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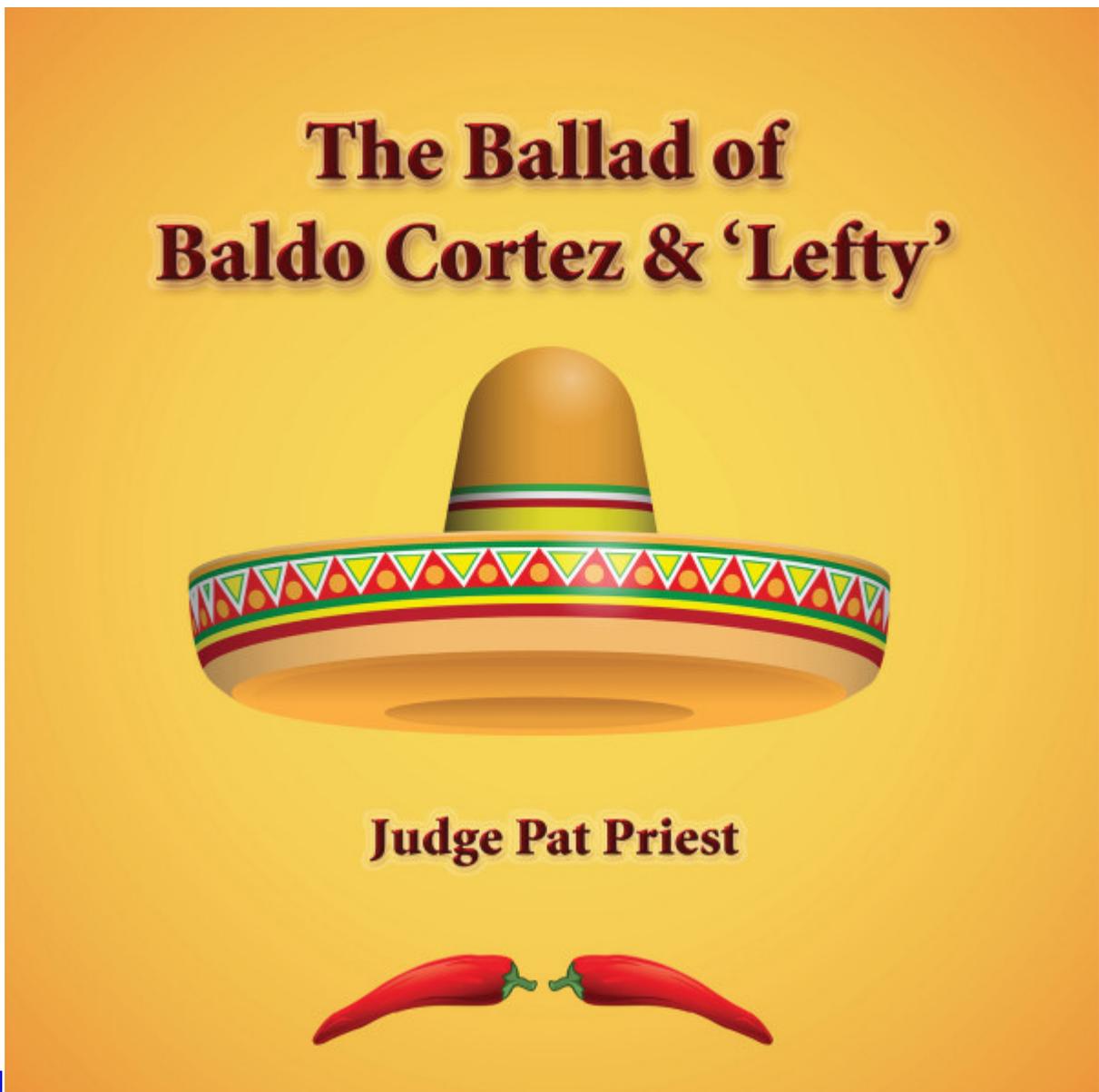
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## The Ballad of Baldo Cortez and ?Lefty?

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Friday, September 1st, 2017



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Lawyers realize the kind of personal physical courage required to see a good cop through a night-watch shift in a crime-infested neighborhood where few sympathize with the job he must do. Even more, they fully

appreciate the kind of moral fiber required to keep a cop straight despite the lack of public support and the many pressures to "cut corners." Most lawyers suspect they don't have the moxie it takes to be a good cop?the truth is that few people do.

