

**BURN BAN IN
EFFECT, NO
GROUND FIRES**

by order of Presidio County

**Presidio to
receive
record-breaking
green
infrastructure
grant**

By SAM KARAS
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PRESIDIO — On Tuesday, the City of Presidio and the Big Bend Conservation Alliance (BBCA) announced that they had been awarded \$12.7 million by the federal government toward supporting green infrastructure. The grant is the largest ever awarded to a nonprofit in the region and will support a variety of ecological goals in the tiny border city.

“Everything’s Connected in Presidio,” the team’s successful pitch, tackles a wide web of issues: ensuring that folks across town can all enjoy cooling tree cover; building detention ponds to corral floodwater; establishing a solar-powered emergency community “cooling center” for hot-weather months; and monitoring air pollution at the Presidio International Bridge.

Ramon Rodriguez, founder of Project Homeleaf, helped lead the grant application. As part of his long history of local youth-led climate activism, he’s always been interested in planting trees and changing the literal landscape of the city to keep people happier and healthier. “It’s something that the entire community of Presidio will be working on together,” he said.

The most immediately-visible aspect of the project will be the creation of a greenbelt providing shade along the existing network of bike and walking paths in town. Thousands of trees will be planted along this corridor, as well as at private homes and on publicly-owned properties. Other native plants will also be cultivated along the greenbelt to promote biodiversity and community education projects.

Another long-term goal is creating a community cooling center to be used in times of extreme heat. This initiative — which will utilize the existing Presidio Activities Center building — will install solar panels and a battery backup so that local residents can use it as a shelter in case the power goes out during extreme heat.

Perhaps the most revolutionary aspect of “Everything’s Connected” is the creation of an air quality-monitoring program at the Presidio International Bridge. Earlier this year, BBKA conducted an air quality survey, asking local residents their thoughts about the impact of long lines of idling cars at the bridge.

The team discovered that many folks had no idea how to recognize or mitigate harmful air quality. This piece of the grant will require bi-national cooperation with local leaders on the Mexican side of the bridge, and will engage high school students to monitor and maintain sensors.

Rodriguez and the team were concerned that this might be the time to get ahead of a problem for a city that they hope rapidly grows its back-and-forth border economy. “Presidio is overlooked, but with all these little puzzle pieces moving around, we could see a real boom,” he said.



Photo by Hannah Gentiles / Foto de Hannah Gentiles

The Santa Teresa de Jesus “COOL Kids Choir” (Christ Our Only Lord) livens the Christmas spirit at the annual posada Saturday at Fort Leaton in Presidio.
El “COOL Kids Choir” de Santa Teresa de Jesús (Cristo Nuestro Único Señor) aviva el espíritu navideño en la posada anual del sábado en Fort Leaton en Presidio.

**Carolina Catano appointed
Presidio County clerk**

By SAM KARAS
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MARFA — On Monday, the Presidio County Commissioners Court tapped current Deputy Clerk Carolina Catano to take over the office of clerk in the new year. Catano — who has served under current County Clerk Florcita Zubia since 2021 — will take the department’s top spot on January 1 when Zubia assumes office upstairs as the new county treasurer.

Zubia also currently fills the role as district clerk and elections administrator, and Catano will serve in those capacities as well. While it’s relatively rare for one person to serve as all three, some smaller counties — including Presidio — have opted for this arrangement as a streamlining and cost-cutting measure.

Monday’s announcement was part of a wave of changes coming to the courthouse after the holiday season. In November, current County Treasurer Frances Garcia announced her retirement from her post, effective at the end of the year.

There was some disagreement among county officials about how best to handle Garcia’s vacancy, with the judge and one commissioner split

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**Brite Ranch interim
trustee filed criminal
trespassing complaints
against Jim White’s family**

**Combs blocked access to ranch, leaving several horses in
danger and one euthanized**

By ROB D’AMICO
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PRESIDIO COUNTY — A December 9 hearing in the lawsuit over the historic Brite Ranch brought to light one of the more contentious episodes in the six years of legal battles among siblings over the ranch. The court heard testimony that an interim trustee managing the ranch — Susan Combs — filed a criminal complaint with the Presidio County Sheriffs Office and in court for trespassing against James “Jim” White III and his entire family, including his son Cuatro. Combs also claimed that they had taken property “illegally” from the ranch.

Combs then blocked their access to the ranch, allegedly leading to the neglect of several horses and to the euthanization of one, according to legal documents obtained by *The Big Bend Sentinel*.

In 2018, Jim’s siblings — Mac, Beau and Hester Ann White — filed a lawsuit claiming Jim, living on and running the ranch, was not fairly distributing revenue to them from their family trust and sought his removal as trustee. A trial in the summer of 2023 ended with a court order removing

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**Carolina Cataño designada
secretaria del condado
de Presidio**

Por SAM KARAS
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MARFA — El lunes, el Tribunal de Comisionados del Condado de Presidio designó a la actual secretaria adjunta Carolina Cataño para que se haga cargo del cargo de secretaria en el nuevo año. Catano, que ha trabajado bajo la actual secretaria del condado Florcita Zubia desde 2021, asumirá el puesto más alto del departamento el 1 de enero cuando Zubia asuma el cargo en el piso superior como nueva tesorera del condado.

Zubia también ocupa actualmente el puesto de secretaria de distrito y administradora de elecciones, y Catano también desempeñará esas funciones. Si bien es relativamente raro que una persona se desempeñe en las tres funciones, algunos condados más pequeños, incluido Presidio, han optado por este arreglo como una medida de racionalización y reducción de costos.

El anuncio del lunes fue parte de una ola de cambios que llegarán al tribunal después de la temporada navideña. En noviembre, la actual tesorera del condado, Frances García, anunció su retiro de su puesto, que entrará en vigencia a fines de año.

(Continúa en la página 3)

**El síndico interino de
Brite Ranch presentó
denuncias penales por
allanamiento contra la
familia de Jim White**

**Combs bloqueó el acceso al rancho, dejó a varios caballos
en peligro y uno fue sacrificado**

Por ROB D’AMICO
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CONDADO DE PRESIDIO — Una audiencia del 9 de diciembre en la demanda sobre el histórico Brite Ranch sacó a la luz uno de los momentos más polémicos en los seis años de batallas legales entre hermanos por el rancho. El tribunal escuchó el testimonio de que una fiduciaria interina que administra el rancho, Susan Combs, presentó una denuncia penal ante la Oficina del Sheriff del Condado de Presidio por allanamiento contra James White III (Jim) y su hijo Cuatro y una presentación legal adicional acusándolos de robo. Además, Combs bloqueó su acceso al rancho, lo que provocó que varios caballos quedaran sin los cuidados adecuados y que uno fuera sacrificado, según documentos legales obtenidos por *The Big Bend Sentinel*.

