

Witnesses testify about 1982 shooting

Attorneys for former death row inmate Aldape Guerra want capital murder charges against him dismissed.

row inmate contend police and prosecutors improperly arrested and won a conviction and death sentence for Adalpe Guerra, now 34, who was an illegal immigrant when he was arrested for fatally shooting the officer.

Police and the district attorney's office denied the accusations, but a federal judge in 1995 agreed and ruled that Aldape Guerra either be released or get a new trial.

Harris County prosecutors contend they did not get a fair hearing before U.S. District Judge Kenneth Hoyt and won a hearing that began Monday before retired Texas Court of Criminal Appeals Justice Frank Maloney.

Attorneys for Aldape Guerra want the capital murder charge against him dismissed.

Hernandez was 16 in 1982 and walking from her house to a store in her neighborhood when Harris was gunned down.

She testified Monday she did not recall seeing police handcuff or

threaten any witnesses that night.

But attorneys for Aldape Guerra showed a videotape of Hernandez telling a police officer in an interview last August that her mother was in handcuffs when she was at the police station in 1982.

"If you don't take the cuffs off her, we're all leaving," she is heard saying on the tape as she recalled the events of nearly 15 years ago.

"She was handcuffed, but I don't exactly remember where she got handcuffed at," Hernandez said Monday. "She didn't want to come down (to the police station)."

Hernandez, who also testified in the 1982 trial, denied she was influenced by neighbors or police to identify Aldape Guerra and not his companion, Roberto Carrasco Flores, as the shooter.

She said Aldape Guerra had asked her if she had jumper cables after the car that he was driving stalled. She said she did not pay much attention to Carrasco Flores, his passenger in

the car and the man Aldape Guerra has insisted was the gunman.

Carrasco Flores died in a shootout with other officers only hours after Harris was shot.

Hernandez said she did not see a gun in Aldape Guerra's hand. But she said she was right behind him when Harris asked to see Aldape Guerra's driver's license and was then shot.

Aldape Guerra, who came within three days of execution in 1992 before winning a reprieve, wore earphones to hear a Spanish translation of the testimony.

His parents attended the hearing as did representatives from the Mexican consulate in Houston. Several supporters of Aldape Guerra carried signs outside the courtroom, proclaiming his innocence.

Pamela Harris Rains, who remarried after her husband's death, and their two teen-age daughters also were in the courtroom. Her youngest daughter held her hand during the testimony.

Jury finds 12-year-old guilty in child's death

AUSTIN (AP) — A 12-year-old girl convicted on the second time in the beating death of a toddler was sentenced Monday to up to 25 years in state custody.

Last year, the preteen was convicted of injury to a child in the death of 2 1/2-year-old Jayla Belton and sentenced to up to 20 years in state custody.

The conviction and sentence were overturned. State District Judge John Dietz, who presided over both trials, said he was concerned the girl did not have adequate defense in the original proceeding.

After a second trial concluded last week, a Falls Area Travis County jury on Monday again found the 12-year-old guilty of injury to a child.

Her attorneys waived jury sentencing and agreed to 25 years in state custody. She could have been locked up for 40 years.

The 12-year-old, who was 11 at the time of Jayla's death, could be transferred from juvenile custody to a state prison as early as age 16 or could be released with approval from the judge.

"I believe in the jury system, and they have made that decision," said Bill White, the 12-year-old's attorney. "It's just a real tough case."

Attorneys from the Travis County district attorney's office said the 12-year-old kicked and

beat the toddler to death on May 24, 1996. They said she was angry about being left to baby-sit the girl, who was sick and throwing up the day she died.

The 12-year-old lived with her grandparents, who had adopted her and several other grandchildren. Jayla and several other children had been dropped off at the home, where state officials said

"I believe in the jury system, and they have made that decision. It's just a real tough case."

Bill White
12-year-old's attorney

the family was operating an illegal day-care.

The family no longer cares for nonrelated children and has regained custody of other grandchildren removed from the home after Jayla's death.

The 12-year-old's defense attorneys argued

that the toddler was injured before being left at their client's home. They presented testimony that the toddler had been abused and neglected.

Prosecutors said the girl died within minutes of suffering a ruptured liver and could not have survived the injury for as long as the defense claimed.

The 12-year-old's family declined comment after the conviction and sentence. Her grandmother said only, "I'll just let the Lord take care of it."

Members of the black community in Austin protested the 12-year-old's first conviction. They said she did not get a fair trial and was mistreated by the media that reported her name and circulated her picture.

Stephanie Emmons, head of juvenile prosecution for the district attorney's office, pointed out that despite the protests, two juries found the 12-year-old clearly responsible for the toddler's death.

