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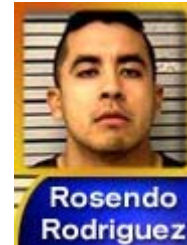
## Change Of Venue In Capital Murder Trial

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Lubbock's first capital murder case since 2002 will not be held in Lubbock.

 **Change Of Venue In Capital Murder Trial**

Friday afternoon, Judge Jim Bob Darnell granted a change of venue, moving the capital murder trial to the Randall County Courthouse in Canyon.



Courtesy: LSO

Jury selection started here in Lubbock on Wednesday. Attorneys narrowed down the potential pool to 160 jurors, but now Judge Darnell says there is too much prejudice against Rodriguez to give him a fair trial. Rodriguez is charged with capital murder in the death of Summer Baldwin and her unborn child. Her body was found inside a suitcase at the Lubbock Landfill in 2005.



Last April, defense attorneys asked for a change of venue, arguing Rodriguez could not receive a fair trial in Lubbock due to extensive media coverage. A month later, Judge Darnell ruled media coverage alone was not enough to move the trial.



Darnell will still preside over this case.

"It's not that big of a deal, you just have to find a county that has a room for it and has a courtroom they can set aside for two or three months," said Patrick Metze.



Metze is a Texas Tech Law Professor who has dealt with change of venue several times as an attorney. "Law requires them to go to an adjacent district to stay close to home if they can. But if the judge doesn't feel that the adjacent district would be any more fair than the one he's in he can decide to move it further away," Metze said.

Metze says people in towns surrounding Lubbock like Plainview and Brownfield have undoubtedly heard of the Rosendo Rrodriguez case so that's most likely why the trial was moved so far away.

"It's the judge's decision. As long as he does what's reasonable, nobody's going to criticize him for it," Metze said.

As for the judge and staff that preside over a trial in a change of venue situation...

"They could use a local judge. They could be assigned to a different court in a different town, so they could use the local judge there, the local court reporter and staff there," said Metze.

It's ultimately up the judge and, in this case, Judge Darnell will be presiding over the trial in Randall County so there will be a cost for him to go, and for his staff to go. But that's not the only expensive part.

"The state has to move their whole group of people. Their prosecutors, their investigators, their witnesses, they've got to move them up there," Metze said.

It's just the state but the defense, too. And Metze says it's often much harder on the defense.

"The defense doesn't always have the money that the state has," he added.