

A criminal confession

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A repentant hit-and-run driver comes face-to-face with his victim

By **TRACIE WHITE**
Sentinel staff writer

Eyes red with tears, Vicente Mosqueda finally faced the woman he almost killed, and apologized.

"I want to tell you how sorry I am for what I did to you," he said in a whisper of a voice, uncomfortable in the suit his grandmother had bought him for court, heart pounding.

The words were hard, slow to come.

Olympic cyclist Maureen Vergara looked back at him, for a moment speechless, her eyes tear-filled like his.

She was stunned.

Not because he apologized, this young man who had hit her with his '65 Chevrolet, then driven off leaving her crumpled like her bicycle on the coffin-cold ground. But because she believed him. She believed he was sincere.

This she didn't expect.

"Do you realize you could have killed any of us that day?" she said, looking him back, straight in the eye.

"Yes," the answer came back softly.

"Do you realize you've scarred and maimed my body and those things will never go away?" she asked.

"I have felt pain inside of my body, too, and I couldn't go one more day without telling the truth," Mosqueda said.

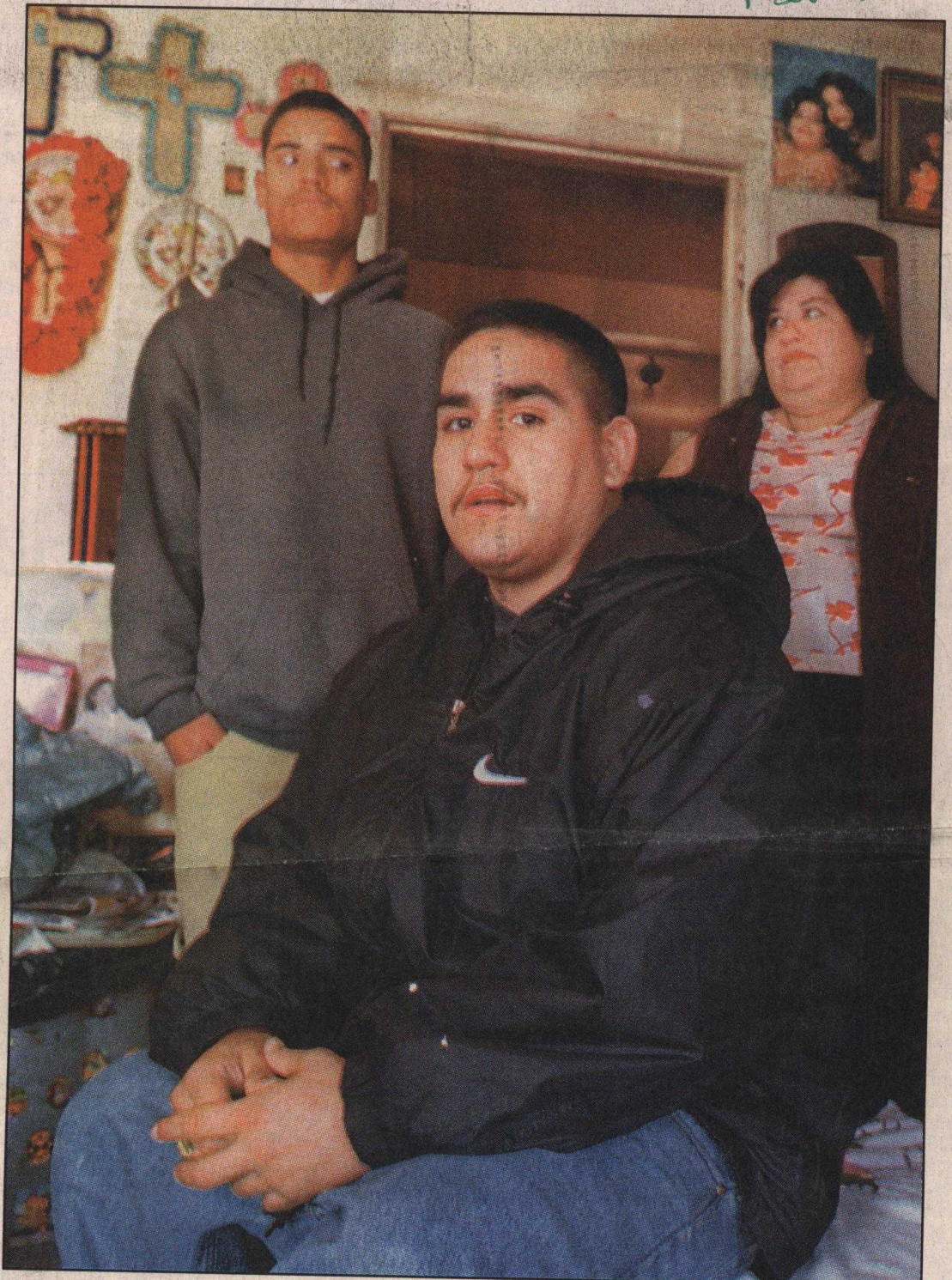
"How do you feel now when you see a cyclist on the side of a road?" she asked.

