

Homicide trial ends in plea deal

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NEW HAVEN — Kwaun Cole's homicide trial ended Monday when defense attorneys and the prosecutor agreed to a compromise and Cole pleaded guilty to conspiracy to commit first-degree assault in the shooting death of Carmello Torres.

Under the agreement worked out with Superior Court Judge Richard A. Damiani, Cole will receive a 20-year prison sentence, suspended after he serves 13 years. He will be on probation for three years.

Cole, 20, of 411 Blatchley Ave., had been on trial for charges of murder, conspiracy to commit murder and carrying a pistol without a permit. He is scheduled to be sentenced on the conspiracy charge May 11.

The circumstances under which Torres, 17, was shot Nov. 10, 2004, on Davenport Avenue have always been confusing, as the four young men riding in the car in question that night have told conflicting stories.

Forensic evidence shows Torres was killed by two .38 caliber bullets that police linked to Lewis Harper. He pleaded guilty to murder and is awaiting sentencing for a prison term of 30-33 years.

State's Attorney Michael Dearington asserted Cole was the other man who fired at Torres, although he did not hit him.

But defense attorney Walter Bansley III said Monday in an interview that Cole "does not admit getting out of the car and shooting a weapon. My client feels terribly for the family (of Torres) but he was not responsible for the shooting. He didn't shoot at the guy."

Bansley conceded, "He was in the car with them."

Although police said the shooting was part of a feud between rival neighborhood groups, Bansley said Cole knew Torres, "liked him and got along with him."

The other men in the car that night were Terrence McNair and Angus Clark. McNair also pleaded guilty to conspiracy to commit first-degree assault; his sentence is six years.

McNair was brought to court last Friday to testify against Cole, but he said, "I don't want to be here" and claimed he could not remember what he had told police in his taped statement. Superior Court Judge William Holden overruled Bansley's objection, allowing a tape of that statement to be played in court. This was supposed to happen Monday, but before jurors could hear it, the compromise was worked out.

Clark is the only man in the car who avoided a prison sentence.

During trial testimony last week, the prosecution did not introduce any forensic evidence linking Cole to the shooting. This made testimony by McNair and the potential testimony of Harper crucial to the state's case.

Bansley said Monday he didn't know whether Harper would have testified or what he would have said. An

impartial witness, Wilbert Palma, testified last week he looked out his window and saw two men shooting at Torres, but he could not identify the shooters.

Dearington said Monday in an interview that Torres' family "acquiesced" with the plea agreement.

Bansley said, "The family doesn't think he'll spend enough time in jail but he thinks he's spending too much time in jail."