

Suspect to stand trial in killing kids watched

By Rich Riggs

STAFF WRITER

HAYWARD — Lawrence Dean Padilla, who police said killed a man in front of his two terrified children over a minor accident in a parking lot, was ordered to stand trial for murder Tuesday.

Padilla, 33, of Hayward, will face trial in the slaying last Sept. 5 of Adolfo Duarte, 43, of San Jose. Duarte, an unemployed auto mechanic, died after the shooting in the parking lot of Hank's Liquors at Blossom Way and Meekland Avenue in the unincorporated Cherryland area just north of Hayward.

After a preliminary hearing, San Leandro-Hayward Municipal Court Judge John A. Burke ordered Padilla to stand trial for murder and on another charge of being an ex-felon in possession of a firearm.

Regardless of the murder charge, he faces life in prison under the state's "Three Strikes, You're Out" law if convicted only of the gun charge.

He was convicted of burglaries in 1986 and 1987, according to court records, and those are being charged as serious prior felonies or

"strikes."

Duarte's killing was witnessed by Padilla's two daughters, ages 6 and 10, according to court records.

The 10-year-old told Alameda County sheriff's deputies that their father had taken them for an outing at Carts & Golf in Newark and stopped at Hank's, which is not far from the family's Meekland Avenue home, at about 9 p.m.

The younger girl stayed in the car while the 10-year-old went into the store and bought soda and candy while Padilla bought a beer. When they came out and backed out of their parking space, their car hit Duarte's vehicle.

Witnesses at the preliminary hearing testified that Duarte swung a long belt at Padilla before Padilla shot him, and Padilla's lawyer, Assistant Public Defender Kimberly Kupferer, said he fired in self-defense.

Duarte was "swinging his belt over his head and he was yelling — it was very incoherent — it seemed like he was drunk," testified

Killing: Any of 3 shots deadly

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Wayne Dixon of Castro Valley: Dixon said he saw Padilla fire three or four shots at Duarte and that Duarte then staggered away and collapsed.

Dixon went into the liquor store, asked the clerk to call 911, got some towels and tried to stem the flow of blood from Duarte's wounds, according to the testimony.

Dr. Paul William Hermann, who performed the autopsy, said that any of three wounds Duarte sustained to his chest and abdomen could have killed him. Duarte was also shot in the hand, Hermann said.

Kupferer called a witness, Jessica Gerds of Manteca, in an effort to prove self-defense. Gerds described Duarte as "aggressive and intoxicated" before he was shot.

Kupferer also argued that bail should be set at \$100,000 or less, but Burke set bail at \$345,000 and returned Padilla to Santa Rita county jail in Dublin.

He will appear for pretrial proceedings in Alameda County Superior Court in Oakland on Jan. 30.