

4 ORDERED TO BE TRIED IN KILLING OF RIVAL

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Four Detroit men were ordered to stand trial for murdering a rival gang member after a bat-swinging, bottle-throwing melee at a McDonald's.

Witnesses said the four, alleged members of the **Latin** Cobras, cornered members of the **Latin Counts** in a skirmish that was part of an ongoing war between the two organizations.

Detroit 36th District Judge Chris Stith ordered the four -- Raymond Everly, 22, Danny Hinojosa, 23; Jesus Lopez, 22, and juvenile Eugene Triumph, 15 -- held without bond on first-degree murder charges in the April 9 shooting of Rafael Ortiz Jr., 18, at the fast-food restaurant on Vernor Highway at Military.

Defense lawyers argued unsuccessfully that the four had stopped fighting and were fleeing when the alleged gunman, Nelson Cruz, who is still being sought by authorities, opened fire.

Witnesses said the fight began after an exchange of insults and gestures between the Cobras and **Counts**.

Dawn Mendoza, who has emerged as a **Counts** spokeswoman, testified that when she joined Ortiz that night outside the restaurant, he "had a feeling they were going to come back and light us up.

"With the war going on between the Cobras and the **Counts**, it ain't safe for none of us to be outside by himself."

Shortly after Ortiz and his companions entered the restaurant, members of the Cobras, armed with bats and bottles, scaled a low wall at the rear of the parking lot and rushed at Radames Canales, a **Count**, witnesses said.

Narys Canales, Radames' sister, testified that Everly then charged into the restaurant swinging a bat and shouting: " **Count** love -- there ain't no **Count** love! I'm a **Count** -killer!"

In a wild scene, some of the **Counts** dived over the counter and others dashed outside.

Mendoza said that in the scuffling, Ortiz was shoved out of the restaurant and the door was locked behind him. The Cobras scrambled back over the wall and piled into a car.

Meanwhile, according to testimony, Ortiz and another man, Jose Marquez, ran to the corner of Vernor and Military as the Cobras car started to leave. Marquez said he heard a warning from his girlfriend and took cover behind a church but Ortiz, who was standing next to him, was slow to react.

"Nelson jumped up in the sunroof of the car and popped once," Marquez testified. He said Ortiz "grabbed himself and was running bent over. I thought he was kidding till he started spitting blood."

Authorities said shots were fired at the Canales' home after the killing, and the family has been moved to another city for their safety.

Caption: Photo GEORGE WALDMAN

: From left, Danny Hinojosa, Raymond Everly, Jesus Lopez and Eugene Triumph in 36th District Court on Friday. They were ordered to stand trial in the April 9 shooting death of Rafael Ortiz Jr. Above, Radames Canales testifies against the reputed gang members.

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