

APPENDIX H

Carlos Hernandez's Criminal Record

Note: When we reviewed many of these files, the exact date of release from custody, e.g. on bail while awaiting disposition. Further review is required.

+ indicates that a weapon was used in the offense.

* indicates that a knife or knives were found in CH's possession.

Offense	Dates of offense, arrest, incarceration awaiting disposition	Sentence	Date of sentence	Actual release date and status	Source
Unknown juvenile offense					Self-reported 11/6/72 and 3/15/90 TDOC Admission Summary in DPS record saying he had 7 juv. offenses but listing only 5
Unknown juv. offense					Same
Juv: Runaway	6/6/69		Case closed 6/11/69		Juvenile court record
Juv: Runaway	10/17/69		Case closed 10/17/69		Juvenile court record
Juv: Truancy	4/8/70	"Rel. w/w."			Juvenile court record
Juv: Drunken disorderly		Sentenced to or spent 7 days in jail			Self-reported 11/6/72 and 3/15/90 TDOC Admission Summary in DPS record
Juv: Disturbing the peace		Sentenced to or spent 5 days in jail			Same
Juv: Traffic violations		Sentenced to or spent 7 days in jail			Same
Juv: Sniffing lacquer		Sentenced to or spent 5 days in jail			Same

Juv: Negligent homicide of sisters fiancé Louis V. Sissamis while driving his car; DUI; excessive speed (“100+ mph while drunk in city traffic at 11:23 p.m. traveled into lane of traffic moving in opposite direction)	12/30/70	Declared delinquent and placed on indefinite probation in custody 1 st of his mother, then of his uncle in Fremont, CA (Soliz)	2/11/71; 4/29/71 (reassigned to uncle in Calif.)	9/11/71, 9/23/71, 10/23/71: after CH returns to CC, case is “closed” b/c Juv. Dep’t considers him, @ 17 y.o., to be an adult and he decides to go back to Calif	Same; also Juvenile records; accident report (Accident Rep. # 70-7905); <u>01/01/1971</u> Corpus Christi Times article, “Wrecks Kill Six in South Texas.”
Paint or glue sniffing; “fighting incorrigible” (fist fight w/brothers and mother)	3/21/71	sent to juvenile hall on	3/22/71		Police report, arrest # B22380; offense # N-2722
Vehicle Theft “fraudulently tak[ing] a 1961 Chevrolet . . . of the value of over \$50.00 . . . property of Janie Cacino; taken from Memorial Medical Center parking lot; driving w/o D.L.; driving w/o lights. CH listed as “MINOR”	01/31/1972 (in jail for 8 days until ca. 2/8/72 – transf’d to cnty jail on 2/1/72; tranf’d to city jail on 2/3/72), released on \$1000 bond; then rearrested for robberies below. Looks like ccpd was going to treat it as minor offense and satisfy with a fine, until he was arrested for robberies.	On theft: 10 years concurrent with 3 counters of robbery below On traffic violations: fined \$80	09/28/1972		Case No. 14948; Docket entry – book: 40, page: 260. Arrest no. B31603

<p>“Sniffing”: CH observed running in 2200 block of Kingsolving. Officers searched CH and found a white rag wet with gold paint in his pocket. A gold spray can was found in location from which CH ran. Breath smelled of solvent; had “ammunition” on his person when arrested. CH listed as MINOR. CH was driving a 1963 Oldsmobile with 1972 license plate #JGS 343.</p>	<p>2/29/72; released on 3-1-72</p>				<p>Offense No. 20229123; Arrest No. B32420.</p>
<p>+Three robberies by firearm: of Hudson Oil Co. on 4750 Leopard (offense 20403-175) and the Circle Ks at 1501 S. Brownlee (offense 20403-152) and 6326 McArdle (offense 20403-150). 1st arrested for Hudson Oil Co. robbery. CH listed as MINOR</p>	<p>4/3/72 --- all on same day 3:20 p.m., 6 p.m, and ?? p.m. At 1st unable to post bond; but later did, then returned to jail on 8/4/72 for failure to pay surety, and transferred to prison on 10-3-72</p>	<p>3 x 20 years, all concurrent with each other and theft</p>	<p>09/28/1972; serves time in Byrd, then Ferguson unit starting on 10-3-72;</p>	<p>paroled to Nueces County effective 1/4/78, with supervision to continue until 4/5/92</p>	<p>Arrest No. 33355. See file on 1972 robberies and Timeline; Corpus Christi Times, 04/05/1972, “4 May Be Charged In More Robberies”</p>
<p>Unk.: unspecified law enforcement agency asks state DPS for CH’s criminal history</p>	<p>7/7/78</p>				<p>See Timeline</p>

