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The Atlanta Journal-Constitution

Updated: 7:19 p.m. Tuesday, Feb. 26, 2013 | Posted: 5:09 p.m. Tuesday, Feb. 26, 2013

Prosecutors: Clayton teen accused of killing ex-girlfriend 'dark and brooding'

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By Marcus K. Garner

The Atlanta Journal-Constitution

Angel Freeman went to see Kevin Kosturi one more time on Feb. 21, 2011, after their final break-up, prosecutors said.

Freeman's 15-year-old ex-boyfriend would be the last person the 16-year-old ever saw. She was found dead from a single gunshot wound to her chest, and Kosturi had her blood on his face and hands, police said.

Tuesday, in opening statements for Kosturi's murder trial, prosecutors and defense attorneys laid the groundwork to convince a jury that Freeman's death was either the act of a scorned lover "infatuated" with her, as prosecutors characterized, or a "traumatic accident," as the defense asserted.

"Where Angel was a social butterfly, Kevin was a social misfit," Clayton County Assistant District Attorney Michael Thurston told the jury. "Where Angel was a good-hearted kid, Kevin was dark and brooding."

But defense attorney Holly Waltman painted a different picture for the jurors.

"What you will hear will be the saddest story you've ever heard," Waltman said. "They went into the woods and began playing with a gun. Kevin got ahold of Angel's cell phone. Angel got ahold of Kevin's gun ... a shuffle ensuing. This was a traumatic accident."

Kosturi is being tried as an adult and faces multiple life sentences for charges of murder and felony murder — that is, causing a person's death by committing a felony. He is also charged with aggravated assault, tampering with evidence, giving false statements to police, possession of a gun during the commission of a felony and gun possession by a minor.

According to a police arrest warrant affidavit obtained from the Clayton County Superior Court, Kosturi told police that while he and Freeman were inside the makeshift fort in a wooded area near his Ellenwood home, he pointed the gun at her chest.

Police documents said Kosturi told police he pulled the trigger after Freeman said to him, "You won't shoot me."

Thurston told the jury that Kosturi got the loaded .38-caliber revolver from his next-door neighbor Robert Allen Bethune.

"The day before the incident, Kevin ... pleaded with Mr. Bethune for the gun," Thurston said, noting that Kosturi had previously asked Bethune for a gun to protect himself from someone at church who was threatening him. "(Bethune) gave him the gun under the assumption that Kevin was going to show the gun to this kid."

Bethune, who was charged as Kosturi's co-defendant with providing a gun to a person under 18 and contributing to the delinquency of a minor, has pleaded guilty to the charges in exchange for a reduction of a felony entering an auto charge to a misdemeanor.

"He said what he did was stupid," Thurston said.

Kosturi threw the gun into a nearby retention pond, and gave police two completely different stories before telling the truth, prosecutors said.

"He told police a Hispanic man passing by shot her in the shoulder (with a rifle)," Thurston said.

But investigators found evidence on Freeman's body that she was shot at close range.

So police interviewed Kosturi again, prosecutors said.

"This time, he told police that she shot herself," Thurston said.

Police finally prompted a third story from Kosturi, the one in which he described that he shot her and followed with a description of where he likely hid the gun.

Waltman countered that Kosturi reacted as a frightened boy would, given the circumstances, pointing out that he frantically called police, led them to the scene and otherwise cooperated with the investigation.

"In the 9-1-1 recording, he's desperately trying to direct police to where he is," she said. "This shocked, frightened child tells a made-up story too ridiculous for any adult to believe."

Thurston, however, claimed the defendant planned the shooting, pointing to what he called "preparation" leading up to the incident.

"Early that morning, he test-fires the gun at the fort, firing three rounds," and leaving two, the prosecutor said about Kosturi.

During testimony, at least three witnesses for the prosecution said they'd overheard Kosturi make threats about Freeman.

Charles Williams, who attended Morrow High School with Freeman and Kosturi, said he overheard the end of what appeared to be an argument between the couple some time before the shooting.

"He said, 'If I can't have you, nobody can,'" Williams said of Kosturi. "I just knew they were arguing and were on the verge of breaking up."

Daniel Herminez and Casey Bartlett, both friends of Kosturi, also testified to witnessing an argument at school between Kosturi and Freeman on a December day before the teen's death.

"He walks by and says, 'I'm gonna kill her,'" Herminez said.

But Herminez testified that Kosturi made such threats whenever there was an argument with Freeman, and that few people took those words seriously.

Bartlett said she cautioned Kosturi about his words on that day.

"I said, 'Kevin, don't say that,'" Bartlett told the jury. "He said, 'No, really. I'm going to kill her.'"

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