

Man serving life sentence in slaying fights conviction

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In June 2000, a jury found Geovanny Torres guilty of first-degree murder in the shooting death of a man outside a Las Vegas restaurant.

It was the culmination of a years-long quest by prosecutors to implicate him in the crime.

Now eight years into a life sentence, Torres is challenging the conviction based on newly presented evidence that questions the credibility of witnesses and the conduct of district attorneys.

Torres' chief allegation is that Clark County prosecutors allowed a star witness to commit perjury at his trial, an allegation supported by court documents.

At trial, Florida jail inmate Rafael Cortina testified that Torres confessed to the 1996 shooting while the men were in custody in Miami. The testimony was crucial because he was the only witness to point to Torres as the gunman.

To bolster Cortina's credibility, Chief Deputy District Attorney Christopher Laurent told jurors that Cortina had no incentive to testify at the trial.

That wasn't true.

According to law enforcement documents, Cortina faced a 55-year prison term in Florida on armed kidnapping and other charges before agreeing to testify against Torres and defendants in Florida. Based on the agreement, his sentence was cut to five years.

In a recent 134-page court filing, Torres' attorney, Karen Connolly, asserts her client has been the victim of prosecutors who sought "to secure a conviction at all costs" by concealing exculpatory evidence.

"Sadly, the prosecutors in this case were not concerned with justice," she wrote. "This case presents itself as being one of the most outrageous cases of prosecutorial misconduct and abuse of power in this community."

Laurent denies he did anything wrong and maintains Torres is guilty of murder.

But adding to doubts about witness credibility, a medical expert has concluded that the prosecution's strongest eyewitness to the crime was lying when he said he was wounded in the 1996 incident.

Connolly thinks the revelations will bring Torres, now 39, the freedom he mostly has been denied since escaping communist-ruled Cuba more than a decade ago. She is seeking a reversal of his conviction and his immediate release from High Desert State Prison.

At a hearing Wednesday, District Judge Elizabeth Gonzalez is scheduled to start re-examining the conviction.

Laurent, in his response to Connolly's filing, questions whether Connolly's information qualifies as "newly discovered evidence," the standard for which new trials are granted.

Connie Beljica, Torres' longtime fiancée and the mother of his two daughters, said she has not given up hope for his release: "We've been waiting for the truth to come out. I am still convinced he's innocent."

Few things were clear about the December 1996 murder of 30-year-old Alfonso Lazaro at El Matador

restaurant on South Maryland Parkway.

Most of the men at the restaurant that night were Cuban emigres visiting Las Vegas. They knew each other from Miami and Guantanamo Bay Naval Base, a way station for some Cubans trying to escape to the United States.

A week after the incident, Eduardo Rojas gave Las Vegas police their first big break. Rojas told police he was a second victim of the shooting and showed leg and side wounds to back up his story.

At Torres' trial nearly four years later, Rojas told a variation of the story he first told police, sticking to his claim that Torres' brother, Carlos, was the shooter outside El Matador.

Rojas said an argument inside the restaurant spilled out into the parking lot, where Carlos Torres fired a gun through an open car door at Lazaro and then at him.

Geovanny Torres sat beside his brother during the shooting, Rojas said.

Though Rojas waited a week to report the crime, his statements were credible enough for Las Vegas police to issue arrest warrants for the Torres brothers in January 1997.

To charge both men, authorities relied on statutes that justify murder charges for people who "aid or abet" a murder.

Prosecutors never firmly concluded whether Carlos or Geovanny Torres was the shooter.

After Rojas' statement, police tracked down Geovanny Torres in Miami, where he had been in jail on a stolen vehicle charge. His brother was nowhere to be found.

Two weeks after Geovanny Torres was taken into custody, the Review-Journal reported that police had done more than just nab a murder suspect. They told the newspaper they had broken up a possible plot to assassinate the officers tracking Geovanny Torres.

But nobody was ever charged in connection with such a plot.

With Geovanny Torres back in Las Vegas, prosecutors continued to work the murder case.

The murder charges against the Torres brothers were dropped in April 1997 and again in December 1998, the first time because of witness problems and the second time because of flaws in the grand jury process.

In March 1999, prosecutors found witnesses to testify and indictments that stuck.

Again, police found Geovanny Torres, but not his brother.

In April 2000, Geovanny Torres invoked his right to a speedy trial and two months later was before a jury in District Judge John McGroarty's courtroom.

Cortina, the man who claimed to have a jailhouse confession from Geovanny Torres, was brought from Miami to Las Vegas to testify.

