

ABUSES

1. CASE SUMMARIES INVOLVING ABUSE
OF LATINOS BY LAW ENFORCEMENT
30 CASES

SOURCE: MAR. 8 '78 MADEP SAN FRAN



February 9, 1978

Hon. Griffin B. Bell
Attorney General of the United States
Department of Justice
Washington, DC 20530

RE: Official Violence Against Chicanos

Dear Judge Bell:

At our meeting on October 27, 1977, we mentioned to you that official violence against Chicanos had reached epidemic proportions in the Southwest. We stated that this violence was a severe, widespread and, for Mexican Americans, highly emotional phenomenon. We recognized the involvement of the Justice Department in a few extreme cases, through F.B.I. investigations or federal prosecutions.¹ But we stressed that the current outbreak of lawlessness by those who are charged to enforce the law calls for more systematic federal response. As support for our plea for an active federal response, we promised to document the problem. Attached to this letter is the first installment of that documentation.

The attachment gives bare-bones details of 30 incidents of official brutality. It shows, in tabular form, who the victims were, when and where the violence occurred, what happened, and the local, state and federal follow-up by investigators, lawyers, law enforcement officials, and the court system. We have carefully checked our facts and are confident of their accuracy.

MALDEF culled these 30 incidents from approximately 70 reported recent instances of official violence or brutality in the Southwest. We continue to investigate and verify the facts in the other 40 cases, but wanted to share our fully documented information on the first 30 cases as soon as possible. We do so because of the urgency of the situation and because these 30 cases are sufficient to show the contours of the problem.

The attached document is shocking to us. We trust it will shock you. In the last two years alone, in these fully documented cases alone, law officers of California, Texas, New Mexico and Colorado have killed 16 Chicanos, and shot or severely beaten many more.² This violence reflects a widespread law officer mentality that

¹ For example, the celebrated Torres and Morales cases, numbers 14 and 10 on this list.

² Of the 30 incidents, 5 occurred in California, 13 in Texas, 7 in New Mexico, and 5 in Colorado. Arizona is not exempt from these patterns of violence, as shown in the celebrated Hanigan case in Douglas--not included here because of the lack of clear involvement of law enforcement officials. Our further documentation will include information on Arizona incidents.

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equates a gun and badge with being the local embodiment of the supreme authority of the law. In many of these cases, the state judicial system has proved unconcerned or inadequate to punish the perpetrators of violence.³ The quality of the response by local prosecutors, judges, and jurors in many cases reflects the rampant prejudice against Mexican Americans in many parts of the Southwest.

The task of the federal government is not merely to assure that justice is done in the necessarily few cases in which it can become involved. Rather, the Government's primary goal should be to improve the state and local response, so that official brutality and violence become less prevalent and are dealt with more fairly without federal intervention. Only then will the shadows of fear, in which many Chicanos live, begin to dissipate.

For these reasons, we urge the Justice Department to address the underlying problem revealed by these incidents: the epidemic of violence and hatred directed against the Mexican Americans, a national minority who are, in many of the communities where they are terrorized, a disenfranchised majority. The crucial element of this campaign for justice must be an overall strategy, carefully developed and vigorously implemented. Strong moral and political leadership by yourself, your principal deputies, and U.S. Attorneys are an imperative first step. Top officials must make a clear, explicit, and public recognition of the problem as a wave of violence, not merely a series of disconnected incidents. The federal government's commitment to turn back that wave, by all means necessary and proper, must be forcefully declared and vigorously implemented. More numerous and prompt F.B.I. investigations, and more numerous federal prosecutions, would serve these ends. State and local law enforcement officials and judicial systems must know that if they fail to protect all citizens and persons equally, the federal government will. State and local officials will get this message when the Justice Department makes a clear and immediate commitment.

We hope for a favorable response by you on these proposals. MALDEF is eager to assist you in any way in gathering further information or in determining what actions are appropriate.

We remain grateful for your willingness to hear our requests and receive our information. We look forward to your reply.

