

Mexicans' conviction getting new look

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THE WASHINGTON TIMES
July 4, 2005

LITTLEFIELD, Texas -- A multifaceted criminal motion will be argued here next month, the culmination of a lengthy investigation into whether two Mexican nationals should serve life sentences in Texas prisons or -- because of prosecutorial malfeasance and inadequate representation -- their 1998 murder convictions should be overturned.

If the judge sees fit, there also could be testimony forthcoming in the habeas-corpus writ that would cast suspicion on two other men, one of whom reportedly had bragged to friends about the murder of a convenience-store clerk.

The capital-murder convictions of Jesus Ramirez and Alberto Sifuentes came in separate trials here seven years ago -- prosecutions that offered no forensic evidence and no motives, but did have witnesses who since have been accused of perjury.

The case has drawn considerable attention from the Mexican government -- enough that, one source said, Texas officials are feeling some pressure.

"With the case still in litigation, it would not be appropriate for us to comment," Jerry Strickland, spokesman for Texas Attorney General Greg Abbott, whose office is opposing the Mexican nationals' appeals, told The Washington Times.

One Austin lawyer said yesterday he had been told the attorney general's team intended to interview some of the most important witnesses before the Aug. 2 hearing, possibly to determine strategy.

Some veteran lawyers said the prosecution cases were so weak that sanctions should be brought against the district attorney and his aides.

Lamb County District Attorney Mark Yarbrough and his assistant, Scott Say, likely will testify about their roles in the two prosecutions.

Barry F. McNeil, a partner in charge of Dallas' Haynes and Boone LLP law firm's pro-bono reinvestigation, charged that not only was the prosecution tainted by "testimony the D.A. knew was false," but also that the two men's attorneys were extremely derelict.

Among the charges to be explored here next month include:

- The state's No. 1 witness lied about seeing Sifuentes and Ramirez at the murder scene just minutes before the convenience-store clerk was killed.
- The prosecution refused to reveal -- as is required by law -- the fact that one of their witnesses, a career criminal facing charges of raping a child, had cut a deal for leniency to testify against Ramirez.
- The prosecution made no effort to investigate any others after they arrested Sifuentes and Ramirez two days after the killing and did not follow up on witnesses who could have exonerated the two Mexican suspects.

On Aug. 6, 1996, two Hispanic men robbed the night clerk of the Jolly Roger convenience store of \$250 and shot the clerk nine times. The clerk, Evangelina Cruz, called police and described the attack before dying a short time later.

An all-points bulletin was put out by Lamb County Sheriff Jerry Collins describing the two suspects as being between 18 and 20 and one of them wearing "shades." They were thought to be driving a gold-colored car.

Mrs. Cruz described the two assailants as 18 to 20. Mr. Sifuentes was 22 that night and Mr. Ramirez was 48.

During the trials, the prosecution introduced witnesses who testified the dying woman might have uttered "man-boy" as her last words in an attempt to make Ramirez -- who was more than twice the age of the victim's description -- fit more clearly. In other instances, state investigators fudged on the age situation.

This part of the West Texas plains is populated heavily by Hispanics, many of whom are citizens or legal residents, but also many of whom are illegal aliens. Among many in the Hispanic community there is distrust and a feeling that being Mexican can be a liability.

"I've been here since I was 6 years old," said Juan Chavez, 56, a Bailey County commissioner and four-time Muleshoe town council member. "It's changed somewhat, but still we're suspects before we ever do anything."

Muleshoe, a town of about 5,300, is about 30 miles west of Littlefield and is where the two convicted men lived.

"There wasn't enough evidence that it should have ever gone to trial," Mr. Chavez said. "If they had been Anglo, you wouldn't be here talking to me."

Luis Lara, vice counsel at the Mexican Consulate in Dallas, doesn't see the cases as being racially motivated.

"They didn't look for justice," he said. "They just looked to clearing the case."

Sandra Babcock, a criminal-defense lawyer in Minneapolis who has represented many foreign nationals on habeas-corpus matters -- mostly death-penalty cases -- was contacted by the Mexican Consulate in Midland, Texas, to evaluate the Sifuentes and Ramirez cases.

"I felt after evaluating the evidence that these men were innocent," she said. She contacted Haynes and Boone, and that firm -- which rarely handles this kind of representation -- promised to fully investigate.

Mr. Say, briefly interviewed in a courtroom here last week, said he could not comment on the case. He said Mr. Yarbrough, his boss, was out of town on vacation.

"I'm sure you'll hear our side of all this eventually," he said.