

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

COMMONWEALTH OF VIRGINIA

v.

DOCKET NO.: CR20000399

Dennis Lee Bowman

PLEA AGREEMENT

THIS DAY CAME the Commonwealth of Virginia, by counsel, and came as well the Defendant, in person and by counsel, and represented to the Court that they have entered into the following Plea Agreement in accord with Rule 3A:8(c) of the Rules of the Supreme Court of Virginia:

1. The Defendant stands charged with the following offense(s):
 - (a) 1 violation of Va. Code Section 18.2-32: 1st Degree Murder
 - (b) 1 violation of Va. Code Section 18.2-90: Burglary with Intent
 - (c) 1 violation of Va. Code Section 18.2-61: Rape
2. The Defendant agrees to plead guilty to the following offense(s):
 - (a) 1 violation of Va. Code Section 18.2-32: 1st Degree Murder
 - (b) 1 violation of Va. Code Section 18.2-91: Burglary [as amended]
 - (c) 1 violation of Va. Code Section 18.2-61: Rape
3. The parties agree that the appropriate disposition of this matter is:

The defendant shall plead guilty as stated and be sentenced as follows:

On the violation of Section 18.2-32 the defendant shall be sentenced to a term of imprisonment for Life. On the violation of Section 18.2-61 the defendant shall be sentenced to a term of imprisonment for Life. On the violation of Section 18.2-91 the defendant shall be sentenced to twenty (20) years.

In consideration of the defendant's entry and the Court's acceptance of these guilty pleas without appeal by the defendant, the Commonwealth shall not pursue any other charges supported by the evidence in this case. Given unrelated charges may be pursued outside the Commonwealth of Virginia, the Commonwealth has agreed to inquire with no promise as to outcome the possibility of the defendant serving this sentence within in a correctional system outside Virginia.

4. This Plea Agreement is the total agreement between the parties. There have been no other inducements, promises, threats or coercion of any kind imposed upon the Defendant nor suggested to the Defendant by the Attorney for the Commonwealth or any agent of the Commonwealth.
5. The input of the victim's family has been sought prior to the entry of this plea.
6. The defendant is pleading guilty because he is guilty.
7. In this case a previous Plea Agreement has not been submitted to a Judge of this Court.

WE ASK FOR THIS:

Dennis L Bowman 06/05/20
Defendant Date

B. J. Reed 6/5/20
Attorney for the Defendant Date

Philip E. Curran 6/10/20
Deputy Commonwealth's Attorney Date

Matthew Beyle
Assistant Commonwealth's Attorney

Accepted this 10th day of June 2020.
Rejected this _____ day of June 2020.

Mary Jane Hall
Circuit Court Judge

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v.

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Dennis Lee Bowman, Defendant

STIPULATION OF EVIDENCE

NOW COMES the Commonwealth, counsel for the defendant and the defendant to state that had this matter proceeded to trial, the following would have been the Commonwealth's evidence:

On September 9, 1980, the victim in this case, Kathleen O'Brien Doyle, age 25, lived in a small house at 9432 Granby Street, next door to Miles Methodist Church in the city of Norfolk, Virginia. [Photo attached] Kathleen Doyle was married to her husband, Steven Doyle, who as of September 9, 1980 was on active duty as a pilot in the United States Navy deployed on the aircraft carrier USS Eisenhower in the Indian Ocean.

On the evening of September 9, 1980 Vivienne Mahoney, a close friend of Kathleen Doyle's, visited Kathleen at the house at approximately 7:30 p.m. and the two each had a glass of wine and talked. Mahoney later told detectives from the Norfolk Police Department that she left Kathleen's house at approximately 9-9:30 p.m. The next day, September 10, 1980, Vivienne Mahoney tried unsuccessfully to call to talk to Kathleen several times during the day. Vivienne again called Kathleen late on September 10, 1980 with no answer which Mahoney thought was strange.

The following day, September 11, 1980, Vivienne Mahoney and her husband, James, again called Kathleen with no response so they stopped at the Doyle's house to check on Kathleen. Shortly before 12:00 p.m. James Mahoney drove his car to the Doyle house with his wife, Vivienne, seated in the front seat. When James parked the car, Vivienne got out and walked up to the front door noticing the outdoor light was on, there was mail in the mailbox, two newspapers were on the ground and the screen door was unlocked [which was unusual]. Vivienne looked through the little windows in the door and could see the two wine glasses she and Kathleen had drank from on the evening of September 9. As Vivienne knocked on the door, the force of her knock caused the door to open.

