

# Daily Journal

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JUDICIAL PROFILE

## Having A Good Time

*Judge Benny C. Osorio moved from New York to Los Angeles for the balmy weather, and as a county prosecutor was known for being relaxed and funny. Lawyers say he has carried that easyness to the Superior Court in Lancaster.*

By Pat Alston  
Daily Journal Staff Writer

LOS ANGELES — Benny Osorio had a decision to make. It was 1991. Osorio was about to graduate from law school and had offers for a senior clerkship from two district attorney offices. One was in Brooklyn; the other, L.A.

Osorio, who grew up in New York, was having a tough time making up his mind when one of his friends left a cryptic message on his answering machine:

“New York: 30 degrees. L.A.: 70 degrees.”

Osorio headed West.

With the exception of a couple of years in private practice, he spent his entire career as a lawyer with the district attorney’s office, garnering accolades for his work.

During his 13 years with the office, Osorio won first-degree convictions in every murder case he tried, according to Gary F. Hearnberger, his supervisor in the hard-core gang division.

“He was truly exceptional,” Hearnberger said.

And a lot of laughs, the veteran prosecutor added.

“He is a funny, funny guy,” said Hearnberger, now head deputy of the Pomona branch office. “He cracks you up all the time.

“As a prosecutor, he took his job extremely seriously. But he also likes to have a good time.”

Today, Osorio is a Los Angeles County Superior Court judge assigned to the Antelope Valley Courthouse. Sometimes, he said,

### Benny C. Osorio

Superior Court Judge  
Los Angeles County (Lancaster)

**Career Highlights:** Appointed by Gov. Arnold Schwarzenegger to Los Angeles County Superior Court, Nov. 5, 2008; deputy district attorney, Los Angeles County, 1995-2008; sole practitioner, Beverly Hills 1994-95

**Law School:** Georgetown University Law Center, Washington, D.C., 1991

it takes restraint not to burst out laughing at the antics of some misdemeanor defendants.

“I really have to keep a serious demeanor,” the judge confided in chambers one day recently.

He had just sentenced an agitated defendant to six months in County Jail for drinking in public after the man refused to spend considerably less time involved in community service.

In addition to his misdemeanor calendar, Osorio presides over trials, most of them felonies, he said.

Attorneys who frequent his courtroom say he has a calm, relaxed approach that puts everyone at ease.

“He’s a very easy-going, friendly person,” said Deputy District Attorney Valerie S. Little, who appeared in trial in Osorio’s courtroom in June.

Deputy Public Defender Robert G. Chu remembers watching Osorio in action during a preliminary



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hearing, before his appointment last year to the bench.

Opposing counsel was “fighting really hard,” Chu recalled.

“[Osorio] was just so calm,” Chu said. “He didn’t get angry in dealing with the defense attorney. And that moment really stuck out with me. I thought, ‘Wow! Who is this guy?’”

“You could tell he was a tough DA, but he didn’t let his emotions get the best of him. He was controlled.”

“As a judge, I see that in him, too,” said the defender, who recently had a trial in Osorio’s courtroom. “He’s really calm.”

Osorio, 43, was born in Barranquilla, Colombia, where his father, an architect, was secretary-general of the Universidad del Atlántico.

He was 2 when the family moved to Flushing, a diverse New York City neighborhood. Because

his father did not have an architect’s license in the United States, he took a job as a draftsman. His mother worked in a bank.

A big New York Yankees fan, Osorio played Little League baseball, working his way up to All-Star player by the time he was 12. In one memorable game, he pitched 13 strikeouts, he recalled.

He attended John Bowne High School, Class of ‘84, where he played on the tennis team, served as president of the French Club, played tenor sax in the band, and was a photographer on the school newspaper. Photography is a hobby he enjoys to this day.

“Wherever he goes, he’s always snapping some photos,” Hearnberger said.

Osorio expects to put the hobby to good use this month. His wife, Marivel Osorio, whom he met 12 years ago while salsa dancing at The Mayan in downtown Los

Angeles, gave birth Tuesday to their first child, Michael.

After a brief stab at pre-med, Osorio majored in political science and philosophy at Colgate University in Hamilton, a small town in central New York.

The spring semester of his junior year, he interned on Capitol Hill for Sen. Terry Sanford, D-N.C. He also interned that year for the Equal Opportunity Employment Commission, which at the time was chaired by Reagan appointee Clarence Thomas, now an associate justice of the U.S. Supreme Court.

Osorio returned to Washington, D.C., for law school at Georgetown, following in the footsteps of the paternal grandfather he never knew. His third year, he met Stan Williams, a prosecutor with the Los Angeles County district attorney's office, which led to the clerkship.

When Osorio passed the State Bar, he rented a tiny Fegen suite

in Beverly Hills. His wheels were not as impressive. He drove a beat-up, four-door Subaru.

By 1995, private practice began to wear thin, and he returned to the district attorney's office, this time as a full-fledged prosecutor.

During his career, he tried 20 murder cases. In one, he won first-degree murder convictions against three men after they got into a fight with a rival gang member and one of them pulled out a gun. Osorio prevailed on the theory that the killing was the "natural and probable" consequence of the fist fight.

The 2nd District Court of Appeal reversed the convictions of the two nonshooters. But, in a recent 4-3 decision, the state Supreme Court disagreed with the appellate court. *People v. Medina*, S155823 (decided June 22, 2009).

The three gang members are serving 50 years to life.

The Association of Deputy District Attorneys of Los Angeles

honored Osorio as 2005 prosecutor of the year.

"Benny was extremely effective in trial," Hearnberger said.

"He really understands human nature very well, and he'd always have a story to go along with a case that he was presenting," he said. "[He] would be able to come up with a good analogy, something that was always right on point."

Come to think of it, the prosecutor said, "Benny always has a story to tell — about everything. And all of his stories are funny stories."

"He's a great guy to be around."

*Here are some of Judge Osorio's recent cases and the lawyers involved:*

• *People v. Dodson*, MA044440 — false imprisonment by violence

For the prosecution: Mark H. Lee, district attorney's office

For the defense: Brandon J. Henderson, public defender's office

• *People v. Fuller*, 8AV13211 — vehicular manslaughter

For the prosecution: Edward F. Wiley, district attorney's office

For the defense: Kareen V. Akry, public defender's office

• *People v. Waddell*, MA043930 — stalking

For the prosecution: Valerie S. Little, district attorney's office

For the defense: Brandon J. Henderson, public defender's office

• *People v. Richardson*, 8AV11501 — vehicular manslaughter

For the prosecution: Adan Montalban, district attorney's office

For the defense: Robert G. Chu, public defender's office

• *People v. Casey*, MA042406 — felon with a firearm

For the prosecution: Fateema Johnson, district attorney's office

For the defense: Veronica Murayama, alternate public defender's office