"Terrified."

Then, she reached out to him, this young man she had known only as a monster in her mind, an image that had haunted her training rides on the back roads of Santa Cruz County for a year and three months.

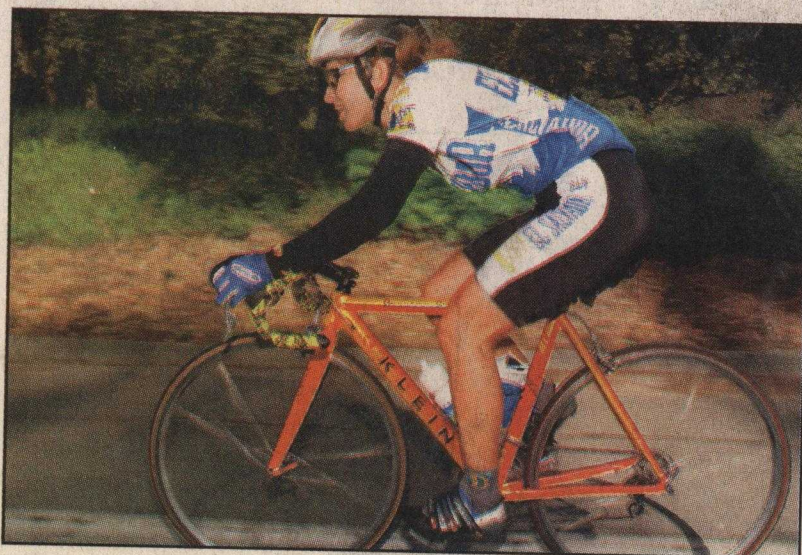
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Vergara cycles past the site where she was hit by Mosqueda's car on Freedom Boulevard.



Vicente Mosqueda said he 'couldn't go one more day without telling the truth.' Behind him are his godson, Luis DeLaForre, and his mother, Dolores Mosqueda.

Shmuel Thaler/Sentinel photos



'In 10 years, he may not remember my name. But in 10 years, when I see the scars on my body, I will think of Vicente Mosqueda and the events of Dec. 28, 1997.'

— Maureen Vergara, Olympic cyclist

Confession: Hit-and-run teen driver faces his victim

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This young man who had derailed her dreams of an Olympic medal. She reached out to shake his hand. Mosqueda reached back. "I really hope some day I'll be able to forgive you," she said.

Across the courtroom

The cyclist knew all along they had arrested the right guy. It wasn't because the red paint from his car matched the red paint on her smashed bicycle. And it wasn't because she knew what he looked like. She never saw the driver who struck her that December morning, three days after Christmas in 1997, and sped off not knowing whether she was dead or alive. Witnesses said they saw two or three Hispanic males with shaved heads drive off, laughing. But no one saw the driver. Still, the cyclist knew. She knew because never once would he look at her in court. Over a period of six months, since the time they arrested 19-year-old Mosqueda in August 1998 on charges of assault with a deadly weapon and felony hit-and-run causing great bodily injury, the two had sat in the Santa Cruz County courtroom together maybe five or six times. And he hadn't looked at her. Then, on Monday, March 15, Mosqueda went to court to change his plea — and, in private, away from the glare of the television cameras — to apologize to Vergara. It was the day before his jury trial was to start.

He admitted he was the guy who had hit Vergara and left her by the side of the road. He wasn't laughing, he said. It wasn't intentional, he said. He'd only had his license four months. He panicked.



Shmuel Thaler/Sentinel

Maureen Vergara sits in her Santa Cruz mountains home surrounded by El Salvadoran newspaper clippings about her cycling achievements. She had been training to represent her adopted country in the 2000 Olympics when she was struck by a hit-and-run driver.

papers splash her picture across the front pages and the children send her fan mail.

"I am going to say my prayers," Vergara reads from a letter written in Spanish she received from a 10-year-old girl. "And I will ask God to help you and ask him that you win a gold medal for our country."

Vergara smiles. "There were moments where I felt I wanted to quit," she said. "If it weren't for El Salvador, I think I would have quit."

She's racing better this year, placing in at least the top 10 during the weekend races around the country. Still she is hesitant to make any predictions about her chances for the Olympics.

Confession in a car

Six days before the trial was scheduled to start March 16, Mosqueda's attorney, Steve Wright, was visiting his client at home. He decided to take him for a drive, away from the tiny living room filled with his baby pictures and family portraits, away from the protective gaze of his mother, to go over any last details before trial.

