

NOVEMBER 1, 2001

MURDER CHARGES DISMISSED AGAINST SAMUEL OSEGUEDA

Los Angeles, California

After being sent out to trial on October 30, 2001, the court dismissed the one count information (BA216247) with enhancements against the defendant today after a defense motion to dismiss pursuant to Penal Code section 1382.

Mr. Osegueda has been in custody since April 28, 2001. The case hinged upon an identification from a rival 38th St. gang member and a prostitute with 10 prior convictions for prostitution and solicitation.

The defense forced a line up over the D.A.'s shameful objection where the prostitute failed to identify the defendant. The prostitute had previously placed the defendant at the crime scene but did not witness the murder.

The other alleged participant who initially failed a lie detector test and provided inculpatory information against the defendant changed his testimony midstream at the preliminary hearing after being subjected to vigorous cross examination. The witness said the investigating officers threatened to take away his daughter and to blame him for the murder.

After the preliminary hearing, Mr. Richards, took the case pro bono in lieu of abandoning the defendant back to the public defender's office. The office felt it was the right thing today. Some things are more important than one's own financial rewards.

The case was prosecuted by the Hardcore Gang Division. The defense team was infuriated by the total blindness of the prosecution and their inability to see the gaping lacunas in their case. In addition, the defense is now pursuing an investigation into their practices.

As the case was sent out for trial and as the trial court seemed willing to grant some of the motion in limines filed by the defense, an effort was made to try and continue and delay the case.

After two days of exasperating Speedy Trial litigation, the court finally succumbed to the obdurate press by trial counsel and granted the motion to dismiss and ordered the defendant released.

This is the FIFTH murder case in the last 36 months that Mr. Richards has successfully obtained a dismissal, before the case going to the jury.

On behalf of the firm, we wish to congratulate the Osegueda family for their hard fought victory today. The firm is very happy for this important victory and thanks everyone who provided assistance in this matter including but not limited to Dana Cole, Esq., Dr. Thomas Mac Speiden, E. Christine Hehir, Esq., and others.

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