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The Atlanta Journal-Constitution

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Clayton prosecutors: 'Murder worked, suicide failed' in case against teen

By Marcus K. Garner

The Atlanta Journal-Constitution

Kevin Kosturi survived a botched murder-suicide plot, prosecutors said late Thursday afternoon at the close of the Clayton County teen's murder trial.

Kosturi was 15 in February 2011 when he allegedly shot and killed 16-year-old Angel Freeman, his on-again, off-again girlfriend.

"The murder worked, but the suicide failed," Clayton County Assistant District Attorney Bill Dixon said in an unexpected twist to the trial. "And he's trying to walk out of here. Don't you let him do it."

Now, a Clayton County jury must decide whether the Ellenwood teen intended to shoot and kill his 16-year-old ex-girlfriend, or whether the shooting was an accident.

"You're here to decide if he intentionally shot her," defense attorney Scott Dawkins told the jury. "I don't believe the evidence has shown that. This case is about an accident."

Kosturi is charged with murder, aggravated assault, felony murder — causing a death by committing a felony; in this case aggravated felony — tampering with evidence, giving false statements to police, possession of a gun during the commission of a felony and gun possession by a minor.

Kosturi, now 17, was charged as an adult and faces multiple life sentences if convicted of the murder charges.

But Clayton Superior Court Judge Geronda V. Carfer has given jurors the option to find him guilty of a lesser included charge of involuntary manslaughter.

Since Tuesday, jurors have listened to testimony about what happened on Feb. 21, 2011, following the break-up Freeman initiated,

and all the possible clues leading up to the shooting and thereafter.

The diminutive Kosturi told next-door neighbor Robert Allen Bethune he was being bullied by bigger kid at church and asked to borrow a gun, prosecutors said. The day after receiving the .38-caliber revolver, the teen fired three shots from the five-round handgun in a nearby wooded area, then invited Freeman to visit him at a makeshift wooden fort near his home, they said.

According to Clayton County police investigators, after shooting Freeman point-blank in the heart, Kosturi tossed the gun into a retention pond and fed police three different stories, replayed to the jury from 9-1-1 audio and from video of him being interviewed.

"I don't know where she got the gun," Kosturi said during footage of the police interview in which he told investigators that Freeman killed herself, before admitting to shooting her.

In the initial call for emergency aid, Kosturi said a Hispanic man wandering through the wooded area shot Freeman from afar with a rifle.

Defense attorneys said Kosturi and Freeman were still very much in love with one another when the shooting occurred, and her death was the result of a tragic accident.

"The weekend leading up to her death, Kevin and Angel texted to one another their love for each other," Dawkins said.

Kosturi's lies, Dawkins said, were the result of trauma.

"This is a 15-year-old boy who just had his girlfriend bleed to death in his arms," he said. "It may be that his brain wouldn't let him admit to killing her. It could be that he was terrified."

Dixon countered that, as prosecutors had asserted all along, the killing was the result of careful preparation.

"Mr. Dawkins would have you believe that this was not a criminal scheme," Dixon said. "Kevin got a gun ... he brought his girlfriend over, shot her, hid the gun, then lied about it. That's a scheme."

Prosecutors suggested a case of jealousy, and Dixon reminded jurors that a witness testified to hearing Kosturi say, "If I can't have you, no one can."

But Dawkins questioned the logic behind Kosturi cooperating with police, even helping investigators find the weapon he ditched, if he had sinister intent.

"No one tries to save someone's life that they have been in preparation to kill," Dawkins said, pointing to Kosturi's frantic 9-1-1 call and noting Kosturi bloodied his hands and the clothes he wore in an attempt to keep Freeman alive.

But Dixon said Kosturi only thought about calling for help and rescuing her after his attempt to kill himself went awry, referencing the GBI forensic ballistics expert who testified on Wednesday that the solitary remaining bullet in the handgun showed evidence of a misfire.

"You saw the hammer (of the revolver) hit the silver bullet, but it didn't fire," Dixon said. "He failed at suicide."

And the prosecutor pointed to other evidence of premeditation: a message on Kosturi's Facebook page posted days before the shooting saying, "See you soon, Grim Reaper," and Kosturi's words during a seeming prayer while he was alone in the police interview room, "I know I'm going to burn for this."

Dixon said Kosturi called a friend to come to the fort just before he shot Freeman, but was forced to cover up the killing when he couldn't kill himself.

"He panicked, and went out and threw the gun into the pond," Dixon said.

The jury deliberated until 6:30 p.m. and was dismissed.

Deliberations will resume Friday morning.

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