En 2018, los hermanos de Jim (Mac, Beau y Hester Ann White) presentaron una demanda alegando que Jim, que vivía en el rancho y lo

(Continúa en la página 3)

**El Ayuntamiento
de Presidio
recibirá una
subvención
récord para
infraestructura
verde**

Por SAM KARAS
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PRESIDIO — El martes, el Ayuntamiento de Presidio y el Big Bend Conservation Alliance (BBKA) anunciaron que el gobierno federal les había otorgado \$12,7 millones para apoyar la infraestructura verde. La subvención es la más grande jamás otorgada a una organización sin fines de lucro en la región y respaldará una variedad de objetivos ecológicos en la pequeña ciudad fronteriza.

“Everything’s Connected in Presidio”, la exitosa propuesta del equipo, aborda una amplia red de problemas: garantizar que la gente de toda la ciudad pueda disfrutar de una cubierta de árboles refrescante; construir estanques de retención para contener las aguas de las inundaciones; establecer un “centro de enfriamiento” comunitario de emergencia alimentado con energía solar para los meses de clima cálido; y monitorear la contaminación del aire en el Puente Internacional de Presidio.

Ramon Rodriguez, fundador de Project Homeleaf, ayudó a liderar la solicitud de subvención. Como parte de su larga trayectoria de activismo climático liderado por jóvenes locales, siempre ha estado interesado en plantar árboles y cambiar el paisaje literal de la ciudad para mantener a la gente más feliz y saludable. “Es algo en lo que toda la comunidad de Presidio trabajará en conjunto”, dijo.

El aspecto más visible de inmediato del proyecto será la creación de un cinturón verde que proporcione sombra a lo largo de la red existente de senderos para bicicletas y caminatas en la ciudad. Se plantarán miles de árboles a lo largo de este corredor, así como en casas particulares y en propiedades públicas. También se cultivarán otras plantas nativas a lo largo del cinturón verde para promover la biodiversidad y los proyectos de educación comunitaria.

Otro objetivo a largo plazo es crear un centro de enfriamiento comunitario que se utilizará en épocas de calor extremo. Esta iniciativa, que utilizará el edificio existente del Centro de Actividades de Presidio, instalará paneles solares y una batería de respaldo para que los residentes locales puedan usarlo como refugio en caso de que se corte la energía durante el calor extremo.

Tal vez el aspecto más revolucionario de “Todo está conectado” es la creación de un programa de monitoreo de la calidad del aire en el Puente Internacional Presidio. A principios de este año, BBKA realizó una encuesta sobre la calidad del aire, preguntando a los residentes locales qué pensaban sobre el impacto de las largas filas de autos parados en el puente.

El equipo descubrió que muchas personas no tenían idea de cómo reconocer o mitigar la calidad dañina del aire. Esta parte de la subvención requerirá la cooperación binacional con los líderes locales del lado mexicano del puente, y comprometerá a los estudiantes de secundaria para monitorear y mantener los sensores.

A Rodríguez y al equipo les preocupaba que este pudiera ser el momento de adelantarse a un problema para una ciudad que esperan que haga crecer rápidamente su economía fronteriza. “Presidio está pasado por alto, pero con todas estas pequeñas piezas del rompecabezas moviéndose, podríamos ver un verdadero auge”, dijo.

New Presidio County clerk

(Continued from page 1)

with the rest of the court on whether to hire Zubia, who was enthusiastic about the role — or an outside candidate with a background in banking. Three of the four commissioners stood firm, however, and Zubia came out on top.

Zubia said that she felt confident that her skills as clerk would successfully translate into a department she’s worked closely with for years, and that she was looking forward to continuing to serve the county while

having more streamlined hours to be able to spend time with her kids. “And I’m super, super excited to learn something new,” she said.

Come January, Zubia is confident that the clerk’s office will be in good hands. “She’s great with the public, great with the office work,” she said of Catano. “She’s a pro.”

Brite Ranch

(Continued from page 1)

Jim as trustee managing the ranch, and on September 3, 2023, the court appointed an interim trustee — Combs — to handle financial management, such as paying bills and distributing revenue to the trustees. Jim, Cuatro and Raphael, Jim’s daughter, objected to Combs’ appointment by District Judge Rex Emerson because they alleged Combs was a close friend of Beau’s wife, the late Kathleen Harnett White.

The Brite Ranch is estimated to be worth at least \$60 million, but court records show the legal squabbles also center around differences in ideas about how to preserve or profit from the land. The ranch, nestled in the heart of western Presidio County north of Capote Peak, played an important role in the county’s history. Lucas Brite settled the land in 1885 and eventually established a 125,000-acre, thriving Highland Hereford cattle ranch. The ranch headquarters became a town of sorts with a store, post office and school. Jim, who grew up on the ranch and returned to it in the early 1970s after college, eventually took on the role of maintaining the property, while Mac and Hester Ann went to Marfa, and Beau eventually moved to Bastrop. Jim’s family has spoken openly about the desire to preserve the ranch, while Beau and Mac have indicated a desire to sell it.

After Combs was appointed interim trustee, it didn’t take long for a conflict to brew as Beau and Mac alleged that Jim and Cuatro and their families were taking property off the ranch home that was owned by the original Jane White Trust, according to court testimony and filings. The judge had given Jim 30 days to vacate his residence at the ranch, and Jim claimed the property was his, given to him over decades by his parents and from him living on the property for more than 50 years.

Testifying in the hearing on December 9, Combs said she had installed security cameras at the ranch gate that showed furniture and other items being hauled off on trailers, and after visiting the ranch headquarters and finding it almost empty, she filed a handwritten report with the Presidio County Sheriff’s Office on October 14, 2023, and had criminal trespass warnings served to Jim, Cuatro and Raphael and other family members. The Sheriff’s Office documents show they were given a warning to stay off the ranch or face a possible arrest on a Class C to Class A criminal trespassing misdemeanor, punishable by fines and up to 180 days in jail. The warnings were signed by Susan Combs.

Combs then enjoined herself in a motion filed by Mac and Beau claiming Jim and Cuatro were in contempt of court for not following court orders to stay off the ranch unless they had permission from Combs’ attorney to be there, according to court records. The contempt motion ended with a “prayer” asking the judge for relief of a “\$500 fine and a commitment to Presidio County jail not to exceed 18 months” for Jim and Cuatro.

Combs, testifying remotely at the hearing, said it was never her intention to seek criminal penalties. “That was a remedy that [Mac and Beau] sought, not that I sought,” she said. “I did not at any point want for Jim White to be arrested ... I wanted things to be returned.” Combs pointed out language from the contempt motion that stated she wanted a civil action. But Cuatro’s attorney then asked Combs why she would go to the sheriff and also sign a legal filing with that prayer, to which Combs continued to argue it was not her personal intent to have anyone put in jail.

Later, Jim emailed Combs and attorneys for Mac and Beau a long inventory of items taken off the ranch that fall. Raphael testified in the

hearing that the items were indeed Jim’s, with the exception of a few things. “Yes, we were careful to only take what was his,” she testified. Jim’s attorney, Ted Lyon, asked her if it was an “emotional time.” Raphael responded that “yes” it was because they only had the 30 days to move Jim off the ranch. “We even asked if we could have some more time and Mrs. Combs said no,” she said. Eventually, Jim and his family returned the items to the ranch to await a court ruling. Raphael testified and court documents verify a variety of receipts and other papers then sent to Combs’ attorneys verifying Jim’s ownership of the assets.