Vivienne Mahoney walked into the house and looked around the living room seeing everything as she left it on Tuesday. When she walked into the bedroom, she saw Kathleen on the floor of her bedroom. Vivienne ran out of the house and yelled to her husband James that Kathleen [Doyle] was on the bedroom floor and she [Vivienne] thought Kathleen was dead. James Mahoney ran into the bedroom and later told police that the bedroom was in disarray, the mattress had been moved off its normal position and the room's appearance led Mahoney to conclude a struggle had occurred. Mahoney

told police he saw Kathleen lying on the floor with various cords wrapped around her. Mahoney leaned over to look for a pulse on her wrist but found none. Mahoney noted the presence of dried blood indicated she had been killed some time earlier. Neither Mahoney nor his wife, Vivienne, otherwise touched anything in the bedroom. [Photo attached]

James Mahoney told his wife, Vivienne, to call the police but when Vivienne then James tried to use the phone in the kitchen to call 911, they could not complete a call. [It was later determined during the forensic processing of the scene that the internal mouthpiece to the telephone had been removed preventing a caller from communicating to whatever phone number was dialed.] James Mahoney ran next door and called 911.

Members of the Norfolk Police Department and Norfolk Fire Department responded to 9432 Granby Street and Kathleen Doyle was declared dead at approximately 12:00 p.m. on September 11, 1980. The paramedic noted that the victim, Kathleen O'Brien Doyle, was naked, her hands bound behind her, gagged and an electrical cord was around her neck. Doyle also had an apparent stab wound to her left chest. Deputy Chief Medical Examiner Faruk Presswalla traveled to the scene and noted the death occurred a considerable period earlier as the body was in full rigor mortis and the victim's body was cool to the touch. Dr. Presswalla visually noted dried matted whitish material in the genital area described as potentially semen. The victim's body was then taken to the Office of the Chief Medical Examiner for a full autopsy.

On September 12, 1980 Dr. Presswalla performed a full autopsy on Kathleen O. Doyle and documented his findings in his September 15, 1980 Report of Autopsy, Autopsy Number N-366-80. [Attached] As the Report of Autopsy concluded: *"Death resulted from homicidal causes; the decedent showed evidence of sexual abuse with punching and blunt force injuries to the face, mouth, kicking to the stomach, being tied up, gagged, and strangled with an electrical cord and stabbed in the back, with a separate stab in the front which failed to penetrate due to the blade impaling on the rib, which was fractured."* Swabs were taken from both the cervix and vagina which indicated the presence of spermatozoa. The formal cause of death was stated as *"Mechanical asphyxia by strangulation and stab wounds with internal hemorrhage."*

Norfolk Police Department detectives and forensic personnel processed the house for evidence and documented the crime scene. Forensic Investigators L. C. Melcher and G. Patterson processed the scene and completed a crime scene diagram which documented the position of all physical evidence recovered. [9/11/80 Crime Scene Diagram attached] The bedroom light was on in the victim's bedroom. Norfolk Police Department Homicide Detectives T. H. Pollard and R. J. Mears responded and Detective Pollard submitted the physical evidence recovered at the scene to include the bed spread on which the victim was found to the then Bureau [now Department] of Forensic Science.

The Homicide Detectives and Forensic Investigators examined the entire house at 9432 Granby Street and did not find any evidence of forced entry into the house. While the ground floor windows were closed, the police documented there were at least nine unlocked windows. At the rear of the house a piece of wood was observed leaned against

the house under the spare bedroom window next to a utility meter, which in tandem would allow a person on the outside to stand upon and gain access to the window. The storm window for this window was observed in the raised position. [Photo attached]

The responding police and forensic personnel did not locate any weapon which could have been used to stab the victim nor did they locate the mouthpiece to the telephone. A marble rolling pin, normally kept in the kitchen, was found in the bedroom near the victim. The forensic investigators recovered several latent fingerprints from the living room and bedroom area. Except for one latent fingerprint, either the victim, Kathleen O. Doyle, Vivienne J. Mahoney or the victim's husband, Steven Doyle, were identified as the source of the latent fingerprints. The remaining latent fingerprint was reported as recovered from an envelope located elsewhere in the house not near the victim's body. No latent fingerprints were recovered around the back first floor spare bedroom window.

The two newspapers inside the screen door were from September 10, 1980 and September 11, 1980 [the day the Mahoney's discovered Kathleen Doyle had been murdered]. The victim's paperboy told the police that he had tried to collect for the newspapers and knocked on the door but did not get a response. The police obtained a search warrant for the records of telephone calls to and from the home phone number (804) 587-7537 in the Doyle's house. The records indicated that at on September 9, 1980 at 9:32 p.m. the victim made a long-distance phone call trying to contact a friend out of state. The victim's mother called the house at 11:00 p.m. and the victim did not answer.

