

Armed Robber Nets 13 Cents, 10-Year Term

By KURT SCHMALZ
Banner Staff Writer

Thirteen cents doesn't buy much these days, but it was enough to buy Oscar T. Berry a ticket to the state prison for 10 years.

A Criminal Court jury Tuesday sentenced Berry, 21, to 10 years for a May 12, 1979, armed robbery in which 13 cents was taken from his victim, Anthony Brownlow.

After the robbery, Berry shot Brownlow three times before he left the scene.

However, on the shooting charge Berry received only a one-year sentence.

The jury had reduced the charge of assault with intent to kill to assault with intent to commit voluntary manslaughter.

"I don't think the jury was too harsh at all," said Bart Durham, Berry's attorney. "He got the minimum for armed robbery and the minimum for shooting somebody. I was extremely pleased with the verdict."

Under Tennessee law, sentences for robberies committed with a weapon range from 10 years to life imprisonment.

"It doesn't matter if it was 13 cents or \$1 or \$1,000. If he committed the robbery with a weapon, it is an armed robbery," said Assistant District Attorney Jack Seaman. "You can have assault with intent to commit murder even if someone shoots at you and misses."

According to police reports, Berry approached Brownlow and Michael Jones in an alley at Jefferson Street and 18th Avenue North and demanded money from them.

Berry pulled out a gun and took 13 cents from Brownlow, but was unable to get any money from Jones, with whom he was reportedly acquainted, authorities said.

"Berry was disappointed at the amount of money he got and asked for more," Seaman said. "That's when the shooting started."

Seaman said the evidence showed Brownlow was shot once in the side and twice in the shoulder.

Jones left the scene unharmed.

The jury acquitted Berry of a charge of assault with intent to commit armed robbery on Jones.