Policemen, for their part, soon learn which lawyers are so closely allied with their clients' activities as to become criminals themselves, and which are the professionals they ought to be. They appreciate the distinction better than most, and respect a lawyer who plays it straight down the middle, representing his clients zealously but with integrity. Many cops admire the way a lawyer makes his way with his wits and secretly wish they'd pursued their education a little further, so *they* could wear the suits and ask the questions in court.

Acknowledging the foregoing, it is particularly challenging for a lawyer who undertakes the defense of a person charged with killing, or attempting to kill, a police officer. I participated in three such cases as a defense lawyer. In two of the cases, the officer was killed; in the third, he was merely wounded. In all three cases, the officer involved was a good cop, courageously doing his duty. In that case, the defendant was deservedly acquitted.

Benito Mata had been called to a west side bar to see if he could do something with his brother, Baldemar, who had gotten very drunk and was waving a pistol around and generally terrorizing the place.

Baldemar had always been more than a little different, and was notorious for his behavior when in his cups. He dreamed of himself as some sort of modern Gregorio Cortez. Cortez had led a huge posse of Gonzales County deputies and Texas Rangers on an extended chase all over South Texas and Northern Mexico after killing the sheriff in Gonzales County. The circumstances under which the killing occurred, during an apparently unjustified assault upon the Cortez home (coupled with Gregorio's success in eluding the posse), had made Cortez a Mexican-American folk hero.

That had all occurred in the '30s, when the relationships between the Rangers (called *Los Rinches* in Spanish) and the Mexican-American people could hardly have been worse. Though those relationships are better now, and had improved even by the '70s, memories were long, and the "Ballad of Gregorio Cortez" could still be found on the jukebox in many a South Texas cantina.

Baldemar (Baldo to those who knew him) quite simply?when drunk?dreamed of dying in a hail of bullets in a shootout with the police?and of the cantinas of San Antonio and South Texas reverberating in 3/4 time with the strains of the "Ballad of Baldemar Mata." Strangely, considering Baldo's bizarre obsession with this idea, when drunk, he never presented any particular problem to the police when he was sober. On this occasion, however, he was very, very drunk and armed with a .32 revolver. That's why the bartender called Benito and unfortunately the police.

When Benito got to the bar, he found Baldo sitting at a table in a back corner nursing a beer. The .32 was on the table in front of him. He caught sight of Benito walking toward the table, knew Benito was going to try to stop him, and didn't want to be stopped. He picked up the .32, pointed it at his brother, and ordered him to get out of his way. The cops were going to be coming, he said, and Benito was blocking the light.

"*Que haces, Baldo?*" Benito said, "What are you doing?"

"*No sabes que ellos se van a matarte?*" Don't you know that they are going to kill you if you keep this up?"

About that time, Baldo saw an officer approaching the bar. He hoisted himself to his feet and began to stagger forward. He brushed the smaller Benito aside and stumbled toward the door, pistol in hand. He got to the door before the officer did, and having the advantage of the cover of near darkness, squeezed off a round before the officer ever saw him.

He hit the officer in the thigh, knocking him to the ground. The officer began to pull himself back to cover behind his patrol car, and Baldo came out of the bar to follow him. Benito came out of the bar and grabbed Baldo, trying to drag him away. Baldo kept trying to brush him aside, so that he could get to the wounded officer to shoot him again. Just about at that moment, a cover officer arrived. Seeing his brother officer down and bleeding and Baldo stalking him with his arm outstretched holding a .32, he drew his service revolver, aimed, and fired. The bullet caught Baldo right between the eyes, killing him instantly.

When Benito ran towards his already-dead brother, his actions were misinterpreted; the officers thought he was going for Baldo's gun to continue the exchange. The gun was kicked out of the way and Benito was tackled and quickly handcuffed. Benito's earlier action, in trying to drag Baldo away, was also understandably misinterpreted as an attempt to help Baldo escape.

All of this led to Benito's arrest, indictment for attempted capital murder for what the police believed to be his efforts to help his brother assault the officer, and eventual trial. At the trial, witnesses from inside the bar testified to Benito's efforts to disarm Baldo and take him home before the police arrived. Benito testified that he was trying to drag Baldo away to keep him from shooting the officer again.

The jury found him not guilty.

I have never had trouble understanding the police not wanting to hear Benito's protestations of his innocence?particularly when they were interspersed with tears for his dead brother. I don't think Benito did, either.

If the Ballad of Baldo Cortez has been written, I've never heard it.

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