Over the next few months, the Norfolk Police Department Homicide Detectives investigated all known family members, friends, neighbors, work associates or known contacts of the victim, Kathleen O. Doyle or her husband to include contacts within the United States Navy. No viable leads were developed.

On March 18, 1981 the Bureau of Forensic Science confirmed in a Certificate of Analysis (previously filed in this case) the presence of spermatozoa on the vaginal smears, cervical smears and stains on the pubic hair recovered during the autopsy. No viable additional leads were developed thereafter although the Norfolk Police Department continued over the next four years to pursue and investigate any suspects committing similar offenses or having any connection to the Doyle family.

In November 1984 the Norfolk Police Department requested and received warrants of arrest charging Henry Lee Lucas and Otis Toole [aka O'Toole], serial killers in custody in Texas, with the murder and rape of the victim Kathleen Doyle. This action resulted from the Norfolk Police Department and several other Virginia Police Departments sending detectives to Texas to interview Lucas and Toole who were in the process of confessing to dozens of murders committed across the United States. By 1985 many of the "confessions" given by Henry Lee Lucas and Otis Toole were brought into question nationally based upon objective facts disproving Lucas and Toole's physical ability to commit simultaneous homicides to which they confessed in different areas of the country.

In April 1986, the Attorney General of the State of Texas issued the "Lucas Report" examining the collateral facts and circumstances of dozens of the murders to which Lucas or Toole confessed. Notably, in the "confession" by Lucas to the murder of Kathleen Doyle given to the Norfolk Police Department, Lucas recounts that Toole's niece and nephew ["Frank and Freida Powell"] were present with Toole and Lucas on the trip to Virginia. The Lucas Report confirmed that either or both "Frank and Freida Powell" *were present in school in Florida on September 9, 10 or 11, 1980 AND that on September 10, 1980 Henry Lee Lucas had sold 97 pounds of scrap metal in Jacksonville, Florida.*

There is no court record nor record of the Norfolk Police Department to indicate that the Norfolk warrants for Henry Lee Lucas or Otis Toole were ever actually executed. Both Otis Toole [Florida] and Henry Lee Lucas [Texas] died in correctional custody. Records of the Norfolk Police Department reference the nolle prosequere of the warrants against Lucas and Toole regarding the murder and rape of Kathleen Doyle.

Throughout the late 1980s into the 1990s the family of Kathleen O. Doyle specifically her father, retired USN Captain John O'Brien, consistently advocated for the re-investigation of the murder of Kathleen Doyle bringing the case to the attention of city authorities and law enforcement. In 1995 the Norfolk Police Department, in coordination with the Office of the Commonwealth's Attorney, launched a full investigation of the case given the discrediting of the Lucas/Toole murder confessions.

With the advent of the new forensic science of DNA analysis, then Norfolk Police Department Homicide Detective Scott Halverson started in the mid-1990s trying to locate all the witnesses, family contacts, military contacts or persons of potential interest to the case and obtaining a known DNA sample from each person. This effort eventually resulted in the forensic elimination of Lucas and Toole by the Virginia Division of Forensic Science as being the source of the spermatozoa recovered during the autopsy.

In 2001 then Norfolk Police Department Homicide Detective Donnie Norrell again reviewed all the available physical evidence in the case and determined that the green print bed spread under the victim's body recovered on September 11, 1980 and stored in the secure Norfolk Property and Evidence unit had not itself been submitted for DNA analysis. The Division of Forensic Science in Certificate of Analysis FS Lab# T80-1114, dated July 13, 2001, reported that spermatozoa and a DNA profile were identified on the bedspread. [Previously filed with Court]

The Norfolk Police Department with the assistance of the Naval Criminal Investigative Service [NCIS] throughout the 2000s continued to re-investigate potential leads in the case, locate any individuals with contact to the victim or her family or friends, obtain known DNA samples and submit the samples for analysis to the Virginia Department of Forensic Science. Throughout the 1990s and 2000s the victim's father, Capt. O'Brien, worked directly with the Norfolk Police Department and the Office of the Commonwealth's Attorney to develop investigative leads and obtain DNA samples for elimination from sources throughout the United States.

All samples submitted to the Virginia Department of Forensic Science were excluded from contributing the single foreign DNA profile developed both from the bedspread and the vaginal/cervical/pubic slides. The DNA profile identified from the evidence in this case was submitted to the DNA Data Bank with no positive match. Throughout the early 2010s Norfolk Police Department Cold Case homicide detectives continued to work with NCIS and pursued every development in forensic DNA analysis without any resolution.