"Is there anything you want to tell me before we go to trial?" Wright asked when they were alone in the car.

There was a pause. "You're going to hate me," Mosqueda said. "No I won't hate you," Wright answered.

Then he told him. He admitted he'd been lying all along. Next to telling his mother, it was one of the hardest things he'd ever done.

"I didn't know how to tell him. He had fought for me all this time. I felt something in me, I had to let go. After that day I felt better," Mosqueda said.

him, he looked back.

Running away

Mosqueda lives at home with his mother on Manfre Road, a quiet street lined with neat, modest homes in a rural part of Watsonville. The small lime-green house stands out from the rest, with its chain-link fences, six rusted old cars parked haphazardly in the front yard and four dogs that have to be restrained when strangers come to visit.

Mosqueda, a stocky young man with his mother's name, "Delores," tattooed on his right arm, has lived here all his life. His mother raised him and his older brother and younger sister here, cooking chili and spareribs in a dark-corner of a kitchen, supporting the family on a \$13,000-a-year job as a bus driver for Head Start.

This is where he parked his rusted 1965 Chevy Bel Air, with the fuzzy black dice hanging from the rearview mirror, when he came home from his job selling tickets and candy at Aptos Cinemas.

The day Vergara was struck started out in ordinary fashion. Mosqueda, a Watsonville High School senior who kept his hair short for the wrestling team, had been working at the movie theater for more than a year, saving his money to pay for the Chevy. Four months after getting his license, he was driving to work, taking the back roads with a friend, blaring rap music from the giant speakers mounted in his trunk. He'd been ticketed at least six times for blasting his music too loud, once for low-riding.

It was just past 11 a.m.

On Freedom Boulevard he passed a large group of cyclists in the middle of the road. Freedom Boulevard is a popular spot for cyclists. On a Sunday morning it's not unusual to pass several groups of the brightly clad athletes spinning by the rural hillsides in tight packs.

Mosqueda had to swerve to miss one group, and it irritated him.

Vergara's pack was a few miles farther up the road. It was a smaller group, and they were riding in the bike lane.

Cyclist Barry Sinervo, who had fallen behind the others, said that when the Chevy came up on him the occupants started yelling obscenities. Someone screamed, "Get out of the road," he said.

Then the car swerved in on him, coming way too close. It happens once out of every 10 to 20 rides, he said — cyclists call it getting "buzzed" — angry drivers who come so close you can feel the wind from the car. So he was ready to get a license plate number. He remembered ATB918, a portion of Mosqueda's number.

Vergara was farther up the road, out of sight.

Mosqueda said he and his passenger never yelled out the windows at any of the cyclists. He said they never laughed. He said that when he got near the pack, he hit a bump in the road, swerved unintentionally and heard a sound like a clap.

"Something just bumped off the car," he said. "I looked in the mirror. I seen her (Vergara) do kind of like a little roll. I thought I'd seen her stand. I seen a bunch of bikers get around her. We weren't laughing."

"We were going to stop. The other bikers were staring at us, yelling. I was scared. I didn't know what to do. My friend just said, 'Hit it. Let's go.'"

And he sped off to work. "Titanic" played at the theater that day, but Mosqueda wasn't paying much attention to anything other than the fear in his stomach. All he could think of was getting home and hiding his car under a tarp, where he always kept it, where no sheriff's deputies could see it.

'Oh my God!'

On Dec. 27, 1997, like most every other day that year, Vergara, 33, had ridden off from her home in the So-

quel hills as part of her 500-mile-a-week training program. Every day since the 1996 Olympic Games in Atlanta, where she rode for her adopted country of El Salvador, she had been planning for the 2000 Olympics in Sydney, Australia. She hoped to compete in both track and road racing.

She had been seconds away from a silver medal in Atlanta when she fell on the last lap of the Points Race, a 40-kilometer test of speed and endurance in the velodrome, dropping to fifth place.

She knew if she wanted a medal in Sydney, each day until then would count.

The pace line of eight friends and other professional cyclists was approaching the Highway 1 intersection, nearing the end of its training ride, moving fast, about 35 mph.

Vergara was focused on the bike wheel in front of her when the Chevy hit her.

"I felt my bicycle lift into the air and buckle. I remember thinking, 'Wow, this is what takes me out.' I really thought nothing would get between now and the 2000 Olympics. When my body hit the ground I heard it crack. The ground was so hard, so cold, like a grave. I felt so alone, so helpless, I thought 'What a horrible way to die.'"

Vergara heard her training partners screaming, "Oh my God! They hit her. Oh my God!"

She remembers the brake lights flashing once, then twice as the car passed her and a face that seemed to be laughing, pressed against the passenger window.

The collision broke her collarbone and badly injured her hip. It took 50 stitches to close the hole in her stomach. Eventually gangrene set in. The wound smelled like a garbage can. For a year, her knees were so sore she couldn't walk through the grocery store.

