142 - The Murder of Marisol Galindo Rico

Shaun Nine days before Christmas, twenty six year old Marisol Galindo sought a court order to protect herself from her estranged husband. But on Christmas morning, he showed up at her Reno home anyway.

John By the time police arrived, Marisol had been stabbed more than twenty times, and her husband was also critically injured. He would claim that he had acted in self-defense, but the evidence would raise serious questions about his version of what happened that morning.

Shaun Hi, and welcome to Sins and Survivors, a Las Vegas true crime podcast where we focus on cases that deal with domestic violence as well as missing persons and unsolved cases. I'm your host, Sean.

John And I'm your co-host, John.

Shaun For our second episode this October, we are talking about another domestic violence homicide that has a lot in common with the case we covered last time. This case is from Reno, Nevada, and I first learned about it in an article in the Reno Gazette Journal that was published more than ten years ago. The article covered violations of temporary Protection orders, or Tpos in Reno and noted that the number of violations had declined significantly from four hundred and twenty four violations in twenty ten to just two hundred and sixty nine in twenty thirteen, with law enforcement saying some of the improvement was due to community education and police enforcement efforts. However, the article also highlighted the limitations of protective orders, referencing the murder of Marisol Galindo, who was killed by her estranged husband despite having obtained an order prohibiting him from returning to their home. This is a topic we've sadly covered multiple times how temporary protection orders can fail. While tpos provide an important safeguard for domestic violence victims, their effectiveness ultimately depends in part on voluntary compliance by the abuser, stalker, or harasser, whether the victim's fears are taken seriously and whether the violations are consistently enforced by law enforcement.

John In our last episode, we talked about the murder of Donna Hernandez, a woman who was killed by her ex. Donna also had a TPO in place when she was killed. In that episode, we went into the details of how you can obtain a TPO in Nevada, but as a quick reminder, a temporary protection order is an important tool, and you can reach out to the National Domestic Violence Hotline or local organizations to get more information or assistance. If you decide to file one, visit censored dot com slash resources for links and numbers. As we said, this episode is about Marisol Galindo. Marisol was born on October twenty third, nineteen eighty five. Unfortunately, despite quite a bit of research, we weren't able to find any information about Marisol's childhood, her education, or even where she was born. We do know that she was living in Reno by the time she was sixteen years old. In January of two thousand and two, the Reno Gazette Journal published a listing of marriage licenses issued in Washoe County. Among the couples listed were sixteen year old Marisol Galindo and eighteen year old Salvador Armando Rico Rivas, both from Reno.

Shaun Marisol had three children, all boys. Based on the information we gathered from court records and newspaper reporting, Marisol and Salvador's first born son arrived in two thousand and one or two thousand and two. In two thousand and four and again in two thousand and seven, the Reno Gazette Journal ran birth announcements for two more boys. Born to Marisol and Salvador, Marisol spent her late teens and early twenties raising her young and growing family. We weren't able to find information about her employment interests or what she was like as a person, which is something we always hope to include when we cover a case. One thing we do know is that by December of twenty eleven, when Marisol was just twenty six years old, her marriage to Salvador had broken down.

John Marisol and Salvador were separated, and according to reporting from the Reno Gazette Journal, there had been an incident of domestic violence in the days leading up to Christmas. The newspaper reported that Salvador had struck Marisol, prompting her to seek a temporary protection order the week of December sixteen, twenty eleven. That order prohibited him from returning to the home where Marisol was living. But as we talked about last episode, having children together can make orders of protection very complicated. Although Salvador was ordered to stay away from Marisol's house and Marisol herself, he still would have been able to have visitation with their sons, who were ten, seven, and four. The holiday season likely added another layer of issues when both parents want to celebrate with their kids. Other family members, like grandparents, also want to see them. And of course, the kids want to spend time with all of their family

members too. We know from the newspaper announcements that their middle son's birthday is in mid-December, so yet another event where each parent wants to share in the celebration. According to court records, the tension between Marisol and Salvador eased somewhat when Christmas approached. The family reportedly went to dinner together at Circus Circus in Reno on Christmas Eve. But spending the holiday together doesn't mean that Marisol and Salvador had reconciled, and at that time, the protective order was still in effect. We want to mention that Marisol was reportedly seeing another man, Hector Reyes Macias, who was described in the newspaper as her boyfriend. Salvador, would later say that Marisol attended a Christmas party with Hector later that same evening. He would also later claim that she had been drinking at that party.

