

## Cover story

# Defiance of agreement led to exposure charge

By Brenda Cannon Stancil  
Staff Writer

When The Examiner printed an article concerning music minister Bernie Johnson in the June 9-15, 2005 edition, the facts of the case, filed in Jefferson County court, caused quite a stir in the communities surrounding Hamshire and Winnie.

Johnson appeared in Judge John Paul Davis' Jefferson County Court of Law No. 3 on Wednesday, July 13, and accepted a plea bargain agreement for the charge of indecent exposure to an adult. According to court records, Johnson pled "no contest," and received a judicial conviction.

Judge Davis sentenced Johnson to 90 days in jail or 18 months probation, an \$800 fine, plus court costs and fees, 100 hours of community service and a special admonition not to be within 100 feet of Hargraves who was in the courtroom. Judge Davis asked Hargraves if she preferred seeing Johnson go to jail or serve probation. Hargraves replied that she did not think jail would help Johnson and she hoped that the probation where he would be carefully monitored would be sufficient to help both Johnson and his family begin to recover.

Montie Morgan, chief of probation for Jefferson County, said that Mr. Johnson has received a standard court ordered probation, as defined in the Texas Code of Criminal Procedure, for a term of 18 months and is under the jurisdiction of a probation officer in his administration. "The judge in these cases has absolute discretion about probation," Morgan said. "He can revoke the order at any time he is presented with evidence of disregard by the defendant and can order the subject to jail to serve the time designated. Mr. Johnson, while on probation, will be strictly monitored by this office."

Johnson was the minister of music for First Baptist Church of Hamshire when the inci-

dents that led to an indictment were reported. Johnson was accused of perpetrating the acts against a 52-year-old coworker, Charlene Hargraves, who is a lifelong resident of Chambers County and is in charge of the custodial duties of the church plant.

The pastor of First Baptist Church of Hamshire, Joe Constantine, said that neither he nor any of the members of his church were aware of the allegations until Hargraves told him.

Once the pastor became aware of the incidents, he called upon the help of a retired Beaumont police officer, Bill Jordan, who is also a member of the church. Jordan was instrumental in getting a video camera placed in the church building and within one week of the camera's installation, Johnson was captured on videotape performing an act of masturbation in the church hallway. This videotape was turned over to the Jefferson County Sheriff's Department and remains a viable part of the file.

The personnel committee of the church, led by Beverly Martin, met with Johnson and after he was faced with the testimony and evidence, accepted the opportunity presented to him to resign and seek counseling. Constantine said that as a part of the solution to this problem, the church agreed to send both Johnson and his wife for counseling and rehabilitation in Colorado at the church's expense. A part of the counseling agreement was that Johnson was not to seek employment in a ministry setting until healing and restoration could be completed.

When Hargraves learned that Johnson had broken the agreement by applying for a similar position with the First Baptist Church in Winnie, she came forward and filed the official charges against Johnson with the Jefferson County Sheriff's Department.

Pastor Constantine issued a statement on behalf of his church, saying "When Mrs.

Hargraves approached us with her allegations, we immediately began to investigate the matter. When confronted with the allegations, Mr. Johnson took the opportunity presented to him and chose to resign immediately. He stated to us that Mrs. Hargraves was innocent in the matter. At Mrs. Hargraves's request, we did not make the reason for his resignation known to the church at large. She remains a member of First Baptist Church in good standing and we continue to pray for all concerned."

The pastor of the Winnie church, Kenneth Hodges, where Johnson now serves, was apprised of the fact that Johnson had engaged in some behavior that called into question Johnson's suitability for a position of leadership in the church. Witnesses, who do not wish to be named since they presently attend church services with Johnson and his family, called to say that Johnson did apologize to the congregation following a Sunday morning service, but alluded to the fact that the charges made against him were those concerning an affair and not sexual acts perpetrated by him. These same callers say that a fellowship was held for Johnson and his family and he has been allowed to lead the choir and congregational singing. A love offering was also received at the church to help pay for the services of Johnson's attorney.

One local attorney said generally if the evidence warrants a conviction, or the defendant knows and admits guilt, it just easier on everyone to plead out to keep the court calendar moving. Some defendants say that pleading keeps family members from having to go through the rehashing of an old situation and lessens the pain and hurt they must share.

According to Ed Shettle of the Jefferson County District Attorney's office, a plea bargain is reached when the defendant or the defendant's lawyer makes a request to meet with representatives of the DA's office and agrees to

settle the case. Shettle said, "A plea bargain is an orderly administration process for the disposal of cases that would involve a lengthy jury trial. On the part of the DA's office, we generally stipulate what we feel are about the same conclusions the jury would have reached for punishment without going through the trial itself. Without plea bargain agreements, our courtroom calendars would be even more swamped than they are now."

Hargraves issued a statement after the agreement had been reached. "I am so thankful that justice has been done and I personally thank Judge John Paul Davis, the Jefferson County Sheriff's Department, the District Attorney's office and all those who were so dedicated to the professional way they carried out their legal duties. As a victim, I was respected and felt a feeling of safety and assurance that they would do everything they possibly could do in this case to see that justice prevailed. That was exactly what happened."

Mary Cotton, a former Chambers County resident, now an artist and teacher in both private and public schools in Houston, wrote, "My sister, Charlene Hargraves, has never had as her goal, hurting anyone for the sake of hurt. She is giving, caring and considerate and a hard worker doing what she knows to do to provide a decent living for herself.

"When this abuse and misconduct was directed toward her by someone in a position of authority with whom she served on a church staff, it was doubly hurtful. The spiritual, mental, emotional and physical elements were all involved. It took courage, determination and a real sense of caring for the body of Christ as a whole first not to say anything, and then secondly, to decide to say something on record. Charlene never wanted to hurt the church family nor the work of this active and growing ministry that does so much good in the community and abroad through world missions. She

long suffered alone and frightened during the various incidents before even revealing it to the pastor of the congregation.

"What many that have voiced their opinions so freely about this matter do not know is that Mr. Johnson and his wife were sent to professional counseling in another state after this incident, paid for by the good members of First Baptist Church in Hamshire. As long as Mr. Johnson chose to honor the provisions of the counseling arrangement, mainly not to present himself for ministry until a suitable time of healing could be reached, Charlene was willing to let the matter go. Only when Mr. Johnson completely disregarded the guidelines outlined for him and his family and began to apply for a position in local ministry was the decision made to bring the matter out into the open.

"The strong fear of it happening again in another church family to one or more women or children was and is the reason charges were filed. We must take this opportunity to warn our children and other vulnerable adults that bad things can happen in what we think are good and what we would think are safe places. I wonder how this same group of folks feels now that the minister of music decided to accept a plea bargain rather than to accept his fate going before a jury of his peers? Responsibility for wrongdoing must be accepted by those who commit the acts whether they are preachers, mechanics or salesmen.

Kenneth Hodges, pastor of First Baptist church of Winnie, told The Examiner by telephone on July 19 that he did not wish to say a word about this case or its disposition. A recorded message received at the number listed in the telephone directory for Bernie Johnson indicates that the number is no longer in service.

Brenda Cannon Stancil can be reached at (409) 832-1400, ext. 227 or at [bstancil@theexaminer.com](mailto:bstancil@theexaminer.com).