

New trial ordered for convicted killer after O.C. jail informant's role revealed

In Orange County Superior Court judge on Thursday ordered a new trial for a convicted killer on the grounds that authorities failed to reveal that a key witness was a regular informant, the latest fallout in an ongoing controversy involving the use of jailhouse snitches.

Henry Rodriguez, 39, of Anaheim is serving 40 years to life in prison because of his conviction for participating in the 1998 killing of 22-year-old Jeanette Espeleta.

She was pregnant with the child of Rodriguez's friend, who authorities say did not wish to pay child support.

In 2000, Rodriguez was convicted on charges of aiding the murder of Espeleta and her fetus, but an appeals court threw out the conviction and gave him a new trial, saying his Miranda rights had been violated.

At a second trial in 2006, jailhouse informant Michael Garrity -- who spoke to Rodriguez when the two were incarcerated at the Orange County Jail --

testified that Rodriguez had made incriminating remarks tying him to the crime.

According to Garrity, Rodriguez said that he had helped dump Espeleta's body in the ocean and left her as "shark bait."

Defense attorney James Crawford argued that Garrity's testimony should be excluded because he had been acting in the role of government agent, or "planted snitch," during his talks with Rodriguez -- a violation of a defendant's right not to be questioned after he acquires an attorney.

Crawford asked for jail records documenting Garrity's history as an informant, but an attorney for the Orange County Sheriff's Department, which maintains the jail, said no such records exist.



Rather than a planted informant, a trial prosecutor contended, Garrity was someone who "heard bad stuff in jail and decided to relate it."

A judge ruled that Garrity had been merely "a passive listener" at the jail, and allowed him to testify. Rodriguez was again convicted of the murders.

In 2014, after the Orange County public defender's office raised questions about the improper use of jailhouse informants in other cases, Rodriguez's

attorney argued to have the case reexamined.

In ordering a new trial for Rodriguez, Superior Court Judge Thomas Goethals ruled that authorities should have given Rodriguez's attorney jailhouse records showing that Garrity had acted as an informant in numerous other cases.

The Orange County district attorney's office said it will appeal Goethals' ruling.

It is also appealing the same judge's ruling last year to throw the D.A.'s office off its most high-profile case, the prosecution of mass murderer Scott Dekraai.

After Dekraai's attorney, assistant public defender Scott Sanders, argued there was a wide-ranging plan to violate defendants' rights with jailhouse informants, Goethals ruled the D.A.'s office had improperly withheld evidence.

Twitter: [@LATChrisGoffard](https://twitter.com/LATChrisGoffard)