

Paper: The Kansas City Star

Title: Jurors acquit boy of murder David Collins was 14 at time of shooting. He was tried as an adult.

Date: July 19, 1996

The youngest Jackson County defendant to stand trial as an adult was acquitted Thursday of murder charges. David Collins shot a man to death at age 14. But prosecutors told jurors to ignore his age at trial this week.

After jurors acquitted Collins, he hugged his family as he walked out of the Jackson County Courthouse.

Jurors found him not guilty of second-degree murder or manslaughter in the Aug. 7, 1995, shooting of Evern Thrower, 19.

His age was not a major factor in the verdicts, several jurors said.

``The prosecution did not prove he was not acting in self-defense,'' a juror said.

Collins, now 15, testified that he shot Thrower after Thrower and two other youths came to his door and Thrower threatened to beat him.

Thrower had bullied him for years, Collins said, and threatened to kill him every time Collins asked Thrower to return a borrowed CD album.

Thrower went to the house in the 5200 block of Cypress Avenue where Collins lives with his grandmother, other witnesses said, because he suspected Collins had dented his car with a brick.

There was no dispute Thrower stood outside the front door and threatened to beat Collins.

``I went downstairs and got a gun to protect myself,'' Collins said. ``I opened the door.

``He reached for the screen door with his left hand and reached behind him with his right,'' Collins said. ``I thought he was going for the gun he always carried. I fired three times. '' One bullet hit Thrower's head and killed him. The others missed.

Collins then called 911. Jurors heard that tape, although prosecutors argued it should not be allowed as evidence.

``I am in the house alone,'' Collins said on the tape, ``and I am so scared. ... He is bigger than me. I'm only 14. '' Police found no gun on Thrower, but defense lawyer John A. Picerno noted that Thrower's relatives moved his body before police arrived.

``We don't know if he had a gun or not,'' Picerno said in closing arguments.

He noted that a self-defense verdict requires only that a person act out of a reasonable belief that he was in danger.

Assistant Prosecutor Theresa DeSalvo told jurors that shooting someone should be a last resort, that Collins could have locked his door, ran or called police.

Thrower's family members, many of them in tears, ran out of the courtroom after the verdict. They and Collins and his family declined to comment.

Picerno said of his client, ``He obviously regrets that the incident ever occurred. '' DeSalvo said, ``We knew it was a tough case. I can't imagine how his age couldn't be a factor. ''