

# 3 defendants sentenced in Mo's Place beating

By Kathryn Reed

PLACERVILLE – One life ended while countless others were shattered all because a South Lake Tahoe bar fight culminated in a homicide. The three men charged with crimes related to the death of Derek “Zippy” Penaranda were sentenced Friday.

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 Mo's Place. He died in October 2012.

His father, Wayne, told the court through a cracked voice how devastating the loss of his middle son has been. He spoke of the pain that lingers from having watched his son wither away.



Derek “Zippy” Penaranda and Katie Musselwhite had hoped to one day marry.

Photo/Provided

“I will close with a vision that did not have to be witnessed; that no one should ever see. A vision of my beautiful son, Zippy, battered, broke, wasting away having lost 100 pounds, in constant excruciating pain, his muscles hard as stone,

contorted and gnarled, retreating into whatever place he had taken refuge," Penaranda said.

As he stood before the judge reading his statement the defendants had no expression. Rodolfo Hernandez looked at Penaranda, while Sean Canilao and Ruben Lizzaragga had their heads down, looking at the defense table

A plea deal was reached last week, with formal sentencing on Feb. 14 for the one-time bouncers of the bar on Lake Tahoe Boulevard. El Dorado County Superior Court Judge James Wagoner did not change the sentence from what had been agreed to by all parties.

Hernandez, 44, pleaded no contest to involuntary manslaughter. He was sentenced to 364 in jail with credit for time served. He has been in custody since he turned himself in after being indicted. He will also be on four years formal probation.

Hernandez will be turned over to federal custody and deported because he is in the United States illegally. His parents brought him to the United States. The 364-day sentence allows him to seek re-entry. If the sentence had been a day longer, that would not have been possible. The maximum penalty was four years in county jail.

He sat with the public defender and a court appointed interpreter in the area normally reserved for the jury. Hernandez chose not to address the court.

Canilao, 49, and Lizzaragga, 41, pleaded no contest to assault with force that is likely to cause great bodily injury. Both have been out on their own recognizance since being indicted. They faced a maximum four-year prison sentence.

Canilao was sentenced to 60 days in custody starting Feb. 24, to be followed by 120 days house arrest. He will only have to be behind bars 30 days. He will be on probation for four years. He will not be allowed to own firearms or ammunition

for the rest of his life.

"I feel very regretful and sorry," Canilao told the court.

Lizzaragga was sentenced to 240 days in jail. However, the time will be split with 60 days behind bars starting Feb. 28 and 180 days of an alternative sentence that has yet to be determined. He is also on probation for four years and will never be allowed to legally own a gun or ammunition.

Lizzaragga did not have anything to say to the court.

Penaranda, the victim's father, had plenty to say. He had been at every court hearing for the past year and a half. On Friday he read a letter from his wife, Debbie, and one he wrote. He spoke of how his wife has been unable to work, and finally he couldn't either and was let go. They are cashing out 401(k) accounts to live on. Penaranda has suffered a series of mini strokes he says is from the stress. The entire family has nightmares to this day. One of Zippy's brothers was at the bar that night. He was beaten up, too.

After the sentencing hearing, Penaranda sat down with *Lake Tahoe News*.

"It was pretty light," Penaranda said of the sentences. "Somebody's life was taken. That to me should mandate the most serious charge."

While the criminal case is now history, and the sentences much more lenient than Penaranda and his family had hoped for, the next thing to be resolved is the civil case.

"We went after whatever their maximum insurance was," Penaranda told *Lake Tahoe News*. He's expecting a decision to come by the end of the month.

He is finding some solace in writing a short story about the ordeal. Penaranda said he might try to publish it with other short stories he's written.

What he'd really like to see changed is how the health care and health insurance systems work.

"From Day 1 they should start a comatose patient on physical therapy to prevent them from atrophying," Penaranda said. "It was disturbing watching him waste away." Penaranda said it was all about giving his son drugs. They didn't care for the whole body.

Zippy went from Renown Medical Center in Reno to a specialized rehab place in Marin County to a long-term care facility in Walnut Creek.

"If the insurance company sees a patient is not responding, they stop paying," Penaranda said. That, too, he sees as inhumane.

Penaranda is exhausted. He tries to console his wife, but she is having a hard time moving on. And while he said it's been devastating for the entire family, Penaranda is confident they will eventually find a way to move forward without Zippy.