She called 25 years a fair sentence that would stand up on appeal. "We tried a clean case," she said.

White said he could raise a number of issues on appeal. "This thing is only beginning in that sense," he said.

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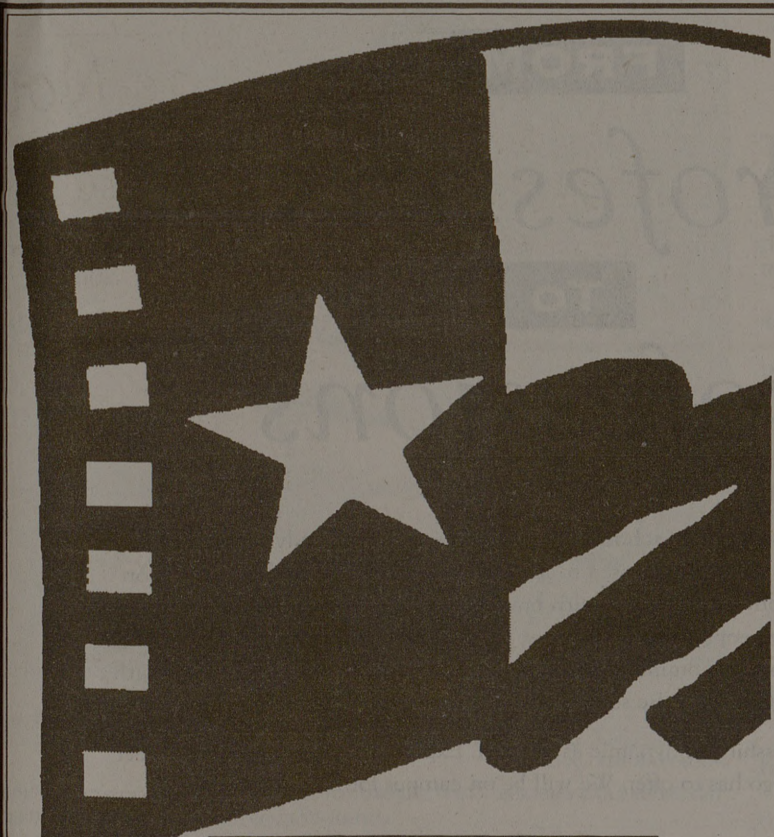
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Wednesday, February 19 - Sunday, February 23

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Persons with disabilities please call 845-1515 to inform us of your special needs. We request notification three(3) working days prior to the event to enable us to assist you to the best of our ability.

WEDNESDAY, FEBRUARY 19

10:00 am Video Screening Room (FREE Entrance)
Rudder, Room 301
- Grinders (85 min)
- Waco: The Rules of the Engagement (135 min)
- Painflower (88 min)
- Lebensborn (98 min)
- Peoria Babylon (90 min)

7:30 pm Night of Shorts I:
- Mailman
- The Paraclete
- Women Without Implants
- Animosity
- Bigger Fish

THURSDAY, FEBRUARY 20

10:00 am Video Screening Room (FREE Entrance)
Rudder, Room 301
- Redboy13 (94 min)
- Coming Through Hard Times (60 min)
- The Dig (104 min)
- Amateur Hour (83 min)

7:00 pm The Closest Thing to Heaven*
The Sensible Thing (short film)

9:30 pm Day at the Beach*
Him! (short film)

FRIDAY, FEBRUARY 21

7:00 pm Night of Shorts II:
- Clinic E
- The Lone Star Letters
- Generation of Lies
- Alive & Kicking
- The Pepper Pot

9:30 pm Retroactive - Texas Premiere *

SATURDAY, FEBRUARY 22

12:00 pm Video Screening Room (FREE Entrance)
Rudder, Room 301
- T.V. (8 min)
- Lola (12 min)
- MovieCool (4 min)
- Jesus of Judson (20 min)
- The Usher (2 min)
- Solitaire (7 min)
- Cattle Mutilation Cowgirl (2 min)

- Burning Bridges (29 min)
- Writer's Block (25 min)
- Taken! (31 min)
- Run a Mile in My Shoes (6 min)
- My Perfect Journey (24 min)
- Bigfoot Stole My Wife (12 min)
- Just for the Ride (53 min)

4:00 pm Crispy, Crackers, & Beans*
Dream, Dream, Dream (short film)

7:00 pm The Devil Takes a Holiday*
The Lizard Whomper (short film)

9:30 pm Milk & Money*

midnight Lone Star
Genre (short film)

SUNDAY, FEBRUARY 23

2:00 pm Lone Star
Genre (short film)