

New trial starts for man convicted in 1985 killing

By [Maria Cramer](#) Globe Staff, June 7, 2019, 7:19 p.m.



Darrell Jones entered the courtroom to begin the start of his new murder trial in the 1985 death of Guillermo Rodriguez. (JONATHAN WIGGS/GLOBE STAFF)

PLYMOUTH — After 32 years in prison, Darrell Jones was released in 2017 when a Superior Court judge ruled his first murder trial was [rife with problems](#): racist jurors; detectives who lied or tampered with evidence; and a defense attorney with serious

conflicts of interest.

Now, Jones is again defending himself against the charges that he fatally shot a man outside a Brockton bar, and his lawyers fear the new trial could be more unjust than the first.

Some of the original witnesses have died, and others say they do not remember the details they testified to in court. Plymouth Superior Court Judge C.J. Moriarty recently rejected those claims, allowing their testimony from the 1986 trial to be used in court again. It will be read to the jury, with no opportunity for Jones's lawyers to cross-examine them.

Jones, who was 19 when he was convicted, has maintained his innocence and has refused to plead guilty to lesser crimes.

"This virtual replay of the first trial will actually be worse for Mr. Jones than the 1986 fiasco," his lawyer, Paul Rudof, argued in a recent motion to dismiss the case.

That motion was denied, and on Friday the retrial began with prosecutors laying out much of the same argument presented at the first trial.

Assistant District Attorney Jessica Kenny said Jones, who at the time went by the nickname "Diamond," shot Guillermo Rodriguez once in the stomach outside of Peter and Mary's bar in Brockton on a cold, wet night on Nov. 11, 1985. There was no physical evidence or surveillance footage tying Jones to the killing, but Kenny said the testimony of witnesses who were at the bar that night proved Jones was the killer.

"The evidence you'll hear at this trial is as simple as this: People who knew the

defendant, who were familiar with him, saw what he did,” Kenny told the jury. “Even people who did not know him saw what he did.”

In his opening statement, Rudof cast doubt on the reliability of those witnesses. None were able to say they got a good look at the shooter’s face, he said, and many were drunk or high at the time. The witnesses all mentioned that the shooter was noticeably shorter than Rodriguez, who was 6 foot 1. Jones is 6 feet tall.

Rudof said there was another critical point: The shooter was seen running away from the scene and fleeing to another bar, where he threw away the gun that police later recovered. By contrast, Jones “was in the bar before the shooting and he was still in the bar after the shooting,”

Moriarty told the jury they would be hearing old testimony from witnesses who “for one reason or another are unable to testify” and that they “should not speculate about that trial in any way.”

But testimony from that trial played a key role.

It was a surreal scene as Assistant District Attorney Jessica Heaton read questions asked at the 1986 trial while employees from the Plymouth district attorney’s office played the part of the witnesses, stiffly narrating the decades-old testimony.

One of those former witnesses was Lisa Marie Pina, who was 22 when she testified that she was in a car with three other people when she heard the shooting. At the time, Pina said she heard a shot and someone in the car say something.

“That damned Diamond,” the employee read a transcript of Pina’s testimony in a flat,

staccato voice. “Yeah, that damned Diamond.”

Pina also testified that two days after the shooting police showed her an array of photos, which included Jones, and pressured her to point to a photo.

“ ‘Pick a picture, pick a picture,’ ” Pina said, according to the testimony read in court. “So I picked a picture and it happened to be Diamond’s picture.”

During her cross-examination, Pina was asked if she was picking the shooter when she picked Jones’s photo. No, she replied.

Jones’s current lawyers have objected to the old testimony and refused to read the cross-examination from the first trial. They have argued that his original lawyer, Kenneth Elias, represented Jones ineffectively, conducting flawed cross-examinations and representing several police officers involved in the case in other matters and then lying to Jones about those conflicts of interest.

Prior testimony can be read at a new trial, but legal specialists said it is highly unusual for so much of the evidence to come from witnesses whose statements cannot be challenged by defense attorneys.

“Given the magnitude of the testimony, it could present profoundly serious due process issues,” said Martin G. Weinberg, a veteran defense attorney who is not involved in the

case. “It seems fundamentally unfair for the defendant to be in jail based on an unfair trial, get a new trial, and then have his new lawyer handcuffed and gagged by an inability to cross-examine.”

Jones rejected a prosecution deal that would have let him plead guilty to manslaughter in

exchange for not serving any more prison time. After the proceeding, he said he was flummoxed by the prosecution's insistence on pursuing the case a second time.

“Why you got to do this to me” Jones said. “Is it because I’m vocal? Is it because I never laid down?”

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