

# Norwalk man is found not guilty of robbery, sexual assault charges

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**NORWALK** — Willie J. Fagan smiled slightly yesterday after a three-man, three-woman jury found him not guilty on robbery and sexual assault charges.

His wife, Aisha Fagan of Bridgeport, sobbed from the front row of spectators' seats as jurors repeatedly said "not guilty" in response to a clerk's questions. Fagan's lawyer, Wayne R. Keeney of Stamford, later said his heart was pounding before the verdict was announced.

Jurors had deliberated for about 30 minutes, usually the sign of a guilty verdict, he said. None of the jurors looked at Fagan before announcing the verdict.

"I left everything in the Lord's hands," said Fagan's mother, Antoinette, who sat in the spectators' seats, holding Aisha Fagan's hand as they waited for the verdict.

Despite the not-guilty verdict, Fagan was led off to prison in handcuffs.

Keeney, who was assisted by attorney Lindy Urso of Stam-

## Sentenced for violating probation

ford, had convinced jurors Fagan was not guilty beyond a reasonable doubt.

But Keeney didn't convince Judge Eddie Rodriguez Jr., who ruled in a related hearing that Fagan, 20, had violated terms of his probation by committing the April 16 robbery and sexual assault. For the purposes of a probation hearing, Rodriguez was required only to find that Fagan was guilty "by a preponderance of the evidence," which is easier to prove, the judge pointed out.

After the jury verdict, Rodriguez sentenced Fagan to a three years in prison — the time of the suspended sentence Fagan had been given Oct. 13, 1998, for threatening. Fagan later was arrested after police found him driving a car without the permission of its owner. That arrest also figured in his finding of a probation violation, the judge said.

"Rather than running from trouble, you seem to either attract it like a magnet or be attracted to it," Rodriguez told Fagan.

On April 16, a 17-year-old girl and her 21-year-old boyfriend, both of Norwalk, were walking on the grounds of Columbus Magnet School at 46 Concord St. when they were approached by three men. One man, pointing a gun at them, forced the girl to give him her book bag and the boyfriend, who had no money, to hand over a bandana. The robber then forced the couple to engage in a sex act.

The male victim was the key prosecution witness, lawyers for both sides said. He identified Fagan from both a photograph lineup and a lineup of Fagan and four other men. The female victim couldn't identify Fagan as the perpetrator from a police photograph, though she said she was certain when she saw him in court. Keeney said the male victim appeared uncomfortable when identifying Fagan from the witness stand.

"If you believe the victims in this case, the defendant is guilty,"

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## Charges

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Assistant State's Attorney Richard J. Colangelo Jr. said in his closing argument.

The defense witnesses were either vague in their testimony, or they were felons or close family members, he said. "Who is the most credible? Who had an incentive to lie?" he asked.

But together, the defense witnesses appeared to have given jurors enough doubt.

"We think (the boyfriend) truly believes it was him (Fagan)," said jury foreman Adam Cina of Weston. "We just don't think there's enough (evidence)"

To counter the victims' identification of Fagan as the robber, Keeney relied on other witnesses who testified that Fagan was at his mother's home at the time of the robbery. Keeney pointed out that Fagan's brother, Michael, was more likely to have robbed and assaulted the couple.

"Reasonable people looking at these two men would be struck by the remarkable resemblance," Keeney said in his closing argument.

Michael Fagan had been incarcerated for robbery, then released from a halfway house the day before the crime. He testified that he was in and out of his