

Carson Starkey trial update

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A San Luis Obispo Superior Court Judge denied a motion to dismiss the cases against Zachary Ellis and Haithem Ibrahim, the two former Sigma Alpha Epsilon members charged with felony hazing causing death of former Cal Poly freshman Carson Starkey.

On Monday Ellis and Ibrahim's lawyers moved to dismiss the case due to insufficient evidence at the preliminary hearing in August. Their lawyers plan to appeal Monday's decision not to dismiss the case in California 2nd District Court of Appeals in Ventura, which they must do by Jan. 26.

Both Ellis' attorney, Richard Conway, and Ibrahim's, Michael Burt, have argued that each pledge at the event on Dec. 1 voluntarily chose to drink the amount of alcohol he did.

Starkey died Dec. 2, 2008, of respiratory arrest due to alcohol poisoning; his blood alcohol concentration was between 0.39 and 0.45. The previous night he attended Sigma Alpha Epsilon's pledge event called "Brown Bag Night," where the 18-year-old was given copious amounts of alcohol to drink as part of a hazing ritual for the fraternity.

Ellis, Ibrahim, Marszel and Taylor were taking Starkey to the hospital the night of the pledge event but turned the car around when he vomited.

Marszel and Taylor pleaded not guilty to misdemeanor charges for hazing causing death and furnishing alcohol to a minor causing death. Ibrahim and Ellis are also being tried with misdemeanor charges of furnishing alcohol to a minor causing death.

Carson's parents, Scott and Julia Starkey, filed a civil lawsuit against the national fraternity, the local chapter and nine individual former SAE members on Sept. 22. In addition to five officers of the local SAE chapter at the time of Starkey's death, Haithem Ibrahim, Zacary Ellis, Adam Marszel and Russell Taylor are being charged in the suit. A judge will set the schedule for the civil trial on Jan. 26.