

Prosecutors investigating alleged witness tampering

Continued from A1
March.

None of the other officers under investigation is assigned to the yogurt store task force, sources said. Polonco could not be reached for comment. The Police Department has banned him from talking to the press or to other officers about the investigation, and from using the department's computers, among a list of 30 restrictions, his father, Victor Polonco, said.

The convictions of Flores and Perez came after emotionally charged trials that were attended by numerous sheriff's office employees and other law enforcement officers. Flores was sentenced to life in prison, and Perez received sentences of 30 years for murder and 60 years for robbery. The two men were tried separately this year.

Flores stomped Redman to death, while Perez stabbed the officer and participated in beating him, according to testimony. Polonco and several other police

officers questioned witnesses and suspects during the Redman investigation.

Prosecutors on Tuesday filed a "notice of newly discovered evidence" in the two cases, a move that is rare in a felony case, several defense attorneys and prosecutors said.

The court filing says prosecutors, "while investigating other matters, learned that certain witnesses for the state may have presented false or incorrect testimony relating to the existence of a piece of evidence. This evidence is possibly favorable to the defendant and should be made known to him."

Prosecutors are required by law to disclose to defense attorneys before trial any information they receive that could be favorable to the defense. The court notice says prosecutors did not learn of the new evidence until after Flores and Perez were tried.

"Although the evidence should be made known to the defense, the state believes that the evidence, if



It's inappropriate to assume anything until we get the facts. Chief Jim Everett said of the allegations, known to the defense at trial, would not have affected the verdict, the notice says.

district attorney's office and the Austin Police Department's internal affairs division," the filing says. It adds that the information may be revealed to the defense attorneys in secret, pending the conclusion of the investigation.

Attorneys for Flores and Perez declined to comment on the investigation or the potential of a new trial being ordered.

Everett declined to comment on the latest investigation, except to say the investigation will not affect Polonco's status unless the allegations are substantiated.

"It's inappropriate to assume anything until we get the facts," he said. "We can't be operating on a rumor. We have an obligation to the public and our employees to get the truth."

Everett also refused to discuss Polonco's involvement in the Redman case.

District Attorney Ronnie Earle would not comment on the investigation. His first assistant, Steve McCleery, who signed the court fil-

ings, would say only that such filings are unusual. Lt. Roger Naper, head of the internal affairs division, said his office was assisting prosecutors with an investigation, but would make no other comment.

Redman's parents, who gave an emotional press conference after Flores was convicted, declined to comment. Travis County Sheriff Doyle Bailey also declined to discuss the case.

Polonco's attorney, Randy Lawritt, said, "I certainly feel like he will be vindicated." But Lawritt said his attempts to represent Polonco in the investigations have been hindered.

"The district attorney's office will not discuss it with me and the Police Department has ordered other police officers not to discuss it with me. It makes my job kind of difficult."

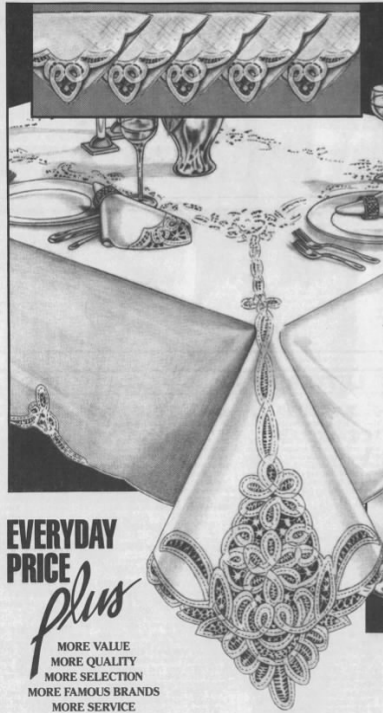
Polonco, 39, has received 49 commendations and eight complaints since he joined the Austin Police Department 16 years ago,

police records state. Polonco was cleared of one allegation of misconduct, two of verbal abuse and five of using excessive force, according to police records.

The most publicized of the complaints came after Polonco and two other officers struck James Brown, a member of the Ku Klux Klan, during a march in February 1985. A Houston television newscaster captured Polonco leaping over other officers to hit Hernandez with a billy club. A grand jury decided not to indict Polonco in the case.

Polonco's father said his son is an honest man targeted by the Police Department because he defended another Hispanic officer. Hector Polonco told Austin police he supported Rodrigo Herrera after Herrera was suspended for five days in March because he circulated a memorandum in September criticizing the Police Department's administration.

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