

Man loses appeal of sentence for gang attack

Contributed by Elizabeth Larson
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LAKEPORT – A Lakeport man has lost his appeal of a conviction handed down earlier this year for attacking and stabbing a man during a March 2007 gang attack.

On Monday, First Appellate Court justices agreed unanimously in a three-page decision to uphold the 15-years-to-life sentence that Ricardo Tapia Muniz, now 20, received from visiting Judge Galen Hathaway on May 2.

Muniz was prosecuted for stabbing and critically injuring then-19-year-old Clearlake Oaks resident Alex Larranaga near Library Park on March 16, 2007.

The prosecution had alleged that Muniz and four fellow defendants had attacked Larranaga – who had just emerged from a nearby restaurant where he had dinner with his family – because they believed his brother was a rival gang member and thought he had "flashed" gang signs at them.

In an agreement with the District Attorney's Office, Muniz pleaded guilty to aggravated mayhem and an enhancement that he committed the crime for the benefit of a criminal street gang. In exchange for the pleas, an attempted murder charge and a special allegation of causing great bodily injury were dismissed, according to court documents.

On May 28, Muniz filed his appeal, in which his attorney raised no specific issues with the prosecution but asked for an independent review of the case record, the justices noted in their decision.

"We discern no error in the sentencing," wrote Justice Ignazio Ruvolo. "The refusal to grant probation, and the sentencing choices made by the trial court were consistent with applicable law, supported by substantial evidence, and were well within the discretion of the trial court."

Justice Ruvolo added that the restitution fines and penalties amounting to \$2,000 imposed against Muniz were supported by the law and facts, and that Muniz was represented by an attorney at all times.

The District Attorney's Office said in May that the sentence requires that Muniz serve a minimum of 15 years before he is eligible for parole.

Muniz, according to court documents, is serving his sentence at San Quentin State Prison.

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