Respectfully yours,

Vilma S. Martinez
VILMA S. MARTINEZ
President and General Counsel

1 Enclosure

cc: Hon. Drew S. Days III

³See, for example, the Benavidez case (#1) (no state prosecution, pro-forma local investigation); the Garza case (#9) (indictment only for misdemeanor, not guilty verdict, violators reinstated); The Fernández case (#27) (D.A. allegedly involved in cover-up, indictment for killing based on lesser offense, no discipline of violators); the Zúñiga case (#18) (sham local investigation, no prosecution); and the Lucero case (#28) (charges dropped after police melted shotgun which was main evidence).

VSM/mb/tkk *dlj*

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BRUTALITY BY LAW ENFORCEMENT AGENCIES: Case Summaries (by State)

CALIFORNIA

	<u>Case Type</u>	<u>Legal Status</u>
1) Name: BENAVIDEZ, Barlow Date: 6/11/76 Location: Oakland, CA	Benavidez' car stopped in relation to stolen car investigation by officer Michael Cogely. In "spread-eagle", Benavidez searched by officer with cocked shotgun in one hand to his head. Gun fired, Benavidez <u>killed</u> . Eyewitness arrested for same car robbery, charges later dropped. Officer violated all of Oakland PD's procedures for such a search, and there is evidence of a police dept. cover-up.	Civil suit by Benavidez family in Alameda County Superior Court for wrongful death, Federal cause of action (\$3 Million). Current efforts to get Federal indictment. Since June '77 Justice Dept. and FBI investigations. Drew Days in Washington has committed the Justice Dept. to expedite proceedings. Benavidez' attorney is Ed Roybal of Centro Legal de la Raza.
2) Name: DOMINGUEZ, David Date: 2/28/77 Location: Los Angeles, CA	Dominguez was known gang member. Lured into the home of retired police officer (LAPD) Billy Joe McIlvain, who had had many run-ins with local gang members while with LAPD. McIlvain held Dominguez hostage, and attempted to make it seem as if Dominguez had kidnapped him. He shot (9 times) and <u>killed</u> Dominguez, reporting to investigators that he had pulled out a hidden gun. Reports show that Dominguez was shot with two (2) different weapons.	McIlvain found guilty of 1st degree murder and kidnapping. Sentenced to life in prison by L.A. Superior Court Judge Wm. B. Keene. McIlvain's attorney is Charles Gangloff. No information on Federal involvement.
3) Names: HERNANDEZ, Jesse REYES, Adolfo Date: 3/20/77 Location: San Fernando, CA	Victims arrested for some street disturbance. City police officer Eric Kahmann beat Hernandez and Reyes with baton and fists, with Lt. Wm. Trachsel (acting police chief) looking on. Beatings occurred at the city jail.	Charges against Hernandez later dropped for lack of evidence. Reyes guilty of misdemeanor charge of carrying a loaded firearm. L.A. Grand Jury indicted officers on charges of assault in the beatings of the 2 jailed prisoners. Each officer faces two felony counts. Trachsel fired after a one month police investigation. Investigation of Kahmann still pending. No Federal inquiry.

BRUTALITY CASES (continued)

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- 4) Name: RAMIREZ, Crescencio. Verbal exchange resulted in the arrest of five youths, who were beaten and handcuffed tightly causing wrist bruises. Mr. Ramirez, a friend of one of the youth's father, attempted to investigate the processing of the youths, which was carried out in secrecy. A couple of days later, officers Emerson and Snead arrived at Ramirez' home without warrants, entered the property, and began to beat Ramirez with clubs when Mrs. Ramirez attempted to hold her husband. Officers began to beat Mrs. Ramirez, and tossed her children into some rosebushes when they also attempted to aid their parents.
- Miguel Garcia is the attorney for Ramirez and the youths. Ramirez was never charged with anything, and it was never specified why the officers had gone to his house. Youths, and the father of one of them, were charged with the California law of lynching, but all charges have been dismissed. Bakersfield D.A. investigated and concluded that the only negative behavior he found on the part of the youths was foul language. Garcia has filed a petition with the Supreme Court (state) dealing specifically with violations by parole officials with respect to one of the youths. He hopes to bring attention to the abuse generally faced in Wasco.
- 5) Name: RAMIREZ, Edward Undercover officers in Downtown L.A. dressed like hoboes, beating a suspect as Ramirez approached. Unaware that they were officers, Ramirez went to the aid of the suspect. Without identifying himself, Officer Lony Hammond fired, killing Ramirez.
- Informational source is the Coalition Against Police Abuse in L.A. Family has no money to file suit, but have filed a formal complaint with the LAPD. LAPD reports incident as Justifiable Homicide. No Federal inquiry.

