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Last Updated: 7:16 pm | Wednesday, April 30, 2008

Shooter ordered to pay \$3.5M

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BATAVIA – Charles G. Martin, the Clermont County man who is serving a life sentence for shooting to death a 15-year-old neighbor who stepped on his lawn, was ordered today to pay more than \$3.5 million to the family and estate of the boy, Larry Mugerage II.

"A (financial) judgment provides a poor substitute for a son," Judge Robert P. Ringland wrote in a decision filed in Clermont County Common Pleas Court. "The Mugerages have clearly suffered serious emotional distress that no parent could reasonably endure."

The wrongful death lawsuit was filed on behalf of Larry's parents, Anita and Larry Mugerage Sr., and the boy's sister, Phedra Bibb.

Martin, 68, who is being held in the Lebanon Correctional Institution, didn't attend the April 21 trial in the civil suit, which was ruled on by Ringland.

One witness "described such scenes as Anita Mugerage crying when it rained, afraid that Larry would become wet and cold" in his grave, the judge wrote. "Both Larry (Sr.) and Anita Mugerage have expressed ... their desire to cease living.

"Their holidays – indeed, their every waking moment – once filled with the joys of family, have now become painful reminders of a life tragically ended too soon," Ringland wrote.

The judge awarded Larry's parents \$1 million to compensate them for their anguish and the loss of their son. Larry's sister was awarded \$250,000 for the same reasons.

The parents were awarded another \$250,000 as compensation and \$500,000 in punitive damages for Martin's intentional infliction of emotional distress.

The boy's estate, which is administered by his father, was awarded more than \$500,000 in compensation and \$1 million in punitive damages for the assault on Larry.

William A. Sterns, the Batavia attorney who represented Martin in the wrongful death suit, declined to discuss whether his client could afford to pay the judgment.

Martin, who retired from the Ford Motor Co. after 30 years, said before being sentenced that his life had revolved around taking care of his house, which he bought in 2000 for \$84,000. He sold the house Feb. 8 for \$60,000.

Steven M. Magas, the Mugerages' attorney, said Martin had a mortgage on the house but that Larry's family was entitled to about \$31,000 from the sale. They also will seek the proceeds from the sale of Martin's other assets and his pension from Ford, which Magas said was about \$1,000 a month.

The family never expected to collect a large amount of money, Magas said, but wanted to ensure Martin "wouldn't have \$5 for a cup of coffee or anything else" should he ever be released from prison. A parole hearing isn't scheduled until 2024.

The Mugerages also wanted to have it on record by way of court testimony that Larry was a kind and good boy, Magas said. They were appalled that Martin had suggested otherwise during his criminal trial.

Larry died March 19, 2006, after being hit with two deer slugs that Martin fired from a .410-gauge shotgun. A jury found Martin guilty on April 26 of last year.

Before being sentenced to prison, Martin said he was sorry the shooting happened – but he didn't apologize for killing Larry, who lived next door on Hawthorne Drive in Union Township.

Martin told police the shooting followed a confrontation with Larry three hours earlier, when the boy stepped on his lawn while headed to a neighbor's house to play basketball. He said he walked out of his house and said to the boy: "What the hell do you think you're doing?"



ENQUIRER FILE

Charles Martin, serving a life sentence for the killing of 15-year-old Larry Mugerage II, has been ordered to pay \$3.5 million to the boy's family and estate.

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Martin said Larry replied: "(Expletive) you."

Shortly after the shooting, Martin called 911. "I just killed a kid," Martin told the operator. "I shot him with a .410 shotgun twice. He's laying in the yard."

While Martin was in jail awaiting his criminal trial, he told personnel there he would kill Larry's parents if he ever got out, according to the Clermont County prosecutor's office. Martin denied that.

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