
LAS VEGAS SUN

Bonaventure won't hear Rudin appeal

By [Matt Pordum](#)

Tuesday, Dec. 28, 2004 | 11:20 a.m.

For reasons that made his "blood boil," District Judge Joseph Bonaventure this morning recused himself from presiding over the appeal of Margaret Rudin, who was convicted of murdering of her husband, a prominent Las Vegas real estate executive.



Bonaventure said he wasn't sure if he had "an open mind" as he expressed he might have a bias due to one of Rudin's previous attorneys, Craig Creel.

"My blood boils every time I hear the name Craig Creel," Bonaventure said. "Whether I look at him or think of him, my blood boils. I'm getting a headache thinking about him now."

In an appeal of Rudin's conviction before the Nevada Supreme Court, Creel argued that 27 errors were made at Rudin's trial by Bonaventure, defense lawyer Michael Amador and others. Any one of them was serious enough to overturn the murder conviction, Creel argued.

Bonaventure said he believed a "a fresh judge, with a fresh look" could make a better decision than he could on the post-conviction issues Rudin's new attorneys, Dayvid Figler and Daniel Bunin, were likely to raise.

The case will now be randomly reassigned.

Figler said although he has to "defer" to Bonaventure's decision, he felt the judge was "fair and ultimately would have rendered an unbiased opinion in the case."

Figler said the focus of the appeal would be the "level of preparedness and effectiveness" of Rudin's prior counsel. He said it would probably take another 180 days before the actual appeal would be filed, but was confident the case would be resolved by the end of 2005.

Ron Rudin disappeared in December 1994 and fishermen discovered his charred remains near Nelson's Landing at Lake Mohave in January 1995. He had been shot several times in the head.

A Clark County jury convicted Margaret Rudin in May 2001, and Bonaventure sentenced her to two consecutive life terms in prison with the possibility of parole after 20 years.

In a 4-2 decision on Sept. 22, 2003, the Nevada Supreme Court upheld the conviction.

The court, in the majority decision written by Justice Deborah Agosti, rejected the claims that Bonaventure admitted unreliable expert testimony, that Rudin did not get a fair trial because of judicial misconduct and that one of her trial lawyers was unable to adequately prepare for trial.

Justices Bob Rose and Bill Maupin dissented. Figler said both Rose and Maupin said, basically, that Rudin "didn't get a fair trial."

Rose, who wrote the dissent, said there was sufficient evidence that the defense was totally unprepared to try this case and that defense lawyer Michael Amador had a "substantial conflict of interest with his client."

Rose said Amador admitted his opening statement was inadequate and that he could barely keep his eyes open after giving his opening statement. He said Amador also admitted he could have done a better job interviewing and investigating the state's witnesses.

Rudin contended that Amador was guilty of misconduct on grounds he improperly attempted to secure media rights to Rudin's story and his actions deprived her of a fair trial.

The majority opinion said, "While we do not approve of Amador's alleged acts concerning Rudin's literary and media rights, the record is insufficient to permit the conclusion that Amador's performance during trial was adversely affected by this alleged conflict of interest."

Figler said both he and Bunin were working closely with all of Rudin's previous attorneys, and after sorting through some "75 boxes of files" associated with the case he was confident that whichever judge is assigned to the case will grant an evidentiary hearing.



[Most Popular](#)

[Viewed](#)

[Discussed](#)

[Trending](#)

[Chocolate bar opens on the Strip; Delano rolls out more restaurants](#)

[Delano's stylish start with Jaime King, Charlotte Ronson, Magic! at grand opening](#)

[Police: Armed robbers take jewelry, cash from Green Valley store](#)

[Pedestrian hit in crosswalk on Sahara](#)

[More drought forecast next year for Nevada, across West](#)

[Complete Listing »](#)