<p>+*Public drunk; Violation Weapons Ordinance: CH involved in disturbance at 616 6th St. (Park & 6th); told by CCPD to go home. CH then involved in 2nd incident at same address --- staggering drunk. Arrested in possession of a fixed blade knife (same as a lock-blade knife?).</p>	<p>7/29/78; released on cash bond on 7/30/78</p>	<p>Fined; on 8/28/78 CH receives parole reprimand in connection with this and next offense for possessing alcohol, carrying a weapon, violating crim law</p>			<p>See Timeline; Offense No. 80729105; Arrest sheet C10920</p>
<p>+*(?)Assault (apparently while carrying a weapon); took place at Lucy's Lounge at 800 blk N. Chapparral</p>	<p>8/19/78; transferred to county on 8/19/78</p>	<p>on 8/28/78 CH receives parole reprimand in connection with this and previous offense for possessing alcohol, carrying a weapon, violating crim law</p>			<p>See Timeline; Arrest No. 08176. Arrest Sheet no. C11515; Offense Number 80819020</p>
<p>Unknown: Parole Board says he will be "continued on parole pending adjudication of charges" --- see next entry</p>	<p>9/20/78</p>				<p>See Timeline</p>
<p>Evading arrest; we don't know what arrest was for, but see previous entry</p>	<p>10/18/78</p>				<p>See Timeline</p>
<p>Parole Board minutes says "continue on parole pending adjudication of charges," then "continue on parole with letter of reprimand from the Region III Sup. Regarding violation of parole rules # 4(a) (alcohol) and 7 (violation of crim laws)"</p>	<p>1/15/79</p>	<p>Parole Reprimand</p>	<p>1/15/79</p>		

<p>“UID” and Disorderly conduct (§ 23-43 or city warrant): CH arrested at Memorial Medical Center emergency room after he refused treatment and became vulgar and abusive to staff; heavily intoxicated. When he woke up the next morning, he called Fidela, at 883-6112; 883-4127</p>	<p>2/12/79; released 2-14-79 at 6:35 p.m. after sobered up (\$ may have been put up by Fidela, whom he called soon after his arrest)</p>	<p>Fined</p>			<p>See Timeline; Offense # 90212121. CCPD arrest sheet no. C17311</p>
<p>+*Murder of Dahlia Saucedá. At time of arrest, his prior record is described by Paul Rivera as: “Neg Homicide MYA”; “20 yrs for robbery”; arrested “many times – fighting, drunk, vagrancy, assault, resisting arrest”. Had a lock blade buck knife in his possession at the time of the arrest.</p>	<p>12/10/79; given 2 polygraph tests which revealed inconsistencies and some deception; released on 12/11/79</p>				<p>See Timeline</p>
<p>Subpoenaed by Assistant District Attorney Botary (at 217 Carrizo St.) to testify at Jesse Garza’s trial for killing Dahlia Saucedá</p>	<p>1/2/80</p>				<p>See Timeline</p>

