

## Judge reconsiders retrial in killing

October 1, 2008 - 10:00pm

Eight years into a life sentence for murder, Geovanny Torres was granted a new trial last month by a Clark County judge who ruled that prosecutors failed to disclose vital evidence before and during Torres' 2000 trial.

At a hearing today, District Judge Elizabeth Gonzalez could take her ruling a step further by dismissing Torres' case altogether.

Torres, 39, was convicted on murder charges stemming from the 1996 shooting of a man outside a Las Vegas restaurant. He was later sentenced to life in High Desert State Prison.

But Gonzalez ruled in September that newly presented evidence of perjury by the prosecution's star witness was enough to reverse Torres' conviction.

In a blistering motion for dismissal of the case, Karen Connolly, Torres' attorney, said lead prosecutor Christopher Laurent should answer for "flagrant misconduct" that led to Torres' conviction.

At Torres' trial, the only witness to identify him as the gunman was a Miami jail inmate who lied about the benefits he got in his own criminal cases for cooperating against Torres.

Laurent repeatedly told jurors that the informant, Rafael Cortina, wasn't testifying as part of a plea agreement with prosecutors in Nevada or elsewhere.

But court documents show Cortina had a 55-year prison term in Florida on armed kidnapping and other charges cut to five years for his help against Torres and other defendants.

"This court must let prosecutors know that if they continue to subvert the law ... there will be a price to pay," Connolly wrote in her motion. "The indictment should be dismissed with prejudice even though it will not give Torres back the last 10 years of his life."

Torres, the father of two daughters, has been behind bars for nearly a decade, including his time in jail before trial.

Laurent, in a response to Connolly's court filing, repeated an earlier denial of any wrongdoing. He said his misrepresentation of Cortina's deal with prosecutors was unintentional.

Connolly argues that Laurent no longer has a case now that Cortina's testimony has been discredited.

But Laurent is pushing forward with his attempt to convict Torres a second time for the murder of 30-year-old Alfonso Lazaro outside El Matador restaurant on South Maryland Parkway.

Torres' trial is set for Oct. 13.

In her motion to dismiss the case, Connolly cited seven other recent court rulings that Nevada prosecutors withheld evidence beneficial to defendants in murder cases.

"It appears to be the pervasive climate in Las Vegas that prosecutors of any ilk do not have to comply with constitutional mandates," Connolly wrote.

District Attorney David Roger, reached by phone during a break in the O.J. Simpson trial, declined comment on

Connolly's claim.

"We will address the allegations in court," Roger said. "We do not believe that talking to the media is appropriate in pending cases."

Connolly has filed a separate motion asking that the district attorney's office be removed from the case, if the charges against Torres aren't dismissed.

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