

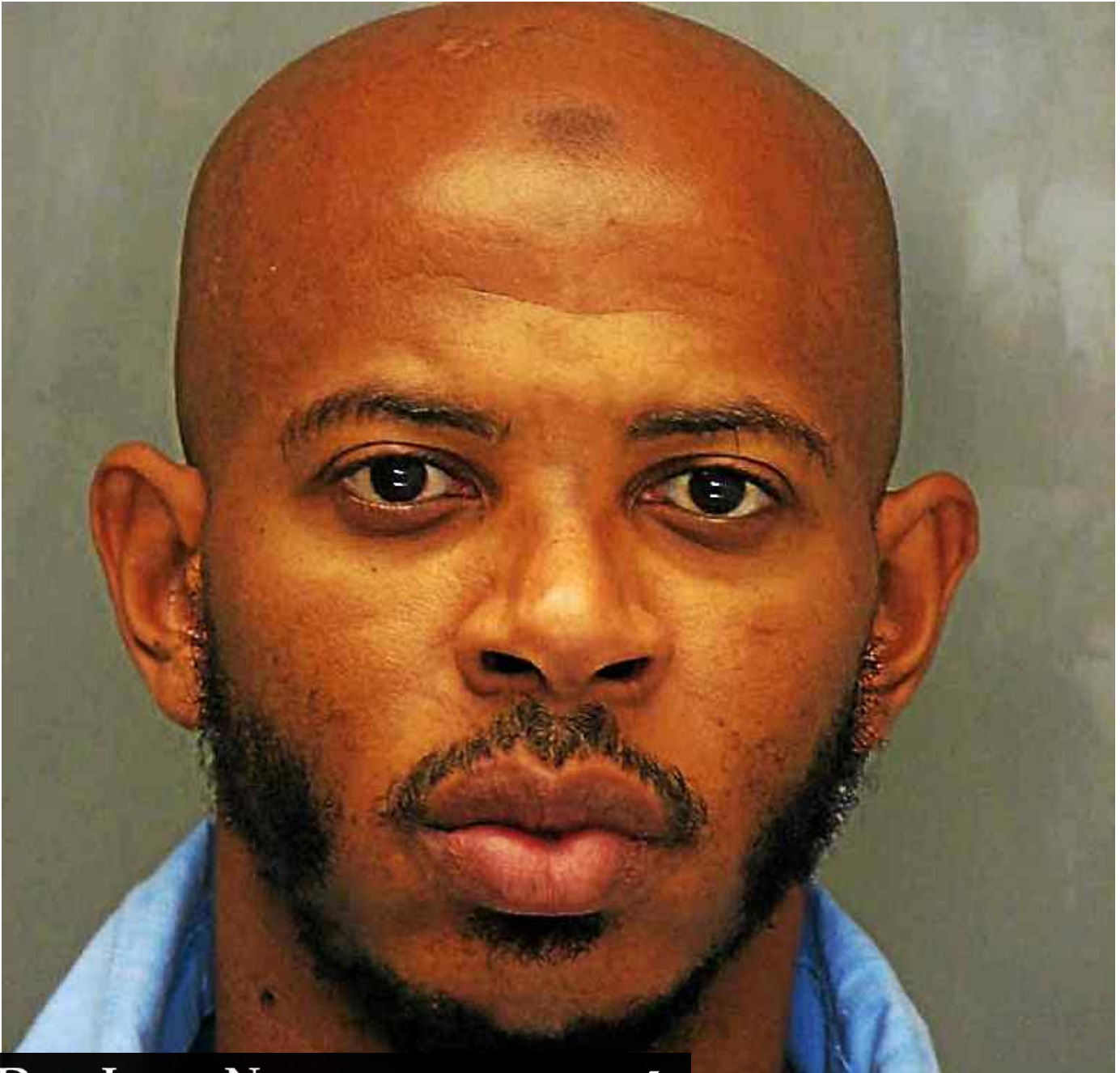


Guilty of assault in Coatesville shooting

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DAILY LOCAL NEWS



WEST CHESTER — The Common Pleas jury hearing the case of a Coatesville man accused of shooting at two city police officers who stopped him on a routine pedestrian investigation and ended up shooting him multiple times found him guilty of assault charges Monday, in a case that drew accusations that the officers had acted without provocation.

