

Man gets 9 years for killing friend

Sep 1, 2007

BY KEITH EPPS

A Fredericksburg man who killed a close friend over a comment he can't even remember was ordered yesterday to serve nine years in prison.

Benjamin Rivera, 48, pleaded guilty to second-degree murder in Fredericksburg Circuit Court. As part of a plea agreement, he was sentenced to 20 years in prison with 11 years suspended.

Rivera killed 37-year-old Mark Lavelle Holmes early March 22 by pushing him down some steps at 1112 Caroline St., near the downtown library.

Authorities said a number of people stepped over Holmes' body, apparently not realizing he was dead. Rescue workers and police weren't called until that afternoon.

According to prosecutor Travis Bird, the fatal incident started when Rivera found Holmes passed out in front of his apartment early that morning.

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Rivera kicked and poked Holmes in an apparent attempt to wake him up, a witness told police. When Holmes finally did stir, he grabbed the bill of Rivera's cap.

That annoyed Rivera, who slapped Holmes' hand away and told him he would throw him down the stairs if he grabbed his cap again.

Bird said that Holmes didn't touch the cap, but said something that angered Rivera. A witness said he didn't understand what Holmes said, and Rivera later told police he didn't remember.

But Rivera threw him down the steps anyway, and Holmes laid at the bottom of the steps for hours.

Rivera later told police, according to the evidence, "he was my best friend alcohol makes you do strange things."

Rivera was represented by attorney Wendy Harris. Bird said he agreed to the deal because Rivera accepted responsibility and expressed remorse, and because it fit with the wishes of the Holmes family.

Holmes was the second youngest of nine siblings. He was married with two daughters.

Holmes graduated from Spotsylvania High School and spent time in the Marine Corps before taking on a series of jobs, including plumbing, his family said.

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