TEXAS

- 6) Name: BELTRAN, Noe Beltran was eyewitness to the shooting of Ventura Flores (See FLORES, Ventura). Officers Hess and Avitia handcuffed him and threw him to the ground. When he heard the shot that wounded Flores, he raised his head to get up, and Officer Hess kicked him in the face, causing abrasions.
- Beltran taken to the Police Station where he gave his statement. He requested that the abuse by Officer Hess be included in the statement. Officer taking the statement refused to include this, stating that the matter would be taken care of in court. Beltran was immediately released. Ruben Bonilla of LULAC is actively involved with this case. FBI investigating.

BRUTALITY CASES (continued)

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- 7) Name: FLORES, Ventura
Date: 10/21/77
Location: Brownsville, TX
- Warrant was issued for Flores' arrest by Justice of the Peace, Ed Sarabia, for felony charge of retaliation. Detectives Robert Avitia and Chris Hess arrived at the scene at at which Flores and others were talking. There was an altercation, and Hess shot and wounded Flores in the chest. Flores, drunk at the time, was reported to have attacked Avitia. While in ICU, Flores remained handcuffed. Reports conflict as to whether police used proper identifying procedures upon arrival at the scene.
- Police investigation in progress. Grand Jury indicted Flores for aggravated assault on a police officer (misdemeanor). Original felony charge received no indictment. Grand Jury investigating police abuse, but the affidavits of eight eyewitnesses were all lost, never received by the Grand Jury. Evidence of a police cover-up. FBI investigating as of December for possible civil rights violation, at the request of U.S. Attorney Canales. Attorney for Flores is Jerry Davidson.
- 8) Name: GALAVIZ, Juan
Date: December 1977
Location: Big Spring, TX
- Police report that Galaviz abducted a women, robbed her, then led police on a chase. When trapped between two police cars, Galaviz reached for his coat pocket, and Sgt. Leroy Spires fired and killed Galaviz. His pocket contained a pocket knife.
- District Attorney Rick Hamby investigating the shooting. Texas Rangers also investigating, and will present results to Howard County Grand Jury.. Report by Journalist Carlos Morton, states that Galaviz had been harrassed by police previously, and "were out to get him." Witnesses who claim police abuse, not testifying because of fear of reprisal. No Federal involvement.
- 9) Name: GARZA, Pablo
Date: 3/23/76
Location: Bexar County, TX
- Garza arrested for drunken driving by San Antonio Police. Garza charges that three Bexar County Jail guards, Charles Harris, Robert Collins, and James Lovings threw him into a small cell and kicked him repeatedly, beating him severely. He was hospitalized only after his release from jail. Defense states that upon his arrest, garza took a swing at the arresting officer, who struck Garza repeatedly to subdue him. Once in jail, guards claim that Garza was abusing other inmates.
- Misdemeanor assault indictment by Bexar County Grand Jury. Guards fired. Judge, County Court-at-Law, Raymond Wietzel, finds guards not-guilty of any wrongdoing. Guards reinstated, with back pay, by the Civil Service Commission. Garza began proceedings (served notice) for filing of civil suit, but no further action taken. Reportedly, Garza is an alcoholic, and epileptic, perhaps being a problem in securing support for his case. No Federal inquiry into the matter.

BRUTALITY CASES (continued)

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10) Name: MORALES, Ricardo
Date: 9/14/75
Location: Castroville, TX

Castroville Marshall, Frank Hayes, picked up Morales at his home on an arrest warrant regarding an investigation into a series of burglaries. Another Marshall was with Hayes, but left after Morales picked up. Hayes drove out to the country, and shot and killed Morales on a deserted road. Hayes' wife, Dorothy Hayes, with the collaboration of a friend, Alice Baldwin, took the body and buried it some distance away from the scene.