With Cuatro — then the main caretaker for the ranch — barred from access, the level of care for several horses (some his, some belonging to the trust or others) was unknown. It was not reported in court or in documents obtained by The Sentinel who was caring for the horses. In a January 4, 2024, email from Cuatro’s attorney to Combs’ attorneys, he asks Combs for permission to get the animals and offers to buy any horses owned by the trust. Combs’ attorney responded on January 10 stating: “Ms. Combs is diligently making arrangements to safely transfer custody of Cuatro’s horses that are branded with a “Bar-O” [Cuatro’s brand] to a suitable third-party property. Ms. Combs believes she can accomplish this transfer in the next two weeks.” The parties kept sparring over how to prove who owned which horses, but most were eventually delivered to the county’s roping arena on January 14, according to sheriff’s reports.

Cuatro also reported the horses’ conditions to the Presidio County Sheriff’s Office, which came out to inspect and photograph the animals. Although the Sheriff’s Office didn’t have any reports on the meeting, it did provide a bodycam video showing a deputy meeting Jim and photographing the horses. “They shouldn’t neglect them just because they belong to my family,” Jim tells the deputy “We’ve been trying for three months. They wouldn’t let us have them.”

A letter from a veterinarian who examined the horses, dated January 14, 2024, said several horses were in the range of adequate for their weight and health but that one was underweight, had a respiratory infection, worms and split hooves. The horse was euthanized after not responding to treatment, according to a source close to the event who asked not to be named.

The testimony on the criminal threats and theft allegations came amidst a motion by Beau, Mac and Hester Ann to discharge Combs officially from her duties as interim trustee. Combs had resigned the position in March, but it was never confirmed with a court order. Combs told the court in the December 9 hearing she had been suffering severe health problems related to her back, and with no objections from either side, acting 394th District Judge Tryon Lewis of Odessa ordered the discharge. With that discharge motion, however, came a petition from Combs’ legal counsel for an additional \$81,000 in attorney fees for the period from March to the December 9 hearing. The fees were in addition to the \$151,000 already paid for counsel to Combs from September 2023 to March 2024. Combs testified and her attorney told the court that she “did not make a penny” from her services as the interim trustee.

Cuatro’s attorney, Don Campbell, opened a line of questioning attacking Combs for not fulfilling her duties as interim trustee to represent all the beneficiaries of the ranch trust by taking Beau and Mac’s word that Jim was stealing items. He called it a “false omission of a malfeasance of fiduciary duty” by not representing the interests of all bene-

ficiaries equally. In a court filing, Jim and Cuatro stated Combs failed to “communicate with them effectively regarding Trust issues and/or Brite Ranch matters, yet she freely and repeatedly communicated substantively with two other beneficiaries, Mac White and Beau White.” Combs repeatedly testified that she understood her duty was to represent the interests of all the siblings. However, Raphael questioned why she never called Jim to ask about the items taken instead of filing the criminal complaints.

Campbell told Combs and her counsel that he had reviewed invoices from her attorneys and estimated that several were related to the contempt of court motion that sought the jailing of Jim and Cuatro for entering the ranch, in his estimate about \$23,000 worth. Campbell told the court that if his attempt to stop the award of attorney fees failed, the court should consider an offset of that amount from the \$81,000. But Campbell asked Combs if there was any consideration to “refund” attorney fees used on the contempt motion, and she replied, “No.”

The backdrop for the fight over trespassing is the final ruling from the jury trial in the summer of 2023 that made the siblings “co-tenants” for the ranch — which under Texas law would likely give them equal access to the property as well as a responsibility to maintain it, according to court filings by Jim’s attorneys. Campbell asked Combs, “Did you consider at all that Jim had the right to access the ranch,” to which Combs responded she was only answering questions about assets.

Campbell also told the court that it shouldn’t decide on the attorney fees at the hearing because Jim’s appeal on the summer of 2023 ruling was pending in the Eight Court of Appeals in El Paso with all testimony complete and judges considering a ruling. If they grant the appeal, it will void the appointment of Combs and thus would make all fees to her attorney ineligible for payment by the ranch’s trust, he said. However, Judge Lewis granted Combs’ request for fees in the days following the hearing.

Combs is a former Texas state comptroller and agriculture commissioner who worked closely with Beau’s wife. She was also close to Geoffrey Connor, a former Texas secretary of state, who Beau and Mac both adopted as their son at age 60 in January of 2022. And all of them were in the inner circle of former Gov. Rick Perry.

Jim’s family eventually did gain access to the ranch and have been the primary parties taking care of the property. On Tuesday, December 10, the court heard testimony from Cuatro on the need for the court registry to reimburse him for expenses from July 22 to November 8. The judge ordered the registry of the court to release \$58,605 for those expenses. On Wednesday, the court heard a Motion for Governance to better define who would be responsible for what with the ranch. No ruling on that motion had been issued by The Sentinel deadline.

The attorneys for both sides started the December 9 hearing by conferring with the judge on an array of motions to consider — including a motion from Beau and Mac to appoint a receiver, a motion from Cuatro to partition the ranch, and various quash and dismissal motions. Judge Taylor said he is now hesitant to continue any of the issues that need to be resolved, since the continuances add more legal issues to be decided. “Every time we continue something we get 200 more pages of motions,” he said. He set the next hearing on the pleadings to February 7.

The parties involved in the lawsuits declined to comment on the advice of their attorney. The attorneys for Combs also declined to comment.

Judge rules El Paso DA illegally withheld evidence in at least 5 rural cases

By ROBERT MOORE
El Paso Matters

ALPINE – The El Paso District Attorney’s Office “intentionally” and “with gross negligence” withheld evidence from public defenders in rural West Texas, a judge said in a scathing ruling that said prosecutors “systematically failed to comply with their obligations” under Texas law.

“The prosecution routinely and systematically failed to seek, obtain, and timely produce or promptly supplement to the defense material, relevant, and possibly exculpatory evidence possessed by the state,” Judge Roy Ferguson of the 394th District Court in Alpine wrote in a December 9 ruling.

“As a result, defendants were forced to unwittingly evaluate plea offers, accept or reject plea agreements, and announce ready for trial without ever seeing material and potentially exculpatory evidence possessed by the state,” wrote Ferguson, whose court is in Alpine about 200 miles southeast of El Paso and whose jurisdiction covers Brewster, Culberson, Hudspeth, Jeff Davis and Presidio counties.

District Attorney Bill Hicks said his office may appeal Ferguson’s ruling after reviewing the transcripts of three days of hearing. He said he respectfully disagreed with the judge’s ruling.

The ruling involved defendants represented by the Far West Texas Regional Public Defender, which serves indigent defendants in five rural counties. The public defenders alleged prosecutorial misconduct by the 34th Judicial District Attorney’s Office, which prosecutes cases in El Paso, Hudspeth and Culberson counties.

After the public defenders filed a motion for dismissal in 15 cases, the District Attorney’s Office filed a response that accused the defense attorneys of filing frivolous motions and asking Ferguson to issue sanctions against them that could have included disbarment.

