Mexican Long Held in Texas Murder Wins His Freedom
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Associated Press

Ricardo Aldape Guerra greeted onlookers from a second-story window of the Harris County Jail in Houston yesterday just before being turned over to immigration officials for his return home to Mexico. Outside, his parents, Aureliano and Francisca, arrived to accompany him on the trip.

Reuters

Mexican Long Held in Texas Murder Wins His Freedom

By The New York Times

HOUSTON, April 16 — After 15 years in Texas prisons, much of it on death row, a 35-year-old Mexican returned to his native country and freedom today, the murder charges against him dropped because of police and prosecution misconduct.

The man, Ricardo Aldape Guerra, was sentenced to death in 1982 for the killing of a Houston police officer and once came within three days of execution. His conviction was set aside by a Federal judge in 1994, but he remained in prison while the state first appealed the decision, unsuccessfully, and then sought to retry him.

On Monday, a state judge ruled that although Mr. Aldape could be tried again, no new jury could hear from the several witnesses whose previous testimony the Federal court had ruled tainted by official misconduct. Given that hurdle, the state dropped the case on Tuesday.

Released from state custody here in Houston this morning, Mr. Aldape was voluntarily deported to Mexico, accompanied on a car ride to the border crossing at Brownsville by three United States immigration officials. His parents and the Mexican consul in Houston followed in another car. A flight on a private plane was arranged to take him tonight to his hometown, Monterrey.

Mr. Aldape's case has been avidly followed in Mexico, and the dropping of the charges was front-page news today in several newspapers there.

[On arrival late Wednesday in Matamoros, the Mexican city across the Rio Grande from Brownsville, Mr. Aldape was greeted by a crowd of 300 people who chanted his name and carried placards saluting him, The Associated Press reported. "They robbed me of 15 years of my life," the news agency quoted him as saying.]

Mr. Aldape's troubles began in Houston on July 13, 1982.

That night, two months after he had slipped into the country illegally, he and a companion, Roberto Carrasco Flores, were stopped by Officer James Harris on suspicion of reckless driving and were ordered from their car. Officer Harris was shot to death, and a passing motorist, Jose Armijo, was slain in front of his children only moments afterward, a killing for which no one has ever been charged.

The shootings occurred in a low-income, predominantly Hispanic neighborhood on the city's East Side, into which Mr. Aldape and Mr. Carrasco quickly disappeared, fleeing on foot. In the ensuing manhunt there, a shootout badly wounded a second officer and left Mr. Carrasco dead. Mr. Aldape, discovered in hiding, was arrested. Convicted of capital murder, he was sentenced to die.

But in a 1993 appeal, defense lawyers, contending that he had been denied a fair trial, alleged pretrial intimidation of witnesses, improper identification procedures, the prosecutors' failure to disclose exculpatory evidence and their use of false evidence, among other infractions.

The following year, Judge Kenneth M. Hoyt of the Federal District Court here agreed, and set aside the conviction. "The police officers' and prosecutors' actions described in these findings were intentional, were done in bad faith and are outrageous," wrote Judge Hoyt, whose order noted that the violations had included the parading of Mr. Aldape in handcuffs before the witnesses prior to an identification lineup.

Judge Hoyt said that there had been ample evidence that the killer was not Mr. Aldape but instead Mr. Carrasco, and that the motivation for the misconduct was to convict Mr. Aldape "for the death of Officer Harris even if the facts did not warrant that result."

The judge noted that when Mr. Carrasco was killed, the police found in his possession the 9-millimeter handgun that had been used to shoot Officer Harris and Mr. Armijo. At trial, prosecutors argued that Mr. Aldape and Mr. Carrasco had mistakenly picked up each other's weapons before the shootings — Mr. Aldape was carrying a .45-caliber — and, realizing the mistake, traded guns once again during their flight from the police. But Judge Hoyt called this "sheer speculation" with no evidence to support it, and noted as well that Officer Harris's own weapon had been found beside Mr. Carrasco's body.