Shaun In the early morning hours of December twenty five, twenty eleven, Salvador went to Marisol's home. He later told investigators that he had arrived at approximately four a m, and he claimed he had shown up because Marisol had wanted him to spend Christmas with the family. Whether Marisol had actually invited him, there is not something we can verify. When Salvador entered the home, he discovered that Hector Marisol's reported boyfriend was there. According to an account of the trial published in the Reno Gazette Journal, Salvador and Hector got into a physical fight and Hector left the house. Before we continue, we want to note here that the sequence of events and what exactly happened is incomplete and in many ways unreliable because most of this comes from what Salvador told the police happened this morning. Some of the details we have were reconstructed from the lengthy appeals documents that he later filed. Salvador admitted to detectives that once Hector was gone, he slapped Marisol three or four times and then called her parents and asked them to come to the house and get the boys. Her parents did come to the house, and they decided to leave Marisol and Salvador alone to resolve their disagreement. We don't have enough information to know what they witnessed or why they made the decision to leave. We also know that at some point during this confrontation, Marisol ran out of the house and into the yard. Rather than allowing her to leave, Salvador chased her, picked her up, and carried her back inside the house. He admitted this to the police, and these facts would later become a critical part of the prosecution's case.

John What happened next, according to Salvador's statement to investigators, was that he was sitting in a chair when Marisol approached him from behind and stabbed him in the stomach. He claimed that she stabbed him again and that he eventually got the knife away from her. Salvador told police that he then stabbed her three to five times in an effort to defend himself. When Salvador called nine one one, he claimed that the knife was still lodged in his stomach. Shortly after nine a m on Christmas Day twenty eleven, Reno police arrived at Marisol's home. According to the Reno Gazette Journal, when Reno police peeked through the window of the house, they said they saw a decorated tree, family pictures on the wall and two bodies lying in blood by the staircase. Officers entered and discovered Marisol and Salvador, both unresponsive and suffering from serious injuries. Emergency medical personnel transported them to the hospital. Salvador was critically injured, but he survived. Marisol did not survive her injuries. She was twenty six years old with three young children. We're going to pause here for our first break, but we will be right back.

Shaun As investigators work to determine what had happened inside the house. They knew about the TPO, but also had Salvador's account that Marisol had attacked him and that he had acted in self-defense. However, the medical evidence presented a very different picture of the amount of violence inflicted on Marisol. Although Salvador claimed he'd stabbed her three to five times, her autopsy documented more than twenty stab wounds. Some of those wounds penetrated Marisol's heart and lungs. The investigators also considered Salvador's injuries, and whether they supported his claim that Marisol had attacked him first. As the case progressed, experts who reviewed his medical records raised questions about his account of what had happened. Two experts believe some of Salvador's injuries could have been self inflicted for several days after Christmas. Salvador remained hospitalized while recovering from his injuries. On Saturday, December thirty one, twenty eleven, he was released from the hospital and immediately taken into custody. He was booked into the Washoe County Jail on charges of murder with a deadly weapon, domestic battery and violating the protective order. He was held without bail while the criminal case moved forward. Almost two years would pass before the murder trial began.

John Salvador's trial began in October twenty thirteen in Washoe County Second Judicial District Court, with Judge Jerome Pullara presiding. The central question of the trial wasn't whether Salvador had stabbed Marisol. He admitted that he had. The question was whether his actions amounted to murder or whether he had acted in lawful self-defense. Prosecutors presented two possible grounds for first degree murder conviction. The first was the more familiar theory of premeditated and deliberate murder, meaning Salvador

intentionally killed Marisol after forming the decision to do so. The second was felony murder, with burglary serving as the underlying felony. We discussed felony murder in our previous episode about Donna Hernandez. But as a reminder, under Nevada law, a killing committed during certain serious crimes can qualify as first degree murder, and the prosecution doesn't have to prove premeditation. Also, in Nevada, burglary doesn't necessarily involve stealing anything. Burglary can occur when someone enters a building with the intent to commit certain crimes inside. The prosecution's theory was that even if Marisol had truly invited Salvador to the house for Christmas morning, Salvador committed burglary. When he hit Marisol and she ran away, and he chased her and carried her back into the house. According to prosecutors, during the second time, he went back into the house. That was definitely the felony of burglary. And the fatal violence happened during the commission of that felony.

