

First 3 defendants acquitted in Riverside County's biggest murder case
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By JOSE ARBALLO JR. The Press-Enterprise

The first three defendants in the largest murder case in Riverside County history have been acquitted of all charges, leaving questions over future prosecutions in the case.

The prosecutor in the case said Friday that she will not change plans to prosecute the others, saying she has an obligation to combat gang crime. The defense attorneys and one of the defendants contend that the authorities went too far.

Two juries found Curlee Mitchell, 26, of Cathedral City, and Banning residents Julian McKee, 33, and Robert McMorris, 19, not guilty of two counts of murder and allegations they were gang members. The charges stem with a 2006 fatal double-shooting outside a Banning apartment complex.

The verdicts for Mitchell and McMorris were read Friday, prompting family members and supporters of both men to raise their hands, hug and quietly sob in the crowded courtroom.

Moments later, Judge Patrick Magers announced that a second jury had found McKee not guilty on all charges. Those verdicts were reached Wednesday, but Magers then ruled that they be sealed and placed a gag order on all parties involved to prevent the outcome from influencing the other jury.

McKee had been charged with the special allegation of multiple murders -- meaning that if he had been convicted, he could have been sentenced to life in prison without the possibility of parole.

The trial was the first of several expected this year in the case that stems from a February 2006 shootout that left Vincent McCarthy, 33, of Beaumont, and Demetrius Hunt, 18, of La Quinta, dead. In all, prosecutors plan to try 13 people on murder charges in the killings. In terms of the number of defendants, it is Riverside County's largest-ever murder case.

Defense attorneys and Mitchell said the verdicts send a clear message to the Riverside County district attorney's office, but prosecutor Denna Bennett said Friday that she plans to press the case without change.

"Do I agree with their decision? No," Bennett said. "But I am a firm believer in our system. I am going to continue as a prosecutor to eliminate gangs."

She quickly left the courtroom after the verdict was read.

Virginia Blumenthal, who represented McMorris, said bringing murder charges against those who were simply in the area of the shooting -- including those who did not fire a gun -- did not make sense.

"You had two juries that spoke loud and clear," Blumenthal said.

Dusty Hall, 31, a Moreno Valley resident, was a member of the jury that heard McKee's case, and she attended Friday's verdict announcement.

Hall said jurors had doubts whether McKee was even present during the shooting, but they said they would not have convicted him of murder because there was no connection between his mere presence there and the killings.

"Just being there is not enough," she said.

Verdict Is Read

Mitchell, dressed in a dark suit, embraced his attorney for several minutes after the verdict was read, then turned and smiled at his supporters. He stood in the courtroom for several minutes, shaking hands and offering hugs with anyone within reach.

"I prayed, my family prayed," said Mitchell, standing near the defense table as others slowly made their way out of the courtroom. The wide grin never left his face. "Our prayers were answered."

Mitchell said the time away from his family -- he has been in custody for more than two years -- has been difficult, and he plans spend as much time with them as possible. He criticized police and prosecutors who he believes went too far.

"They knew we should not be here," he said. "They knew who the shooters were. They have known that from the beginning. They said things that just weren't true."

Mitchell made a prediction of the upcoming trials: "There will be a lot more not guilty's before this is over," he said.

Wearing a yellow dress shirt, McMorris sat with his head down sobbing after the verdicts were announced. Several relatives and supporters sobbed as McMorris hugged his defense team, and then one by one, each hugged McMorris as he wiped away his tears. Several jurors, some with tears streaming down their faces, walked up and hugged him.

Moments before, Judge Magers had told the two defendants that the jurors were "giving you back your lives."

Legal Theory

Prosecutors are using the long-standing legal theory of aiding and abetting -- a concept that holds all participants in a crime responsible for the "natural and probable consequences" of their actions -- to seek murder convictions against those who they believe are members of the Crips and Bloods gangs who were present when the men were shot to death during an altercation.

According to court records, the two men were killed during the "jump out" of McMorris from the Young Ass Hustlers gang. Authorities said the group of friends developed into a criminal street gang under the influence of the Bloods, a well-known gang that dates back to the 1970s.

James Taylor, McKee's attorney, said the acquittals are a signal to Bennett that she should heed.

"I believe they are going to have problems down the line," said Taylor, who sobbed with his client Wednesday when the verdicts were read. "I believe, at this point, they should go after the heavies (those who fired weapons), settle the cases and let people move on with their lives."

Witnesses and evidence presented during the two-month-long trial offered a glimpse at what prosecutors say is the gang culture, in which people can be killed for "disrespecting" a fellow gang member or the gang itself.

Bennett said Friday that she plans to use the same legal theory in the upcoming cases, but some modifications may be necessary depending which defendant is prosecuted next.

"The ultimate thing is that two people are dead," she said. "Somebody is liable for their deaths. As we stand here today, I firmly believe we are doing the right thing by prosecuting gangs."

Said Blumenthal: "This does not stop the gang activity when they have nothing to do with it. They are trying to make a statement by prosecuting innocent people."