

# TEXAS

& Southwest

## Retrial possible in '96 slaying

Judge says alibi, other evidence could clear men in woman's death

By **JAMES HOHMANN**

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A retrial could be in the works for two men convicted of murdering a woman outside a convenience store 11 years ago in West Texas.

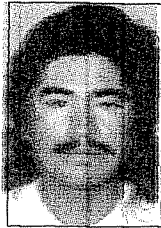
Judge Felix Klein found that the jury might have reached a different verdict in the cases of Alberto Sifuentes and Jesús Ramírez had it heard about an alibi witness who could place the men almost 35 miles from the crime scene minutes before the murder in Littlefield, and if defense attorneys had investigated two other suspects who matched descriptions given to police.

In separate opinions issued on different days over the past two months, Judge Klein concluded that the men were "deprived of the effective assistance of counsel, in violation of the Sixth and Fourteenth amendments to the Constitution of the United States."

Barry McNeil of Dallas-based Haynes and Boone welcomed the decision and said the firm has donated more than \$2.2 million over the past five years in pro bono labor to clear the men.

"These guys have been in prison for 11 years this month for a crime they didn't commit," Mr. McNeil said.

"Once I read the transcripts of the two trials, I was utterly convinced they had not been



**Alberto Sifuentes**



**Jesús Ramírez**

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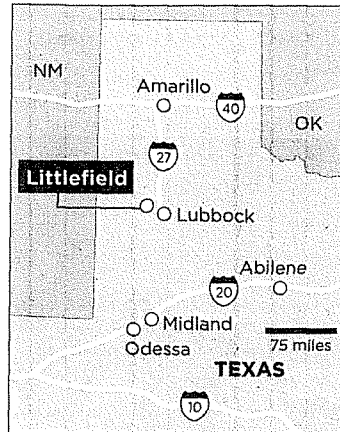
**Barry McNeil** of Dallas-based Haynes and Boone, whose firm has been working on the case pro bono for five years

fairly treated during the trial. Once we got the evidence and discovered new evidence, I was absolutely convinced they were innocent."

The latest decision doesn't guarantee a new trial will happen. It also does not mean that the men, still in jail with life sentences, will be freed.

The Court of Criminal Appeals, the highest criminal court in Texas, is expected to make a decision by the end of the year on whether to accept Judge Klein's "findings of fact" and "conclusions of law."

"We're just going to wait and see what the criminal court of appeals does," said Mark Yarbrough, the Lamb County district attorney who prosecuted



BETSY BOCK/Staff Artist

But the family of victim Evangelina Cruz has held that the two men are guilty, even after the habeas corpus petition was filed.

Ms. Cruz was working at the Jolly Roger store off State Highway 84 in Littlefield near Lubbock on Aug. 6, 1996, when she was shot nine times, once in the face, after 2 a.m.

The Texas attorney general's office, which is responsible for the prosecution of Mr. Sifuentes, 34, did not return messages seeking comment left Friday afternoon.

Sara Esquivel, Mr. Ramírez's mother, said the case has consumed her.

"A mother loves her children, and I would love for my son to have an opportunity to prove that he did not do anything," said Ms. Esquivel, from San Luis, Mexico. "We have waited so long, and we hope that the end is finally near."

*Al Día staff writer Isabel C. Morales contributed to this report.*

Mr. Ramírez, 59, and still believes he is guilty.

Mr. Yarbrough said Judge Klein rejected all but two of the 33 grounds for the habeas corpus motion.

"The court also found that none of those three, the two other suspects or [alibi witness] Pauline Robles, ever established the actual innocence of the defendant," he said.

The case fired up passions in the Hispanic community, as many leading activists expressed outrage at what they saw as a wrongful conviction. The Mexican Consulate took the unusual step of taking an active stand on a noncapital case.

"The consulate is quite pleased with the news of a new trial," said Mexican Consul Eduardo Rea in Dallas. "And we are convinced that, in this case, a great injustice was committed. We know that they are innocent and that their lawyers will be able to prove that. We will be watching developments closely."

### DigitalEXTRA

📁 **Archive:** News coverage of past trials  
📄 **Documents:** Read the complete decisions by 154th District Judge Felix Klein on the habeas corpus motion for Alberto Sifuentes and Jesús Ramírez.

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