

Daily Sun

Man beats murder rap in bar fight

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After five hours of deliberation Thursday, an eight-person jury decided Oliver Lee Hurley was not guilty of second-degree murder in the beating death of Kenneth Robins outside a Page bar in January.

Instead, the Coconino County Superior Court jury found Hurley guilty of a lesser reckless manslaughter charge, cutting possible prison time for Hurley nearly in half.

The Superior Court Division 2 clerk read the jury's verdict with the brothers of the deceased Kenneth Robins present in the courtroom, and the defendant showed the same stoic look on his face he displayed throughout the entire trial.

Coconino County deputy attorney Mark Horlings said neither side got what they wanted but that he was pleased with the

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verdict.

"It's a reasonable resolution," Horlings said.

Hurley, 24, of Page, severely beat Robins Jan. 21. Seven days later, Robins, 40, died of complications from severe head trauma.

Hurley now faces a possible 9 1/4 years in prison, which will be decided at his sentencing June 18. Had Hurley been convicted of second-degree murder, he would have faced as much as 16 years in prison.

The normal sentence for a manslaughter conviction is five years. However, the jury allowed a prior felony aggravated assault charge to be considered in Hurley's sentencing.

The trial, which began May 14, featured a prosecution argument that Hurley intended to kill Robins when he called Robins out of the Windy Mesa Cocktail Lounge in Page Jan. 21. The defense contended Hurley acted in self defense — a reaction of fear caused by an alleged sexual assault on Hurley by Robins two years before the two fought.

Hurley's defense attorney said he will appeal on the basis that the defense objected to the inclusion of the lesser manslaughter charges in possible verdicts the jury could hand down.

The jury was given four possible choices in a verdict: guilty of second-degree murder, reckless manslaughter, manslaughter by sudden quarrel or heat of passion or not guilty. To convict a person of murder, a jury must find he intended to cause a person's death.

The prosecution unsuccessfully tried to show the jury that Hurley was a man out for revenge rather than defending himself when he and Robins fought.

Jury foreman Jim Moynihan said he wouldn't comment about the deliberation or the mood in the jury room during the five-hour deliberation.

"The decision speaks for itself," Moynihan said. "Before we walked out of that jury room we covered pretty much everything. I would never look back (on the verdict)."

Max Lee, Robins' half-brother, said the loss of Robins can never be recovered, but that he was happy with the verdict.

"(Hurley) has to take time to think about what he's done," Lee said.

Lee said he will attend Hurley's sentencing.