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Tuesday, February 12, 2008

Who Killed Evangelina Cruz?

More Than 10 Years After Her Mother's Murder, Daughter Looks for Answers



Evangelina Cruz, center, with her husband and mother. (Courtesy Elsa Gallardo)

By **STEPHANIE DAHLE**
Feb. 11, 2008



Nearly a decade after two men were convicted of killing Evangelina Cruz during a convenience store robbery, questions about her death still nag at her daughter.

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"Nobody's been able to rest," said Elsa Gallardo. "Every day for the past 11 years, we've heard something new."

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Now,

the two men convicted of Cruz's murder may soon walk free. The Texas Court of Criminal Appeals last month granted new trials to Alberto Sifuentes, 34, and Jesus Ramirez, 59. The court, after a six-year legal battle, said the original defense attorneys for the two men ignored eyewitnesses and other evidence that could have convinced a jury they were not guilty.

"I'm at a point that I don't care if the men go free. It's not going to bring my mom back. I just want to know what happened," said Gallardo. "I'm sure somebody has to know what happened in Littlefield. It's a small town."

Barry McNeil, the new lawyer for Sifuentes and Ramirez, said it was more than poor defense lawyers that hurt his clients. McNeil says that the investigators and prosecutors also overlooked or ignored evidence that could have pointed to Cruz's real killers.

"There were two brothers that resemble precisely the description the dying victim" gave, McNeil said.

Cruz, a mother of four, was shot nine times at close range, including once in the face, on Aug. 6, 1996, at a Jolly Roger convenience store in Littlefield, in the Texas panhandle. In her last dying moments, she called 911 and described her assailants to police. In part, she said they were Hispanic, between the ages of 18-20 and driving a gold car.

At the time of the murder, Sifuentes was 22 years old and Ramirez was 47. They were stopped by officers on their way home from a bar, but after nothing in their vehicle connected them to the crime, Sifuentes and Ramirez were allowed to continue. They became suspects after an acquaintance, seeing a Crime Stoppers advertisement, contacted police.

"They are totally innocent," said McNeil. "The government really had no case other than false testimony based on so-called eyewitnesses."

"If they had conducted a comprehensive investigation, these men would have never been indicted," he said.

Mark Yarbrough, the Lamb County district attorney, did not

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respond to phone calls or messages from ABC News. In an interview last month with the Houston Chronicle, Yarbrough pointed out that, "The court did not find that the defendants were innocent, nor did the court find that there was any prosecutorial misconduct."

The Texas Rangers, who investigated the murder, declined to comment.

The original case relied heavily on the testimony of a woman who claimed to have witnessed the shooting, court documents say. But, surveillance tapes from the store were later discovered that placed that witness at the store more than an hour before the murder.

Though several physical items, including a cigarette butt, necklace and tennis shoe print, were found at the crime scene, none could be matched to Sifuentes or Ramirez.

The two men, Mexican nationals legally living in the United States, were convicted in 1998 in separate trials and sentenced to life in prison.

The Court of Criminal Appeals decision last month said the juries in their original trials should have heard from alibi witnesses who say they saw the men at a nightclub about 35 miles away from the murder scene on the night of the killing. The jury also should have seen evidence that appeared to implicate the two brothers who matched Cruz's description of her attackers, the court ruled.

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The state's highest appellate court said the guilty verdicts were called into question and the court's confidence was "severely undermined" by the defense counsel's "errors."

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Sifuentes

and Ramirez are waiting to be transferred from prison to the local jail in Lamb County, where the murder took place. There, they will remain until Yarbrough decides whether he will retry or dismiss their cases.

"[Sifuentes and Ramirez] are excited, but they are still cautious," said McNeil. "They keep thinking they'll only be happy when they're released."

It's so hard on everyone because it's been so long," said Gallardo, who served in the U.S. Army after being inspired by her mother's membership in the high school ROTC program. "Her dream was to go to the Marines. I felt like I wanted to be a part of it also." Gallardo, 25, worked as a medic in Korea and is now going to school to get a degree in nursing.

In the meantime, Cruz's family continues to wait, with one goal. Sounding tired, Gallardo said, "I just want justice."

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