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## Jury set to decide Sinclair trial

Defense rests after Sinclair takes stand

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CORSICANA - Tommy Sinclair testified Monday afternoon that he believed that Fernando Ramirez was going to hurt someone, so he got his whip or shambuck and confronted the man, striking him once in the chest.

The defense rested in the case at 4:15 p.m. Monday, and closing arguments are scheduled to begin Tuesday morning in 13th District Court to determine if Sinclair is guilty of manslaughter, aggravated assault, and aggravated assault with a deadly weapon in the death of Ramirez following an incident on Oct. 1, 2008 at Sinclair's Wispers Cabaret in Mustang.

Using the club's video of that night defense attorney Toby Shook led Sinclair through the actions of both parties on that night.

Sinclair said that Ramirez came in with two friends, they brought in some beer with them, and Ramirez eventually went into the VIP room with one of the dancers for a private dance. The dancer eventually came out saying she was through with the customer and that he tried to have sex with her. Sinclair said Ramirez then demanded his money back, and then threw something across the bar and struck Sinclair.

After that, Sinclair said he went and got his shambuck and went to confront Ramirez near the front door.

"I knew I was in trouble and immediately started for the whip, the shambuck," Sinclair testified. "I knew I had to defend myself and my only means of protection was my shambuck, so I headed for that immediately."

Although it's not on video, Sinclair said Ramirez collided with him twice before disc jockey Jeff Ballew grabbed Ramirez, pulling him to the ground from behind.

Sinclair said he struck Ramirez on the chest once with the whip, although initially he said he thought he hit the unruly customer on the shoulder.

"But I saw the autopsy photos," Sinclair said.

The autopsy photos revealed a long bruise in the center of Ramirez's chest.

Under cross-examination by Assistant District Attorney Will Thompson, Sinclair said he was acting out of instinct in confronting Ramirez.

Thompson asked why Sinclair hadn't asked for help from the customers or other employees.

"You could have done that, but you decided not to do that, you decided to go out and confront Mr. Ramirez alone," Thompson said.

"It was a split-second decision, what I did," Sinclair said. "I was acting on instinct."

Earlier in the day, jurors heard from the widow of Fernando Ramirez.

Maria Eva Ramirez testified Monday that her husband did not have a drinking problem and was not a violent man. She also said her husband told her that he was working late the night he and two co-workers visited Wispers Cabaret. She testified she was surprised that her husband was at a place like Wispers.

Ramirez also admitted she was a part of a civil suit filed in the death of her husband, seeking financial support for their three children.

Prosecutors rested their case following her testimony, and Judge James Lagomarsino denied a defense motion for a directed verdict of "Not Guilty" made by defense attorney Toby Shook.

Shook began the defense's case with an appearance by Hailey Cagle, who said she was a friend of Jeff Price, a man in the club at the time of the attack. She said Price asked her to pick him up from the club since he had been drinking.

Cagle testified she saw the victim sitting up in the parking lot when she arrived, and that he had blood on his lip. She said she came back out and saw Ramirez laying down, and returned to the club to ask Jeff (Price) and the bouncer (Billy Haven) to check on him, while she got a glass of water for the victim.

She said when Ramirez's friends were trying to put him in a pickup truck she heard a "thud," then saw the victim laying with his head against the truck. She said she told Ramirez's friends they should take him to a hospital, and told them not to lay him down since he was bleeding from his mouth.

Under cross examination, she was reminded of her statement to investigators the day after Ramirez's death that she had also seen blood on the victim's head. Cagle said it had been three years since the incident.

Also testifying Monday morning were two bar patrons the night of the Ramirez death.

Jason Gullatt testified he saw Ramirez take a swing at Sinclair during an altercation between the two, then saw the victim laying on the floor in a hallway before being drug out of the club by "bouncers" — individuals he identified as Billy Haven and Rowdy Carpenter — as he tried to leave the club. He said he was told he had to stay since "it was a crime scene."

Under cross examination by prosecutors, Gullatt was asked if he actually saw the victim hit Sinclair, or just swing at him. He replied that Ramirez swung at Sinclair, like he had struck him, and also testified that three years had passed since the event as he tried to recall what had happened.

Price testified he was sitting at the bar with Brian Butler when his attention was drawn to the door of the club when the crowd inside the bar rushed the area. However, prosecutor Thompson played a video tape from the night showing that Price was not sitting at the bar when the incident occurred, rather had come from another area of the club. He said he saw Carpenter and Haven grab the victim's feet and that "two other people" took the victim's arms in an attempt to carry him out of the club, but that his arms and head were dropped by the other two individuals, who he could not identify.



Daily Sun FILE photo/Janet Jacobs  
Tommy Sinclair meets with his defense attorney, Toby Shook, at the Navarro County Courthouse. Sinclair has been charged in with manslaughter and aggravated assault stemming from a bar fight in 2008 in which a Houston man died.