Shaun Salvador's defense was that Marisol had attacked him first. His serious injuries were central to that argument, because the defense wanted jurors to consider whether he had been protecting himself from a potentially deadly attack. But the fact that someone sustains injuries during a confrontation doesn't by itself mean their use of deadly force would be justified. The facts that she had the TPO against him. But he came to her home at four a m to spend Christmas with the kids that he fought with. The man she was dating slapped her, had her parents come and take the kids away, and that she fled. But he then carried her back into the house. Were all presented to the jury, as well as a number of injuries she sustained, which, in my opinion, altogether don't add up to a strong claim of self-defense. Salvador's attorney also tried to introduce evidence suggesting that Marisol had previously been violent toward another woman. The defense wanted a detective to testify about a police report containing the allegation, but the judge excluded the report and that proposed testimony. We don't know when that alleged incident happened, but Marisol had never been arrested or prosecuted over it, and the detective had no firsthand knowledge of that supposed incident. According to court records, the defense was allowed to question a witness about her own knowledge of that incident. But unfortunately, we don't have specifics of her testimony. But even though the detective wasn't allowed to testify due to a hearsay exemption, the jury did hear about what happened. The jury also heard testimony from a witness who at some point had discussed conflict resolution with Salvador. While answering a question, she began to describe something Marisol had said about Salvador. A statement about her quote, being afraid. According to later court documents, it was apparent that she was going to finish the sentence with of Salvador or something to that effect. And therefore the prosecutor interrupted the witness before she finished her statement. But the issues about that brief thing she said would come up later. We also want to note that her two older children, who were twelve and nine at the time of the trial, testified as well. The jury heard about Salvador's injuries, although his attorney chose not to introduce his complete medical records. And despite claiming that he acted in self-defense, Salvador himself did not take the witness stand. At the conclusion of the trial, the defense sought a particular set of jury instructions, which explained that when someone who initially starts a confrontation might regain the legal right to defend themselves. However, the trial judge rejected the defense's proposed wording because it didn't accurately describe all of the legal requirements. The jury ultimately received instructions addressing both self-defense and the prosecution's theories of murder.

John In October of twenty thirteen, the jury convicted Salvador Rico Rivas of first degree murder. The verdict also included findings that the murder involved the use of a deadly weapon and a conviction for violating Marisol's protection order. Salvador's claim of self-defense had not persuaded the jury. On January sixteen, twenty fourteen, the court entered the judgment of conviction, and Salvador received consecutive prison terms totaling twenty eight years to life. The case had taken more than two years to reach that point. For Marisol's family, the verdict established Salvador's criminal responsibility in her death, but the legal proceedings were far from finished. We're going to pause here again for a quick break, but we'll be right back to talk about Salvador's attempts to overturn his conviction.

Shaun Over the next decade, Salvador would repeatedly challenge his conviction, first arguing that mistakes were made during his trial and later claiming that his own attorney had failed to provide an adequate defense. His first appeal went directly to the Nevada Supreme Court, which issued its decision in June of twenty fifteen. One of his arguments was about that allegation that Marisol had previously assaulted another woman. As we mentioned earlier, his defense attorney wanted to introduce a police report documenting that allegation, apparently hoping it would support Salvador's claim that he had acted in self-defense. However, Marisol had never been arrested or prosecuted in connection with that alleged incident, and the detective the defense

wanted to call, had no first hand knowledge of what supposedly happened. The trial judge ruled that the police report was inadmissible hearsay, and the Nevada Supreme Court agreed. The justices pointed out that the defense had been allowed to question a witness who claimed to have personal knowledge of the incident, which would have been enough to get that information out there to the jury. So Salvador failed at arguing that he had been prevented from presenting that part of his defense.

John Salvador also challenged the introduction of Marisol's temporary protection order, arguing that it shouldn't have been presented to the jury as evidence of his guilt. The court ruled that the protection order was relevant for a specific legal reason. Prosecutors had charged him with committing murder while violating an order protecting Marisol from domestic violence under Nevada law. That finding could increase his sentence, and the jury had to determine whether the allegation had been proven beyond a reasonable doubt. Another issue involved the testimony of a prosecution witness who had discussed conflict resolution with Salvador during the testimony, she began to describe something Marisol had told her about being afraid. But the prosecutor quickly interrupted before she could finish. He said the jury shouldn't have heard that statement, but the Supreme Court concluded that the brief, unsolicited remark wasn't going to be enough to overturn his conviction or to warrant a new trial.