Paul Chambers, the first assistant public defender who brought the motion for dismissal, said prosecutors were using the sanctions request to bully him into not pursuing the prosecutorial misconduct allegations.

“I don’t like bullies. That’s why I do this work. It just solidified that I’m just going to go through with it now,” he told *El Paso Matters* on December 12.

Hicks said if anyone was bullying, it was the 12-person team in the Far West Texas Regional Public Defender. He said they issued subpoenas for the hearing to him and two employees at their home addresses.

“We don’t ‘bully’ anyone. We don’t need to do that. Especially someone as minor as the Far West Texas Public Defender’s Office,” Hicks said in a statement to *El Paso Matters*.

In his written ruling Dec. 9, which followed a Dec. 4 order from the bench, Ferguson denied the prosecution’s request for sanctions. He stopped short of granting the defense motion for dismissal of charges, but he barred prosecutors from using key evidence in five cases because the information had not been timely shared with the defense through a process known as discovery.

Ferguson denied relief sought by the public defenders in 10 other cases.

The public defender is seeking dismissal of three other Hudspeth County cases before 205th District Judge Francisco Dominguez on similar allegations of prosecutorial misconduct in withholding evidence from the defense.

James McDermott, who has led the Far West Texas Regional Public Defender office since it was created in 2017, said that he has been raising concerns for several years with Assistant District Attorney Kevin Marcantel about evidence that should have been provided to the defense.

He said he has not had similar problems with prosecutors in other counties his office serves.

McDermott said Marcantel repeatedly said he was providing everything required by law. The judge’s ruling from the bench on Dec. 4 had a powerful impact on McDermott.

“It was the first time, when he started talking, where I thought, we’re not crazy. Because it felt like for years, as Mr. Marcantel told us over and over again, that we were wrong, and we were lying, and the stuff didn’t exist, and he’d given the stuff to us ... I thought, maybe I’m wrong. And to hear the judge say those things, there is a part of me that just was relief, like somebody heard, and maybe this gaslighting will stop,” he said.

Marcantel didn’t respond to a request for comment from *El Paso Matters*. Hicks said the District Attorney’s Office has complied with the law on

discovery.

“The discovery production process is generally a very straightforward process and flows automatically. It appears that there may be some issues with how that process was functioning in Hudspeth and Culberson counties, however the end result was that the defense received their production that they were entitled to under the Code of Criminal Procedure,” Hicks said in a statement to *El Paso Matters*.

Ferguson saw things much differently, saying that prosecutors had not provided evidence to defense for months or years after being ordered to do so. He said the District Attorney’s Office “systemically and systematically failed to comply with their (discovery) obligations under Texas Code of Criminal Procedure 39.14 for cases in Culberson and Hudspeth Counties.”

“The prosecution’s violations were caused not by inadvertence or mere negligence, but by systematic conduct rising to the level of gross negligence,” he wrote in the order. He was first elected to the bench in 2012 and is leaving at the end of the month after not seeking re-election.

Ferguson found that in one case, where prosecutors hadn’t turned over evidence two years after he ordered them to do so, “the State intentionally failed to comply with 39.14 and this Court’s discovery orders.”

He said the violations in five cases “caused actual prejudice and harm to defendants, and violated defendants’ constitutional rights.”

The incoming DA’s view

James Montoya, who defeated Hicks in the Nov. 5 election and takes office on Jan. 1, said Ferguson’s findings were “disturbing.” He said he would review the transcript before deciding on an appeal, but said he wants “to give the deference to the judge’s order.”

“I think that the failure is totally inexcusable. As soon as I take office, I plan to conduct a comprehensive review of what happened, but more importantly, how and why it happened,” Montoya said in an interview with *El Paso Matters*. “Part of the review is going to determine what the appropriate disciplinary action to take is. At a minimum, I can tell you that it’s going to include remedial training on our statutory and constitutional discovery obligations.”

Montoya on Dec. 9 shared his reorganization plan with the staff of the District Attorney’s Office that will be effective Jan. 6. The reorganization moves Marcantel from the Hudspeth and Culberson county courts to serving as a prosecutor in 34th District Judge Bill Moody’s El Paso courtroom.

The incoming district attorney said the Ferguson ruling played a role in the reassignment.

“I think, based on my conversations with those defenders, I did think we needed a change of personnel handling our down district cases. And so that was part of the motivation for the reassignment,” Montoya said.

To All Interested Persons and Parties:

Relmco, Inc., has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration No. 178221L001, which would authorize construction of a concrete batch plant located at the following location: from the intersection of Ranch Road and Stockyard Road, go east on Stockyard Road for approximately 0.4 miles and the site will be on the left, Presidio, Presidio County, Texas 79845. This application is being processed in an expedited manner, as allowed by the commission’s rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. Additional information concerning this application is contained in the public notice section of this newspaper.

Discovering a failure in discovery

The discovery process, where people accused of crime get to see evidence compiled by police and prosecutors before going to trial, is a fundamental component in meeting the constitutional guarantees of a right to a fair trial.

In Texas, state laws and a long string of court rulings outline what prosecutors must turn over to the defense. That includes “exculpatory evidence,” which could favor the defendant.

On Oct. 8, Chambers from the Far West Texas Regional Public Defender went to the DA’s Office in El Paso to review video evidence in six cases involving child sex abuse. The District Attorney’s Office requires that defense lawyers view video interviews of child sex abuse victims in their office.

When a DA investigator put in a disc with the videos, Chambers said he could see it contained more than 1,500 files on one case — far more documents than the DA had turned over to defense lawyers.

“I took notes on what I could see and then came back here to look and see if we had some of the stuff that I took notes on. It turned out we didn’t. That was too much stuff to be an oversight,” Chambers said.

The next day, he filed motions to dismiss two cases on the grounds of prosecutorial misconduct. Eventually he filed such motions in 18 cases — 15 before Ferguson and three before Dominguez.

In response to one of those motions involving Brandon Hagan, charged with child sexual abuse, prosecutors accused Chambers of filing frivolous motions and asked Ferguson to impose sanctions that could have led to disbarment for Chambers and McDermott. The response was submitted by Hicks and Assistant District Attorney Erin Delaney Matney.

The 18 motions for dismissal were “frivolous, groundless, and improper” and “intended to harass the State,” Hicks and Matney wrote.

The response acknowledged that prosecutors still had not turned over evidence 24 months after Ferguson ordered them to do so. But prosecutors said Texas law set no timeframe for compliance with such an order.

“There is no defined period of time for the State to comply with production of discovery nor definition of ‘as soon as is practicable’ and the State is actively working to obtain items of discovery to produce to Defendant in this case,” the response said.

Ferguson held hearings on the 15 motions before him on Nov. 18 and 25, and on Dec. 4. *El Paso Matters* was not present at the hearings and the transcript is not yet available.

