

**Hayden Wilson Head, Jr.**  
**Southern District of Texas**

*[T]he guidelines here are stiff and I frankly wouldn't . . . I don't think that they need to be this high in your case, even though the crime is serious, this is an awful long time to serve in a penitentiary.<sup>1</sup>*

**Appointed by:** President Ronald Reagan, 1981.

**Law School:** University of Texas, LL.B., 1968.

**Military Experience:** U.S. Navy JAG, 1969-1972.

**Prior Legal Experience:** Head, Kendrick & Head, 1972-81.

**Background and Reputation in Legal Community**

Judge Head received his law degree and briefly practiced law before joining the Navy's Judge Advocate General Corp for three years. After his military service was complete, he returned to private practice, eventually becoming a partner with Head, Kendrick & Head.

A federal judge since 1981, Judge Head has been active in judicial associations and committees. He has served on the Judicial Conference, as the Fifth Circuit representative, and on its committees for Automation and Technology, Security and Facilities. Judge Head also is a member of the Federal Judges Association and the District Judges Association of the Fifth Circuit. Within the bar, the judge has been a member of the Texas Bar Foundation and the Hon. Reynaldo G. Garza American Inn of Court.

Lawyers give Judge Head high marks for his ability and preparation. Comments included; "He is as thorough as any judge I've ever seen. He has instant recall of all the material submitted to him, even before the first hearing." "He is very, very good with the law." "He is a great judge. He is the perfect judge. He is what you expect a judge to be. He is smart. He follows the law."

Lawyers also say Judge Head runs a tight courtroom but gives both sides a fair hearing. Because of his high standards, some lawyers find him "a little rough at times," but others say that he has a good sense of humor and that it is only lawyers who are not prepared who need fear him.

Plaintiffs' lawyers surveyed suggest Judge Head is conservative but not unfair to them. Civil defense attorneys feel that Judge Head is evenhanded and has "no leanings." Criminal defense attorneys agree and say that he is "very fair in criminal proceedings" and that he can be "tough on the government also." On sentencing, defense lawyers' opinions varied. Some said, "He's pretty tough on sentencing." "He is fair but tough," while another believed Judge Head sentences "at the low end of the guidelines."

**Vicenta Villarreal**

**Offense:** Conspiracy to Possess with Intent to Distribute Heroin.

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Sentencing Transcript at 7, *United States v. Vicenta Villarreal*, No. 94-Cr-199 (S.D. Tex. June 22, 1995).

**Sentence:** 151 months.

**Release Date:** June 5, 2006.

Vicenta Villarreal was born in 1940. She was raised by her parents in Corpus Christi, along with her seven siblings. She married young and had three children. After separating from her husband, she maintained a relationship with Ruben Solis for twenty-five years and had one child with him. Vicenta graduated from high school in 1955 and began working in the food service industry in 1975, starting at Memorial Medical Center where she stayed for ten years. She later attended Texas A & M University where she received a certificate in food service in 1979. She moved to Del Mar Nursing Home in 1985 to earn more money<sup>2</sup> and had that job until her arrest in this case.



While Vicenta lived as a law abiding citizen for many years, the same could not be said for her relations. Her brother-in-law, Robert “Beto” Soliz, was a major distributor of heroin and cocaine in the Corpus Christi area and he pulled various family members into the operation, including Vicenta’s two sons.<sup>3</sup> Vicenta reports that she was not initially involved in the family drug business, but when her house was condemned, she moved in with Beto and his wife. Eventually, she was asked to help out and she did, first by buying large quantities of lactose to cut the heroin and later by delivering heroin to one of the organization’s retail distributors, Nelda Davila.<sup>4</sup>

Ironically, the lengthy sentences for Vicenta and the others in the Soliz conspiracy was the result of their initial good luck. The police first tried to take down Beto Soliz in January 1992 by executing a search warrant at his house. While money and a weapon was recovered, the powder they had seized turned out not to be heroin and so no one was charged.

