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Jury finds Buffalo man not guilty in 2014 shooting that killed man, wounded two women

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A State Supreme Court jury deliberated barely over an hour Monday before finding a Buffalo man not guilty in a 2014 shooting that claimed the life of one man and wounded two women.

Lydell Jones Jr., 30, of High Street, had been charged with second-degree murder in the death of Victor Hernandez, 30, and with two counts of attempted murder in the wounding of two women in the gunfire.

Both sides in the case agreed that three people were shot at a small gathering in a backyard on Pershing Street at about 4 a.m. June 22, 2014. Evidence showed that one person armed with an AK-47 assault rifle began firing into a group of people who were socializing and drinking around a bonfire, and it appeared that Hernandez was the intended target.

The women who were wounded were sitting with their backs to the shooter, who was partly concealed by overgrown bushes when he began firing. They testified that, after they were struck and had fallen to the ground, they saw that the subsequent gunfire was being directed at Hernandez.

"I looked over, and Victor was screaming," Natasha Coleman testified last week in Justice Penny M. Wolfgang's courtroom. As she described the frightening scene, Coleman held her hands up, imitating Hernandez as he reacted to the gunfire.

The question for the jury was whether Coleman and her friend, Stacy Ann Holmes, who was seriously wounded, could identify the shooter.

Coleman saw the gun clearly, she said.

"He was holding it in both hands. It was a long gun," she testified, and she saw flashes coming from the barrel.

"And after the shots, after he was out of bullets or whatever, he took off," she testified.

However, it was more than a year before Coleman and Holmes identified Jones as the man who shot them and Hernandez.

Questioned by defense attorney Paul G. Dell about why she waited so long to come forward, Coleman said she was worried about the safety of her children and about rumors she heard in the neighborhood.

Holmes, 43, testified that she didn't identify the shooter initially because she was focused on recovering from her wounds.

"My pelvis was blown out, my leg was almost blown off, I have a bullet in my back, and drop foot," Holmes testified. "I was in the hospital for three months."

By June 2015, she said, she was stronger and was healing.

"I was ready to address it," she testified.

Assistant District Attorney Christopher J. Belling also presented witnesses who testified that a probation ankle monitor that Jones was wearing put him in the vicinity of the party that night. For key periods of time, however, the monitor apparently was "shielded," not sending a signal – at a time when he could have been firing at a party on Pershing Street, the prosecution contended.

Dell, for the defense, challenged the credibility of the wounded women's testimony and presented one witness of his own, a woman who testified that Jones was indeed on Pershing that night, at her home, 17 houses away from the scene of the shooting. He was playing video games with her boyfriend, she said, and, although she said she fell asleep for a short time, she firmly believed that Jones never left the house

until they heard the sirens. Then, she said, they all went outside to see what had happened.

The jury came to its decision quickly. With no direct evidence that put a gun in Jones' hands, and with identifications that came more than a year after Hernandez was gunned down in the predawn darkness, they returned a verdict of not guilty.

Jones, who was arrested in September 2015, still has time to serve on a probation violation, and he remains jailed for now.

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