<p>“Traffic arrest”: CH driving a 1967 Red Oldsmobile with 1980 issued license plate WMR132; speeding; no DL; invalid MVI sticker; arrested because of outstanding traffic warrant #816146. He called “Shirley Currey” at 992-2375 soon after his arrest. [Arrest occurred about same time CH and Shirley Currey were dealing with ADA Ken Botary in the Saucedo case]</p>	<p>1/10/80; released on bond 1-11-50. bond may have been put up by Shirley Currey, whom he called.</p>				<p>See Timeline; offense # 00110150. CCPD arrest sheet no. C30803; offense no. 800110-150</p>
<p>“Drunk”: CH fell asleep drunk at Swizzle Stick Bar at 4320 Ayers (fairly near the Shamrock Station), then caused disturbance when bartender woke him up to send him home. Highly intoxicated. Called Fidela at 883-4127.</p>	<p>2/16/80; released 2-17-80 on cash bond, probably put up by Fidela</p>	<p>Municipal bound, forfeited</p>			<p>See Timeline; offense no. 00216138. CCPD Arrest Sheet No. 632481 (or is it C32481?). Offense no. 800216-138.</p>
<p>Board of Pardon and Parole Minutes say “continue on parole with reprimand from the Exec. Dir. regarding violation of Rules 1C (lying to PO) and 1D (withholding info from PO)”</p>	<p>3/23/80</p>	<p>Parole reprimand</p>			

<p>Violation of State Parole (unknown reason; serious enough to lead to arrest); outstanding traffic warrant [may be 2 separate incidents and 2 separate arrests at about the same time]. 5-4-80 arrest was by Paul and Ruben Rivera at the Carnival Grounds (sounds like the carnival-grounds arrest Paul Rivera described in interview, when he said CH scared him). CH immediately called Fidela Hernandez at 883-4127</p>	<p>BPP issues order to arrest on 4/23/80 and arrest warrant is issued 9b 4.28/80; rap sheet in DA's file and CCPD arrest report show 5/4/80 arrest for outstanding traffic warrant 841777 --- "released on bond" on 5/4/80; back in Sheriff's Dep't custody on 5/6/80; no bond allowed; BPP issues notice of withdrawal of arrest warrant and orders CH released on 5/23/80, which looks like it reached and was carried out in CC on 5/27/80</p>				<p>See Timeline; Offense No. 504019; Sheriff's Dep't rearrest # 30682 and offense # 4-28-227443. Above is re: parole violation. Arrest for traffic warrant is CCPD Arrest Sheet No. C36275 and Offense Number 800504019.</p>
<p>Parole Violation: rules 5 (barring possession of weapons) and 7 (violation of criminal laws -- unspecified)</p>	<p>9/25/80</p>	<p>Reprimanded</p>			

<p>+*Making threats and resisting arrest (later downgraded to only “threats class C); serious enough for police to take set of “major case fingerprints”: “subject was involved in a disturbance at the above location ... threatened his girlfriend with a knife and was arrested when he refused to leave the premises” – at 1124 Mary St., which is near current residence of Sara Anzaldua (1215 Mary St), perhaps sister or mother of Rosa Anzaldua. Immediately called Fidela at 883-4127. Officer Garret participated in booking --- also participated in DeLuna case.</p>	<p>10/26/81; released on bond on 10/26/81 pursuant to ruling of Judge Gonzales.</p>				<p>See Timeline; CCPD Arrest Sheet No. C59662; Offense No. 811026-01</p>
<p>“arrested on M.C. war. [# 058867], taken to city jail.” CH lists Rosa Hernandez (wife) as next of kin.</p>	<p>10/10/82; relased on cash bond the same afternoon</p>				
<p>Parole violation adjudicated by BPP for violation of rules 1C (lying to parole officer), 2B (failure to get permission before changing residence or job”).</p>	<p>2/23/83</p>	<p>reprimand</p>			<p>See Timeline</p>