Shaun There were additional objections involving testimony about Salvador's alleged gang affiliation and a prior arrest, as well as the instructions the jury received about self-defense. Salvador had wanted an instruction explaining under what circumstances someone who initially starts a confrontation might regain the right to defend themselves if the other person responds with excessive force. The Nevada Supreme Court concluded that his proposed instruction was legally incomplete because it failed to adequately address an initial aggressor's obligation to withdraw from the confrontation. Ultimately, the Nevada Supreme Court rejected all of these arguments, and they upheld his conviction in June of twenty fifteen.

John Next, Salvador filed a petition for a writ of habeas corpus. This time, he argued that his own defense attorney may have been ineffective to overturn a conviction. On these grounds, a defendant generally has to demonstrate two things that the lawyer's performance fell below a reasonable professional standard, and that the mistakes created a reasonable probability of a different outcome. However, the courts also recognize that defense attorneys have to make strategic decisions, sometimes choosing not to present evidence that could end up hurting their clients. One of Salvador's biggest complaints involved the prosecution's felony murder theory. Remember, the prosecutors argued that when Salvador chased Marisol into the yard and carried her back inside, that second entry constituted burglary. Because of his criminal intent, Salvador claimed his attorney should have challenged that theory more aggressively, particularly because he maintained that Marisol had invited him into the house for Christmas. The Nevada Supreme Court pointed out that the prosecution hadn't relied on his initial arrival at the house to establish the burglary. It relied on the second entry when Salvador brought Marisol back inside after she fled into the yard. It's also important to note that under Nevada law, even a person's consent to an entry doesn't necessarily defeat a burglary charge if the entry was made with the required criminal intent.

Shaun Salvador also argued that two separate events should have broken the legal connection between the burglary and Marisol's death. The first was his discovery that Marisol had another man at the house, and the second was her parents decision to leave the couple alone to resolve their conflict. In legal terms, he was arguing that these were intervening causes, events that interrupted the chain of responsibility between his entry into the home and the killing. The Supreme Court rejected both of these arguments. The discovery of the other man happened before Salvador's second entry, so it couldn't have interrupted the connection between that entry and the murder. And the court explained that Marisol's parents leaving the house did not relieve Salvador of the responsibility of his actions. Marisol died from the stab wounds he inflicted, and Salvador did not dispute that he caused those injuries. Salvador's next set of complaints concerned the evidence supporting his self-defense claim. He argued that his attorney should have introduced his complete hospital records to demonstrate just how seriously he had been injured. But during the post-conviction hearing, his original lawyer explained that two experts had reviewed those records and believed some of Salvador's wounds could have been self-inflicted. That presented an obvious risk for the defense, because introducing the complete records could have opened the door to testimony that undermined Salvador's version of events. His lawyer had instead chosen to present evidence of the injuries through other means without introducing the records themselves. The Nevada Supreme Court concluded that this was a reasonable tactical decision and not an effective representation.

John Salvador also argued that his lawyers should have called crime scene analyst Doctor Brent Turvey to testify. You may remember Doctor Turvey from our episode on the wrongful conviction of Christine Blaise Lobato, where he created a report and testified to help overturn Blaise's conviction regarding Salvador. Turvey's report and testimony were examined during the post-conviction proceedings, but the courts found serious limitations in his analysis. He couldn't determine who had been the initial aggressor or who had stabbed whom first, and parts of his report conflicted with evidence presented at trial. One of those conflicts involved their oldest son. Turvey's report asserted that the boy had described his mother as visibly intoxicated on Christmas morning, but he had actually testified that she was not drunk. Turvey couldn't identify where he had obtained the contradictory information. His report also omitted Salvador's admission that he had slapped Marisol, along with the evidence of their continuing physical altercation. The courts concluded that Turvey's testimony wouldn't have looked great on cross-examination and was unlikely to have helped the defense. Therefore, Salvador's attorney wasn't necessarily wrong when he wasn't called as a witness. The Supreme Court again treated the decision as a matter of reasonable trial strategy rather than evidence of ineffective assistance. Salvador also complained that his attorney advised him not to testify in his own defense. His lawyer acknowledged giving that advice, but testified that if Salvador had insisted on taking the stand, he would have been permitted to do so. The record also showed that Salvador had voluntarily waived his right to testify in front of the trial judge, although he later gave conflicting accounts about how that decision was reached.

