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## Defense: Investigator, officer differed on suspect descriptions

Hearing held as pair's conviction in '96 slaying challenged

By **BETSY BLANEY**  
Associated Press

LUBBOCK — An investigator's description of two suspects in the 1996 armed robbery and murder of a convenience store clerk differed in several ways from that provided by the officer who interviewed the dying victim, according to court testimony Thursday.

"If the investigators do not give you useful information, wrong decisions could be made, innocent people could be arrested," defense attorney Barry McNeil said while questioning the district attorney who received the report from the investigator, a Texas

Ranger.

"Could it happen?" District Attorney Mark Yarbrough asked Mr. McNeil. "Sure."

The hearing for Jesus Ramirez, 56, and Alberto Sifuentes, 32, both Mexican citizens, is a challenge to their 1998 convictions in the death of Evangelina Cruz, a mother of four, in nearby Littlefield. Their convictions were upheld on appeal.

The defense is trying to have the convictions thrown out and new trials ordered. The hearing must provide evidence of the men's innocence and cannot just attack the credibility of prosecutors' cases at trial.

In the Littlefield police officer's report and in testimony he gave at each man's trial, the suspects were described as 18-20 years old, one with long hair and the other with short hair. The offi-

cer also included that Ms. Cruz described the suspects' car as gold-colored.

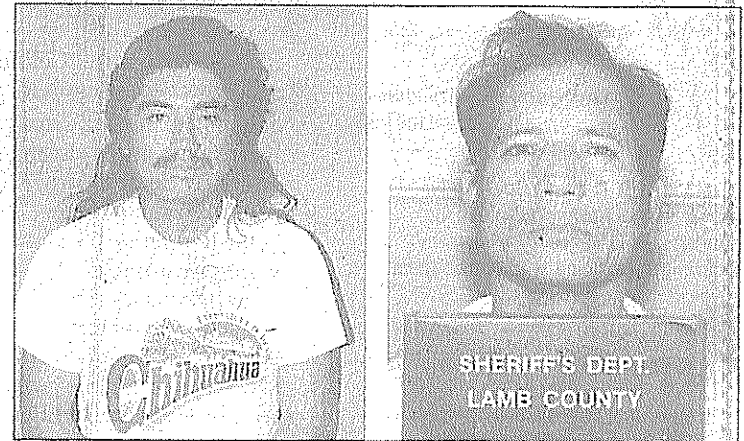
In the report by Texas Ranger Sal Abreo, the suspects' age range was left out, one suspect was described as having a light complexion and the car used by the suspects could also have been yellow.

"Did you talk to Sal Abreo about the differences?" Mr. McNeil asked Mr. Yarbrough.

"If I did, I don't recall doing that," Mr. Yarbrough answered.

The defense has attempted to discredit Mr. Abreo's work on the cases. Mr. Yarbrough prosecuted only Mr. Ramirez's case. A special prosecutor was appointed to handle Mr. Sifuentes' case.

In evidence presented this week, Mr. Abreo is described as less than honest in a document about witnesses that Mr. Yarbrough created for the special



Associated Press

**Attorneys for Alberto Sifuentes (left) and Jesus Ramirez are asking for the men's 1998 murder convictions to be thrown out after investigators received differing suspect descriptions.**

prosecutor.

"He lied to me to get me to file this case," the document from Mr. Yarbrough reads.

Mr. Abreo was subpoenaed to testify but couldn't be in Lubbock this week for medical reasons.

The hearing recessed Thursday afternoon after Mr. Yarbrough raised ethical questions, saying he is still the attorney with

authority in the Ramirez case and therefore cannot testify in it.

Judge Felix Klein, who is not presiding over the hearing, will hear arguments on a defense motion to recuse Mr. Yarbrough from his Ramirez authority.

The hearing will resume some time after that when Mr. Yarbrough will again be questioned by defense attorneys.