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STATE SUPREME COURT

Teen acquitted of murder charges

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A teenager was acquitted by a State Supreme Court jury late Friday of charges in the fatal shooting of a Riverside-area man during a dice game last Aug. 14.

Darryl Tarver, 17, of Echols Lane, was cleared by a jury of a single count of second-degree murder in the death of Spencer Cowart, 23, of Thatcher Avenue.

A shotgun was used to shoot the victim outside a Sattler Avenue home. Cowart died of a head wound in Erie County Medical Center on Aug. 26.

The verdict followed a six-day trial before State Supreme Court Justice Russell P. Buscaglia.

Tarver, Lafayette High School student, had been jailed since his arrest days before Cowart died. He was 16 at the time of his arrest and did not testify during the trial.

Earlier this week, a man who organized the dice game identified Tarver as the gunman. Tarver, he testified, retrieved a shotgun from a Sattler Avenue house. The weapon was never recovered.

The man also produced a Facebook photo of Tarver, identified as a friend, holding what appeared to be a shotgun.

Frank Bogulski, Tarver's attorney, questioned the credibility of the prosecution witness, noting that a ballistics expert he hired to examine the Facebook photo concluded Tarver was probably holding a BB gun or air rifle. Bogulski pointed to the lack of DNA, fingerprints or other scientific evidence linking Tarver to the shooting.

Bogulski earlier had called to the stand two others present at the shooting scene who claimed they saw an unidentified man put a shotgun in a car and drive off after the fatal shooting.

Prosecutors for the trial were Colleen Curtin Gable and Lauren Nash.

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