Hayes found guilty of aggravated assault, sentenced to 10 years. His wife given one year sentence, probated, for burying the dead body. Tremendous community pressure, including that of Governor Dolph Briscoe, prompts Federal Grand Jury probe for violation of civil rights. Case presented to Grand Jury by Assn't U.S. Attorney John M. Pinckney and two Civil Rights Division attorneys from Washington, Dan Rinzel and Karen Moore. Attorney for Hayes is Marvin Miller. There was a change of venue to San Angelo for the civil rights trial. Hayes convicted on 9/77 for civil rights violation for the murder of Morales and sentenced to life by Chief U.S. District Judge Adrian Spears. He is presently not serving sentence due to psychological tests to determine Hayes' ability to withstand the punishment (90 day testing period ordered by Judge). Mrs. Hayes and Alice Baldwin were also convicted as accessories after the fact. No information on their sentencing.

11) Name: PRIETO, Eduardo
Date: 4/3/77
Location: El Paso, TX

Officers received a call for disorderly conduct at a bar. Complaint against Prieto, who officers escorted out of the bar. Officers claim that Prieto offered confrontation, so Francisco J. Gonzalez kneed him in the groin, and pattered him repeatedly with his flashlight in order to get the already seriously injured Prieto into the car. Prieto hospitalized for ruptured testicle, only after he was taken to police headquarters and refused medical care until his release on bail hours later...

Upon leaving the hospital, Prieto filed complaint with Police Dept. Officer Gonzalez dismissed from the force. El Paso County Grand Jury investigate and No-Bill Gonzalez on aggravated assault complaint. Attorney for Prieto is L. Taylor Zimmerman who is presently still considering filing a complaint with the FBI, or a civil suit.

- 12) Name: RODRIGUEZ, Santos
Date: 1973
Location: Dallas, TX
- Police officer Darrell Cain stopped and questioned Rodriguez about a service station robbery. In the back seat of his car, "Russian roulette" style, Cain put a loaded gun to his head, pulled the trigger and killed Rodriguez.
- Cain's trial had a change of venue to Austin. Convicted, got 5 year sentence for criminally negligent homicide. He appealed to the Court of Criminal Appeals in Austin. Judge Ed Gossett confirmed the lower court decision on 3/77. A community committee has formed to pressure for a Federal Grand Jury investigation. Dan Rentzel, from the Civil Rights division at the Justice Dept. is also investigating.
- 13) Name: SANTOME, Tiburcio
Date: 11/6/77
Location: Glasscock County, TX
- Santome picked up for drunk and disorderly, reportedly pulled out a knife and went after Sheriff Royce Pruitt who was driving the car. Retired West Texas deputy sheriff, G.B. Therwanger, a passenger in the back seat, shot and killed Santome. Santome was not handcuffed, and police report that a patdown search was done before Santome entered the car, although Mrs. Santome stated that there was no patdown search. Santome was a Mexican national from Juarez. Four shots were fired.
- Texas Rangers investigating the shooting. Don Richard, Assistant D.A in Big Spring, Howard County, is present - ing the case to the Grand Jury, but he is not recommending any charge against Therwanger. Special Assistant to the U.S. Attorney General, Ed Ibar is investigating possible civil rights violation
- 14) Name: TORRES, J. Campos
Date: 5/5/77
Location: Houston, TX
- Officers received a complaint from cafe owner about drunken Torres. Police arrest for disturbance and take Torres to the jail. En route, police report that Torres used abusive language and began to kick windows on car, so took him to parking lot, and beat him severely, kicking, hitting with flashlight, while Torres handcuffed. Six officers were involved. Upon arrival at the jail, duty sgt. ordered Torres to hospital. En route to hospital, officers took Torres to bayou, and Officer Terry Denson pushed him in. Body found drowned in bayou several days later.
- Attorney for Torres is Percy Foreman. Officers given one year probated sentence for criminally negligent homicide. Community outcry brings Federal Grand Jury indictment for violation of Torres' civil rights (10/77). Federal Judge of U.S. District Court is Ross N. Sterling. Jury convicted Officers Denson, Stephen Orlando, and Joseph Janish (2/8/78) for violation of civil rights leading to the death (felony), and for beating and intimidating, a misdemeanor. Sentencing will be 3/28. Officer Louis Kinney received severance for his role as state witness, and will be tried at a later date. Jurors rejected charges that Denson pushed Torres into the bayou, and that there was a conspiracy to cover up. Federal prosecutors were Brian McDonald and Mary Sinderson.

