

Municipal Court Complaint

Complaint #DM31425 { } Case# 06-002495

In the name and by the authority of the State of Texas;

I, MARIO ALVIDRES, do solemnly swear that I have good reason to believe, and do believe and charge, there heretofore, on or before the 7th day of March A.D., 2007, in the County of Hidalgo and State of Texas: ERNESTO ESPINOZA HUERTA (D.O.B. 11/07/1984)

Hereinafter called Defendant then and there intentionally cause the death of an individual, namely, ROBERT GONZALEZ, by shooting him with a shotgun, and the defendant was then and there in the course of committing or attempting to commit the offense of robbery of ROBERT GONZALEZ.

Elements:

Capital Murder While In The Course of a Felony, Texas Penal Code - Section 19.03 Capital Felony

1. Person, county and date
2. Intentionally or knowingly
3. Causes the death of an individual
4. By shooting victim with a shotgun (slug), while in the course of committing or attempting to commit robbery.

Probable Cause:

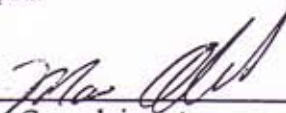
On 3/07/2006 at about 11:49p. m. Sergeant George Novelo, officer Leofredo Pena and officer Esmeralda Estrada responded to 908 Huerta Street in reference to a home invasion. Sergeant Novelo arrived observing the residence front door to be damaged and made contact with complainant identified as Armando Gonzalez, who was covered with blood. Armando Gonzalez had head injuries and advised Sergeant Novelo that his brother Robert Gonzalez had been shot. Sergeant Novelo entered the residence observing victim Robert Gonzalez inside the master bed room laying on the floor covered with a blanket and was being assisted by three females. Sergeant Novelo made contact with Robert Gonzalez, who had a gun shot on the right side of the stomach area and stated, "they shot me, there was five guys and one of them shot me". Robert Gonzalez was transported to the hospital where he later died.

On 3/30/2007 we were contacted by, the Hidalgo County Sheriff's Department advising us that they had a witness to our murder; and asked for us to meet with them in their office the following week.


On 4/03/2007 I proceed to the Hidalgo Sheriff's Department and made contact with Investigator Dusty Vaughn, who advised me that he was handling another home invasion involving several subjects. Investigator Vaughn indicated that one of the subjects by the name of Juan Jesus Mercado (D.O.B. 4/30/1984) had provided information indicating that he, Tomas Quintero Rivera AKA-"Chivo" (D.O.B. 4/30/1978) and some other guys did a home invasion in the City of Donna. Investigator Vaughn indicated that Mercado took them to 908 Huerta in Donna indicating that they went into the house looking for drugs and money. Mercado also advised him that "Chivo" started hitting the victim on the head with a sawed off shotgun. Mercado also advised Investigator Vaughn that the victim seemed that he had been previously shot since he had a white bandage on the front of his chest and a white bandage on the back. Mercado advised Investigator Vaughn that "Chivo" shot the victim with a slug because he did not want to give any information about the location of the drugs and the money.

On 4/09/2007 witness Armando Gonzalez came to the Donna Police Department and was provided with a series of photo line ups where he positively identified one of the suspects by writing his initials, date and time next to Ernesto Espinoza Huerta (D.O.B. 11/07/1984). Witness indicated that he remembers the suspect because he was the first one into his room and he was not wearing a bandana over his face. Witness also indicated that he got to see him for a couple of seconds to his face because they were aiming guns at each other, until he decided to drop his weapon.

Against the peace & dignity of the State:

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Complainant

Sworn to & Subscribed before me, this 11th day of April 2007.


Municipal Court Judge
Javier F. Garza
Donna, Texas

