

## Court reverses murder verdict; Appeals panel rules that a youth who beat a teen to death at a Palmdale ballpark in 2005 is guilty of manslaughter.

*Copyright 2007 The Los Angeles Times*

An appellate court Monday reversed the murder conviction of a 13-year-old athlete who struck and killed a fellow Pony League player with a baseball bat, ruling that the boy did not intend to murder but acted out of passion.

Instead, the court declared the boy guilty of voluntary manslaughter and ordered that he be re-sentenced.

The ruling adds a new dimension to a case that rattled suburban Palmdale, where the killing took place, and raised questions about the increasingly contentious nature of youth sports. Witnesses said that before the attack, the victim had taunted and bullied the boy about losing a game.

The ultimate impact of the appeals decision was unclear because the defendant, whose name is being withheld because of his age, was placed in the custody of state juvenile officials, who generally have the authority to keep offenders until age 25.

Angela Reddock, the lawyer representing the boy, said she would ask Los Angeles County Superior Court Judge Richard E. Naranjo, who issued the original verdict, to release her client.

“He has already served almost two years,” Reddock said.

Neither state lawyers, who asked the appeals court to uphold the conviction, nor local prosecutors would comment.

The youth, now 15, was shoved and taunted by Jeremy Rourke, a much bigger boy whose coach described him as a bully, according to testimony. The youth struck Jeremy twice -- in the knee and the head, killing him April 12, 2005.

Both Naranjo and the appeals judges rejected the boy’s claim that he acted in self-defense.

Reddock said her office is researching the sentencing range possible under the appeals court decision and how that differs from the one dictated by Naranjo’s verdict 1 1/2 years ago.

The appeals court found that the case lacked evidence of malice, a necessary precursor to second-degree murder. The court noted that the teen testified that Rourke had teased him and

pushed him twice, ignoring his plea to stop -- giving rise to “sudden passion.”

The defendant, who is African American, also testified that Jeremy, who was white, addressed him with a racial epithet when the two met on the line to the ballpark snack shack.

William McKinney, the defense attorney at the trial, said he did not believe the case was racially motivated.

Jeremy, who stood a head taller and outweighed the defendant by 100 pounds, shoved him, the defendant said, causing him to stagger back and drop an equipment bag he had been carrying.

“I thought he was going to beat me up,” the defendant testified. “I was scared.”

Witnesses said he grabbed a bat and hit Jeremy once in the knee, knocking him down.

The defendant then stepped up to Jeremy and hit him with the bat a second time, over the head.

The appeals court found, however, that the defendant clearly knew that what he had done was wrong, supporting a voluntary manslaughter conviction.

The youth currently is in the California Youth Authority facility in Stockton and doing well, Reddock said.

“He in excellent health. He’s doing well academically. He’s a dorm leader. His case manager says he’s one of the good kids and is well regarded by staff and other kids,” Reddock said.

*john.spano@latimes.com*

LATM000020070123e31n0002h

California; Metro Desk

John Spano

Times Staff Writer

580 Words

23 January 2007

Los Angeles Times

Home Edition

B-1

English