BRUTALITY CASES (continued)

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- 15) Name: VASQUEZ, Danny
Date: 1/22/78
Location: Moon City, TX
- Deputy Sheriff called to Moon City reported fight in progress. Officer began to frisk a friend, and Vasquez attempted to explain that this individual had not been involved in the fight. The officer, Sergio Guzman, pointed his shotgun at Vasquez. Vasquez attempted to push the barrel away from himself. Officer stepped back and fired, killing Vasquez. There is evidence of negligent delay in taking Vasquez to the hospital, since he did not die immediately. Vasquez had not been involved in the fighting.
- El Paso Sheriff, Mike Sullivan, suspended Guzman with pay, pending a department investigation. Grand Jury will investigate. Chicanos Unidos spokesman, Ramon Aroyos, demands murder charge against the officer. No Federal involvement at this point.
- 16) Name: ZARAGOZA, Albert
Date: 8/15/77
Location: San Antonio, TX
- Police officer Eloy Gonzalez was shot and killed. When officer George Castenada arrived at the scene, Zaragoza was there holding a police revolver. He was arrested and handcuffed. Zaragoza had been trying to capture a suspect in the killing. This other suspect was also arrested by Sgt. Richard E. Dominguez, and both were ordered to strip naked. A female witness was brought to identify nude suspects, and both were taken to headquarters still nude. Zaragoza received beating.
- Zaragoza eventually released and credited with assisting in the capture. Juan Garza, illegal alien, indicted for capital murder and is awaiting trial. There was a police investigation. Castenada was suspended for 15 days without pay, and Dominguez was given a 30 day suspension. No suit has been filed.
- 17) Name: ZEPEDA, Juan
Date: 2/20/77
Location: Bexar County, TX
- Zepeda arrested at a disturbance at a bar. Arresting officers, Michael J. Henderson, and Clifford Cedotal beat him with blackjacks, reportedly to subdue him. Once at the jail, four guards carried Zepeda into a cell, threw him in, and kicked and beat him. Zepeda was later found dead in his cell.
- Bexar County Medical Examiner Dr. Ruben Santos ruled homicide, that death was cause by a blunt force to the abdomen. Police and prison investigation. FBI investigation, forward reports to the civil rights division of the Justice Dept.. D.A. investigation (Bill White) after Chief Deputy Sheriff, Rudy Garza, finished his investigation. Probe also continues by Justice Dept.

BRUTALITY CASES (continued)

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18) Name: ZUNIGA, Juan Veloz
 Date: 5/19/77
 Location: Hudspeth County, TX

Zuniga detained at Sierra Blanca four days before his death. Police arrested him for drunken driving. Sheriff Claymon McCutcheon reported that Zuniga went "berserk" in his cell, actually striking another inmate in the Hudspeth County Jail. Sheriff McCutcheon struck Zuniga repeatedly over the head with a sawed-off pool cue. Witnesses report that beating was unjustified. Zuniga died as a result of the beating.

Hudspeth County Grand Jury investigation. Texas department of public safety investigation. No action taken or recommended by Grand Jury against McCutcheon. FBI investigation indicates possible violation of civil rights. Report forwarded to Washington by Jamie Boyd, U.S. Attorney for Western District of Texas. Entire Hudspeth County investigation a sham. State Representative Paul Moreno and community pressuring Justice Dept. for action.

