

Motion for dismissal rejected

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The Clark County district attorney's office should get another chance to prove Geovanny Torres is guilty of murder, District Judge Elizabeth Gonzalez ruled on Wednesday.

Torres, 39, who last month was granted a new trial in the 1996 shooting of a man outside a Las Vegas restaurant, had asked Gonzalez to dismiss the charges against him.

Karen Connolly, Torres' attorney, argued at a Wednesday hearing that prosecutors had committed "flagrant misconduct" by failing to present evidence in the case that would have aided Torres' defense.

Connolly said prosecutors didn't deserve "a second bite at the apple."

Chief Deputy District Attorney Christopher Laurent countered that his failure to present exculpatory evidence in the case was unintentional and amounted only to a technical violation.

"I don't think this rises to the level of something you can dismiss," Laurent told Gonzalez.

Gonzalez agreed and ruled the case should move forward.

In 2000, Torres was convicted of the 1996 murder of 30-year-old Alfonso Lazaro at El Matador restaurant on South Maryland Parkway. He was sentenced to a life term in High Desert State Prison.

Connolly earlier this year presented evidence that a key witness for the prosecution lied about benefits he received in Florida in exchange for his testimony against Torres.

Gonzalez ruled in September that the new evidence suggested a different outcome was probable if a jury were again called to determine Torres' guilt or innocence.

Torres, who wasn't present at Wednesday's hearing, remains in custody; bond has been set at \$250,000.

His trial is set for Oct. 13, but both sides said a postponement is likely.

Some witnesses from Torres' 2000 trial are no longer living. Others have to be found.

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