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Murder Conviction Voided in O.C. Case

Appellate court calls judge's remarks to the jury in a 1991 slaying a rights violation.

February 10, 2005 | Mai Tran | Times Staff Writer

An appeals court has voided the conviction of a man serving 26 years to life in prison for the 1991 murder of a co-worker at an Anaheim gas station, officials said.

Francisco Javier Maldonado, who was 16 at the time of the killing, was denied due process during jury instructions by Orange County Superior Court Judge Richard W. Stanford Jr., according to the 11-page opinion released Tuesday by the state 4th District Court of Appeal in Santa Ana.

"The court made it clear to the jury if it did not reach a verdict, there would be a retrial. This was a misstatement of the law," the three-judge panel wrote in the opinion.

Maldonado is accused of killing Harold Doorenbos, an assistant manager, on Aug. 11, 1991. Doorenbos was stabbed and beaten with a 15-pound metal safe lid. A customer discovered his body in the cashier's booth. About \$3,000 was missing from the safe, police said. It is not known who took the money.

Authorities said Maldonado fled to Mexico.

He was arrested nine years later during a traffic stop and charged with murder.

In the January 2002 trial, the jury deadlocked 10 to 2, with the majority favoring conviction. During the second trial in July 2002, the jury foreperson told Stanford that the jurors could not agree on a conviction but that they "were sort of in the middle of something."

Stanford erred when he told the jury that if it did not reach a verdict, the case would have to be retried, the opinion said. The jury deliberated again for less than two hours and convicted Maldonado. He is being held at the California State Prison at Corcoran.

Stanford said he instructed the jury to continue deliberating because it "has been out so long on a fairly short case," court records show.

The attorney general's office has 30 days to appeal the ruling to the California Supreme Court.

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Jury Acquits Woman in Boy's Death

February 03, 2001 | TWILA DECKER | TIMES STAFF WRITER

A 24-year-old Los Angeles woman was ordered freed from jail Friday after a Superior Court jury acquitted her in the 1999 scalding death of a 3-year-old foster child.

The jury found Leona Hightower not guilty of all five charges against her: second-degree murder, manslaughter, assault and two counts of child abuse.

Hightower had been in custody since the boy's death in May 1999 and faced a possible life sentence if convicted.

Her attorney, Fay Arfa, said Elijah Johnson's death was a tragedy that hurt all those who were close to him.

"This little boy was loved and cared for, and happy and healthy," Arfa said in an interview.

The jury convicted Hightower's mother, Brenda Craney, 38, of a misdemeanor count of child abuse for failing to seek immediate medical care for the boy. Craney was the boy's foster mother.

Craney's attorney plans to appeal the conviction, which carries as much as a year in jail. Craney is scheduled for sentencing March 16.

The boy was living with Craney in the 1400 block of West 49th Street in Los Angeles when he suffered severe burns.

Prosecutors argued that Hightower intentionally dipped the boy into a tub of hot water on April 25, 1999. He suffered burns over 45% to 50% of his body and died that May 10. Hightower was arrested three days later.

Arfa said the boy's death was an accident that resulted from a cast iron tub and a malfunctioning water heater, which caused the water to be overly hot.

The lawyer said Hightower was watching the boy while her mother stepped out of the house for a few minutes. She was drawing herself a bath when the boy said he needed to use the bathroom, according to the attorney.

Arfa said that when Hightower turned her back, the boy disappeared. Elijah apparently climbed onto the rim of the tub and fell in, the lawyer said.

The defense brought a tub to the courtroom to show jurors how easy it was to slip into it.

"The water temperature was so hot and intense it only took a matter of seconds to inflict the burns," Arfa said.

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METRO NEWS

Court Says Educator Wrongly Convicted for Sex With Teen

April 24, 2001 | STUART PFEIFER | TIMES STAFF WRITER

A state appeals court has overturned the conviction of a former Garden Grove high school vice principal who admitted having sex with a 17-year-old student who later bore him two children.

The 4th District Court of Appeal in Santa Ana ruled that a judge unfairly allowed jurors to consider evidence that Miguel Vivanco previously had sex with underage students.

Vivanco, the former assistant vice principal of Rancho Alamitos High School, admitted having sex with the student but said the liaison took place in Mexico, outside of California's legal jurisdiction.

Because the legal issue was not whether the pair had sex, but where the sex occurred, evidence about past trysts was both irrelevant and prejudicial, the appeals court ruled in a 2-1 opinion.

"To bring in other uncharged offenses had such an inflammatory effect on the jury," said Vivanco's appeals lawyer, Fay Arfa. "Rather than having him tried on the charge he was facing, he was tried on several different offenses."

The court also took issue with Deputy Dist. Atty. Matt Murphy's closing argument in which he said Vivanco used school "as his own private singles bar."

Vivanco, 45, who received a sentence of two years and eight months in 1999, already has been paroled. So prosecutors could be forced to make the unusual decision of whether to seek a retrial for a man who can do no more jail time.

Murphy declined to say whether prosecutors would seek a new trial. They still can ask the state Supreme Court to reinstate Vivanco's conviction.