<p>*Outstanding traffic warrant; suspicion of attempted robbery: after officer "observed the above individual lurking around behind the 7-11 at Brownlee and Agnes when asked to identify himself," he arrested him because "sub[ject] was known to have the above active [traffic] warrant." CH had a knife in his possession when arrested. Arrest was for violation of "Traffic Warrant # 126585 \$236)".</p> <p>W/i minutes of arrest, CH called 883-8947 ("RAUL" or RXVL???)</p> <p>. He lists Rosie Hernandez (wife) as next of kin.</p>	<p>arrested 4/3/83; fingerprints checked by Sgt. Infante on 4/4/83; released on 4/6/83 after partial payment of outstanding fine. Fine owed on traffic warrant was \$236. "Total Fine" is indicated as \$117. CH paid \$67 and was given "time served" credit for \$50.</p>				<p>CCPD Arrest Sheet No. C83758; Offense Number 830403-100</p>
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<p>+Assault causing bodily injury; parole violation: CH "assaulted Rosenda Anzaldua (his wife) with an axe handle to the chest. In committing this offense Hernandez broke a window with a metal bar causing glass to fall on a child of Rosenda Anzaldua sleeping in a bed by the window. Carlos Hernandez threatened to kill Rosenda Anzaldua and her three children, ages 8, 6, and 2. Violation of Parole Rule 7: violation of state law -- using an axe [sic] handle to apply force against the chest of Rosenda Anzaldua".</p>	<p>11/6/83 is date of arrest; warrant for arrest on parole violation issued 11/9-10/83; arrested 11/15/83 in or taken to Austin (location of BPP); misses 12/7/83 court date; 12/8/83 objects to \$1000 bail. Eventually treated as misdemeanor and CH released on 3/9/84 to San Antonio</p>	<p>1/3/84 parole revocation is suspended upon CH's promise to leave Nueces County (on 2/14/84, transfers to a P.O. James Robertson in San Antonio) (1/3/84); on criminal charge, (2/8/84) pleads nolo to misdemeanor assault; 30-day sentence w/ credit for time served; \$208 fine. On 2/28/84, reprimanded by BPP for violation of Rule 7 (violating crim law)</p>			<p>See Timeline; Case No. 85806-2, County Court, Nueces County; offense of CBI (causing bodily injury)</p>
<p>Parole Violations: violating criminal law; violating special conditions (not specified which)</p>	<p>8/8/84: "case conference between [CH], DPO and unit supervisor regarding rules 7 (don't violate criminal law and 8B (requirement to obey special reqts); 8/21/84: arrested on this day. Outcome unclear.</p>				
<p>Parole violations: unspecified</p>	<p>9/24/84: "pre-revocation warrant" authorized and issued on arrest warrant issued on 10/12/84 by San Antonio P.O. but action taken is "not found," evidently meaning charges were not upheld.</p>				

<p>Note: aside from the next 2 entries, our biography of CH loses track of him for end of 1984, 1985 and early 1986 --- part of this time he was in San Antonio, and part of it he was in the hospital in CC after falling out of a truck and suffering a head injury; and part of it (May-August '85) he was a street person in CC hanging out with Diana Gomez</p>					
<p>Public intoxication while riding a bicycle; strong smell of alcohol on his breath. [There is a mug shot with this arrest that we need to obtain; as of now we have only a photocopy of the negative.]</p>	<p>4/17/85; released on payment of fine, 4/1885</p>				<p>CCPD arrest sheet D12834; Offense No. 85-0417-100</p>
<p>*Municipal Warrant #329338, dated 4/26/81, for which "63.00" is owed. CH had a "knife" in his possession at the time of his arrest.</p>	<p>Arrested 5/9/85 at Magee Beach. He paid \$18, was given \$45 time served, and released 5/10/85</p>				<p>CCPD arrest sheet D13747; offense no. 85-0509-113</p>

<p>*Public Intoxication: CH ran into PMI store at Santa Fe and 3rd St. and told the clerk someone had been stabbed. He then ran away, refusing to wait for police. When contacted later at 1200 Santa Fe, CH claimed not to have done this, even after being identified by store clerk. CH later confessed, saying he had “problems thinking”. CH had knife in his possession when arrested.</p>	<p>3/27/86; released same day upon agreeing to pay \$48 fine by 3/28/86.</p>				<p>CCPD arrest sheet no. D26265; Offense no. 86-0327-006</p>
<p>Murder of Dahlia Saucedo, based on new evidence provided by Diana Gomez reporting CH’s admissions to her. Arrested By Sgt. Paul Rivera; Sgt. Eddie Garza; Sgt. Robert DeLaGarza. At the time of this arrest, CH called a “friend”, “Tina Botello” at 887-6830.</p>	<p>Offense, 11/22/79; indicted 07/15/1986, amended 07/24/1986 & 1/30/86; arrested 7/24/86; bond set at \$25,000; remained in jail till released on 12/31/86</p>	<p>Dismissed 12/30/86 on speedy trial grounds after state was unable to produce evidence (audio tape of Botary-Hernandez conversation in 1/80)</p>			<p>CCPD arrest sheet no. D31365; Offense no. 79-1120-021. See Timeline; Cause No. 86001032-B</p>

