

# defense says they came forward because they knew client was innocent

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MOUNTAIN DEMOCRAT

PLACERVILLE — While on the stand in day three of the Strawberry sledgehammer manslaughter trial, a private investigator employed by the defense told jurors of how he, for the first time ever in his career, bypassed confidentially with his client and provided information to sheriff's investigators.

While working for defendant and former South Lake Tahoe auto mechanic [redacted] in September 2002, private eye Kenneth Dunn testified Thursday that he and [redacted] attorney William Routsis agreed to provide detailed information about the case to El Dorado County sheriff's detectives.

"This was something that is simply unheard of when it comes to defense attorneys and their investigators," Routsis said outside the courtroom.

"But because of the circumstances and our inclination toward [redacted] innocence, we wanted the whole story to come out right of the bat."

Dunn testified as to information [redacted] provided him with during Dunn's investigation, which first began in the fall of 2002. He also testified as to evidence he found at Strawberry ranch (and provided to

sheriff's officials), which included blood spots near the site of the alleged incident and the orange sledgehammer which a forensic doctor believed to have killed Edward Ortega.

[redacted] 56, has maintained that he acted in self-defense when he killed Ortega with the 25-pound mallet, after the intoxicated Ortega pulled a utility knife on him and tried to burn down the Silver Fork Road ranch upon being told by [redacted] that Ortega, a mason worker, was fired.

In addition to manslaughter, [redacted] is charged with lesser charges which include the illegal disposing of a body and the failure to notify the coroner of a death, because he allegedly pushed Ortega (while in the bed of his truck) off a Mormon Emigrant Trail embankment some 4 miles from the ranch.

Investigator Dunn, who told jurors that he stopped taking payment from [redacted] a year and a half ago because he felt it would be "ethically repugnant" to do so (based on his confidence in [redacted] innocence), went almost word for word through his state-

ment to sheriff's detectives with the guidance of prosecutor Worth Dikeman.

Dunn said [redacted] told him that he killed Ortega in a move of self-defense before launching the body and truck off the embankment.

"He told me he drove around for a while looking for a place to send the truck over," Dunn said. "Once he had done so he told me that he walked back to the ranch."

[redacted] came forward to law enforcement with attorney Routsis on August 2, 2002, just days after the July 31, 2002 incident. The former South Lake Tahoe auto shop owner was never arrested. The recent charges resulted from a 2003 El Dorado County Grand Jury indictment.

Also testifying Thursday afternoon was an Arizona woman who was assaulted by Ortega in 1995. The move to have her testify is part of a defense strategy to illustrate what it claims to be a violent past of Ortega. Another Arizona witness had been on the stand a day prior and testified as to a 1982 incident in which Ortega threatened him with a knife.

Three more state witness are scheduled to testify as to Ortega's past; they include a cab driver he assaulted in 1986.

[redacted] maintains that Ortega was fired because he developed a drinking problem

over the course of his employment at the ranch, which involved him consuming 18 beers a day. During a forensic pathologist's testimony Tuesday, the expert said Ortega's liver appeared abnormally large (as apparent during the autopsy). He added that the condition most likely resulted from excessive drinking.

The trial will resume today.

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