement with the McLennan County District Attorney's Office.

Jacob Walter Anderson, 23, of Garland, is set to enter a plea Sept. 4, according to court records, which do not specify the terms of the plea bargain. The records show only that state prosecutors intend to file a superseding charging document, likely to a lesser charge than sexual assault, in exchange for Anderson's plea.

Anderson, who is free on bail and did not finish Baylor, did not return a phone message Thursday. His attorneys, Mark Daniel, of Fort Worth, and Guy Cox, of Waco, declined to discuss the plea agreement.

Exhibit D

Prosecutors Hilary LaBorde and Gabrielle Massey also declined comment, saying they cannot discuss pending matters. They also would not say if the agreement involves jail time or probation.

The former president of Phi Delta Theta fraternity at Baylor was arrested in March 2016 after a Baylor student reported Anderson sexually assaulted her during a fraternity party at a house in the 2600 block of South Third Street.

Anderson is expected to enter a “no contest” plea to the criminal charge because he and 20 members of Phi Delta Theta are named as defendants in a civil lawsuit that alleges the sexual assault and underage drinking. After Anderson’s arrest, he was removed from Phi Delta Theta, and the fraternity chapter was suspended.

According to Baylor Interfraternity Council webpage, Phi Delta Theta is eligible to return to campus in the Spring of 2019.

A “no contest” plea has the same legal effect as a guilty plea in criminal cases but is less incriminating for defendants in civil suits.

According to records filed in the case, the woman said she was at the party in South Waco and someone handed her some punch and told her to drink it. Shortly after that, she became disoriented and Anderson took her outside and sexually assaulted her, according to the records.

The woman reported Anderson took her to a secluded part of the grounds behind a tent so she could get some air. However, once they were away from the party crowd, he sexually assaulted her, according to police reports.

The woman reportedly lost consciousness. When she woke up, she was alone in the same area lying face down in her own vomit, reports indicate. She found a friend in the house who took her to the hospital, where she underwent a sexual assault examination, police said.

The fraternity members named as defendants in the civil lawsuit were listed as officers of the fraternity, although some have since said they were not officers at the time of the alleged incident. The lawsuit also named the landlord of the property where the reported assault occurred, an off-campus house known as “the Phi Delt Ranch,” and the fraternity’s national office.

Waco attorney Jim Dunnam, who represents the plaintiff in the lawsuit, declined comment on the litigation, which remains pending.

Correction

An earlier version of this story incorrectly referred to Anderson as a graduate of Baylor University.

Tommy Witherspoon

Staff writer at the Waco Tribune-Herald covering courts and criminal justice. Follow me on Twitter @TSpoonFeed.