

SAN DIEGO

Jury clears man of murder charges in 2004 shooting

Eyewitness said he saw slaying

By Ray Huard
STAFF WRITER

A 22-year-old Lemon Grove man was acquitted yesterday in San Diego Superior Court of murder charges in connection with the April 2004 shooting death of a man on 63rd Street.

Cesar Covarubbias had been charged with first-degree murder in the fatal shooting of Angel Manuel Mendoza, 24, and spent nearly a year in jail awaiting trial, his lawyer, Russell Babcock, said in an interview.

The two-week trial came down to whether jurors believed Covarubbias' account or that of an eyewitness who testified that he saw Covarubbias shoot Mendoza once in the head, Babcock said.

Covarubbias testified that he was home in bed at the time of the shooting, Babcock said.

"It was supposedly an argument over a \$20 drug debt," Babcock said. He said jurors had trouble believing that Covarubbias, who was making \$47,000 annually as a manager of a soft drink company, would kill someone over \$20.

Prosecutors said they still believed Covarubbias was guilty.

"It was a tough case because the witnesses to the shooting

were high on methamphetamine, alcohol, PCP or a combination," said Paul Levikow, a spokesman for the District Attorney's Office.

Mendoza, who lived in Encanto with his mother, was driving a small white pickup near his home on Madrone Avenue about 6 a.m. April 26.

Ten minutes later, he parked his truck at 63rd Street near Imperial Avenue and was approached by several young men, police said.

Shots were heard and Mendoza was found wounded on a sidewalk. He died 90 minutes later at a hospital.

Covarubbias was arrested in February 2006. During his trial, Covarubbias testified that his car broke down before 4 a.m. and he began walking home until a woman gave him a ride, Babcock said.

The witness testified that Covarubbias left his car in search of a battery, and when he came across Mendoza, got into an argument and shot him, Babcock said.

Babcock said questions were raised about the witness's credibility when Covarubbias said he had a spare battery and jumper cables in the back seat of his car.

Ray Huard: (619) 542-4597;
ray.huard@uniontrib.com