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Veteran officer wins new trial

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A 19-year veteran of the San Antonio Police Department convicted in November of molesting a 13-year-old girl will get a new trial, a district judge ruled Friday. Defense attorneys Mark Stevens and Pat Hancock sought a new trial for their client, Richard G. Rodriguez, based on the behavior of 187th District Judge Raymond Angelini, who presided over Rodriguez's trial. They claim his behavior harmed Rodriguez in part by denying him a fair and impartial jury and his constitutional right to effective assistance of counsel.

Angelini recused himself from the hearing.

Stevens and Hancock presented affidavits from 11 people - including attorneys and relatives of their client - who witnessed portions of Rodriguez's trial.

In their sworn statements and from the witness stand, they described Angelini's facial expressions and body language during the trial - including head shaking, frowning and eye rolling. Several defense witnesses indicated they observed such behavior, as well as general rudeness, both in and out of the jury's presence and that it was most often directed toward the defense.

"I was very surprised at what he was doing," attorney John J. Ritenour Jr. testified. "I don't see how anybody could miss it, frankly."

Rodriguez, 41 at the time of trial, was accused of fondling a family friend. He was indefinitely suspended from the Police Department after his arrest a little more than a year ago. Although he faced up to life in prison upon his conviction of aggravated sexual assault, jurors assessed the minimum punishment of five years' probation.

In his arguments to Visiting Judge Robert Barton on Friday, prosecutor James Ishimoto said the defense should have objected at trial to the judge's behavior. Instead, he said, as a trial strategy they waited to learn whether the jury would convict their client before raising concerns.

"They have waived their right to make that argument," he said.

Attorneys for both sides said 10 of the 11 jurors on the case had been contacted and that none believed the judge's behavior affected their verdicts. Stevens noted that six of the 10 either saw or heard other jurors discuss the judge's expressions and actions.

Relatives of the victim left the courtroom hurriedly after learning the trial was effectively wiped out.

Angelini, reached by telephone Friday evening, declined to comment on the case specifically but said he will not preside over the new trial.

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