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Retrial slated for man convicted in girl's '02 slay

Bob McGovern Saturday, February 13, 2016



Credit: Stuart Cahill

(12/25/04-Dorchester, MA) A small tribute of Trina Persad, who was killed in 2002, made by her mother, Bernadette Fernandes, at her home in Boston, Mass., 12/25/04. (Staff photo by Stuart Cahill)

COMMENTS

A man convicted of murdering a 10-year-old girl will get a new trial after a Superior Court judge found that his former defense attorney had "divided loyalties" due to his close ties to two high-profile civil trials involving the Boston Police Department.

Joseph Cousin, who in 2009 was convicted of second-degree murder in the 2002

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death of 10-year-old Trina Persad, will get a new trial because William White, his defense attorney, had a conflict of interest, Superior Court Judge Janet L. Sanders ruled Thursday.

“The problem is that White had an economic or personal interest, at the time he represented Cousin, in remaining on good terms with the Boston Police Department, thus creating a substantial risk that the manner in which he represented Cousin could materially and adversely be affected,” Sanders wrote.

A hearing is scheduled Thursday, according to Robert Shaw, Cousin's attorney.

The conflict comes from two separate cases in which White, or his firm, represented Boston police officers who were involved in wrongful convictions. His firm represented officers in a suit filed by Stephen Cowans, who was exonerated after being convicted of shooting a police officer. White personally represented two Boston homicide detectives who were sued by Shawn Drumgold, who had a murder conviction overturned.

White told the Herald he had discussed the potential conflict with Cousin, who was arrested by Boston homicide detectives in 2002. “When I went to meet him, during the very first meeting I had, I just had to tell him,” White said. “I know I told him about it.”

Shaw said that wasn't the case. “He did not make a disclosure to Joseph Cousin. The judge so found in her decision,” he said. “Even if he had mentioned something about this, he did not disclose a conflict of interest.”

Suffolk District Attorney Daniel F. Conley's office indicated it plans to appeal Sanders' decision.

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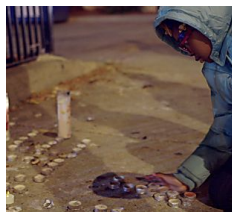
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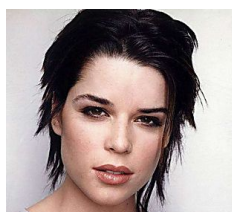
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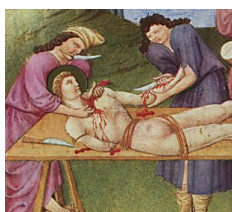
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