

## Chambers County Deputy Sheriff Sentenced to 10 Years

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Chambers County Sheriff deputies escort Gabriel Davila out of the courthouse after being sentenced to 10 years in TDC for the charge of indecency with a child under 17 years old, by exposure. Former Chambers County Sheriff Deputy, Gabriel Davila was sentenced to serve 10 years in jail for indecency with a child by exposure.

Gabriel Marcelo Davila, 34, pled guilty on November 26, 2012 of one count of indecency with a child, less than 17 years of age, by exposure. The Honorable Judge Carroll Wilborn, Jr. came out of retirement to preside over the punishment sentencing in Davila's case. "I was sitting on the bench when Davila pled guilty back in November, and I returned to finish the case" said Judge Wilborn.

The victim, "Yvette", a pseudonym, initially made an outcry for help to her mother, Maria, whose names are not being released to protect the victim's privacy, in December of 2009. At which time, Maria reported the incident to the Chambers County Sheriff Office and later in 2011 after she did not hear back from the sheriff's office, she contacted District Attorney, Cheryl Lieck regarding the matter.

Lieck discovered that the Sheriff's office mishandled the investigation against Davila, and in turn she contacted the Texas Rangers to investigate the allegations against Davila. Consequently, two sheriff deputies, John Mulryan, and Mike Wheat were suspended without pay and later reassigned within the department for allegedly, mishandling the investigation. The Texas Rangers came back from their investigation with a 288 page Pre-Sentencing Investigation (PSI) report. "It is the most thorough and extensive PSI report I have ever seen in my 15 years as an attorney" said defense attorney, Joanne Musick.

Based on the investigation by the Rangers, a grand jury returned with two indictments against Gabriel Davila on June 1, 2012. The first indictment listed six counts of indecency with a child by exposure and the second indictment listed six counts of aggravated sexual assault of a child. Davila pled guilty to one count of indecency with a child by exposure on November 26, 2012.

On Friday, February 8, 2012 the sentencing court opened with hearing testimony from Maria, the victim's mother, who recounted for the court, how her daughter's behavior has changed since the incident, reflecting that the victim, now 14, no longer likes to go out in public, like going to the movies, or spending time with her friends. "Yvette, has become very introverted, spending a lot of her time in her room, reading, separating herself from people and her family" said Maria. The victim, she claimed has difficulty sleeping due to nightmares and dealing with the loss of her brothers, and grandparents, since they cut off communications with her since the charges were filed. "Yvette, feels like crying all the time and feels guilty for pushing her family apart and feels responsible for the outcome"

**added her mother.**

**Assistant District Attorney, Kathy Esquivel asked Maria if she had met Mr. Davila's current wife, Christina and to describe her physical appearance to the court. "I laughed, when I met her, and asked Mr. Davila – 'Is that your girlfriend?' said Maria. She described Christina as what she considered to be physically un-developed, with no shape to her. Maria added that at the time of the introduction, Christina was only 16 years old, and Mr. Davila at the time was 20 years old and stated he and Maria were together when Maria was only 19 years old when she gave birth to their daughter "Yvette". Assistant DA Esquivel asked Maria if Child Protection Services had ever investigated her. Maria stated she had, when someone made a complaint against claiming she left "Yvette" alone frequently, got their clothes and food out of the trash dump and that Maria was an alcoholic. When asked if she had been worried about the charges, she stated "no, because I knew the charges were bogus" Maria went on to say she didn't know who filed the complaint, though she suspected it was Davila and claimed that during mediations she confronted Davila regarding the CPS complaint, he reportedly responded "I told Tina not to do it" Maria said, confirming to her who filed the complaint. "Next time, you need to get your facts straight" Maria said she told Davila.**

**The court then heard testimony from Dr. Lawrence Thompson, Jr., who works as a clinical psychologist, specializing in child abuse. Dr. Thompson was declared as an expert witness by the judge after the defense agreed. Dr. Thompson talked about the common symptoms children exhibit that have been abused, though he added those symptoms are not definitive as each person handles trauma differently. Going on to state that symptoms could range from depression, by showing sadness, crying or difficulties sleeping due to nightmares, anxiety or paranoid thoughts, including thoughts of suicide, and they can become withdrawn due to lack of trust issues. He added some children display no outer symptoms, making it look like "everything is just fine" when actually inside "everything is not fine". Dr. Thompson explained that it was not uncommon that children that suffered sexual abuse often felt ashamed and even miss the relationship with the abuser. "They still love their step-father, but don't love what the step-father did to abuse the child," added Dr. Thompson. "Sadly," he went on to say, "these children often punish themselves, by abusing substances, in an attempt to escape the emotional pain and unfortunately, their self-inflicted abuse can prevail throughout the child's life into adulthood". Through questioning Dr. Thompson, the prosecution was trying to demonstrate to the court the loss and destruction of a child's life after suffering sexual abuse that can follow them through adulthood.**

