

3 bouncers at Mo's Place may get plea deal in 2012 beating death of out-of-town patron

By Kathryn Reed

It is likely the three Mo's Place bouncers will serve less than four years behind bars for their role in the death of Derek "Zippy" Penaranda.

Penaranda, who was from Ripon, was in South Lake Tahoe in May 2012 to celebrate his 30th birthday. He never recovered from the injuries he sustained from a fight at the Highway 50 bar. He died in October 2012.

Rodolfo Hernandez, 44, is charged with involuntary manslaughter. He has been in custody since he turned himself in after being indicted. He is on an immigration hold and could be deported if found guilty. If Hernandez is guilty, he faces a maximum of four years in county jail. (Because of changes in California prison rules a conviction of manslaughter is no longer a prison term.)



Derek "Zippy" Penaranda and Katie Musselwhite had hoped to marry one day.
Photo/Provided

Sean Canilao, 49, and Ruben Lizzaragga, 41, are charged with assault with force that is likely to cause great bodily injury. Both are out on their own recognizance. They face a maximum four-year prison sentence.

“One of the inconsistencies in the legislation is punishing of different types of crimes,” Joe Alexander, El Dorado County deputy district attorney, said of the new sentencing rules set by the Legislature.

Hernandez, Canilao and Lizzaragga are scheduled to be tried at the same time. The trial date is Feb. 11 in Placerville. However, a readiness and settlement conference is set for Jan. 3 before Judge Daniel Proud.

“I believe there is some likelihood of it settling on that date,” Alexander said in reference to next month’s hearing.

“There is evidence the crime was committed, but also other things occurred that to some extent mitigate the crime itself. Evidence that makes it more difficult than appears on the surface,” Alexander told *Lake Tahoe News*.

If a settlement were reached, that would mean the three men would be serving less than the four-year maximum for each of their crimes. Canilao and Lizzaragga until now had clean records, so they would benefit from good behavior allowances.

“Early on I told my family don’t be surprised if they only get probation. That is something the judge can initiate. We are in a wait-and-see mode,” Wayne Penaranda, the victim’s father, told *Lake Tahoe News*.

Penaranda has been at every court hearing. He is in regular contact with prosecutors. Now he wants it all to be over. His family wants closure.

“No amount of punishment will do anything or bring my boy back. It is kind of an academic situation. We are not real

happy with it, but it's the letter of the law," Penaranda said. "All of the laws are built to protect the criminals' rights."