

Reluctant witness in murder trial uncooperative

Randall Beach, Register Staff

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-NEW HAVEN — Terrence McNair was brought to Superior Court Friday to testify against homicide defendant Kwaun Cole, but McNair was not eager to talk.

"I don't want to be here," McNair told Superior Court Judge William Holden, who warned him he could be found in contempt of court and receive additional prison time to what he is already serving.

McNair, 20, is in prison on a six-year sentence for conspiracy to commit first-degree assault in the shooting death of Carmello Torres. Cole, 20, is on trial for murder, conspiracy to commit murder and carrying a pistol without a permit.

Torres was 17 when he was gunned down by two men, witnesses said, at the corner of Davenport Avenue and Orchard Street on Nov. 10, 2004. So far, the prosecution has not brought forward any forensic evidence linking Cole to the crime, nor any witnesses who identified Cole as the shooter.

McNair's attorney, Robert Berke, was on hand to advise him and to protect his rights Friday. But Holden told them McNair is already serving time for his part in the crime and so cannot incriminate himself by testifying.

Tall and wearing a prison outfit with handcuffs and leg irons, McNair exhibited a reluctant and defiant attitude as he initially answered some questions with the jury absent.

When State's Attorney Michael Dearington asked McNair if he knew Cole, McNair said he did. He also acknowledged he was in the car with Cole, Angus Clark and Lewis Harper the night of the shooting.

But when asked to answer more detailed questions, McNair hesitated, saying he couldn't remember or didn't want to talk. "I'm not going to answer no questions," he said at one point.

Holding up a copy of McNair's statement to police from September 2005, Dearington asked, "Did you tell police you heard shots fired and saw Mr. Cole and Mr. Harper come back to the car?"

"I don't remember," McNair replied. "I was drunk and everything else."

Later, with the jury present, McNair admitted he had known Torres because they were in school together.

He also said he knew Cole, Clark and Harper and remembered riding in a car with them the night of Torres' death.

When Dearington asked McNair if it would refresh his recollection to read his entire police statement, McNair said it would not. Dearington then asked Holden to allow a tape recording of that statement to be played in court. But defense attorney Walter Bansley III said this would be prejudicial to Cole.

Holden later ruled the tape could be played and that the jury could hear it. Legal arguments will resume Monday on which portions of the tape might be deleted.