Chambers and Marcantel both testified during the hear-

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Rancho Brite

(Continuación de la página 1)

dirigía, no les estaba distribuyendo de forma justa los ingresos procedentes del fideicomiso familiar y solicitaron su destitución como fideicomisario. Un juicio celebrado en el verano de 2023 terminó con una orden judicial que destituía a Jim como fideicomisario encargado de la gestión del rancho y, el 3 de septiembre de 2023, el tribunal nombró a un fideicomisario provisional (Combs) para que se encargara de la gestión financiera, como el pago de facturas y la distribución de los ingresos entre los fideicomisarios. Jim, Cuatro y Raphael, la hija de Jim, se opusieron al nombramiento de Combs por parte del juez de distrito Rex Emerson porque alegaron que Combs era un amigo cercano de la esposa de Beau, la difunta Kathleen Harnett White.

Se estima que el rancho Brite tiene un valor de al menos 60 millones de dólares, pero los registros judiciales muestran que las disputas legales también se centran en las diferencias de ideas sobre cómo preservar o sacar provecho de la tierra. El rancho, ubicado en el corazón del oeste del condado de Presidio al norte de Capote Peak, jugó un papel importante en la historia del condado. Lucas Brite se estableció en la tierra en 1885 y finalmente estableció un próspero rancho de ganado Highland Hereford de 125,000 acres. La sede del rancho se convirtió en una especie de ciudad con una tienda, una oficina de correos y una escuela. Jim, quien creció en el rancho y regresó a él a principios de la década de 1970 después de la universidad, finalmente asumió el papel de mantenimiento de la propiedad, mientras que Mac y Hester Ann se fueron a Marfa y Beau finalmente se mudó a Bastrop.

Después de que Combs fuera designado fideicomisario interino, no pasó mucho tiempo hasta que se generó un conflicto cuando Beau y Mac alegaron que Jim y Cuatro estaban tomando propiedad del rancho que era propiedad del Jane White Trust original, según el testimonio y los archivos judiciales. El juez le había dado a Jim 30 días para desalojar su residencia en el rancho, y Jim afirmó que la propiedad era suya, que sus padres le habían dado durante décadas y que él había vivido en la propiedad durante más de 50 años.

Al testificar en la audiencia del 9 de diciembre, Combs dijo que había instalado cámaras de seguridad en la puerta del rancho que mostraban muebles y otros artículos que se llevaban en remolques, y después de visitar la sede del rancho y encontrarla casi vacía, presentó un informe ante la Oficina del Sheriff del Condado de Presidio el otoño pasado e hizo que se les entregaran advertencias de intrusión criminal a Jim, Cuatro y Raphael. Los documentos de la Oficina del Sheriff muestran que se les dio una advertencia para que se mantuvieran fuera del rancho o se enfrentarían a un posible arresto por un delito menor de intrusión criminal Clase B, punible con \$2,000 en multas y 180 días de cárcel. Las advertencias estaban firmadas por Susan Combs.

Combs se abstuvo de participar en una moción presentada por Mac y Beau alegando que Jim y Cuatro estaban en desacato al tribunal por no seguir las órdenes judiciales de permanecer fuera del rancho a menos que tuvieran permiso del abogado de Combs para estar allí, según los registros judiciales. La moción de desacato terminó con una "oración" pidiendo

al juez que aliviara una "multa de \$500 y un compromiso de prisión del condado de Presidio que no exceda los 18 meses" para Jim y Cuatro.

Combs, testificando de forma remota en la audiencia, dijo que nunca fue su intención buscar sanciones penales. "Ese fue un remedio que [Mac y Beau] buscaron, no que yo busqué", dijo. "En ningún momento quise que arrestaran a Jim White... Quería que me devolvieran las cosas". Combs señaló el lenguaje de la moción de desacato que decía que quería una acción civil. Pero el abogado de Cuatro luego le preguntó a Combs por qué iría al sheriff y también firmaría un expediente legal con esa oración, a lo que Combs continuó argumentando que no era su intención personal que alguien fuera encarcelado.

Más tarde, Jim envió por correo electrónico a Combs y a los abogados de Mac y Beau un extenso inventario de los objetos que se habían llevado del rancho ese otoño. Raphael testificó en la audiencia que los objetos eran efectivamente de Jim, con la excepción de unas pocas cosas. "Sí, tuvimos cuidado de llevarnos solo lo que era suyo", testificó. El abogado de Jim, Ted Lyon, le preguntó si era un "momento emotivo". Raphael respondió que "sí", porque solo tenían 30 días para sacar a Jim del rancho. "Incluso preguntamos si podíamos tener un poco más de tiempo y la señora Combs dijo que no", dijo. Finalmente, Jim y su familia devolvieron los objetos al rancho para esperar una decisión judicial.

Como a Cuatro, el cuidador principal del rancho, se le prohibió el acceso, se desconocía el nivel de cuidado de varios caballos (algunos suyos, algunos pertenecientes al fideicomiso u otros). No se informó al respecto en el tribunal ni en los documentos obtenidos por The Sentinel, que estaba cuidando a los caballos. En un correo electrónico del 4 de enero de 2024, el abogado de Cuatro le pide permiso a Combs para obtener los animales y ofrece comprar cualquier caballo que sea propiedad del fideicomiso. El abogado de Combs respondió el 10 de enero diciendo: "La Sra. Combs está haciendo arreglos diligentemente para transferir de manera segura la custodia de los caballos de Cuatro que están marcados con un "Bar-O" [la marca de Cuatro] a una propiedad de terceros adecuada. La Sra. Combs cree que puede lograr esta transferencia en las próximas dos semanas". Las partes siguieron discutiendo sobre cómo demostrar quién era el propietario de qué caballos, pero la mayoría finalmente fueron entregados al picadero del condado el 14 de enero, según TK TK TK.

Esa fuente dijo que Cuatro también informó las condiciones de los caballos a la Oficina del Sheriff del Condado de Presidio, que salió a inspeccionar y fotografiar a los animales. (El Sentinel ha presentado una solicitud de registros para cualquier documento relacionado con el incidente). Una carta de un veterinario que examinó a los caballos, fechada el 4 de enero de 2024, decía que varios caballos estaban en el rango de adecuados para su peso y salud, pero que uno tenía bajo peso, una infección respiratoria, guisanos y pezuñas partidas. El caballo fue sacrificado después de no responder al tratamiento.

El testimonio sobre las amenazas criminales y las acusaciones de robo se produjo en medio de una moción de Beau, Mac y Hester Ann para liberar oficial-

mente a Combs de sus funciones como fideicomisaria interina. Combs había renunciado al cargo en marzo, pero nunca fue confirmado con una orden judicial. Combs le dijo al tribunal en la audiencia del 9 de diciembre que había estado sufriendo graves problemas de salud relacionados con su espalda y, sin objeciones de ninguna de las partes, el juez interino del distrito 394, Tryon Lewis de Odessa, ordenó la liberación. Sin embargo, con esa moción de liberación vino una petición del asesor legal de Combs por \$81,000 adicionales en honorarios de abogados para el periodo de marzo a la audiencia del 9 de diciembre. Los honorarios se sumaron a los \$151,000 que ya habían recibido esos abogados por representar a Combs desde septiembre de 2023 hasta marzo de 2024. Combs testificó y su abogado le dijo al tribunal que ella "no ganó ni un centavo" por sus servicios como fiduciaria interina.