NEW MEXICO

19) Name: BARRERAS, Chris
 Date: 11/19/77
 Location: Albuquerque, NM

Barreras' wife called police to report a fight she was having with her husband. Upon their arrival Barreras was driving out, and high speed car chase ensued. Car broke down, and Barreras ran on foot until police surrounded him and began to strike on the head. Barreras was handcuffed while he was being beaten.

Barreras booked on felony assault on police officer, resisting arrest, drunk driving, and assorted other charges. There has been an internal affairs investigation by Albuquerque police. It has been completed and is now in the hands of the Police Chief for his decision regarding any wrongdoing by the officers. Barreras has not yet come to trial in the Bernalillo County District Court. D.A. is Ira Robinson.

20) Name: CORRIZ, Larry
 Date: 9/76
 Location: Rio Arriba County, NM

Corriz and friends arrested on heroin charge. Corriz told to get into his car and leave the scene. As he was driving away, Deputies Steve Martinez and Canuto Martinez opened fire on Corriz, one of the bullets striking Corriz in the back. Two deputies made no attempt to help Corriz after they had shot him.

Corriz charged with trying to escape, but charges later dropped. Corriz filed civil suit for \$350,000. in damages. Suit assigned to District Judge, Edwin Mechem. Suit pending.

BRUTALITY CASES (continued)

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24) Name: MONTROYA, Alven
Date: 8/75
Location: Albuquerque, NM

Montoya and his son were working on their pick-up truck. Officers investigating an auto burglary. Montoya charged that police officer knocked down his son and kicked a tire into the boy's stomach. A skirmish evolved and Dr. Keith Harvie testified that his examination showed that Montoya had three broken ribs and a bruised lung the next day as result of beating.

Montoya filed a \$200,000 civil suit charging city police officers James Rogers, Cliff Jenkins, and John A. Sanchez with the beating. The Federal Jury ruled in a unanimous verdict that officers were not liable. Attorney for the officers was Mark Meiering, and for Montoya, Manny Aragon, who has filed an appeal.

25) Name: RAMIREZ, Andrew
Date: 11/10/77
Location: Albuquerque, NM

Ramirez' mother called police to have them remove her son from the house since he was drunk and being abusive. In the house, Police began to beat Ramirez repeatedly over the head with flashlight (Officer James Babich). Ramirez was dragged out of the house, administered no first aid by the officers, and was dead on arrival at the hospital

No suspension of Officer Babich. Internal Affairs Division conducting an investigation. A preliminary autopsy by the Medical Examiner shows that Ramirez died from brain hemorrhage, "possibly" from blow to the head. Results of investigation pending. Babich has definite history of such behavior (SEE DAVIS, Jose, above).

COLORADO

26) Name: ESPINOZA, Arthur
HINOJOS, James
Date: 7/30/77
Location: Denver, CO

Officers arrive at park after reports of shootings. Witness state that plain clothes, vice officers John O'Dell, Gary Graham, and David Neil, with no identification, jumped out of their cars, shooting at Espinoza and Hinojos who were lying on the grass. Both were killed. Officers say that Espinoza moved as if drawing for a gun. Both victims were well over the legal level of intoxication.

Community uproar over the killings, calling for Justice Dept. investigation. Grand Jury has indicted David Neil, but cleared both O'Dell and Graham. Neil has not been suspended from the department. Investigating D.A., Dale Tooley, has had a poor record concerning Chicano-Anglo matters. Attorney for victim's families, Kenneth Padilla, has called for a special prosecutor. Children of Espinoza have filed a civil rights damages suit of \$4 million. Attorney handling this suit is Walter Gerash. Similar suit expected for Hinojos. Community convinced of cover-up. Detectives who did shooting, left the scene immediately.

