

## Condemned prisoner wants no appeals, set to die

Written by Associated Press

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LIVINGSTON, Texas (AP) — Condemned prisoner David Martinez wants no appeals, no clemency and no publicity. "I'm not asking for squat," Martinez said recently from a visiting cage outside Texas death row as his execution, set for Wednesday night in Huntsville, approached. "Nobody's had more time to think about this.

"To me, it's definite."

Martinez, 36, was sentenced to lethal injection for using a baseball bat to fatally bash the heads of his live-in girlfriend and her teenage son at the woman's home in San Antonio in 1994. He'd be the sixth prisoner executed already this year in the nation's most active death penalty state. Two more executions are set for next week in Texas.

Martinez asked for permission to waive his appeals and a federal judge last summer ruled he was competent to make that decision. No appeals were in the courts this week and none was expected, lawyers said.

Although Martinez replied "Neither" when asked from prison if he was guilty or innocent, he said he accepted the verdict and sentence from a Bexar County jury more than 13 years ago.

"They convicted me," he said. "That's the end of it."

Martinez was on parole after serving five months of a five-year sentence for attempted sexual assault when he was arrested for the slayings of Carolina Prado, 37, and her son, Erik, 14. At the time of his arrest at his grandmother's home in San Marcos, where he fled after the killings, he'd also been sought for nine months as a parole violator for refusing to report his parole officer.

Prado's younger daughter, who was 10 at the time of the slayings, testified against Martinez, telling a Bexar County jury she saw him beat her brother's head.

The girl, awakened by the sound of the bat, was told to be quiet or she would get the same treatment. She was tied up, then freed herself after Martinez left. She walked to her grandmother's house nearby. The woman found her grandson's body, then called police who discovered Prado's body.

Martinez told officers who arrested him that he "killed them just like cockroaches." In a statement to police, he said the slayings occurred after he drank a 12-pack of beer and a large bottle of rum. He later testified at his trial, however, that police coerced him into making a confession and denied any role in their deaths.

"My peers said I was guilty," Martinez told The Associated Press from prison. "It's not about innocence or guilt. It doesn't matter. It is what it is."

Martinez, known as "Snoopy" and "Bam Bam," had a lengthy juvenile criminal history in the Rio Grande Valley that began at age 13 when authorities said he broke into a neighbor's house and stole her panties. When he was 16 in 1988, he received juvenile probation for six burglaries and eventually was placed with the Texas Youth Commission. Three years later, he pleaded guilty to attempted sexual assault for an attack on a McAllen shoe store manager.

"It all starts with that," Martinez said, denying the attack. "None of that happened."

He received a probated sentence, then went to prison for probation violations. He was released on parole and was sought as a parole violator when he was arrested for the double slaying in San Antonio.

"It was the most heinous crime I ever prosecuted," A.J. Dimaline, who spent nearly eight years as a Bexar County assistant district attorney, said last week. "He had no redeeming qualities. Even during the trial, he threatened his lawyers and my partner. During the trial, the judge had to handcuff him to his chair during jury selection."

Dimaline said it appeared Prado had decided to boot Martinez from her house and he

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responded with the attack.

"He got beered up that night and for whatever reason decided to take them out," he said.

Next week, Dale Scheanette, 35, is set to die Tuesday for the Christmas Eve 1996 rape-slaying of Wendie Prescott, 22, a teacher's aide, at her apartment in Arlington. Two days later, Johnny Ray Johnson, 51, faces lethal injection for the 1995 rape-slaying of a Houston woman, Leah Joette Beane, 41.

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