

Former 'Sopranos' Actor Clear in Officer's Killing

By Robert D. McFadden

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A former actor who specialized in tough-guy roles was cleared of murder and weapons charges on Monday in the killing of an off-duty New York City police officer who was slain in a gunfight when he confronted two suspects in a burglary at a neighbor's home in the Bronx three years ago.

A State Supreme Court jury in the Bronx found the defendant, Lillo Brancato Jr., 32, guilty of first-degree attempted burglary, a felony, but said he was not culpable in the death of the officer, Daniel Enchautegui, who was shot by Mr. Brancato's accomplice after a night of drinking and a search for drugs.

Under the law, a person is guilty of second-degree murder in a killing that occurs in the commission of another felony. But the law provides for mitigating circumstances in a defense. In Mr. Brancato's case, the jury apparently accepted his contention that he did not directly participate in the killing, was not armed and did not know that his accomplice had a gun. The jurors left without commenting on their verdict.

The accomplice, Steven Armento, 51, was convicted by another Bronx jury on Oct. 30 of first-degree murder in firing the fatal shot into Officer Enchautegui's chest. He was sentenced last month to life in prison without the possibility of parole.



Lillo Brancato Jr., left, was convicted of first-degree attempted burglary. At right, Officer Daniel Enchautegui.

Photo: Left, David Greene/Associated Press; Right, New York City Police Department

Mr. Brancato faces 3 to 15 years in prison for attempted burglary, but has been incarcerated for more than three years since his arrest and could be credited with that time. Justice Martin Marcus set sentencing for Jan. 9.

Mr. Brancato, a slight man in a dark gray pinstriped suit and a maroon tie over a white shirt, stood with eyes closed and hands clasped as the verdict was read. Afterward, he patted his lawyer, Joseph Tacopina, on the back before court officers handcuffed him and led him out. His mother sobbed.

Mr. Tacopina, surrounded by members of Mr. Brancato's family, later called the officer's death a tragedy, but said, "It would have been a bigger tragedy to convict Lillo for something he didn't do." He said a minimum sentence "would be appropriate."

Officer Enchautegui's sister, Yolanda Rosa, was grim. "I waited three long years for this," she said. "I'm disappointed. What message is this sending out to New York police officers today?"



The officer's sister, Yolanda Rosa, said after the verdict, "What message is this sending out to New York police officers today?"

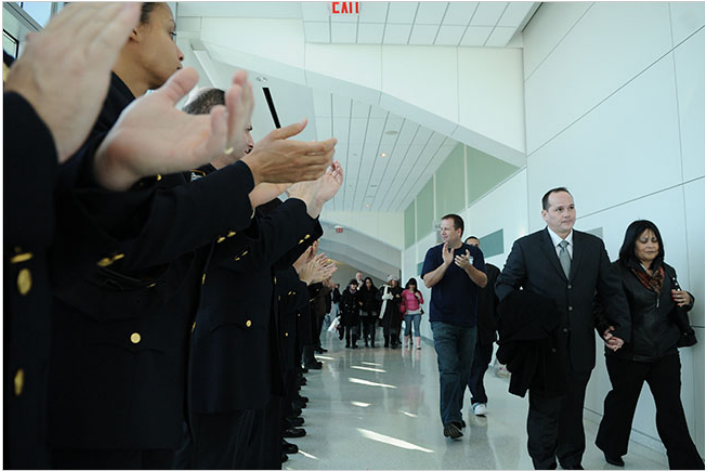
Rob Bennett for The New York Times

Officers who had attended the trial sat in silence. "We're obviously frustrated today that the jury did not see what was plain and simple," said Patrick J. Lynch, the president of the Patrolmen's Benevolent Association. "This would not have happened if it was not for him. We're asking today that this judge sentence him to the max of 15 years."

Police Commissioner Raymond W. Kelly said, "On this day of disappointments in court, we hope that the family and friends of Daniel Enchautegui find some comfort in the fact that at least one in the pair responsible for his death was convicted of murder."

The case had drawn wide attention, not only because of the actions of the officer, who confronted and shot both burglars despite being mortally wounded, but also because of Mr. Brancato's background as a moderately successful actor who had appeared in "The Sopranos"; Robert De Niro's 1993 coming-of-age film, "A Bronx Tale"; and a dozen other films, often as an aspiring mobster.

In a trial that began on Nov. 24, prosecutors charged that Mr. Brancato and Mr. Armento, residents of Yonkers who were winding up a night of drinking in the early hours of Dec. 10, 2005, went to a house on Arnow Place in Pelham Bay to get drugs from a friend who had provided them before. But the friend, Kenneth Scovotti, had died months earlier and the doors were locked.



Police officers applauded Yolanda Rosa as she entered a Bronx courtroom at the trial of Lillo Brancato Jr. in connection with the killing of her brother, Daniel Enchautegui, who was an officer.
Rob Bennett for The New York Times

The second-degree murder charge appeared to turn on what Mr. Brancato did next. Prosecutors said he kicked in a basement window, trying to commit a burglary, which exposed him to guilt on the murder charge.

But Mr. Tacopina contended that Mr. Brancato was unaware Mr. Scovotti was dead, assumed he was asleep, and broke the window accidentally when he kicked it to get Mr. Scovotti's attention. He said the men did not enter, but went to another friend's home nearby seeking drugs. Failing that, they returned to the previous house.

By then, Officer Enchautegui, 28, who lived in a basement apartment next door, had heard glass breaking and called 911, was outside. He had drawn his pistol, a Kahr semiautomatic, and confronted the suspects, shouting, "Don't move! Don't move!" according to prosecutors.

They said that Mr. Armento, who had a record for burglary and weapons and drug possession, fired his gun, a .357 Magnum, first, striking the officer once in the left chest. The officer returned fire, striking both suspects, who were captured by arriving officers.

Mr. Brancato testified that he did not know how a screen on the ground came to be removed from the window and that neither he nor Mr. Armento had worn the latex gloves that investigators found at the scene. Experts testified that both men's DNA were on the gloves.

Mr. Tacopina said after the verdict that his client was being treated for drug addiction and had found a "second chance in life."

Nate Schweber and Mathew R. Warren contributed reporting.

