

# Judge allows testimony of racist remark in case

BY ERIC LAUGHLIN  
MOUNTAIN DEMOCRAT

PLACERVILLE — Jurors on Tuesday heard testimony from a former close friend of [redacted] who recalled [redacted] calling Edward Ortega a "drunk f---ing Mexican" in the time leading up to Ortega's death by sledgehammer in 2002.

The testimony of Derek Hursh, a South Lake Tahoe man whom [redacted] had been acquainted with for 15 years, was allowed into the trial following a ruling by Superior Court Judge Eddie T. Keller. The ruling came after a short hearing without the jury present. [redacted] is a former South Lake Tahoe auto mechanic.

When the jury returned Hursh testified that [redacted] did not use the words in a racist or hostile context, saying he was not that kind of guy. Instead Hursh said his former buddy's words came in the midst of his mounting frustration over Ortega's growing alcohol problem and decline in work performance.

In the hearing earlier to decide if juror's would hear Hursh's testimony, [redacted] attorney William Routsis told Judge Keller that the testimony would be warranted if this was a murder case, but that in a heat of

passion case such as this the prejudicial value could outweigh the probative value, that it could cause the jury to convict for the wrong reasons.

Routsis also said that it should be taken into account that his client's statements were factually correct, that Ortega was a drunk and that he was of Hispanic decent.

Judge Keller allowed the testimony on the grounds that it indicates [redacted] state of mind prior to the incident and that state of mind is relevant.

Hursh, who was the final witness to be called by the prosecution, said he recalled [redacted] using the words as so: "All Eddie will ever be is a drunk f---ing Mexican."

Hursh also said that in the time after Ortega's death, that over concern that he might be considered a suspect, he wore an electronic bug at the request of investigators to possibly record anything incriminating said by [redacted]. Hursh added that the friendship between he and [redacted] has deteriorated since Ortega's death.

[redacted] 56, maintains that he acted in self-defense when he killed Ortega with a 25-pound sledgehammer, claiming the intoxicated Ortega pulled a utility knife on him at [redacted] Silver Fork Road ranch near Kyburz,

where Ortega had been employed as a brick layer.

The former South Lake Tahoe auto shop owner is being tried on charges of felony manslaughter among other lesser charges that include illegal disposal of a body and failure to notify the coroner of a death.

The charges stem from a 2003 El Dorado County Grand Jury indictment.

Part of the reasoning behind the case's delay has been attributed to a change in prosecutors. Also on the stand shortly before press time was another South Lake Tahoe man (called by the defense) who testified as to an alleged violent incident involving Ortega and a friend of his on Labor Day of 2001.

James Sullivan, a former sheriff's jail deputy, said that while he lived across the street from Ortega, Ortega attempted to start up a fight with his friend.

Sullivan said that an agitated Ortega, while across the street, yelled, "Hey, you guys want to fight?" and later made aggressive moves toward his friend. The incident resulted in Sullivan calling the South Lake Tahoe Police Department, which documented the complaint.

## Angora victims plan to 'celebrate perseverance'

BY CHARLES SIZEMORE  
TRIBUNE STAFF WRITER

Residents of the area decimated by the Angora fire plan on keeping alive a Fourth of July tradition, despite the tragedy that ravaged their neighborhood.

"Let's celebrate perseverance," said Jay Newburgh, whose home on Pyramid Circle was not damaged.

The parade begins today at noon at the bus stop on the corner of Mt. Rainier Drive and Snow Mountain Drive.

The neighbors get together, kids decorate their bikes and dogs, and people carry flags, play patriotic music, and walk around the neighborhood.

"There's lots of food, and the kids get all dressed up and put a boom-box in a wagon, and the adults join in," said Paula Lambdin, who lost her home on Mt. Olympia Circle.

There's no set route, and the parade usually runs until the kids get tired, according to Newburgh.

The tradition was started around 1995 by then-fifth grader Megan Meagher. Meagher decided to have a