<p>*Public Intoxication: CH "observed stumbling in the roadway" w/ strong smell of alcohol; extremely disoriented; said "'I'm drunk, so what, I'm trying to find my way home.' ... The subject had several knives in his possession and stated that he carried them because he was protecting himself." Upon arrest, he called Fidela Hernandez, 882-2277. CH was wearing gloves.</p>	<p>1/21/87; Released on 1/22/87 upon promise to pay fine of \$63 by 2/6/87.</p>				<p>CCPD arrest sheet no. D38884; Offense No. 87-0122-004.</p>
<p>*Outstanding MC Warrant # 497657 and Failure to I.D: "observed standing next to a vehicle behind a business in a dark alleyway" at 12:05 a.m.. He said his name was Javier Hernandez, but the woman with him, Crelandana M. Ramon said he was CH. Had a knife in his possession when arrested.</p>	<p>5-5-87; released on 5-6-87 upon agreeing to pay \$135 fine.</p>				<p>CCPD arrest sheet no. 43426; Offense no. 87-0505-142.</p>
<p>*Public intoxication: arrested at concession stand near Vogel Beach – bloodshot eyes, droopy face, slurred speech, staggering; strong odor of alcohol. CH had a knife in his possession at the time of his arrest.</p>	<p>Arrested 7/16/87; released 7-17-87; indicted 7/29/87.</p>	<p>Arrest form reports that charges were dismissed; the later indictment reinstated the charges, but they were dismissed on 4/6/88. Looks like in meantime, CH was returned to prison, perhaps on parole violation. See next entry</p>			<p>CCPD arrest sheet no. D46352. See Timeline; Offense No.: 870716-121. County Court Case: 87105147-5. Disposition: Dismissed.</p>

Threatening an officer at TDOC (prison system)	10/14/87	Convicted, 15 days confinement to cell			See Timeline; TDC Disciplinary Report 536972
+Aggravated Assault of Bernadina Ybañez and parole violation: CH got in an with BY triggered by his jealousy of her dating another man; he pushed her around, pulled open buck knife from back pocket and stabbed her once in the stomach, using his right hand; her 12 and 14 y.o. sons hit Hernandez in the head with a stick and CH fled the scene on foot. Arrested based on BOLO by Sgt. Robert Mayorga (who has assisted in our investigation). He called Cindy (Maxwell) upon arrest, using three numbers: 882-2277, 851-8484, 882-6549 (One of these may be Jon Kelly's number.)	Offense and arrest: 4/15/1989; 4/17 or 22/89 Jon Kelly, Esq. bails out CH	pleads guilty and sentenced to 10 years in TDOC	10/9/89 or 10/23/89; doesn't arrive at TDOC until 3/7/90 (prison records show that this is partly a violation of parole for 1972 robberies/auto theft.	Paroled to Nueces County, 5/23/91, with supervision to continue through 4/5/92 on the 1972 robberies and 10/1/99 on the aggravated assault of B. Ybañez --- not long after he died in prison in 5/99; "highest level" of supervision	CCPD arrest sheet no. D68362; Offense No. 89-107017. Cause no. 89 CR 0957 H
Possession of narcotic drug elavil while incarcerated in TDCJ	4/25/90: CH was charged with marijuana and drug possession; denied former, admitted latter	Unreadable prison punishment imposed			TDCJ record rec'd in email from William on 9/28/05
Unknown; arrested in car with TX tag # 5415VQ	2/29/92				Case No. 92-010728
Arrest - Forfeiture for dealing cocaine or marijuana	3/18/93: UNCLEAR THIS IS "THE" CARLOS HERNANDEZ; court record has no dob or ssn	dismissed 9/15/1995 for want of prosecution.			See Timeline