Shaun There was one final argument involving Salvador's sons, who were nine and twelve years old at the time of the trial. Salvador claimed his attorney should have interviewed them beforehand to determine whether they could provide information helpful to the defense. His attorney explained that he made the strategic decision about handling the children and questioning them gently, and the courts ultimately concluded that the son's later testimony was inconsistent and unlikely to have changed the jury's decision. After reviewing all of those arguments, the Nevada Supreme Court issued another decision on May twenty five, twenty twenty three. The justices agreed with the lower court that Salvador had failed to demonstrate his trial attorney had been ineffective or insufficient. His conviction remained intact, but even after losing his direct appeal and his state post-conviction challenge, Salvador continued fighting his conviction.

John In June twenty twenty three, Salvador filed a federal habeas corpus petition, once again arguing that his attorney had provided ineffective representation. Many of his claims revisited issues already raised in his earlier appeals, including the felony murder theory and his claim of self-defense. In August of twenty twenty five, a federal judge allowed him to proceed rather than dismissing his petition on procedural grounds. But as of the latest court records we've received, the final decision on that appeal is still pending. Salvador's first degree murder conviction still stands. As of Twenty twenty six, he is incarcerated at Lovelock Correctional Center and will be eligible for parole in December of twenty thirty one.

Shaun Nearly fifteen years after Marisol's murder. The court record is extensive. There are decisions explaining Salvador's legal arguments, the evidence presented at his trial, the decisions made by his attorney and the reasons the courts rejected his challenges. But there's something striking about all of those records. Details about Marisol are absent. We know that Marisol was sixteen when she and Salvador got married, and that she became a mother while she was still very young. We know that by Christmas of twenty eleven, the marriage had deteriorated and she sought legal protection from her husband. We are sorry to say that we don't know much about her personality, what she liked to do, or the things her family and friends remember most about her. Our listeners know that unfortunately, that is not unusual. When we research cases involving domestic violence, particularly older cases that receive limited media coverage. So much of the public record focuses on the circumstances of a victim's death. While the details of her life remain with the people who knew and loved her. But we never mistake the absence of those details in public records for an absence of a full and meaningful life.

John Marisol was buried at our Mother of Sorrows Cemetery in Reno. Her grave marker bears her name. The year is nineteen eighty five to twenty eleven, and a short inscription in Spanish. Recuerdo de sus hijos e familia. In English, it literally translates to in remembrance from her children and family. But we understand it as saying she is always with them in their hearts and memories. Marisol's children and family members remember her as someone they loved, not simply as a victim of a criminal case. Her life was much more than what happened to her on Christmas morning, twenty eleven. Even if the media and court records don't tell us everything, we'd like to know about her. There's also the question that brought us to Marisol in the first place.

She had obtained a temporary protection order, and Salvador was prohibited from returning to her home, but within days he was there and she had been killed. A protection order is an effective legal tool, but on its own, it's not enough to keep someone safe. Protection orders can provide important consequences for violations and help law enforcement intervene, but they work best as a part of a larger system that is focused on survivor safety. That includes taking threats seriously, responding to violations, holding violators accountable, and helping survivors access advocacy and other resources such as Donna's House for safe Child visitation exchanges that we discussed in our last episode.

Shaun In Marisol's case, Salvador was eventually held accountable for her murder, but that accountability had to come after she had lost her life. Her death is a reminder that court orders alone cannot eliminate the danger posed by someone who is determined to commit violence, and the responsibility for that violence always belongs to the person who chooses to commit it. If you or someone you know is experiencing domestic violence, stalking, or threats from a current or former partner. There are people who can help you understand your options and develop a safety plan. You don't have to wait until the situation becomes physically violent to reach out for support. We've collected links to national and local organizations at inspired dot com slash resources. And as always, thank you for listening. Please consider sharing this episode and our resource link with someone who might benefit from the information. Because what happens here happens everywhere.

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