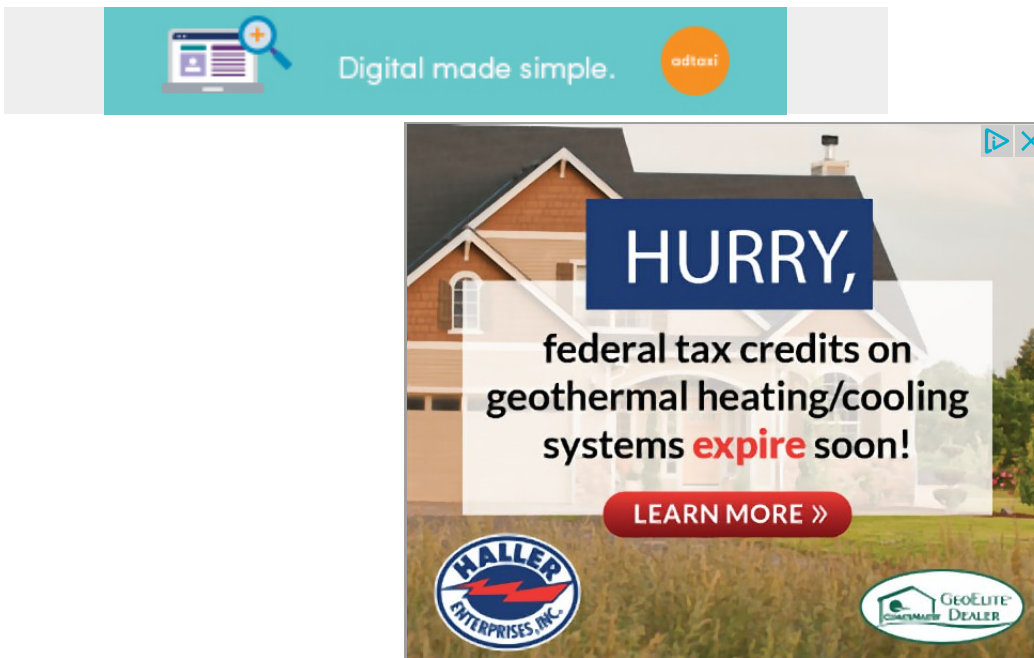
The jury of seven women and five men, however, told Common Pleas Court Judge Patrick Carmody that they could not reach an unanimous verdict on the more serious charge of

attempted homicide.

The panel of seven women and five men convicted Andre Emmet "Needles" Fiorentino on multiple counts of aggravated assault, finding that he had indeed fired a gun at the officers after they had chased him down the street where he lived in the city's East End. Their failure to reach a verdict on charges of attempted homicide, however, meant they could not accept the prosecution's contention that he intended to kill the officers.

The jury returned their verdict about 9:35 p.m., after deliberating for about four hours.

Fiorentino, who carried with him a criminal record dating back to the 1990s, will now face sentencing on the felony assault charges, which will include the possibility of state prison terms. He was returned to Chester County Prison, where he has been held for the months following the shooting. It will be up to the prosecution to determine whether it will seek to



The advertisement features a teal header with a magnifying glass icon over a laptop, the text "Digital made simple.", and the "edtaxi" logo. Below this is a large image of a house with a geothermal system. Overlaid on the house is a dark blue box with the word "HURRY," in white, and a white box with the text "federal tax credits on geothermal heating/cooling systems expire soon!". A red button with "LEARN MORE >>" is positioned below the text. At the bottom left is the "HALLER ENTERPRISES, INC." logo, and at the bottom right is the "GEOELITE DEALER" logo.

Before their deliberations began in the late afternoon, jurors listened intently as attorneys for the two sides laid out their cases for and against a verdict of guilty.

Both the prosecution and the defense asked the panel to concentrate on the evidence they had heard since the trial began last week, but drew divergent inferences from what had

been testified in the case.

Deputy District Attorney Carlos Barraza, who led the prosecution, pointed out that the description of events by the two officers, Detective Joseph Thompson and Officer Ryan Corcoran, had been consistent throughout the case. Because they were acting in the "fog of war" during and after the incident, they may not have been able to describe what happened in exact detail, he said.

"You focus on different things," Barraza told the 12 jurors and three alternates in Common Pleas Judge Patrick Carmody's courtroom in the Chester County Justice center, in his 50-minute closing argument. "The one thing they did know, because of basic human instinct, was that a gun was pointed at them and was shot. You don't forget the muzzle flash. You don't forget the gunshot."

On the other hand, defense attorney Paul Hetznecker of Philadelphia, representing Fiorentino, urged the jurors to cast a hard eye on the physical evidence offered, predicting that they would come to the conclusion that the officers had acted rashly in firing at his client.

"When you piece together the physical evidence, there is only one conclusion that you can deliver: that my client did not fire at those officers," Hetznecker said. "I ask for courage. I need courageous jurors."

Fiorentino, 33, was charged with two counts each of attempted homicide, aggravated assault, and weapons offenses in the case. The prosecution withdrew two counts of recklessly endangering another person before the case went to the jury.

The jury began its deliberations about 5:30 p.m.

The defendant was shot multiple times in the abdomen, thigh, knee, buttocks and back in the incident, which occurred a few feet from the house where he lived with his mother in the 700 block of Merchant Street in the city's East End. He lost a kidney in the shooting,

but has otherwise fully recovered from the Nov. 23, 2013 incident.