**Before closing statements, the prosecution asked the judge to take notice and acknowledge Indictment No. 16305; citing six counts of aggravated sexual assault of a child and five other counts listed on Indictment No. 16304 for indecency with a child by exposure, in his consideration in sentencing Davila.**

Defense Attorney, Joanne Musick, opened her closing remarks with an analysis of the defendant, Gabriel Davila character. Stating that Mr. Davila has been married to his current wife for 15 years, and the couple have small children, going on to say that Mr. Davila improved himself by getting a GED after only attending school until the 9th grade, and whereas the defendant has been continuously been gainfully employed, has maintained child support payments for “Yvette”, nor has the defendant had any additional criminal charges, grievances or complaints brought against him since the charges filed in 2011. Musick went on to state, that her client, Mr. Davila does accept responsibility for his actions, proof per his guilty plea in 2012. Though the charges caused Davila to lose his employment with the Sheriff’s Office, he did obtained further employment, and continued to maintain the support of his family. Musick asked the court to consider “deferred adjudication” in Davila’s sentencing. Meaning the court would place the defendant on probation for period of time, and when successfully completed, the case would be “dismissed”

Musick added Davila would agree to have no further contact or communication with “Yvette”, but would continue to provide child support and restitution by financing the victim’s therapy, counseling and “as her father” know that he can provide financial resources to help her to receive the help she needs. Musick went on to say the defendant would, per state requirements register as a sex offender, Davila would also agree to enter into therapy and treatment. Musick asked the judge to take in consideration that in the Texas Ranger’s report and CPS investigations, they cited Davila as being, cooperative in their investigations. Musick ended by saying the defendant, Davila was a good candidate for rehabilitation, he has had no additional criminal charges brought against him, he had no prior criminal history, he has strong family support and he agrees to seek out the help he needs through therapy and treatment.

District Attorney, Cheryl Lieck, presented the closing remarks for the prosecution, strongly asked the judge to consider that Davila, not only exposed himself to his nine year old daughter, but, then admitted that he exposed himself to her. Lieck then held up a statement written by “Yvette”, that clearly appears to have been written in a child’s handwriting, describing what occurred between “Yvette” and her father, in her own words. Lieck reads from the statement “he made me lie on my stomach, while he took pictures of my ‘anus’, and then he put something squishy, warm and wet in me”. The statement went on to say how “Yvette” didn’t understand why her “daddy was doing this to me” but pleaded for someone to “Make it Stop!” At this point the victim’s family burst out crying and “Yvette’s” mother dashes out of the courtroom, clearly upset.

DA Lieck proceeds by saying “Mr. Davila has been given a gift, actually two gifts”- the first gift of protection by his law enforcement buddies, giving Davila two years of freedom. Lieck turns and looks out into the audience and notes “I do not see any of those buddies of yours in attendance today” she goes on stating that the second gift offered to Mr. Davila, according to Lieck, “Davila would have faced two indictments with a total of 12

counts against him and would have faced a stacked sentence, and now she adds, he will now only face the maximum of 10 years of jail time. Lieck questions the defense's offer of restitution. "Money? Who cares? What difference will his child support make? Money cannot bring back the victim's family or her "daddy". Lieck ends by stating, "You have taken everything away from this little girl and she has been destroyed"

During the pause before Judge Wilborn makes his decision, all that can be heard in the courtroom is the heart-wrenching sobs from the victim's mother and family.

"On count one of indecency with a child, I sentence you to 10 years in TDC with \$5,000 fine" pronounced Judge Wilborn to Gabriel Davila, at which point, his wife, Christina can be heard to break down, sobbing. Defense attorney, Musick requests a few days reprieve from incarceration so the defendant may "tie up loose ends and say goodbye to his small children". The judge denies the request.

The victim's mother, Maria is allowed by the court to read a final statement to the defendant, Davila. "I have waited three years, one month and 21 days for this day to come" said Maria. "I thought I would be so relieved and happy, but all I feels is pain and Yvette's pain" adding "Yvette" has lost her family, their love and trust – "You were a symbol of trust – she once said to me "Who is going to believe me? He is the police." continued Maria and stating from that day onward, in her mind and heart she would do anything and everything it took to bring Davila to justice. She ended saying, "I thank God we made it and I am standing here holding our daughter's hand and I will be there for her through all the pain you have caused her and I feel sorry for your children, who will grow up knowing what a sick person you really are".

Davila who had appeared calm throughout the proceedings, started to cry when Sheriff deputies handcuffed him to escort him from the courtroom, with his wife, begging the officers to let her hug him, and asking what is she going to tell her boys.

"No one wins in these cases. All we can do is punish and try to protect other potential victims," said District Attorney Cheryl Lieck in regards to the outcome of the case.

***Source: Anahuac Progress reporting on all things Anahuac!***

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