El abogado de Cuatro, Don Campbell, abrió una línea de preguntas atacando a Combs por no cumplir con sus deberes como fiduciaria interina de representar a todos los beneficiarios del fideicomiso del rancho al creer en la palabra de Beau y Mac de que Jim estaba robando artículos.

Lo llamó una "falsa omisión de una mala conducta del deber fiduciario" al no representar los intereses de todos los beneficiarios por igual. En una presentación judicial, Jim y Cuatro declararon que Combs no se "comunicó con ellos de manera efectiva sobre asuntos del fideicomiso y/o asuntos de Brite Ranch, pero se comunicó libre y repetidamente de manera sustancial con otros dos beneficiarios, Mac White y Beau White". Combs testificó repetidamente que entendía que su deber era representar los intereses de todos los hermanos.

Campbell le dijo a Combs y a su abogado que había revisado las facturas de sus abogados y estimó que varias estaban relacionadas con la moción de desacato que buscaba el encarcelamiento de Jim y Cuatro por ingresar al rancho, por un valor estimado de aproximadamente \$23,000.

Campbell le dijo al tribunal que si su intento de detener la adjudicación de honorarios de abogados fracasaba, el tribunal debería considerar una compensación de esa cantidad de los \$81,000. Pero Campbell le preguntó a Combs si había alguna consideración para "reembolsar" los honorarios de los abogados utilizados en la moción de desacato, y ella respondió: "No".

El telón de fondo de la pelea por la intrusión es el fallo final del juicio con jurado en el verano de 2023 que convirtió a los hermanos en "copropietarios" del rancho, lo que según la ley de Texas probablemente les daría igual acceso a la propiedad, así como la responsabilidad de mantenerla, según los documentos judiciales de los abogados de Jim. Campbell le preguntó a Combs: "¿Consideraste en absoluto que Jim tenía derecho a acceder al rancho?", a lo que Combs respondió que solo estaba respondiendo preguntas sobre activos.

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Campbell también le dijo al tribunal que no debería decidir sobre los honorarios de los abogados en la audiencia porque la apelación de Jim sobre el fallo del verano de 2023 estaba pendiente en el Octavo Tribunal de Apelaciones en El Paso con todos los testimonios completos y los jueces considerando un fallo. Si conceden la apelación, anulará el nombramiento de Combs y, por lo tanto, todos los honorarios de su abogado no serían elegibles para el pago por parte del fideicomiso del rancho, dijo. Sin embargo, el juez Lewis concedió la solicitud de honorarios de Combs en los días posteriores a la audiencia.

Combs es una ex contralora del estado de Texas y comisionada de agricultura que trabajó en estrecha colaboración con la esposa de Beau. También era cercana a Geoffrey Connor, un ex secretario de estado de Texas, a quien Beau y Mac adoptaron como su hijo a los 60 años en enero de 2022. Y todos ellos estaban en el círculo íntimo del ex gobernador Rick Perry.

El martes 10 de diciembre, el tribunal escuchó el testimonio de Cuatro sobre la necesidad de que el Del 22 de julio al 8 de noviembre. El juez ordenó al registro del tribunal que liberara \$58,605 para esos gastos. El miércoles, el tribunal escuchó una Moción de Gobernanza para definir mejor quién sería responsable de qué con el rancho. No se había emitido ningún fallo sobre esa moción antes de la fecha límite de The Sentinel.

Los abogados de ambas partes comenzaron la audiencia del 9 de diciembre consultando con el juez sobre una serie de mociones a considerar, incluida una moción de Beau y Mac para nombrar un receptor, una moción de Cuatro para dividir el rancho y varias mociones de anulación y desestimación. El juez Taylor dijo que ahora duda en continuar con cualquiera de los problemas que deben resolverse, ya que las prórrogas agregan más problemas legales para decidir. "Cada vez que continuamos algo, obtenemos 200 páginas más de mociones", dijo. Fijó la próxima audiencia sobre los alegatos para el 7 de febrero.

Las partes involucradas en las demandas se negaron a hacer comentarios sobre el consejo de su abogado. El abogado de Combs también se negó a hacer comentarios.

Nuevo secretario del condado de Presidio

(Continuación de la página 1)

Hubo cierto desacuerdo entre los funcionarios del condado sobre la mejor manera de manejar la vacante de García, y el juez y un comisionado no estuvieron de acuerdo con el resto de la corte sobre si contratar a Zubia, quien estaba entusiasmada con el puesto, o a un candidato externo con experiencia en banca. Sin embargo, tres de los cuatro comisionados se mantuvieron

firmes y Zubia salió victoriosa.

Zubia dijo que estaba segura de que sus habilidades como secretaria se trasladarían con éxito a un departamento con el que ha trabajado de cerca durante años, y que estaba ansiosa por seguir sirviendo al condado y tener un horario más eficiente para poder pasar tiempo con sus hijos. "Y estoy

súper, súper emocionada de aprender algo nuevo", dijo.

En enero, Zubia confía en que la oficina de la secretaria estará en buenas manos. "Es excelente con el público, excelente con el trabajo de oficina", dijo sobre Cataño. "Es una profesional".

Aún no hay acusación formal para hermanos arrestados en tiroteo de migrantes en Sierra Blanca

Por ROB D'AMICO
rob@bigbendsentinel.com

EL PASO — Mark y Mike Sheppard de Sierra Blanca fueron arrestados el 29 de septiembre de 2022 en relación con un tiroteo en el que un migrante de México murió y otro resultó gravemente herido en un tanque de almacenamiento al oeste de Sierra Blanca, pero el caso no ha llegado a los tribunales después de dos años y casi tres meses, según el abogado de uno de los hombres.

Jesús Sepúlveda murió por una herida de bala en la cabeza y Brenda Berenice Casias Carrillo recibió un disparo en el estómago, pero sobrevivió. Los Sheppards le dijeron más tarde a un guardabosques de Texas que pensaron que estaban disparando a un pecarí. El incidente provocó un alboroto entre los activistas migrantes que dijeron que el tiroteo, justo al anochecer, fue intencional. Mike era el director del Centro de Detención del Oeste de Texas en Sierra Blanca y Mark trabajaba como carcelero para el condado de Hudspeth. Ambos hombres finalmente fueron liberados bajo fianza y han estado viviendo en Florida. El abogado de Mark, Richard Esper, dijo en enero que Mark había sufrido dos derrames cerebrales desde el incidente y que se encontraba mal de salud.

Brent Mayr, abogado de Mike, dijo el viernes que no ha escuchado ninguna palabra sobre una acusación formal en el caso, el siguiente paso lógico para los hombres acusados de asalto agravado con un arma mortal y homicidio involuntario, ambos delitos graves. Esper no respondió a una solicitud de comentarios.

"No nos da mucho consuelo saber que ya han pasado más de dos años desde el incidente y, no solo no

tenemos ninguna de las pruebas o declaraciones de testigos obtenidas por la policía, sino que no sabemos con certeza qué acción ha tomado (o no tomará) un gran jurado en este caso", dijo Mayr en un correo electrónico a *The Big Bend Sentinel*.

