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'Castle law' case may be revived

New details sought in deaths of 2 who had feud with father, son

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Dallas police say they hope to find new evidence that would persuade prosecutors to continue pursuing capital murder charges against a father and son even though a Dallas County grand jury has already decided not to indict the men.

Prosecutors say the case fits under the 2-year-old castle law and without any new information, they say they don't plan to take it back to a grand jury. The law gives property owners the right to use deadly force to defend themselves without trying to retreat first against a person they reasonably believe is committing or attempting to commit certain crimes.

John David Alardin and his son, **John David Reza Jr.**, shot and killed Mario Garcia and Rafael Pacheco on July 29 after a yearlong dispute that began when someone shot at Reza's car. **Alardin** and Reza believed the culprits were Garcia and Pacheco, who were killed as they approached the father and son's house in Far East Dallas.

"We didn't anticipate that," Dallas police homicide Sgt. Ray Beaudreault said. "That really never crossed my mind that the castle law here would be a problem ... The actions were so aggressive and the threats weren't present because the victims had no weapons."

Toby Shook, the defense attorney for **Alardin** and Reza, called the slayings a "clear-cut case" of self-defense and said his clients feared for their lives. **Alardin**, 39, and Reza, 20, could not be reached for comment.

"They are making threats. They won't leave," Shook said of Garcia, Pacheco and another man who was not injured. "The law is pretty clear. You have to look at it from the shooter's standpoint and what a reasonable person would do. A reasonable person would think their lives were in danger."

Beaudreault said he thought the evidence supported investigators' belief that the slayings were intentional criminal acts, not self-defense. But, he said, the original case detective is combing through the evidence again in an effort to discover something fresh for prosecutors.

It is not unusual for prosecutors to take a case back to a grand jury if new evidence is found. "We're going to cast an eye on it, see if we missed something here that we could bring the district attorney to get a different outcome, a new piece of evidence that wasn't presented the first time," the sergeant said. "If more evidence is what they want then we're gonna try to do our best to find that piece of evidence that we overlooked."

The shooting wasn't the first skirmish that day between the men, police said. Beaudreault said there were at least two incidents earlier on the day of the shooting. One or both of the dead men may have thrown an object, possibly a brick, through a car window at the father and son's house.

That same day, the son reported that he was chased by a group of people to his house. Those who chased him could not be positively identified. He and his mother came outside with guns, fired into the ground and the group fled, police said.

Finally, before 10 p.m. Garcia, Pacheco and the third man parked their car and walked toward the father and son's home in the 2700 block of Andrea Lane.

Alardin and Reza were armed with a shotgun and an assault rifle and started firing, according to police.

Shook said **Alardin** and Reza fired several warning shots before they fired at the men.

When the shooting stopped, Pacheco, 21, was dead with a gunshot wound to his head. A cigarette still burned between his fingers, police said.

Garcia, 23, died at the hospital. He was shot with both guns. Police believe one wound in his back was inflicted as Garcia lay on the ground. The third man, who could not be reached for comment, got away uninjured.

Homicide detectives found 21 shell casings leading from the front door to the outer property line, which police say indicated that the shooters advanced as they fired. Some of the shell casings would also be from the warning shots that Shook said the men fired.

The victims were not armed and did not step onto the father and son's property, though they got close, police said.

The grand jury did indict **Alardin** for being a felon in possession of a firearm, which is punishable by two to 10 years in prison. He has prior convictions for burglary, court records show.

Dallas County records don't show any violent criminal charges for any of the four men.

Kevin Brooks, the felony trial bureau chief at the DA's office, said the castle law can apply "if these people had a reasonable belief their life was in danger." Brooks cited "the intrusion by the victims" and "their role in this" as factors in the case.

Brooks said the castle law - which he said is really self-defense - has "so many variables," such as the history between people, that apply in instances like this. In some cases, he said, that history and the threat of violence allows someone to act first.

That's not much solace for Garcia's wife. Jessica Vargas said the frustrating outcome of the case has her reconsidering her plans to go to law school.

"If something happens, go to the law, and when you go to the law, they failed us," she said. "I don't know what kind of people in their right mind would say that's self-defense."

Brooks said that the castle law can apply in situations like this shooting, but he cautioned that it's not an automatic defense for shooting someone.

"We need to make sure the message doesn't get out to the public that they have carte blanche to shoot someone on their property," Brooks said.

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PHOTO(S): MARIO GARCIA, shot with both guns, died at the hospital.

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