In 2018 Norfolk Police Department Cold Case Detective Victor Powell in coordination with NCIS communicated with Parabon Nano Labs, Inc. [hereinafter "Parabon"] concerning the possibility of Parabon performing a "Snapshot Genetic Genealogy Analysis" of a DNA extract from the identified foreign DNA matter on the bedspread recovered from under the victim, Doyle. With the assistance of NCIS the Norfolk Police Department sent a DNA extract to Parabon.

Parabon has the capacity to produce several types of testing results to include the Snapshot Forensic DNA Phenotyping System, which depending on the nature of the evidentiary sample, can predict genetic ancestry, eye color, hair color, skin color, freckling, and face shape in individuals from any ethnic background, even individuals with mixed ancestry. Parabon also can perform Snapshot Kinship Inference which can be used to establish familial relationships between an evidentiary DNA sample and previously collected DNA samples or among a set of new samples.

In this case in a report dated November 4, 2019 Parabon issued a "Parabon Snapshot Genetic Genealogy Report" which provided information concerning their analysis of the DNA extract developed from the bedspread and searched available known sources nationally to identify individuals possessing similar genetic information. In the November 4, 2019 report Parabon provided ancestry prediction and *potential* extended family lineage/kinship to the evidentiary sample consisting of more than thirty (30) potential kinship relations.

Shortly after receiving the Parabon Report, Norfolk Police Department Cold Case Detective Jon Smith attended a training seminar on November 14, 2019 also attended by members of the Michigan State Police Department ["MSP"]. During a conversation Detective Smith had with MSP Detectives concerning the utility of the Parabon testing process, the MSP Detectives indicated their awareness of a "Dennis Bowman", [the defendant], *who was one of the potential kinship relations to the case DNA sample reported by Parabon*. The MSP Detectives further said they had a DNA sample from their Dennis Bowman.

Norfolk Police Department Detectives Smith and Powell coordinated to have Michigan forward to the Virginia Department of Science the DNA profile Michigan possessed for "Dennis Bowman". Thereafter, the Virginia Department of Forensic Science found that the Michigan DNA profile developed for a "Dennis Bowman" was consistent with the DNA profile developed from the Green Bedspread recovered from under Kathleen O. Doyle on September 11, 1980. A murder warrant was obtained on November 20, 2019 and the defendant, Dennis Bowman, was taken into custody on

November 22, 2019 in Allegan County, Michigan. On February 7, 2020 the defendant, Dennis Bowman, was extradited to Norfolk, Virginia. At that time, a buccal swab [DNA sample] was taken from the defendant, Dennis Bowman, and submitted to the Virginia Department of Forensic Science.

On March 2, 2020 DNA Forensic Scientist Anne Pollard of the Virginia Department of Forensic Science issued Certificate of Analysis, FS Lab #T80-1114, dated March 2, 2020. [Report attached] The report confirmed that the defendant, Dennis Lee Bowman, could not be eliminated as being a contributor to the spermatozoa stain on the green bedspread recovered under the victim, Kathleen O. Doyle, on September 11, 1980. The probability of randomly selecting a person who would be included as a contributor to that stain is 1 in greater than 7.2 billion people [approximately the world population].

The March 2, 2020 Certificate of Analysis further found that the defendant, Dennis Lee Bowman, could not be eliminated as being a contributor to the sperm fractions of the swabs recovered from the cervix and vaginal swabs recovered from Kathleen O. Doyle in 1980. The probability of randomly selecting a person who would be included as a contributor is 1 in greater than 7.2 billion people [approximately the world population].

On February 8, 2020, after requesting to talk to the Norfolk Police Department detectives, the defendant, Dennis Bowman, was readvised of his legal rights and stated he wished to talk to Detective Smith. The defendant, Dennis Bowman, thereafter, admitted having entered the residence at 9432 Granby Street in September 1980 without permission or lawful authority. The defendant said he was drunk and entered the house to steal, that he entered through a back window into a spare bedroom using wood laid against the house, that he walked through the house and physically assaulted a woman in a bedroom during which the woman was stabbed. On February 8, 2020 the defendant, Dennis Bowman drew a diagram of the residence he described entering through a back window as well as the first-floor floorplan. [February 8, 2020 drawn floorplan attached]

Records of the United States Navy confirm that on September 9-11, 1980 the defendant, Dennis Lee Bowman, was an E5 in the United States Naval Reserve assigned to the USS Piedmont serving his annual two-week active drill in Norfolk, Virginia.

All relevant acts occurred in the city of Norfolk, Virginia.

Dennis Bowman
Defendant

B. J. Smith
Counsel for the Defendant

Philip S. Evans
Counsel for the Commonwealth

Kate Beyer
Counsel for the Commonwealth