Red paint

When Mosqueda got home that af-

ternoon after finishing his shift at the theater, he didn't say a word to his mother about what had happened. He went to bed that night in the converted shed out back that he shares with his godson and a giant tank of fish. But he didn't sleep.

For several days there was nothing in the newspaper about an injured cyclist, and he was hopeful. Then, on Jan. 7, he read the headline: "Driver sought by officers in 'intentional hit-and-run,'" and his stomach turned. He knew he had hurt somebody. He read the quote from California Highway Patrol officer Ray Faulk, "I'm not going to stop until I find these guys."

Mosqueda kept quiet, but the investigation turned his way.

Ten days later, while he was away at a wrestling tournament in Clovis, CHP officers impounded his car as evidence. His family was outraged. He just shrugged his shoulders.

Eight months later when Faulk and several other officers pounded on his front door at 5 in the morning, cuffed him and took him to jail for the first time in his life, leaving his mother behind wailing and wringing her hands, all he said was, "It wasn't me. You got the wrong guy."

His grandfather posted bail.

It was two anonymous phone calls that had led Faulk to Mosqueda's home. The callers said they had seen someone on Manfre Road spray painting a car that matched the one described in the newspapers, a rusted 1970s Chevrolet muscle car. When Faulk found the Chevy in Mosqueda's front yard, most of it had a fresh coat of black primer.

Samples of red paint from the car were sent to a Sacramento lab for testing along with samples of red paint that had been transferred to Vergara's bicycle.

In August, when the test results came back saying the samples matched, Mosqueda was arrested.

The paint was the key prosecution evidence along with 15 or 16 other pieces of circumstantial evidence, Faulk said. Authorities also had evi-

dence that Mosqueda and a co-worker had tampered with time clocks at the movie theater.

The timecards indicated they had arrived at work at 11:02 a.m. on the day of the accident. Vergara was hit at 11:25 a.m. Officials believe the co-worker was the other occupant in the car.

"The funny thing is, two or three days after we arrested (Mosqueda), I talked to his lawyer," Faulk said. "I said, 'This could have been an accident. Maybe they were trying to scare them and hit her by mistake.' I wish he would have come forward then."

"In my opinion it was a prank that went horribly awry."

Keeping the dream alive

Three months after the crash, Vergara was racing again, competing for Team Shaklee, an American professional cycling team. But she was struggling.

Her ranking had dropped from fifth in the world to 45th. She was cycling on pulled knee ligaments that she still couldn't walk on. Physical therapy was helping, but there was painful nerve damage in her hip and shoulder. And she was riding too cautiously. Any fall to her injured hip, and she knew the race would be over for good.

"Cycling is like a game of chess," she said. "I felt like a dispensable pawn, hanging on for my life. It was a horrible feeling just hanging on when you're used to figuring out how you're going to win."

Doctors wanted her to have plastic surgery on her scars as soon as possible, but she still won't even consider it until after the Olympics. The surgery requires the use of a drug banned for Olympic athletes.

Vergara was raised by her El Salvadoran mother in San Francisco. She grew up listening to stories about her homeland.

And now she's a national hero in El Salvador, where the president has her over for cocktails, the news-

Wright was stunned. "I had believed him totally."

As part of a plea bargain, the prosecution dismissed charges of intentional assault with a deadly weapon and a special allegation that Mosqueda had caused Vergara great bodily harm. It was also agreed, Wright said, that Mosqueda didn't have to say who else was in the car.

Mosqueda explains it this way: "If you rat on someone, you got to expect to pay the consequences in jail."

Mosqueda and Vergara are scheduled to meet in court again Wednesday. The judge will determine whether Mosqueda will go to jail. He faces up to three years in prison. The judge could also choose probation, a year in County Jail, community service and a fine of up to \$10,000.

End of the road

The prosecutor, Toni Allen, stood nearby the day Vergara listened to Mosqueda's apology just outside the courtroom in a quiet hallway.

"It was a remarkable act of compassion by a victim, one I've never seen before and likely I'll never see again," said Allen, who has been prosecuting for 13 years.

For Vergara, the meeting changed her life. The monster that Mosqueda had become in her mind disappeared and was replaced by a human being. The feelings of hatred and fear began to soften.

But the scars remain, she said. She still looks away when she gets out of the shower and passes a mirror.

Every time she tries to wear an evening gown, or a cocktail dress, or a bathing suit, she'll think of Mosqueda. She has filed a civil lawsuit against him.

"In 10 years, he may not remember my name," she said, repeating the words she said to the judge in court the day Mosqueda changed his plea. "But in 10 years, when I see the scars on my body, I will think of Vicente Mosqueda and the events of Dec. 28, 1997."