



Office of the District Attorney
49th Judicial District of Texas

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FOR IMMEDIATE RELEASE

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4th Court of Appeals Upholds Conviction

The Office of District Attorney Isidro “Chilo” Alaniz reports that the Fourth Court of Appeals has upheld the conviction of Hector Chavarria (8/3/1995). Chavarria was convicted for having performed oral sex on a seven year old child and sentenced to life in prison.

The trial was held in the 406th District Court and prosecuted by the Special Victims Unit of the District Attorney’s Office. At trial, the child victim testified that she had spent the night at a friend’s apartment and awoke to find the defendant moving her underwear to the side and licking her “middle” part. She also testified that the defendant then touched her middle part with his hands.

During the trial, the State offered the expert testimony of Dr. Gregorio Pina, a child psychologist who testified that the child victim exhibited symptoms of sexual abuse. The defense contested the admissibility of Dr. Pina’s testimony and questioned his methodology which the defense argued was unreliable. 406th District Court Judge Oscar Hale, Jr. determined that Dr. Pina’s testimony was admissible and the trial proceeded with the jury finding the defendant guilty and sentencing him to life in prison with a ten thousand dollar fine.

The defense appealed Judge Hale’s decision in allowing Dr. Pina to testify and today, the Fourth Court of Appeals for the State of Texas released an opinion finding that the Judge did not commit any errors and that Dr. Pina is qualified to testify as an expert.

The Justices found that ‘the trial court did not abuse its discretion in determining that Dr. Pina’s testimony is reliable’. During the trial, Dr. Pina testified that as of December 2007, he had seen more than 6,320 alleged victims of sexual abuse, four-fifths of which were children and that he saw the victim in the Chavarria case on six different occasions and always followed established protocol and procedures.

The Assistant District Attorney who prosecuted the case and made oral arguments during the appellate process, Sara Martinez, stated, “Dr. Pina’s testimony is oftentimes essential in cases where there is no medical evidence of sexual abuse; therefore, we are pleased with the decision of the Appellate Court’s finding that Dr. Pina’s testimony is reliable and was properly introduced to the jury.”

