

FOR IMMEDIATE RELEASE

An Austin County jury convicted Tony Merlos, 47, of Wallis, Texas of Indecency with a Child by Sexual Contact on Tuesday, October 8, 2013 after a two day trial before District Judge Jeff Steinhauser. The State presented evidence that a family member walked in on Merlos while he was having a five year old female child perform a sexual act on him at his trailer home in Wallis, Texas.

District Attorney Travis Koehn presented punishment evidence while Assistant District Attorney Brandy Davidson presented the bulk of the evidence in the guilt/innocence phase of trial. Defense Attorney Don Hecker represented the defendant.

Texas law provides that a person who is convicted of a sex crime can be subject to an automatic life sentence if it is proven they have been previously convicted of another sex crime.

Merlos had two previous convictions for sex crimes out of Indiana. He was convicted of two counts of Child Molesting in 2001. One of those involved an eight year old victim, and one involved a nine year old victim. Merlos was also convicted in 2001 of Sexual Misconduct with a Minor. The victim in that case was fifteen years old.

At punishment, the jury was asked to determine whether Merlos's prior convictions occurred. They found that both prior convictions were proven. The jury accordingly sentenced Merlos to life in prison.

Merlos will not be eligible for parole until 2043 when he is seventy-seven years old. If he ever receives parole, he will have to register as a sex offender.

Merlos had only spent six years in prison for his Indiana crimes before moving to Texas.

Davidson stated, "All too often, sex offenders go free or receive light sentences because victims and witnesses are too scared to come forward. Merlos spent a lot of time and energy convincing witnesses in our case that no one would ever believe them."

The witnesses overcame that fear in order to testify. The guilty verdict restored their faith in the justice system. This life sentence will allow the young victim and her family to move on with their lives without fear."

Through sheer coincidence, all twelve jurors were men. Koehn noted it was the first time in his thirty years in office that he had presented a case before an all-male jury. "The jurors are selected and seated at random. In this case, more men happened to be seated where they had the greatest likelihood of being selected," Koehn explained. "We had full confidence that any Austin County jury, regardless of gender, would see the truth in this matter."

"We salute Investigator David Moseley and Sergeant David Fischer of the Austin County Sheriff's Office. Their hard work on this case made this conviction possible. Other investigators involved in this case included Lieutenant John Janicek, Deputy Barbara Reinhardt, and Detective Mary Herbrig. All these officers were instrumental in this successful prosecution," Koehn said.

"There are few crimes more despicable than the sexual abuse of a young child," Koehn added. "This Austin County jury sent a message that our county absolutely will not tolerate it."