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Sinclair: one year, \$4K fine for assault **(<http://corsicanadailysun.com/news/x1990854730/Sinclair-one-year-4K-fine-for-assault>)**

Maximum sentence on conviction, will appeal

By Bob Belcher

Corsicana Daily Sun (<http://corsicanadailysun.com>)

Corsicana — The eight day trial of Tommy Sinclair of Mustang ended Wednesday with a jury finding him guilty of assault, and sentencing him to a year in jail.

Sinclair was charged with manslaughter, aggravated assault, and aggravated assault with a deadly weapon in the 2008 death of pipeline worker Fernando Ramirez following an altercation at Sinclair's Wispers Cabaret in Mustang. The jury found Sinclair guilty of only misdemeanor assault, a "lesser included offense" in the case.

Jurors deliberated from 3:45 p.m. to 11 p.m. Tuesday, and returned to the courtroom at 9 a.m. Wednesday to resume talks. After a lunch break and time for a review of a transcription of testimony from the medical examiner in the case, jurors returned their guilty verdict on the assault charge at 2:25 p.m. Wednesday.

The sentencing phase of the trial began an hour later, and jurors returned their sentence — the maximum allowed under the law for Class A assault — at 4:30 p.m.

Toby Shook, attorney for Sinclair, immediately filed notice of appeal, and Judge James Lagomarsino ruled Sinclair will remain free on two existing bonds totaling \$75,000 from his previous indictment pending the appeal process.

Ramirez was pronounced dead at a Fairfield Hospital as a result of blunt force trauma, according to testimony from the medical examiner. He and two co-workers had visited the Mustang cabaret earlier in the evening of Oct. 1, 2008, and Ramirez had an altercation with Sinclair over a dispute about money paid to an exotic dancer at the club. The club's DJ, Jeff Ballew, "horse collared" Ramirez, sending him to the ground, where Sinclair struck him with a whip-like instrument. Ramirez died later that night after friends loaded him in a pickup truck to take him to a Fairfield Hospital. Ballew was sentenced to 10 years probation in exchange for his testimony in the Sinclair case.

In testimony from the sentencing phase Wednesday, Valerie Ramirez, daughter of the victim, talked of how she and her siblings missed their father, and how they enjoyed spending time with him going to movies, shopping, and visiting arcades. She spoke of how her mother had changed since Ramirez's death in 2008, and how the life of the family has changed.

Prosecutor Will Thompson told jurors in his closing argument Sinclair took it upon himself to "teach that guy a lesson," and that Sinclair had not taken responsibility for his actions. He said evidence in the case did not support Sinclair's claim of self-defense, and that Sinclair did not deserve compassion.

Sinclair took the stand in the punishment phase, saying "his heart goes out to the (Ramirez) family," and hoped that "God would give you strength to survive."

Then, becoming emotional, he said "I feel sorry for you, really I do."

Following the sentencing, Shook said even with the guilty verdict on the assault charge, he was pleased with the jury's decision.

"We're very grateful that the jury found him not guilty ... of the felonies," Shook said.

"It's one of those cases where there aren't any winners, obviously," he said. "No one is going to be happy with the verdict, but we're very gratified that they saw that the felony was not the proper charge."

With an appeal pending on the assault conviction, Sinclair declined any comment following the verdicts as he was led out of the courtroom by family members.

Navarro County District Attorney R. Lowell Thompson said he respected what the jury came back with.

"We brought the citizens in as a jury, and they made their verdict, so we respect that."

He said the Ramirez family was consulted on the plea deal made with Ballew to testify in the Sinclair trial. He said the family members he has spoken with were glad that the trial was over, and that Sinclair was convicted of assault.

"But they're going to be disappointed no matter what happened because they lost their father, their loved one ... I don't know that you can be ever be 'happy' no matter what the result is in this."

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