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Victim was grabby, dancer testifies

Sinclair manslaughter trial begins at courthouse

By Janet Jacobs
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Corsicana — Self defense is the claim of Mustang club owner Tommy Sinclair, who entered a plea of "not guilty" in the first day of his trial on manslaughter, aggravated assault, and aggravated assault with a deadly weapon.

The charges stem from the death of a customer following a night of drinking at Sinclair's "Wispers Cabaret" on Oct. 1, 2008.

Toby Shook, lead defense attorney for Sinclair, said his client was "defending himself and others" from Fernando Ramirez, who he said was "highly intoxicated" and attacked Sinclair after a disagreement over a dance with one of the entertainers at the club. Ramirez was pronounced dead at a Fairfield hospital following the visit to the club.

Ramirez was "handsy" and exposed himself to Deborah "Destiny" Bolton, an exotic dancer who testified Tuesday at the trial in 13th District Court in Navarro County.

According to Bolton's testimony, Ramirez came into the cabaret and tipped her, then she went over to the table he was sharing with two other men. She asked if he wanted a private dance, and after she told him the prices, he paid for four dances and they went into a private room called the "VIP room."

After two dances, during which she said he was grabbing at her, Ramirez took a break and went to the bathroom. At that time, Bolton said she went out and spoke to Sinclair, who was manning the register.

"I said 'keep an eye on the Mexican because he was grabby and handsy,'" Bolton testified.

At the end of the third song, Bolton said she turned around and found Ramirez was exposing himself. She then tried to leave, she testified, and Ramirez grabbed her and said she was going to have sex with him whether she wanted to or not.

Bolton testified that she pushed him off, left the room and told Sinclair what Ramirez had attempted.

Her testimony Tuesday was different from the statement she gave to officers the day that Ramirez died, however, differences that became evident under questioning by Assistant District Attorney Andrew Wolf.

In her statement, Bolton said she finished all four dances, thanked Ramirez, and then he grabbed her.

Bolton is a 6-foot-tall brunette, who said she stands 6 foot in bare feet, and 6 foot 6 inches to 6 foot 8 inches tall in her heels. The top of Ramirez's head came up to about her chin, she said.

Girls who dance at Wispers don't have sex with the customers in the VIP lounge, having been told by Sinclair that they would be charged with prostitution if they did, Bolton testified.

Bolton was the fifth witness to testify Tuesday, following on the heels of the Travis Updegraff, an emergency medical responder with the Corsicana Fire Department; Gregorio Aguilar and Ivan Velasquez, co-workers of Ramirez's who accompanied him to Wispers that night; and Keith Lewis, a deputy with the Navarro County Sheriff's Office, who followed Ramirez in the ambulance to the Fairfield hospital and was in the room when Ramirez was declared dead.

According to testimony from Aguilar and Velasquez, the men had ended their day of work around 4 p.m. and began drinking beer. Velasquez testified that he drank 14 beers, but he wasn't sure how many Ramirez had consumed. After leaving the job site, they went to Velasquez's trailer, then to Wispers around 10:30 or 11 p.m. They were there about an hour before the night ended in disaster for Ramirez.

Aguilar testified that after Ramirez was thrown out of the club and was lying unconscious in the parking lot that he and Velasquez picked up their friend and put him in the pickup and headed south on Interstate 45.

Velasquez said that Ramirez was unconscious and bleeding from a cut in his top lip and from an injury to the back of his head. Around the county line, they called 9-1-1. The dispatcher told them to pull over and wait for the ambulance.

Responder Updegraff testified that they got Ramirez out of the pickup and into the ambulance, began doing emergency resuscitation, and giving him intravenous fluids before they arrived at the hospital. Ramirez was not breathing and did not have a pulse when Updegraff first examined him in the pickup, the EMT testified.

Lewis's account agreed with Updegraff's in that he said Ramirez was not responsive.

"He was like a sack of rocks," Lewis testified.

Lewis followed Ramirez into the emergency room and then took possession of the dead man's clothing, which he turned over to the evidence room. Lewis said he found out Ramirez's name by calling numbers in the victim's cell phone. He said he never found Ramirez's identification.

On Tuesday after the jury and judge had left the courtroom, as prosecutors were bagging up Ramirez's clothing, which had been introduced into evidence, they found Ramirez's wallet in the breast pocket of his khaki work shirt, along with \$400 in cash and three lime-green "Beaver Bucks," the coupons used at Wispers redeemable for dances.

Testimony is scheduled to resume at 9 a.m. Wednesday.

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