Varios medios de comunicación, incluido El Paso Matters, publicaron una actualización de que no había movimiento en el caso en septiembre. En ese momento, el fiscal de distrito de El Paso, Bill Hicks, comentó que había un "tira y afloja" entre su oficina y la Fiscalía de los Estados Unidos sobre quién procesaría el caso y que estaba "muy insatisfecho con el progreso" del lado federal.

Mayr sostiene que el tiroteo fue un accidente. Pero el fiscal inicial del fiscal de distrito, Kevin Marcantel, le dijo al juez en una audiencia de fianza en octubre de 2022: "No me creo todo este asunto del error", dijo, según informó Marfa Public Radio. "Ambos sabían que eran seres humanos, pensaron que era un deporte, supongo".

Marcantel fue transferido recientemente de trabajar con los condados de Hudspeth y Culberson en una reorganización por parte del fiscal de distrito Hicks, y es objeto de un reciente fallo judicial del juez de distrito Roy Ferguson que confirma las acusaciones de los defensores públicos locales de que no reveló pruebas a la defensa en varios casos penales. (Ver artículo en la página 1.)

Mayr dijo que estaba al tanto del problema con Marcantel y del fallo sobre las pruebas. "También nos preocupa que, si realmente buscan una acusación formal en este caso, el gran jurado no pueda contar con todas las pruebas disponibles, tal como este tribunal ha determinado que el fiscal no entregó las pruebas disponibles a los acusados y sus abogados".

Las familias de Casias Carrillo y Sepúlveda tam-

bién han presentado una demanda civil contra LaSal-le Corrections, la empresa que administra el centro de detención donde trabajaba Mike (fue despedido de su puesto en el momento del tiroteo). Dado que Mike fue a una reunión de la junta local de agua después del tiroteo, los demandantes sostienen que estaba tra-

bajando esa noche.

Hicks perdió su candidatura a la reelección en noviembre ante Jame Montoya, quien asumirá el cargo en enero. Hicks y Montoya no respondieron a las solicitudes de comentarios sobre esta historia.



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El Paso DA

(Continued from page 2)

ing, the public defenders said.

Marcantel testified that he knew he wasn’t providing discovery in a timely manner and informed his superiors, including Hicks, McDermott said.

“He testified that he was blaming that on his staffing issue. But he testified that he’d been telling them that for over two years and had gotten no action from them to change it. So the thing that was remarkable to me was that he testified that his entire chain of command knew.”

Hicks said McDermott is mischaracterizing Marcantel’s testimony.

“We dispute that Mr. Marcantel testified that he told anyone on his chain of command that he was not providing discovery in a timely manner. His testimony was that he had complained up the chain of command, all the way up to me, that he believed that he was understaffed and needed additional resources. He never indicated that there was an issue with discovery production,” Hicks said.

Do the problems extend to El Paso?

Ferguson’s findings only addressed cases in Hudspeth and Culberson counties. But defense lawyers say the fail-

ure to turn over evidence to the defense also occurs in El Paso — an accusation Hicks heatedly denied.

“It is currently in vogue among defense attorneys to claim that the prosecution is ‘hiding evidence’ or committing ‘prosecutorial misconduct’ without actually presenting any evidence of such behavior. It is easy to make bald allegations. It is quite another to produce actual facts,” the district attorney said.

Defense attorneys for the man accused of murdering 23 people at an El Paso Walmart have alleged prosecutorial misconduct in that case, including claims that prosecutors have failed to turn over discovery evidence in a timely and understandable manner. District Judge Sam Medrano is conducting hearings on those claims but has not issued any rulings.

Two investigators for the Walmart defense team attended Ferguson’s hearings in Van Horn in November and December, McDermott said.

Joe Spencer, one of the attorneys for the accused Walmart gunman, declined to talk with *El Paso Matters*, citing a gag order by the judge in that case.

McDermott said it was damning that Marcantel testi-

fied that nothing changed after he complained all the way up to Hicks.

“That should concern everybody in all three counties, that there are lawyers in that office that, knowing that there’s a problem, didn’t care about it,” he said.

Kelli Childress, who has led the El Paso Public Defender’s Office for the past four years, said the El Paso criminal justice system is plagued by prosecutorial failures that go unfixed. She said change is unlikely in the District Attorney’s Office because of an “absolute, utter lack of accountability.”

“Our justice system has not evolved at all, nowhere near the pace of even the rest of the state, let alone the rest of the country. I don’t know. We’ve been in a rut for decades,” said Childress, who was a public defender in Illinois before moving to El Paso.

“As a prosecutor, you get to be the good guy. Why would you ever want to blur the lines between being a good guy and being a criminal? Every time prosecutors encroach on the territory of criminals, you have no choice but to lose trust in them in every way. If we can’t trust our prosecutors as a society, we’re in big trouble,” she said.

Hicks said El Paso often is a leader in criminal justice reforms.

“I would disagree with her regarding El Paso’s reluctance to embrace change, particularly change that benefits defendants. Are you aware that El Paso is the only jurisdiction in the state of Texas that mandates that every defendant in the county jail receives a bond reduction hearing after incarceration for 48 hours? No other jurisdiction in the state does that. It is not required under the law, yet El Paso, being more progressive than any other location in the state of Texas, does this,” Hicks said.

During the district attorney election campaign, Montoya frequently criticized Hicks’ leadership of the DA’s Office, especially when it came to staffing.

Montoya served as a public defender in El Paso for two years before his election, and has spent most of his career as a prosecutor. He said he sees problems with the District Attorney’s Office, but he doesn’t believe they include intentional efforts to rig the system to the detriment of defendants.

“There are these systemic issues that, in my opinion, are the result of the critical understaffing of the office.

What happened in these cases I think was an entirely predictable consequence of how short staffed the office is right now,” Montoya said.

What comes next

McDermott and Chambers of the Far West Texas Regional Public Defender said they will be closely monitoring how the prosecution complies with its obligations to turn over evidence.

“I know there’s a new administration coming in, but now, if I choose to trust the way I’ve trusted in the past, I think that I can’t be doing a good job, because then I’m failing my clients,” McDermott said.

The public defenders also will review past cases that ended in convictions or guilty pleas.

“We are going to have to go through every conviction we’ve done with Mr. Marcantel, any plea we’ve done, and consider it for a post-conviction writ, for an involuntary plea,” McDermott said.

Chambers and McDermott said they’re haunted by one case in particular, where a client they believed was innocent pleaded guilty. Chambers suspected the prosecutors were withholding potentially exculpatory evidence, but the client pleaded guilty against his advice because he was scared.

“It was a crushing experience for this office. There were people here who questioned whether they wanted to do this work anymore,” McDermott said.

They want to explore overturning his conviction, which they acknowledge will be difficult.

“We are going to have to file a post-conviction writ of habeas corpus. We’re going to have to claim that the plea was involuntary because of the missing discovery,” McDermott said.

He said the consequences of prosecutorial misbehavior extend beyond what happens to defendants.