The shooting took place about 1 a.m. when Fiorentino, who had left his house moments before, telling his son he was going to the store, encountered Thompson and Corcoran, who were on patrol together that night. He was walking on the sidewalk when, as Thompson testified, he ducked down behind a parked car.

Thompson saw him disappear, became suspicious, and told Corcoran they were going to "get out on this guy." When he approached Fiorentino, Thompson said he backed up, said, "Oh, no," and turned and ran away. Both officers then chased him, with Thompson threatening to use his Taser to get him to stop.

According to the scenario painted by Hetznecker, Fiorentino was running because he had a .40-caliber Kal-Tech semi-automatic handgun in his sweatpants pocket, and did not want to get caught with it. But Barraza contended that there was not just the one gun, but two in his pants, the other being a .38-caliber Ivar Johnson revolver.

The officers said they ran after Fiorentino, who eventually stopped and turned toward them. Thompson said he saw Fiorentino point at him with outstretched arms, and saw a muzzle flash from what he assumed was a gun. He avoided the shot, dropped his Taser, pulled his weapon and fired.

Corcoran testified that he saw Fiorentino stop, and saw the muzzle flash. He drew his weapon as Fiorentino turned and also saw a muzzle flash. He fired multiple times as Fiorentino fell to the ground.

In Barraza's closing, he used the courtroom's overhead projection screen to show the jury photos of the scene, diagrams of what had happened, and snippets of recording that had been made of Fiorentino's telephone calls in which he told differing stories about what had happened.

One dramatic moment came when the jury listened to Thompson's police radio call about

the shooting, shouting that there had been "shots fired" and a "man down."

"It's a performance worthy of an Oscar, unless it is exactly what happened," Barraza told the jury. "You can literally feel the fear and stress in his voice, because he had literally just saw someone shoot at him."

Barraza told the jurors that by firing at the officers with a handgun, Fiorentino should be found guilty of trying to kill them. "The defendant is entitled to a number of things," he said, naming the presumption of innocence and a fair trial. "But that is all he is entitled to when he shot to kill. It is the Commonwealth that is entitled to something now, and that is a verdict of guilty."

Hetznecker's scenario was grounded in his argument that the two officers had mistaken a cell phone that Fiorentino drew from his sweatpants along with a photo ID, both of which were found on the street at the scene following the shooting. He suggested that they fired without provocation, and that "the team" of Coatesville police then orchestrated putting a revolver in the street.

"They panicked and they shot Mr. Fiorentino," he said of Thompson and Corcoran. "He turned around to stop (and say), 'Here's my ID.' he's not trying to fire. But Officer Thompson panics and fires his gun."

He noted repeatedly that the revolver had neither his client's fingerprints nor his DNA on it when tested by investigators, whereas both were found on the semi-automatic. He also contended that no civilian witnesses had seen the revolver in the street after the shooting, and that a photo from the scene does not contain it.

"It does not make sense that my client would have fired at two police officers in front of his house, unless he wanted to commit suicide, and there is no evidence of that in this case," he said.

In testimony Monday, the defense put on four witnesses, including Fiorentino's teenage

son, all of whom lived on Fleetwood Street at the time of the shooting and say they heard the shots being fired outside.

The most explosive witness was resident Corey Scott, who told the panel that he had looked out a second-floor window in his home and seen three officers - not two as described in other testimony - fire point-blank at Fiorentino as he stood with his hands in the air as if to surrender.

"The cop that was closest to the sidewalk, I saw the gun fire," Scott told the panel under questioning from Hetznecker. "There is no doubt in my mind." He said it appeared as if Fiorentino was crouching down toward the street when the shots were fired. He said he did not see a gun in Fiorentino's hands at the time.

But on cross-examination by Barraza, Scott acknowledged that the testimony he gave to the jury was at odds with what a defense investigator wrote in a report after the shooting. In an interview with Scott in December 2013, the investigator wrote that he had first heard gunshots outside his home, and then looked out the window and saw Fiorentino standing in the street, facing police. He also said that the officers facing Fiorentino were not in uniform, but rather in plainclothes.

The jury also heard snippets of two telephone calls that Fiorentino made from Chester County Prison in the days after his release from the hospital in which he gave conflicting accounts of the shooting.

In one, he tells the other caller that he did have a gun with at the time, but that it was in his sweat pants pocket - presumably the semi-automatic that authorities found on the floor of the ambulance at Paoli Hospital with Fiorentino's palm print. He denied having the revolver that police recovered at the scene.

In another, the caller on the other end mentions that accounts had Fiorentino firing at the officers.

"But you fired a couple of shots at them," the caller notes.

"Yeah, but nobody heard those shots," Fiorentino answers.

To contact staff writer Michael P. Rellahan, call 610-696-1544.



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