

CIVIL RIGHTS DIVISION

Notice to Close File<sup>1</sup>

File No. 144-76-5074

Date: April 20, 2010

To: Chief, Criminal Section

Re: Unknown Subjects  
San Antonio, Texas - Subjects  
Ladislado Uresti<sup>2</sup> (deceased) - Victim  
CIVIL RIGHTS

It is recommended that the above case be closed for the following reasons:

**I. Synopsis**

On April 22, 1953, Ladislado Uresti, a 47-year-old Hispanic resident, was working as a night watchman for a plumbing company in San Antonio, Texas. At about 10:30 p.m., the night engineer, C. J. Smith, heard Uresti call "Let me in." Upon going to the door, Smith saw that Uresti's face and arms were bloody and he was covered with dirt. Uresti reported that two white men had beaten him with long iron chains. Uresti told Smith he did not know the men who beat him but Uresti thought they were union men. After the beating, the men got into their car and left. Uresti first asked Smith to call the plumbing company to tell them he was quitting because he was afraid to work. Uresti then asked Smith to call the police.

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Karla Dobinski  
Attorney

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To: Records Section  
Office of Legal Administration

The above numbered file has been closed as of this date.

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Date

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Acting Chief, Criminal Section

FORMERLY CVR-3 FORM CL-3

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<sup>1</sup> Memo amended June 14, 2021.

<sup>2</sup> In May 2021, it was first brought to our attention that the victim's last name was spelled "Uresti" on his death certificate. The victim's last name was spelled differently in reports from various law enforcement agencies. We have changed the name to conform with the victim's death certificate.

San Antonio Police Officer M. A. Colaw was on routine patrol and arrived at the scene. He interviewed Uresti who told the officer that he put up a struggle against the attack, using his flashlight as a club. Uresti said the attack occurred while he was working on a pump in an isolated section of Concepcion Park. Uresti was brought to the hospital by an ambulance, where doctors discovered he had a fractured skull and other injuries. Uresti lost consciousness and died five days later following surgery for a brain hemorrhage.

Witnesses interviewed by San Antonio Police Department investigators included the store owner where Uresti had bought some soft drinks on his way to work and the foreman of the plumbing company who said Uresti was a good worker. Witnesses also reported that Uresti had cashed a paycheck for \$200 that day; police did not find any cash at the scene. The crime scene diagram showed the location of the beating and the exact sites where several items were recovered. Investigators found Uresti's bloody sock, shoe, watch, flashlight and unopened pocket knife. They also found two items that they determined did not belong to Uresti: a cap and a pack of Philip Morris cigarettes.

XXXXXX in the days surrounding the attack on Uresti, gave a statement to the Bexar County District Attorney's Office.<sup>3</sup> XXXXXX provided some information about a union agent named George Brombraugh, Jr. XXXXXX said that on the day before Uresti was attacked, Brombraugh, with an unidentified man in the background, came up to XXXXXX and asked why XXXXXX "didn't let a good operator work the machine." Brombraugh then turned and left. The next day, the same day of the attack on Uresti, Brombraugh appeared again, with two other men in a car. Brombraugh asked XXXXXX if XXXXXX had seen Brombraugh's step-father, George Wallace. When XXXXXX told Brombraugh he had not seen Wallace, Brombraugh then left the scene. The following day, the construction foreman told XXXXXX of the attack on Uresti and questioned XXXXXX about the kind of cap worn by Brombraugh.<sup>4</sup> That evening XXXXXX went to Brombraugh's mother's home where he found Brombraugh and told him that he had heard about the attack on Uresti and that XXXXXX would rather quit his job than cause trouble with the union. Brombraugh said he had read about the attack in the newspaper and that if he knew of any trouble, he would tell XXXXXX. Brombraugh then left the home.

The local investigation did not identify any subjects.

## **II. Federal Investigation**

In January, 2009, the Federal Bureau of Investigation (FBI) initiated a review of the circumstances of the victim's death, pursuant to the Department of Justice's "Cold Case Initiative." The FBI obtained a contemporaneous newspaper article that described the above events as well as records from the Homicide Unit of the San Antonio Police Department. The FBI determined that the police officials quoted in the article had died; Captain Joe Hester, in

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<sup>3</sup> Internet records currently reflect the name of a XXXXXX in XXXXXX. According to the police records, XXXXXX was XX years old in 1953, which would mean he is now about XX years old.

<sup>4</sup> A cap found at the scene does not appear to match the description given by XXXXXX.

1990 and Officer M. A. Colaw, in 1982. The FBI also sought records from the Bexar County Medical Examiner's Office, the Bexar County Sheriff's Office, the Bexar County District Attorney's Office and the Texas Department of Public Safety, but were informed that these agencies did not have any records relating to Uresti's death.

FBI special agents interviewed the following members and friends of Uresti's family: XXXXXX, XXXXXX, XXXXXX, and XXXXXX. They did not have firsthand information about the circumstances of the death, but reiterated their general beliefs that either unnamed union members might have assaulted Uresti in a labor dispute or that he was robbed for the cash from his paycheck that day.

### **III. Legal Analysis**

This matter does not constitute a prosecutable violation of any federal criminal civil rights statute. First, the only applicable criminal civil rights statute that would apply here, 18 U.S.C. § 245, was not enacted until 1968. Even if that statute was in effect at the time of Uresti's death, federal criminal civil rights violations were not capital offenses until 1994, and were therefore subject to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes, including 18 U.S.C. § 245, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 ("An indictment for any offense punishable by death may be found at any time without limitation."). However, the Ex Post Facto Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Second, in order to establish a violation under that statute, the government would have to prove beyond a reasonable doubt that the victim was assaulted because of his race or nationality and because he was exercising a federally-protected right such as his right to employment. There is no evidence to indicate that the assault was motivated by the victim's race or nationality. Though Uresti identified his assailants as white, he did not report that they used any language that would indicate he was targeted because he was Hispanic. There were no indicia at the scene of the crime that would indicate race or nationality was a factor in the assault. The local investigation did not identify any subjects and there do not appear to be any viable leads that would indicate that the motive element of § 245 could be met.

### **IV. Conclusion**

Based on the foregoing, this matter does not constitute a prosecutable violation of federal criminal civil rights statutes and, therefore, should be closed.