



Federico Macias

On December 8, 1983, the bodies of Robert and Naomi Haney were discovered in the living room of their home in El Paso, Texas. They were lying face down with their hands tied behind their backs.

Both had been hacked to death with a sharp instrument and numerous items were taken from the home, including three or four pistols, a machete, and some coins.

A neighbor, Maria Monteros, told police that a car containing two men had circled the neighborhood on the day before and that it had stopped in the alley behind their home where the driver asked her husband, Gilbert, if he could urinate. When he was told that he could not, the car drove off. She gave the license plate number to police who traced it to Pedro Luevanos. The couple both identified Luevanos as the driver.

When police showed photos of some associates of Luevanos, they selected the photograph of Juan Perez. Police arrested Luevanos and were heading to pick up Perez, when Luevanos said the passenger was 31-year-old Federico Macias, a laborer at a spice company who had done odd jobs in the past at the Haney residence.

Luevanos said he had waited in the car while Macias went inside where he committed the murder and burglary.

The prosecution at first offered Luevanos immunity from prosecution to testify against Macias, but he flunked a polygraph examination and police found the stolen property buried in Luevanos' yard. The state then offered him a deal to plead guilty to burglary for an eight-year sentence in exchange for his testimony.

Macias was arrested on December 7, 1983 and was indicted for murder and burglary on January 5, 1984.

He went on trial in June 1984 for the burglary and the murder of Robert Haney. The Monteroses testified about the car, Luevanos testified that he and Macias had gone into the home where he helped tie up the victims, but that Macias had committed the murders.

A nine-year-old girl who lived next to Macias testified that on the day of the murders, she saw him washing what appeared to be blood from his hands in his bathroom.

Jailhouse snitch testimony was presented as well, with inmates saying they had heard Macias incriminate himself in the murders while in custody.

Macias convicted on June 24, 1984 and was sentenced to death.

Nearly a decade later, after Macias had lost his appeals, the case was assigned to the law firm of Skadden, Arps, Slate, Meagher & Flom, which had volunteered to take a case under the American Bar Association's Death Penalty Representation Project.

State: Texas

County: El Paso

Most Serious Crime: Murder

Additional Convictions: Robbery

Reported Crime Date: 1983

Convicted: 1984

Exonerated: 1993

Sentence: Death

Race: Hispanic

Sex: Male

Age: 31

Contributing Factors: Perjury or False Accusation

Did DNA evidence contribute to the exoneration? No
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Following a re-investigation of the case, the law firm filed a state petition for a writ of habeas corpus, which was denied by the trial court and the Texas Court of Criminal Appeals.

The firm then filed a federal petition for a writ of habeas corpus and a hearing was held.

Evidence presented showed that Macias was out of state at the time of the crime, but his trial lawyers failed to present the evidence though a witness was available to so testify. Further, the Monteroses, had they been asked at trial, would have testified that Macias was not the passenger in the car.

Evidence showed that the nine-year-old girl would have been physically unable to see into Macias's bathroom from her home. In addition, Macias usually came home from work with his hands covered in the reddish-brown spices with which he worked at the spice company.

A jailhouse snitch admitted he had lied about hearing Macias say that he committed the crime.

On June 6, 1991, Lucius Bunton, Chief U.S. District Judge of the Western District of Texas, granted Macias a new trial, finding that his trial attorneys had failed to provide an adequate legal defense.

The judge noted that three lawyers had been paid \$6,400 for handling the case—a rate of \$11.84 per hour—and their investigator was paid \$500.

"The errors that occurred in this case are inherent in a system which paid attorneys such a meager amount," the judge said. Skadden, Arps invested more than \$1 million in billable hours in securing Macia's freedom.

In December 1992, the 5th Circuit U.S. Court of Appeals upheld the decision, saying that "the justice system got only what it paid for."

In 1993, the case was presented to a new grand jury, which declined to return an indictment. Macias was released on June 23, 1993.

– *Maurice Possley*

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