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Friday, June 9, 2000

Statement from Attorney General John Cornyn regarding death penalty cases:

"It has been eight weeks since I first identified problems associated with the testimony of Dr. Walter Quijano, an expert witness in the capital murder trial of Victor Hugo Saldano. As I explained in a filing before the United States Supreme Court on May 3, it is inappropriate to allow race to be considered as a factor in our criminal justice system. On June 5, the United States Supreme Court agreed. The people of Texas want and deserve a system that affords the same fairness to everyone. I will continue to do everything I can to assure Texans of our commitment to an equitable criminal justice system.

"After a thorough audit of cases in our office, we have identified eight more cases in which testimony was offered by Dr. Quijano that race should be a factor for the jury to consider in making its determination about the sentence in a capital murder trial.

"Six of these eight cases are similar to that of Victor Hugo Saldano. We have sent letters to opposing counsel and to the local prosecutors involved advising them of our findings. Two of these eight cases are dissimilar to the Saldano case. In one, the defendant is not a member of a racial group included in Dr. Quijano's statistical model. In the other, the prosecution did not introduce race as a factor.

"In addition, my office has reviewed case files for all executions in Texas since 1982 and we have not found any cases in which a defendant was executed on the basis of this kind of testimony by Dr. Quijano. Also, we have reviewed the cases of all inmates currently scheduled for execution and none of those involves this kind of testimony by Dr. Quijano.

"Additionally, local prosecutors have been advised to review their cases that have not yet reached the attorney general's office."

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Contact Mark Heckmann, Heather Browne, or Tom Kelley at (512) 463-2050

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AUSTIN - Texas Attorney General John Cornyn offers the following information on capital cases that involved Dr. Walter Quijano's testimony using race as a factor to determine future dangerousness.

Gustavo Julian Garcia, Collin County, cause number 366-80185-91
Case status: pending in federal district court on habeas corpus review

Convicted of capital murder on December 6, 1991 and sentenced to death. Garcia shot and killed Craig Turski while robbing a liquor store on December 9, 1990, in Plano, Texas.

Garcia confessed in writing to being the shooter. Garcia also confessed to being involved in the capital murder of Gregory Martin on January 5, 1991. Martin was killed during a robbery of a Texaco station in Plano, Texas.

Eugene Alvin Broxton, Harris County, cause number 599-218
Case status: pending in federal district court on habeas corpus review

Convicted of capital murder on April 30, 1992 and sentenced to death. In May of 1991, Broxton forced himself into the Houston hotel room of Waylon and Sheila Dockens.

Broxton bound, gagged, pistol-whipped and then shot the couple. Waylon Dockens survived.

Sheila did not. At the punishment phase of Broxton's capital murder trial, evidence was introduced that Broxton had been charged with the capital murders of Gary Stuchwisch on April 6, 1991, Gordon Miller on April 19, 1991 and Albert Krigger on May 16, 1991.

John Alba , Collin County, cause number 219-81215-91
Case status: headed to Fifth Circuit Court of Appeals for review

Convicted of capital murder on May 1, 1992 and sentenced to death. Alba shot and killed his wife Wendy Alba, after breaking into the home of friends where Wendy fled after leaving Alba. Alba also shot Wendy's friend several times, but she survived.

Michael Dean Gonzales, Ector County, cause number D-23,730
Case status: pending in federal district court on habeas corpus review

Convicted of capital murder on December 7, 1995 and sentenced to death for killing Manuel and Merced Aguirre. In April of 1994, Gonzales entered the Aguirre's home and stabbed Manuel and Merced to death. A microwave, VCR, camera, pistol, and stereo were found missing. There was no sign of forced entry. Gonzales was arrested 15 days after the murders.

Gonzales later confessed to a jail guard, who was his cousin, that he killed the Aguirres.

Carl Henry Blue, Brazos County, cause number 23,293-272
Case status: pending in federal district court on habeas corpus review

Convicted of capital murder on April 13, 1995 and sentenced to death. Blue poured gasoline on Carmen Richards-Sanders and her boyfriend and set her on fire. Blue then forced his way into her apartment and robbed her. Carmen Richards-Sanders later died.

Duane Buck, Harris County, cause number 699-684

Case status: pending in state habeas corpus

Convicted of capital murder in May of 1997 and sentenced to death for killing two people while on a shooting spree in the home of his ex-girlfriend, after an argument. Buck killed his ex-girlfriend, Debra Gardner, in the middle of the street, in front of her daughter. He also shot and killed a friend of Gardner's Keith Butler, who was at Gardner's home. Buck also shot his sister in the chest, who was also at Gardner's house, but she survived.

UNRELATED CASES

Two of these eight cases are dissimilar to the Saldano case. In the Blair case, the defendant is not a member of a racial group included in Dr. Quijano's statistical model. In the Graves case, the prosecution did not introduce race as a factor.

Michael Blair, Collin County, cause number 366-81344-93

Case status: pending in federal district court on habeas corpus review

Convicted of capital murder on September 28, 1994 and sentenced to death. Late in the morning on September 4, 1993, Blair kidnapped seven-year-old Ashley Estell from a park in Plano, Texas. Ashley Estell was watching her brother's soccer tournament. Her half-clothed body was found the day after she was kidnapped next to a ditch along a dirt road a few miles away. The cause of death was strangulation.

Anthony Charles Graves, Burleson County, cause number 28,165

Case status: pending in federal district court on habeas corpus review

Convicted of capital murder on October 27, 1994 and sentenced to death. Graves, along with co-defendant Robert Carter, stabbed and then burned Bobbie Davis (age 45), Nicole Davis (age 16, who was also shot), Lea Erin Davis (age 5), Brittany Davis (age 6), Jason Davis (age 4, Robert Carter's son) and Denitra Davis (age 9), at their home in Somerville, Texas, on August 18, 1992. Robert Carter was executed on May 31, 2000.