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# Inmate 'who liked to kill' set for execution Tuesday

## Laborer set to die Tuesday for stabbing victim to death

By ALLAN TURNER  
HOUSTON CHRONICLE  
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Early on the morning of Jan. 18, 1998, Samuel Bustamante and three friends cruised the dark streets around Rosenberg taverns looking for a victim to rob. Unsuccessful, they were preparing to abandon their quest when they spotted Rafael Alvarado, who, to his misfortune, was well-dressed and wore a seemingly valuable watch.

Alvarado, 27, offering to pay for a ride across town, joined Bustamante in the truck's bed.

Minutes later, Bustamante pounced, stabbing his victim 10 times. Mortally wounded, Alvarado fell from the vehicle. At daybreak,

police followed a trail of blood from Rosenberg's west city limits to Alvarado's body in a roadside ditch. He still possessed his watch, gold chain and \$100 in cash.

Bustamante, 40, an El Campo laborer, is set to be executed for the crime Tuesday. He would be the seventh killer executed in the state this year and the fourth from Fort Bend County since Texas resumed executions in 1982.

This morning the Texas Court of Criminal Appeals rejected an appeal based on the assertion that Bustamante is mildly mentally retarded. The killer's attorney Philip Hilder argued that his client has an overall IQ of 71 and should be spared death under the U.S. Supreme Court's 2002 ruling in *Atkins vs. Virginia*. In that landmark decision the high court held that executing mentally retarded killers violates the Eighth Amendment's ban against cruel and unusual punishment.

### Seeks delay from court

A second attorney for Bustamante, James Rytting, said they'll now ask U.S. Supreme Court to intervene. A petition to the Texas Board of Pardons and Paroles also has been filed, he said.

Hilder argued that Bustamante's abusive childhood might have been a factor in his retardation, and offered comments from the killer's former common-law wife that he had been childlike and unable to care for himself. When sad or angered, the woman told a Baylor College of Medicine clinical neuropsychologist, Bustamante would roll into a fetal position and cry.

In a terse dismissal of Bustamante's appeal, the state appeals court noted that the lawyers failed to adequately establish mental retardation. "It looks as if the state of Texas is going to execute a mentally retarded man," Rytting said.

Bustamante's accomplices, Diedrick Depriest, Arthur Escamilla and Walter Escamilla, were each sentenced to eight years for aggravated robbery. All since have been released.

Testimony in Bustamante's trial revealed the men stopped their truck after the attack to search for their wounded victim. Had they found him, Depriest told jurors, they would have robbed him.

Bustamante, who used the nickname "Fat Boy," — at 5-foot-7, he tips the scales at 264 pounds — told his companions that he coveted his victim's boots.

When a friend later showed Bustamante a newspaper clipping about the crime, he responded, "That's what I told you, nobody gets away," trial testimony revealed. Bustamante's companions then jokingly begged him not to stab them.

"He liked to kill," said Fort Bend County Assistant District Attorney Fred Felcman, who prosecuted Bustamante. "He talked about eviscerating women. ... People said a dog walked into a bar one time and he took his knife — he called it 'Old Timer' — and just gutted it. ... He liked to kill. He bragged about it."

Texas Department of Criminal Justice records reveal Bustamante previously served sentences for theft, burglary and possession of a prohibited weapon.

Shortly after his conviction in the Alvarado case, Bustamante was returned to a Wharton County courtroom where he pleaded guilty to murdering 60-year-old Lloyd Harold Turner, an El Campo homeless man.

Authorities contended that Bustamante and his brother, Bill Bustamante, targeted the man to "work out some aggravation."

After killing a pregnant dog, the brothers stopped at a fast-food restaurant for hamburgers before targeting Turner whose body later was found beneath a U.S. 59 overpass. Samuel Bustamante stabbed the man 10-20 times; his brother hit him with a baseball bat.

Bill Bustamante is serving a 40-year sentence for murder.

#### 'Benefit of the doubt'

In a solicitation for pen pals posted by an anti-capital punishment group, Bustamante asserts, "I did do wrong, yet there is a lot more good in me than bad."

"We are all human and make mistakes," he wrote. "Yet, do we not deserve the benefit of the doubt?"

Bustamante wrote that he likes reading novels, animals, watching sunsets, "walking on the beach as the cool breeze blows" and "taking time to know and understand people."

Bustamante granted but did not appear for a death row interview.

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**CharlesPatrick** wrote:

"An El Campo laborer" - is that a media euphemism for illegal alien (similar to "a Mexican citizen" or "from Mexico") that I have seen so much lately?? The amnesty-supportive media is avoiding identifying criminals (especially murderers) as "illegal immigrant" or "illegal alien" or even "undocumented immigrant" now that congress is discussing 'comprehensive' immigration legislation (code words meaning amnesty for illegal aliens). God bless Arizona for passing strict immigration enforcement laws last week. Now the pressure will be on Texas and other states to do the same.