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SECTION



FRIDAY

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Jury acquits two in robbery death

COURT: A murder charge fails in the slaying of the defendants' cohort by a shopkeeper during a holdup.

BY RICHARD K. De ATLEY
THE PRESS-ENTERPRISE

Three men entered a Riverside liquor store in December 2005 to rob it, one of them sticking a gun in the owner's face. The shopkeeper pulled out his own weapon, killed the gunman and wounded a fleeing robber.

The district attorney's office charged the two surviving hold-up men with murder in the death of their partner on the "provocative act murder doctrine" — saying the two were responsible for his death because they participated in the crime.

But jurors decided this week there was not enough evidence to support the theory.

On Thursday the panel reached verdicts on Jaray Deshon Christy, 26, and on Tuesday returned their votes on co-defendant Jerron Henderson, 21, both charged with murder in the fatal shooting of Marshawn Burns, 29, of Moreno Valley.

Jurors acquitted both men in the death of Burns, and also found them not guilty on counts of robbery and attempted robbery unrelated to the liquor store holdup.

They also found not true the enhancement allegations of gang activity in a violent felony.

"They had to be convinced that (store owner) Samir Saamaan killed the decedent because of what Christy was do-

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ing, but in fact Samaan killed Burns because Burns had a gun in his face," said Christy defense attorney, Deputy Public Defender R. Addison Steele II.

Christy was shot in the back and buttocks as he fled.

Jurors did find Christy and Henderson guilty of attempted robbery and burglary in connection with the holdup of the Alessandro Liquor Store at 1051 E. Alessandro Blvd., where the shootings took place.

The robbery was on video, Steele said, and defense attorneys conceded their clients' roles.

"While we certainly felt strongly about the charges in this case, we respect the right of the jury to make those determinations," district attorney spokesman Michael Jeandron said in a statement.

Henderson's attorney, Darryl L. Exum, had also conceded that his client attempted to rob Samaan's wife, but the jurors acquitted him of that charge as well.

Exum said in a phone interview there were two elements that seemed to tilt the jurors toward the acquittals.

"Jurors were astounded that the prosecution had talked fo

the main witness" — Samaan — "just a week-and-a-half before the trial started on an event that took place 2½ years ago. His memory somehow got better after 2½ years, and the jury just didn't buy it."

The second key moment came when a prosecution witness, whom Exum said was a gang member, was identified by a woman under examination by Christy defense attorney Steele as the man who had robbed her — for a charge in which Christy had been named.

It was one of the robbery charges separate from the Alessandro Liquor holdup.

"That kind of lost the case for the prosecution as a whole," Exum said.

Prospective jurors in the case were summoned on July 17.

"We ate up two months of a civil courtroom, where regular people from Riverside should have been having their injuries resolved and their contract disputes resolved," Steele said.

He estimated his client originally faced 71 years to life, and now faces perhaps a possible maximum of six years, four months.

Sentencing is set for Oct. 10 before Riverside County Superior Court Judge Douglas W. Weathers.

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