

In a rare ruling, judge finds former San Jose murder suspect factually innocent

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A San Jose man has been deemed factually innocent of murder in a rare ruling by a judge who stressed the importance of an outspoken judiciary — even in the face of blistering criticism of a fellow judge by prosecutors.

Over the objections of the Santa Clara County District Attorney's Office, Judge Eugene M. Hyman found that Ramon Vasquez had nothing to do with the fatal shooting of Rogelio Silva two years ago.

But the judge didn't just take the extremely rare step Tuesday of exonerating Vasquez, 29, who spent five months behind bars. Hyman also made remarkably candid public comments about the judiciary and defended Judge Andrea Bryan, the target of a recent boycott by prosecutors that began in late January after she ruled against them in a molestation case.

Hyman said he admires Bryan for standing up for her convictions and explaining her reasoning in the controversial ruling — not for the ruling itself, which he said he has not studied. The boycott began just days after Bryan ordered the release of Augustin Uribe, who had been sentenced to 38 years to life on child molestation charges. Bryan found that Deputy District Attorney Troy Benson had woven what she called "a tangled web of deceit."

According to the 11-page transcript of Hyman's comments in Tuesday's hearing, the judge first decried the way the legal culture has generally changed.

"Judges are less likely to be more candid and to be more concerned about not upsetting different factions of different communities for fear that they might face contested elections in the future, and the Court certainly understands those concerns," he said.

He then wondered aloud about whether he has lived up to his own ideals.

"But the other concern that I have is how many times have I seen injustice and have not spoken out about it, to the extent that I might not be able to correct it, but at least I think I have a responsibility to address injustice when I see it."

He then praised Bryan, without mentioning her name.

"In reviewing the most recent political issues that have come to bear in our county, I look to my colleague," he said, "who is now a subject of much public debate and in some quarters ridicule, and wonder whether or not if I had faced similar circumstances, whether or not I would have the courage to do what I thought was right."

But in deeming Vasquez factually innocent, Hyman forcefully questioned the District Attorney's Office for contesting Vasquez's innocence. "What is troubling to the Court in this particular case is that, in this judge's opinion, Mr. Vasquez should have been granted the relief that he requested by stipulation, without the necessity of full-blown litigation in this particular concern."

The district attorney will issue a response today.

Vasquez, a deliveryman for a soft-drink company, was arrested based largely on two eyewitness accounts and a loose description of the getaway car. His attorney, Thomas Mueller, said police incorrectly claimed Vasquez had gang associations and ignored evidence that would have helped clear him.

Charges against Vasquez were dismissed about a year ago just before a preliminary hearing. Tuesday's ruling erases the record of arrest and the charges, and enhances the chances of successfully seeking remuneration from the county.

Hyman indicated he was initially skeptical but came to believe Vasquez deserved the rare finding.

Vasquez said he broke down in court when the judge made the ruling.

"I'm ecstatic," Vasquez said Wednesday. "Judge Hyman was a very good person to keep an open mind on it."

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