BRUTALITY CASES (continued)

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- 27) Name: FERNANDEZ, Robert
Date: 8/26/77
Location: Pueblo, CO
- Fernandez' wife called police to enforce restraining order she had obtained to keep her husband away when he was abusing her. Officers Henry Chapman and Timothy Pepin arrived and placed Fernandez under arrest. Wife states that Fernandez indicated that he was going to put down his beer can and in the process accidentally touched the sleeve of one of the officers. At this point officers began to beat with clubs and did not stop until Fernandez was dead.
- D.A. Joe Losavio filed criminal charges against patrolmen for criminally negligent homicide, based on coroner's inquest. Trial set for March 1978. Community outcry at the lesser charge, a misdemeanor. Widow has filed a \$16.6 million civil suit for wrongful death against the City of Pueblo, the D.A., the Chief of Police, and the officers involved. The D.A. was at the scene of the killing shortly after, and he is accused of collaborating with police to cover-up the evidence. There is presently a motion to recall the D.A. Attorneys for the widow are Edwin K. McMartin and Michael Kelly. Officers Chapman and Pepin transferred to desk jobs, generally considered a promotion. No federal involvement.
- 28) Name: LUCERO, Dennis
Date: 5/5/76
Location: Denver, CO
- Lucero was walking home, and had an exchange of words with James Connely. Connely, a private citizen, went into his house, brought out his shotgun, shot and killed Lucero. State law enforcement whitewash ensued (see opposite).
- Judge ignores community pressure to change original manslaughter charge. Police Dept. melted the shotgun used to kill Lucero, so charges against Connely were dropped, since shotgun was the main piece of evidence.
- 29) Names: MONTOYA, James
MONTOYA, Roger
MONTOYA, Robert
Date: 4/10/76
Location: Albuquerque, NM
(NOTE: This case out of geographical sequence)
- Reported fight at LULAC Club 2823. Officer claims that Robert Montoya, the father of James and Roger, attacked him. Chief of Detectives for Bernalillo County Sheriff's office, Orlando Padilla, shot and killed Robert and James, and shot and wounded Roger.
- On November 13, 1976, Padilla acquitted for the killing of Robert, but convicted by the jury of voluntary manslaughter in the shooting death of James, and for aggravated battery in the wounding of Roger. District Judge Joseph Baca sentenced Padilla to two concurrent prison terms of 2-10 years. Padilla out on \$25,000 property bond pending appeal. Padilla's attorney is Leon Taylor. The Chief Deputy D.A. is Robert Martin.

30) Name: SANCHEZ, Joe Roy
Date: 6/2/77
Location: San Luis, CO

Sanchez, who had been drinking, was in a local store waving around a .22 he had in his possession. Deputy Dave Marcus arrived at the scene, and there was a verbal exchange between the deputy and Sanchez. The officer purchased a pack of cigarettes. The girl at the counter testified that the deputy had his gun in hand while he was paying for the cigarettes. Marcus struck Sanchez in the head with the gun. Sanchez fell back, and his gun discharged. Marcus fired six shots, striking and killing Sanchez.

Coroner's inquest ruled that there was no cause for charges. Community felt that the testimony allowed was biased in favor of the deputy since court presented personal background of Sanchez in detail, but none at all on Deputy Marcus. The Sanchez family will file a civil suit in the state court for the sum of \$1 million, naming the county commissioner, the Sheriff, and Marcus. Petition for suit has already been filed. Deputy Marcus was reinstated into the department after having been on temporary leave with pay.

Mexican American
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MALDEF

March 8, 1978

Mr. Herman Baca
Committee on Chicano Rights
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Dear Mr. Baca,

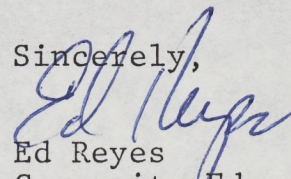
Enclosed are the case summaries, involving abuse of Latinos by law enforcement officials, that we have sent to U.S. Attorney General Griffin Bell.

The cases number thirty, and we hope that their shocking nature encourages you to continue to assist our ongoing efforts in compiling documentation on such incidents.

If any such information becomes available to you, we would very much appreciate that you either contact our office, or send us copies of any printed material you may obtain. Also, please feel free to disseminate these case summaries to individuals and community service agencies or organizations that may find them useful.

Thank you, once again, for your assistance in this project. If at any time we can be of assistance to you, please let us know.

Sincerely,


Ed Reyes
Community Education &
Activation Program

CC: Esther Estrada
Director, CEAP

Enclosure

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