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Jury recommends death for child killer Antonio Rodriguez

A San Fernando jury deliberated for just 2 1/2 hours Monday before recommending that Antonio Rodriguez be sentenced to death for the sexual assault and murder of his girlfriend's 5-year-old daughter.

Rodriguez's eyes were cast downward at the table as the jury of four men and eight women were polled. His lips were pursed as each juror answered "yes" in response to whether or not they had voted for the death penalty.

"My guess is they weren't able to get beyond the horrific nature of the violence that was perpetrated on the children in this case," said defense attorney Robert Schwartz. "We assembled a lot of background information about my client that could have made a difference, but it obviously did not."

The same jury convicted the 29-year-old Van Nuys man on July 8 of eight counts in the 2004 death of Desarie Saravia, the daughter of his then-girlfriend, Debby Saravia. The counts included first-degree murder, sexual penetration, torture, corporal injury to a child and the abuse of both Desarie and her brother, Brian.

The children were underfed, whipped, beaten and burned with cigarettes in the months that they had lived with Rodriguez. Desarie died Nov. 12, 2004, of multiple blunt force injuries to the intestines after she was beaten in a women's restroom in Hasley Canyon Park in Castaic. Brian has since been in foster care.

"I'm very grateful I was able to obtain justice for Desarie and Brian," prosecutor Mary Sedgwick said.

"I want to thank the jury for working through a very emotionally difficult trial."

Sedgwick will be separately prosecuting Debby Saravia, 32, for murder in her daughter's death. Saravia also faces two counts of child abuse and two counts of corporal injury to a child. If convicted, she faces up to life in state prison.

Rodriguez is scheduled to return to court for sentencing on Sept. 2.

"Until the day I die, it's going to be one of the worst experiences in my life," said Ryan Saravia, Desarie's uncle. "But I'm not going to judge him. Let God judge him. It's not going to bring my niece back."

Rodriguez's lawyers are expected to enter a motion for a new trial on the grounds that some issues, such as rulings or jury instructions, were not allowed or accepted during the trial, Schwartz said.

San Fernando Superior Court Judge Ronald Coen could modify Rodriguez's sentence to the

lesser penalty of life in prison without parole. But Coen, widely considered an expert on capital trials, has never overturned a death sentence in any of the 19 death penalty cases over which he has presided.

The defense had been aiming to hang the jury on the death sentence based on the fact that the jurors, during the guilt phase of the trial, had hung on a special allegation that Rodriguez had intended to kill Desarie. The allegation was then dismissed by Coen.

During the trial, which entered its fifth week Monday, the defense presented testimony from Rodriguez's family members who pleaded for a life sentence by testifying to an abusive childhood and lack of role models. Medical experts testified that Rodriguez had a brain injury that meant he could plan no better than a child.

But the jury could not discount the charges they had convicted Rodriguez of - and his long history of crime and violence both in and out of prison that the prosecution presented during the penalty phase.

Having started deliberations at about 9:30 a.m., the jury decided upon a verdict just minutes after noon, shocking the defense, which had expected lengthier deliberations.

"I'm very disappointed about that," Schwartz said. "We poured our heart and soul into trying to present everything we could to the jury to help them get an understanding and a feel for everything that has taken place in his life.

And at the end of the day, it just didn't happen."