

Clearlake man to be retried for 2004 murder

Contributed by Elizabeth Larson
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LAKEPORT ‐ A man whose conviction for the murder of his girlfriend was overturned late last year will be retried for the murder this fall.

David Garlow Deason, 68, of Clearlake was convicted in February 2006 of shooting to death his 48-year-old girlfriend Marie Parlet on Dec. 6, 2004.

However, last December the First Appellate District Court overturned Deason's conviction, ruling that the trial court in Lake County “erred in excluding evidence of his intoxication,” as Lake County News has reported.

“He's going to be retried,” said Chief Deputy District Attorney Richard Hinchcliff.

The trial, said Hinchcliff, is set to begin Sept. 9.

Deason allegedly had a blood alcohol level of 0.27 on the night he is alleged to have shot Parlet. The couple, according to court documents, had a disagreement earlier in the day, after which Deason left and returned later that evening. At that point he is alleged to have shot Parlet once in the chest and once in the back from a distance of 18 inches.

Judge Richard Martin had ruled during the 2006 trial that no evidence could be presented about Deason's level of intoxication. That included turning down a request by defense attorney J. David Markham to call a toxicologist to the stand.

Markham had argued that the toxicologist could explain that Deason had consumed as many as 14 drinks to get to the level of intoxication he allegedly reached. Markham also asked that the jurors be instructed to consider the alcohol consumption in deliberations.

The appellate court disagreed with Martin's ruling, saying that Deason's level of intoxication was crucial to the issues of premeditation and deliberation, which are necessary elements in a first-degree murder conviction.

Hinchcliff said the instructions about considering Deason's alleged intoxication will be given when Deason is tried next. “Other than that, it will be the same trial.”

Deputy District Attorney John Langan, who previously prosecuted the case, will work on the next trial as well, said Hinchcliff.

Langan did not return calls seeking comment. Nor did Doug Rhoades, who will be representing Deason in his retrial. “Probably the biggest challenge is going to be getting all of the witnesses back in to testify,” said Hinchcliff.

Parlet's son, James Clarkson, of San Marcos, Texas, told Lake County News he was in disbelief when he first heard of the conviction being overturned. He wasn't notified ‐ he found out about it inadvertently on the Internet after searching for press on the original case. That's when the story of the overturned conviction came up.

He called the reasons for the conviction a “loophole,” and said he was convinced of Deason's guilt in shooting his mother at point blank range.

Clarkson said his mother was a “genuinely nice person” whose life was ended before her time. She was a loving mother to him, his brother and sister; she also had five grandchildren whom she hadn't yet met. He's considering coming to California for the retrial.

After his conviction was overturned, Deason was brought back to Lake County this spring. He is being held in the Lake County Jail without bail on a charge of first-degree murder.

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