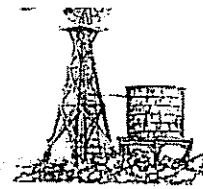


THE LAMB COUNTY LEADER NEWS



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Habeas Corpus hearing delayed on cases for convicts

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The habeas corpus hearing for convicted killers Alberto Sifuentes and Jesus Ramirez, which began Monday in the 99th District Court of Lubbock County, was recessed Thursday afternoon and will begin next Friday, Sept. 9. Between now and then, state attorneys will be researched to determine if Lamb County District Attorney Mark Yarbrough and his assistant, Scott Say, will continue to be the lead attorneys on the Ramirez case, or whether the State Attorney General's office will continue to serve as the attorney for Lamb County in the

hearing. The hearing is to be continued in the Lamb County District Courtroom in Littlefield at 10 a.m. Friday, Sept. 9, to make that determination. The hearing was conducted last week before appointed Judge Marvin Marshall. The hearing will continue in a few weeks, after Yarbrough's position is determined at the Sept. 9 meeting. He could recuse himself, or Lamb County District Judge Felix Klein could force him to step down, or he could remain as he now is. Yarbrough had recused himself

in the Sifuentes trial because he became a witness before that trial began, but had not recused himself in the Ramirez trial. Alberto Sifuentes and Jesus Ramirez were convicted by two juries of the early morning Aug. 6, 1996 shooting of the Jolly Roger Convenience Store Clerk, Angie Cruz, and both have served seven years on their life prison terms. "Back in December, Judge Klein issued an order on five contested issues," Yarbrough said Friday morning, "and now they (Haynes and Boone LLP of Dallas) want to expand on Judge

Klein's order. Yarbrough said that those contested issues specified that he and Assistant District Attorney Scott Say were to give live testimony on the issue of new evidence in the defendants' cases, and they were ordered to provide affidavits on other issues of the cases, such as prior criminal history of the witnesses, ineffective assistance of the attorneys, video tape testimony, and plea agreements. "We have done that," Yarbrough said. "When we meet on the 9th, we will decide whether to follow the judge's order, or if they get to ex-

pand those orders and we have to testify." Yarbrough further explained, "There are some state bar rules about lawyers having to be witnesses, and that's what's causing me concern." Most of the time spent on the stand by Yarbrough Wednesday and Thursday related to his testimony about his education, licensing, and about the starting of the trial. After a brief interruption to hear another witness regarding the Paradise Club in Lubbock, where the two convicts were supposedly seen on the night of the murder, Yarbrough was back on the stand. On the screen through a projector, he was shown the Brady Rule, which defines the fact that he has a duty to turn over evidence to the defense. All of the attorneys then gathered around the judge's bench, then later divided into separate groups to discuss the matter out of the courtroom, before the habeas corpus hearing was recessed until Thursday morning. Thursday, Barry F. McNeil,

lead attorney for Haynes and Boone, LLP, reminded Yarbrough that the habeas hearing "was filed on Dec. 16, 2002, and you still have not withdrawn." Yarbrough agreed. McNeil told Yarbrough that he should have stepped down before this hearing started, and expressed his amazement that he had not done so. Attorneys for both sides again gathered around the judge's bench, and into separate groups outside the courtroom, before the judge recessed this hearing, pending the Sept. 9, court date at 10 a.m. before Lamb County District Judge Felix Klein. Numerous people who were involved with the cases in some way, have testified during the week-long hearing. Starting Wednesday, Lowell Kregg Hukill, an attorney from Olton, testified that he took over the case from Scott Say, who had been legal representative for one of the witnesses. Hukill testified about Jose Medrano's waiver on a sexual assault plea agreement, in order to get a lesser sentence. See HEARING, Page 6

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Greg Parrott, investigator from the Attorney General's office, who was appointed in July 1997, testified about several aspects of the investigation. The presiding judge stopped the questioning of Parrott, because he said he would not try the state's case over again.