“It calls into question the integrity of the entire judicial system. I think what Judge Ferguson said from the bench, one of the things that bothered him, was that he is now in the position of having presided over convictions that were done unjustly. And that has to concern everybody in a democracy,” McDermott said.

This story was first published on December 15, in El Paso Matters.

2024: A year of service, growth and gratitude

By State Sen. César Blanco

As 2024 draws to a close, I’m reminded of why I love public service. Public service is about people — meeting needs, easing burdens, and creating opportunities. Every service event, meeting, and decision we make is rooted in the stories and challenges of the families and communities that make up Senate District 29.

This year has been particularly meaningful to me as a first-time father to my beautiful daughter, Amelia. Being a parent has deepened my commitment to building a brighter future for all families in our district.

At the heart of our mission is constituent casework, where we assist with a range of essential services including food stamps (SNAP), Medicaid, unemployment insurance, children’s health insurance, driver’s license and identification, elderly and aging services, and child and adult protective services, and more. In 2024, we successfully resolved over 265 constituent cases by cutting through state bureaucracy to ensure our community members receive the necessary resources from state agencies.

Complementing this work, our Mobile Office Hours program played a key role in bringing services directly to the community. Serving a large and diverse district means meeting people where they are, and this year, we dedicated over 400 hours traveling across the district, with a particular focus on rural areas. By bringing services to residents’ doorsteps, these visits help break down barriers, build trust, and

ensure that every voice in the district has the chance to be heard.

Throughout the year, our office hosted over 350 service events, outreach initiatives, town halls, and meetings with community members — each a commitment to delivering unique community services and support to residents in need.

One of these service events was our inaugural State Resource Fair in Fort Stockton, designed to bring state government directly to Far West Texas. This fair provided an opportunity for the community to connect with experts from state agencies, offering assistance with healthcare, education, business development, and other essential services. It demonstrated the meaningful information and resources state agencies can provide in addressing the unique challenges faced by rural communities.

For many families, the start of the school year brings a heavy financial burden. The long list and cost of essential back-to-school items can quickly add up, causing stress and anxiety, especially with rising living costs and school expenses. To help relieve the financial burden of back-to-school costs, our office was proud to host our 10th Annual Backpack Giveaway, where we gave out 1,650 free backpacks to students across Senate District 29, including Marfa ISD. Each backpack carried not only school supplies but also the promise of a successful year and a brighter future for every young mind it supported.

Additionally, in recognizing the vulnerable health risks posed by ris-

ing summer temperatures for vulnerable seniors on a fixed income, our office hosted our 4th Annual “Beat the Heat” Senior Box Fan giveaway where we delivered 133 box fans to economically disadvantaged seniors, including those in Presidio.

During the holiday season, many families face financial strain. To alleviate some of this stress, we held our 10th Annual Thanksgiving Turkey Drive and Toys for Tots Drive, distributing 250 turkeys, over 10,840 pounds of food and 575 toys to children, at each respective event.

Beyond tangible assistance, our office focused on empowerment and opportunity. We helped 90 residents on their path to citizenship, connected 192 veterans with jobs, and celebrated 12,249 milestones through certificates, resolutions, and honorariums.

As we prepare for the 89th Legislative Session, these conversations and experiences will inform the priorities we take to the Capitol. Together, we’ll work to address the challenges our communities face and continue to build a future that reflects the strength and values of our community.

Now that we prepare to turn the page to 2025, I want to thank you for the trust you place in me to serve you. This work is a privilege and an honor, and I am deeply grateful for the opportunity to represent our community.

On behalf of my wife, Lili, my daughter, Amelia, and our pups, Lulu and Skipper, we wish you a Merry Christmas, a joyful holiday season, and a prosperous new year filled with hope, collaboration and progress.



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AMENDED Consolidated Notice of Receipt of Application and Intent to Obtain Permit and Notice of Application and Preliminary Decision

Air Quality Standard Permit for Concrete Batch Plants Proposed Registration No. 178221L001

Application. Relmco, Inc., has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration No. 178221L001, which would authorize construction of a concrete batch plant located at the following location: from the intersection of Ranch Road and Stockyard Road, go east on Stockyard Road for approximately 0.4 miles and the site will be on the left, Presidio, Presidio County, Texas 79845. This application is being processed in an expedited manner, as allowed by the commission’s rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en espanol está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pending-permit-apps>. This link to an electronic map of the site or facility’s general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-104.34542,29.55928&level=13>. The proposed facility will emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less, carbon monoxide, sulfur dioxide, nitrogen oxides, and organic compounds.

This application was submitted to the TCEQ on November 10, 2024. The executive director has completed the administrative and technical reviews of the application and determined that the application meets all of the requirements of a standard permit authorized by 30 TAC § 116.611, which would establish the conditions under which the plant must operate. The executive director has made a preliminary decision to issue the registration because it meets all applicable rules. The application, executive director’s preliminary decision, and standard permit will be available for viewing and copying at the TCEQ central office, the TCEQ El Paso regional office, and the Presidio Public Library, 1200 East O’Reilly Street, Presidio, Presidio County, Texas 79845 beginning the first day of publication of this notice. The facility’s compliance file, if any exists, is available for public review at the TCEQ El Paso Regional Office, 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901. Visit www.tceq.texas.gov/goto/cbp to review the standard permit.

Public Comment/Public Meeting. You may submit public comments or request a public meeting. See Contacts section. The TCEQ will consider all public comments in developing a final decision on the application. **The deadline to submit public comments or meeting requests is 30 days after newspaper notice is published.** Issues such as property values, noise, traffic safety, and zoning are outside of the TCEQ’s jurisdiction to consider in the permit process.

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application will be held if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. If a public meeting is held, the deadline to submit public comments is extended to the end of the public meeting.

Contested Case Hearing. You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. **Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application.**

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. To request a hearing, a person must actually reside in a permanent residence within 440 yards of the proposed plant. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant’s name and registration number; (3) the statement “[I/we] request a contested case hearing;” (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests which the group or association seeks to protect must be identified. You may submit your proposed adjustments to the application which would satisfy your concerns. See Contacts section.

TCEQ Action. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. The executive director’s decision on the application, and any response to comments, will be mailed to all persons on the mailing list. If no timely contested case hearing requests are received, or if all hearing requests are withdrawn, the executive director may issue final approval of the application. If all timely hearing requests are not withdrawn, the executive director will not issue final approval of the permit and will forward the application and requests to the Commissioners for their consideration at a scheduled commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material air quality concerns submitted during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission’s jurisdiction to address in this proceeding.

Mailing List. You may ask to be placed on a mailing list to receive additional information on this specific application. See Contacts section.

Information Available Online. For details about the status of the application, visit the Commissioners’ Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the registration number at the top of this notice.

Contacts. Public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency’s public record. For more information about this application or the permitting process, please call the TCEQ Public Education Program toll free at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Relmco, Inc., 1536 Farm-to-Market Road 2676, Hondo, TX 78861-6492 or by calling Mr. Josh Butler, Principal Consultant, Elm Creek Environmental, LLC, at (469) 946-8195.

Amended Notice Issuance Date: December 9, 2024