



Benton County : 2 appeal verdicts for killing in Lowell

BY MICHELLE BRADFORD

Posted on Wednesday, October 22, 2008

URL: <http://www.nwanews.com/adg/News/241006/>

BENTONVILLE — Two Benton County men serving life sentences for the fatal shooting of a Little Flock man in 2006 are petitioning for new trials. Manual Camacho and Serafin Sandoval-Vega filed petitions in circuit court claiming their defense attorneys were ineffective. Camacho, 27, and Sandoval-Vega, 21, pleaded guilty in July to being accomplices to capital murder. They were convicted in the May 6, 2006, slaying of Daniel Ray Francis, a father of four who was shot while riding in a friend's car on U. S. 71 Business in Lowell.

In the petitions filed last week, Camacho and Sandoval-Vega claim they were coerced into pleading guilty and that their attorneys didn't have key evidence tested or interview witnesses thoroughly.

They said they were denied Spanish translators and that their attorneys used "tactics" to get them to plead guilty.

Camacho said one of his attorneys, Tim Buckley of Fayetteville, told him that Benton County jurors didn't care about the facts of the case and only wanted to "punish Mexicans and gangs," according to the petition.

"That's not what I said," Buckley said Tuesday. "I told him the fact that he was an illegal Mexican national was going to play a big role with the jury. It is what it is."

Camacho and Sandoval-Vega took plea bargains during jury selection July 11 in order to avoid the possibility of the death penalty.

Attorneys had trouble finding jurors who didn't believe the men were guilty or who weren't predisposed by publicity after the shooting.

Prosecutors said Francis' murder may have been a gang initiation, and that Sandoval-Vega fired from the back seat while being encouraged by the driver, Camacho.

Francis' friend, Tracy Stith, told police that he and Francis had been in a roadway dispute with strangers in a Honda Civic who fired a gun at them at a traffic light.

Camacho and Sandoval-Vega, however, had a different story in their petitions. They

said Stith and Francis “provoked us to participate in a car race” and pulled a gun on them first.

“That’s an absolute lie,” Prosecuting Attorney Van Stone said Tuesday. “Both defendants gave statements at the time of their arrest, and neither of them expressed anything like that.”

Stone’s office has replied to Camacho’s petition of Oct. 9, saying he didn’t meet the requirement of filing within 90 days of his sentence. The office hasn’t yet responded to Sandoval-Vega’s petition, also filed Oct. 9.

“Even if [Camacho] did file on time, we’ve provided the judge with transcripts in the case that show both defendants were completely satisfied with their attorneys,” Stone said.

Judge Tom Keith, who presided over the case, will decide whether to grant the petitions.

Brian R. Gallini, an assistant professor at the University of Arkansas at Fayetteville School of Law, said the petitions seek relief under Rule 37 of the Arkansas Rules of Criminal Procedure.

Such petitions must be confined to issues the defendant previously raised, said Gallini, who is not involved in the cases of Camacho or Sandoval-Vega.

If the judge decides a petitioner is entitled to relief, he can set aside the original sentence, re-sentence the petitioner or grant a new trial.

Gallini said it’s unusual for defendants to prevail on the petitions.

Copyright © 2001-2008 Arkansas Democrat-Gazette, Inc. All rights reserved.
Contact: webmaster@nwanews.com