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## Murder Conviction Voided in O.C. Case

*Appellate court calls judge's remarks to the jury in a 1991 slaying a rights violation.*

February 10, 2005 | Mai Tran | Times Staff Writer

An appeals court has voided the conviction of a man serving 26 years to life in prison for the 1991 murder of a co-worker at an Anaheim gas station, officials said.

Francisco Javier Maldonado, who was 16 at the time of the killing, was denied due process during jury instructions by Orange County Superior Court Judge Richard W. Stanford Jr., according to the 11-page opinion released Tuesday by the state 4th District Court of Appeal in Santa Ana.

"The court made it clear to the jury if it did not reach a verdict, there would be a retrial. This was a misstatement of the law," the three-judge panel wrote in the opinion.

Maldonado is accused of killing Harold Doorenbos, an assistant manager, on Aug. 11, 1991. Doorenbos was stabbed and beaten with a 15-pound metal safe lid. A customer discovered his body in the cashier's booth. About \$3,000 was missing from the safe, police said. It is not known who took the money.

Authorities said Maldonado fled to Mexico.

He was arrested nine years later during a traffic stop and charged with murder.

In the January 2002 trial, the jury deadlocked 10 to 2, with the majority favoring conviction. During the second trial in July 2002, the jury foreperson told Stanford that the jurors could not agree on a conviction but that they "were sort of in the middle of something."

Stanford erred when he told the jury that if it did not reach a verdict, the case would have to be retried, the opinion said. The jury deliberated again for less than two hours and convicted Maldonado. He is being held at the California State Prison at Corcoran.

Stanford said he instructed the jury to continue deliberating because it "has been out so long on a fairly short case," court records show.

The attorney general's office has 30 days to appeal the ruling to the California Supreme Court.