Parrott was then asked about photo line-ups, and about the integrity of the Texas Ranger Sal Abreo. He said he did not feel he was a good investigator.

He also testified that in his findings, one of the key witnesses' testimony did not match the suspects

that were described to Greg Thompson, who got a description from the dying victim as she laid on the floor of the Jolly Roger.

He grilled Parrott about the investigation into Brenda Ayala's claim about being at the Jolly Roger after 2 a.m. She claimed she went to the Town and Country on Waylon Jennings Blvd. right before 2 a.m., and when they didn't have what she wanted, went immediately to the Jolly Roger.

When video tapes from the Town and Country store were examined, she was found to have entered the store at 12:34 a.m., not just before 2 a.m.

The police department received the 9-1-1 call from the victim at 2:08 a.m.

Laney Dickey, victims' coordinator in the Lamb County Attorney's office, testified that the tapes were available in their office to anyone who wanted to see them. They have a special machine on which the tapes can be played.

After Mrs. Dickey's testimony, Mark Yarbrough then went on the stand.

First to testify for the week, lawyer, Phil Wischkaemper, who was appointed as defense attorney in the case, testified about several aspects of the case.

A woman who formerly dated Jesus Ramirez, testified she saw him at the Paradise Club on the night of the murder.

Patrick S. Metze, who was appointed into serve as defense attorney for Alberto Sifuentez, testified of some of his findings in his investigations. He said Ramirez and Sifuentez told him they stopped in Littlefield to get a girlfriend to go dancing at the Paradise Club in Lubbock, but they couldn't find her so they went on to Lubbock and the club.

He testified that Brenda Ayala, who said she saw the two convicts at the Jolly Roger, was seen on the Town and Country tapes, an hour and half before the crime happened, not just before 2 a.m.

Metze brought out points that he said would have helped his case, and stressed the point of their theme: "Not there, didn't do it!"

On Tuesday, the next day, Vince Gonzales, a mitigation specialist for both of Ramirez and Sifuentez, assisted in discovery, trial preparation, and witness coordination.

He said he did not review the tapes, early on, but later found Ayala on the tape, and immediately called defense lawyers to advise them of it. He said he was really looking for someone who matched the description of the suspects, when her image was very noticeable.

A Littlefield woman testified she saw two men from Levelland outside her friend's apartment, and described them to match the dying victim's description.

Several reported seeing yellow tape and police cars around the Jolly Roger, and they didn't know what had happened.

They found out the next day.

Christina Martinez, who testified Tuesday morning, advised the Leader-News that she did not see two Levelland men in Littlefield, and did not testify about the length of their hair and what they were wearing, as we reported. Her name was erroneously grouped with others who had seen them.

After lunch Tuesday, a witness testified that she had dated one of the Levelland men. While at her sister's house in Littlefield, she saw the two men, and the gold car they were driving. They were needing money to buy gasoline to go on to Levelland, but no one gave it to them.

She also reported seeing one of the men pull a gun from under the seat on the passenger's side of the car. They eventually left.

Oscar Balderas, a Littlefield man, who was a trusty in jail in Levelland on the night of the murder, said two men were brought in at 4:30 a.m., and put in the drunk tank because they were drunk. He testified that they said they were stopped because of a car they were looking for in Littlefield.

One of the Levelland men starting telling how they committed the crime, and Balderas said he didn't believe them.

A jailer in the Hockley County Jail heard part of the conversation and asked the trusty what it was about. He said he didn't tell her at first, but a few days later told her.

Early in the hearing, it was brought out by Attorney Wischkaemper that now retired Levelland Police Chief Ted Holder told Lamb County authorities that he felt he knew who committed the murder in Littlefield, since they matched the descriptions, and they were driving a gold-colored car.

After only briefly considering the information, Lamb County authorities thought they could not be the suspects, since they already had the two who did it.

The hearing was adjourned until Wednesday morning, and that testimony is reported earlier. The rest of the week is reported first.