Before the trial, Torres' attorneys from the Clark County special public defender's office asked whether Cortina was testifying as part of a plea deal with prosecutors.

He wasn't, according to a 1998 court filing by Laurent.

But two documents contradict that assertion: a memo from a Miami prosecutor about Cortina's plea deal and a

motion to bring Cortina to Nevada to testify at a grand jury in the Torres case.

The plea deal memo alludes to Cortina's cooperation with authorities about his "knowledge and involvement in criminal activity in Florida, Nevada, and elsewhere." The transport motion said that Cortina, before making the trip to Nevada, had entered into a plea agreement with Florida authorities in which Cortina "agreed to cooperate with law enforcement."

"That basically speaks for itself," said Ralph Talbot, the former Dade County prosecutor who negotiated the deal with Cortina that cut his prison term from 55 to five years.

Cortina's sentencing was postponed until after he testified against Torres and other defendants, the documents show.

Laurent, in a letter to Connolly last year, again denied knowing about Cortina's deal with Florida prosecutors: "Whether some prosecutor or judge, with whom I never spoke, gave Mr. Cortina any consideration as a result of his testimony here in Nevada, I don't know," Laurent wrote. "If such did happen, it was not at my behest."

At a hearing before Gonzalez last month, Laurent said, "I can be sworn right now if the court wants that I never received those documents."

Talbot, who is now a priest in Minnesota, told attorney Connolly's investigator earlier this year that he was surprised Clark County prosecutors claimed not to know about the benefits Cortina was getting.

"I would ask if there was a plea agreement, and I guess I would find it hard to believe that a seasoned prosecutor wouldn't ask a similar question in getting someone from Dade County," Talbot said.

A question asked by Laurent at a 1998 grand jury hearing suggests he might have been aware that a deal with Cortina was possible.

At the hearing, he asked this question, to which a police officer agreed: "(Cortina) hopes or it's anticipated that he'll get some type of benefit to his sentence; is that correct?"

But at trial, Laurent urged jurors to stay focused as the defense threw them "knuckle balls, spit balls and curve balls" to convince them of Geovanny Torres' innocence.

Laurent warned jurors about attempts to discredit the testimony of the jailhouse informant, Cortina.

"What possibly are we in Las Vegas going to do for him in Miami?" he asked. "Nothing. He received nothing."

Asked at least twice at trial whether he was given anything in return for his testimony, Cortina acknowledged he had helped with Florida cases but not in the prosecution of Geovanny Torres.

Cortina then testified that Geovanny Torres admitted shooting Lazaro over an old dispute the two had at Guantanamo Bay Naval Base.

Later in the trial, the prosecution brought out Rojas to share his eyewitness account of the shooting.

But in Connolly's court filing, a doctor writes that Rojas was not being truthful about getting wounded in the same shooting that killed Lazaro.

"The three wounds depicted on Mr. Rojas's leg and the one wound on his side show advanced healing with scar formation at their margins and are all much greater than seven days old," forensic pathologist Karen Griest wrote about Rojas' injuries, which were documented in photos taken by police a week after Lazaro was slain.

None of the other witnesses gave testimony as detailed as Cortina and Rojas did.

In his closing arguments, Laurent repeated that Cortina had no incentive to lie because "he wasn't even getting an hour off of his sentence" for his testimony.

On the day Geovanny Torres was convicted of murder, his brother was picked up on an arrest warrant in New Mexico.

But Carlos Torres, who had been identified by Rojas as the shooter, was never prosecuted.

A year after a jury convicted Geovanny Torres, the Clark County district attorney's office dropped murder charges against his brother, again citing witness problems.

Several appeals of Geovanny Torres' conviction were denied despite testimony from three witnesses at post-trial hearings that questioned both Cortina's and Rojas' stories.

One of the witnesses testified that Cortina told him he implicated Geovanny Torres in the slaying not because Torres had confessed to him, but so that authorities in Miami would reduce his sentence.

The information presented by Connolly doesn't sway Laurent.

"I believe Cortina was correct that Geovanny Torres was the gunman," he said.

McGroarty's ruling in 2001 that insufficient evidence existed that Rojas and Cortina committed perjury reinforces his position, Laurent said.

But did Cortina perjure himself?

Possibly, Laurent said in his recent court filing, but "the defendant was on notice that Mr. Cortina was a snitch witness out of the State of Florida."

Laurent said the documents about Cortina's plea deal were available to defense attorneys at the time of his trial.

Beljica, who was about to give birth to her fiancé's youngest daughter when a jury convicted him, is hoping for the best.

"This broke up our life big time," she said. "We're all anxious to be together."

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