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Former death row inmate agrees to life without parole

He'll serve life in prison for girlfriend's slaying after giving up right to appeal.

By Craig Kapitan
ckapitan@express-news.net
Updated 02:45 a.m., Friday, April 22, 2011



Adrian Estrada is escorted back to his seat after his death sentence is read in 2007. His sentence was changed Thursday to life in prison in the 2005 slaying of his girlfriend. Photo: Express-News File Photo, WILLIAM LUTHER / San Antonio Express-News

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A former youth pastor who spent three years on death row for the murder of his pregnant teen girlfriend was given a new sentence Thursday: life in prison without parole.

In exchange for prosecutors no longer seeking the death penalty, Adrian Estrada, 27, agreed to forgo all rights to appeal the case.

A jury sentenced Estrada to death in 2007 for the Dec. 12, 2005, stabbing and strangulation of Stephanie Sanchez, 17. He had been a youth pastor at El Sendero Assembly of God when he impregnated the teen several times, according to testimony from his trial.

But during the sentencing phase, an expert for the state accidentally gave misleading information to jurors on the danger Estrada could pose to society in the future, the

Texas Court of Criminal Appeals ruled last year. The appellate court ordered the punishment phase retried.

Defense lawyer Brian Stull, a North Carolina-based staff attorney for the American Civil

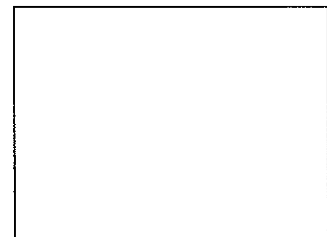


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Liberties Union's Capital Punishment Project, appeared to struggle with emotion Thursday as he read aloud a letter his client had written to the victim's family.

"I understand my actions have caused many people tremendous amounts of pain," Estrada wrote. "I regret many things I did, particularly the way I treated (Sanchez)."

Estrada was too nervous to read the letter himself, Stull said.

Sanchez's family dismissed Estrada's words as hollow. Mary Vargas, the victim's mother, said she had hoped she wouldn't have to see Estrada again until he was strapped to a gurney in the execution chamber. She's disappointed the district attorney's office allowed a compromise that won't give her that closure, she said.

"You just left my daughter there to die. I hate you so much," Vargas yelled at Estrada during an emotional victim impact statement. "You should have never, never, never gotten another chance."

Prosecutors also wanted the death penalty, said First Assistant District Attorney Cliff Herberg. But given the change in circumstances, it didn't seem likely a new jury would have given it to Estrada, he said.

"We now have a four-year track record where he was a model prisoner," Herberg said, explaining that Estrada also had no prior criminal record.

Although he's the first, Estrada might not be the only death row inmate who gets a second chance at punishment because of the erroneous testimony of prison expert A.P. Merillat, said Stull of the ACLU.

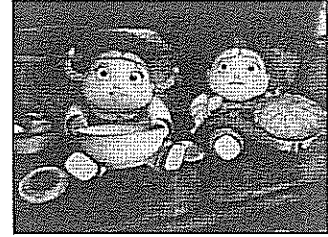
Merillat told jurors in the Estrada case that after 10 years in prison, Estrada could potentially be given a lower, less restrictive inmate classification that might result in him being put in the prison's general population. To give the death penalty, jurors have to decide a defendant would be a future danger to society, including fellow prison inmates.

Jurors mentioned the testimony in a note to the judge while deliberating.

"He has made the same error in other cases," Stull said of Merillat. "We think it could have wide-ranging ramifications. Each case has to play itself out in court."

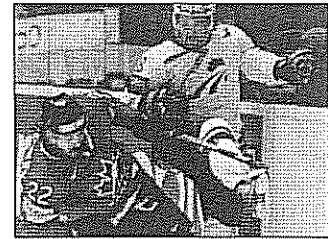
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