Public Intoxication: CH making public disturbance, intoxicated, unsteady on his feet; "became very geligerent and hostile towards officers."	11/26/93 [new form; doesn't indicate date of release]				Sheriff's Dep't Filed Arrest Report # F36857; offense # 93071167
Possession of controlled substance, 2d degree: CH shows up at a hotel room where drug bust is taking place, with 24.36 grams in his possession wrapped in a large number of small bags for sale.	3/15/94; released same day on \$3000 bond; 4/22 & 25/94 CCPD closes case and files it with prosecutor to pursue	Never prosecuted; never became a basis for parole violation or even consideration by parole board. [Eddie Garza and Jon Kelly report that CH rec'd special favors from CCPD b/c he "narc'd"			See Timeline. Offense # 94-015719. Booking no. 940315194... ("Poss. Cont. Subst.")
Public Intoxication	Unknown; he was later picked up for failure to appear on this warrant; see below				See Timeline. Booking no. 940428015309. Warrant no. 099671
Traffic violation; intoxication; outstanding unpaid \$355 warrant for prior public intoxication offense (Warrant # 100521? 3 or 099671). Arrested driving a 1977 Buick, license plate MMC 48C	4/28/94 arrested for traffic violation and intoxication; arresting officer discovers outstanding warrant for above offense; released same day. Because no ref. is made to the drug charges above, they must have been dismissed by this point.	"disposition" is given as "Ext 70 PH4 EIUTH J/CAV, 4/28/94," whatever that means.			Nueces County Sheriff's Dep't Field Arrest Report F43360; Offense # 94-025431.
Parole Violation: details unknown; could relate to heroin possession above.					Booking No. 940914164028 (charge is "PI" – parole infraction?)

Unknown: may be for "Failure to ??"	8/18/94?				See Timeline: Booking No. 940914164958 (charge is unknown). See rap sheet in 8/17/05 batch 9we only have Page 3), referring to 8/18/94 arrest, case # 94-050986
Public Intoxication (Alcohol): "Contacted the above subject staggering in the parking lot at Staples and Mary . . . strong odor of alcohol about the subject's breath and person . . . severely intoxicated and a danger to himself left alone with his vehicle in his intoxicated condition." He was driving a '77 Buick, LP# CMM-48C	9/14/94, 4:05 p.m.: same day he was released from jail for the parole violation offense 2 entries above: evidently he went straight from jail to the bar and got drunk.				Nueces County Sheriff's Dep't Consolidated Field Arrest Report # F48855; Offense no. 94-057102
Assault causing bodily injury; parole violations for violation of Rule #2 assault and Rule #5 possession of prohibited or illegal weapon, at i.e., "a 9-10" concealed knife"; "Hernandez was drunk"; attacked Little John Winfield with "a razor knife . . . and a 9'-10' fillet knife" that CH had concealed in his waistband "in the back of his pants."	1/11/96 or 1/12/96; bond set at \$500; released 1/13/96; parole revocation proceedings begun, 2/22/96	Prosecution declines to prosecute for assault. On parole violation, parole was revoked, 9/20/96	9/20/96 -- - returned to TDOC on 10/14/96		See Timeline. Case # 96-002681. Arrest no. 074204

Public intoxication; parole violations: "This subject was standing on the middle of the street daring two men that were across the street, to fight... He smelled very strong of some type of alcoholic beverage.	5/25/96: arrested by Officer R. H. Vergara (CCPD #166). Bond originally set at \$200 but then denied because of parole violation warrant and was in jail through 9/20/96.	On public intoxication, sentenced to "time served." On parole violation, parole revoked, 9/20/96	9/20/96 -- - returned to TDOC on 10/14/96		See Timeline
	5/6/99 Died of cirrhosis of the liver				