Undaunted, the police redoubled their efforts to build a case against him. Beginning in November, 1992, with the aid of a confidential informant, an undercover agent infiltrated the organization and began making drug buys from Soliz’s workers, starting at just a few grams of heroin and escalating into purchases of several ounces at a time. Near the end of their investigation, the police also conducted searches of several homes and cars, recovering more drugs, money, and narcotics trafficking paraphernalia. The police also recorded telephone conversations, including nineteen calls between Vicenta and Nelda Davila. Many of the participants were arrested in the summer of 1993 but the investigation continued with an indictment issuing in November 1994.

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At the hospital job, she earned about \$7.00 an hour. Her monthly pay at the nursing home was \$1,100.00 a month.

3

Her son from her marriage, Magdalen Rodriguez, was the common law husband of Beto’s daughter, Hope. Both Magdalen and Hope were co-defendants in this case. Her son with Ruben Soliz, Robert, was a juvenile at the time, and although somewhat involved, he was not charged in the federal case.

4

Vicenta admitted to making two deliveries to this dealer.

Vicenta first decided to go to trial but on the second day, she changed her mind and pled guilty. The government agreed to dismiss all the charges except the primary conspiracy count. Unfortunately for Vicenta, the government's two year investigation yielded vast amounts of relevant conduct for which she was held responsible as a co-conspirator. Specifically, about 7.23 kilograms of heroin was seized or purchased by the undercover agent and about one half a kilo of cocaine was found in the search warrants.<sup>5</sup> In addition, several defendants cooperated after their arrest and gave estimates of how much heroin had been sold on a weekly basis at various points in the two year span. Using the seizures and the cooperators' information, the probation officer who prepared the PSI claimed that a conservative estimate of the weekly heroin sales was seven ounces. Vicenta was alleged to have participated for twenty months, yielding a drug quantity of 14.7 kilos for a Base Offense Level of 36. With a two point reduction for acceptance of responsibility, her final Offense Level was 34. With no prior convictions or arrests, her Criminal History Category was I and her Guideline sentencing range was 151-188 months.

Because there were no objections to the PSI by either side, Judge Head had very little to do at the sentencing hearing. He did tell her that should be ashamed of herself for selling heroin but, at the same time, he also felt that

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He then imposed the minimum sentence permissible, 151 months, revoked her bond, and had her taken into custody. Most of the other defendants also received substantial sentences. The leader, Robert "Beto" Soliz, was given 292 months and Vicenta's son, Magdalen Rodriguez, 188 months. Two of the other women in the organization, however, received lighter sentences. Norma Jean Soliz, the leader's wife was given just three years and Hope Soliz, Beto's daughter (and Vicenta's daughter-in-law) received five years probation. One possible reason for these differential sentences was that the government gave Vicenta the opportunity to cooperate against Roland Molina but she declined to do so.<sup>7</sup>

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The government also asserted that at least five kilograms of cocaine had been present in the home of one of the conspirators. However, because there was so much heroin involved in the case, the probation officer concluded that even five and a half kilos of cocaine would not have an upward impact on her sentence, and hence, he excluded these quantities from the calculation of her Offense Level.

6

Sent. Tr. at 7. Judge Head also seemed appalled that Vicenta was working in a nursing home taking care of people at the same time she was helping to sell heroin to poor addicts in the same community. Sent. Tr. at 8-9. He concluded the sentencing hearing by telling her that she was still trying to minimize "the seriousness of her behavior," and that she, "and all your family needs to understand that engaged in one of the most serious drug trafficking crimes in this Court. I mean you just have got to figure that out." Sent. Tr. at 10.

7

Sent. Tr. at 4. Rolando Molina supervised the finances of the organization. He was also a son-in-law to the leader, Beto Soliz. Molina went to trial, was convicted and sentenced to 235 months in prison.

When Vicenta was sentenced, she was already seriously ill. Standing just 5' 2", she weighed 230 pounds and suffered from high blood pressure. She also was diagnosed with epilepsy and had seizure for which she needed Dilantin.

*Compiled from PSI, Sentencing Transcript excerpt, and PACER docket sheet.*