

CITY/REGION

Prosecution edges closer to pinning motive on Lucero

Accomplice's girlfriend tells jury plan was to rob slaying victim

By Kathryn Somba
Gazette Telegraph

Pregnant and living in a less-than-desirable neighborhood, Vida Maes said her teenage boyfriend talked her into buying a pink, pearl-handled .26-caliber semiautomatic gun to protect herself.

Five days later, that gun was used by Allan Lucero to kill a 71-year-old Arkansas tourist.

"I didn't need it, but Damon (Nicholas) kind of talked me into getting it," Maes said from the witness stand Monday in the second day of Lucero's first-degree murder trial.

Lucero is accused of — and has admitted to — killing Robert Elshire on Aug. 18, 1993. Nicholas also faces murder charges in connection with Elshire's death and is scheduled for trial next year.

Elshire was in Colorado Springs preparing for his sixth Pikes Peak Ascent marathon.

About 8:30 p.m. that night, Elshire walked to the Walgreen's drug store at Circle Drive and Airport Road, a short distance from where he and his wife had rented an apartment while he prepared for the marathon. An Elshire

commit aggravated robbery.

Under Colorado law, a person commits felony murder if they kill someone in the commission of another crime, such as robbery. If the jury finds Lucero did not commit robbery, then it must find him not guilty of felony murder, which is punishable by life in prison without the possibility of parole. Second-degree murder carries a term of up to 48 years with parole possible when roughly one-third of the sentence is served.

The prosecution's task of showing Lucero intended to rob the elderly man came close to being met Monday when Maes told the jury about the night Elshire was killed.

Maes had spent part of that day with Nicholas and Lucero. She said they returned sometime after 9 p.m. and Lucero demonstrated how he shot Elshire, Maes said.

"Allan said he went to rob that guy and he said he (Elshire) pulled out a switchblade, and he got scared and shot him," Maes said.

When pressed by prosecutor Rob Jones to elaborate, Maes said Lucero never used the word "rob" or slang word "jack" for rob.



Allan Lucero is standing trial for the slaying of a 71-year-old tourist in August 1993.

MONDAY'S HIGHLIGHTS:

The prosecution attempted to show that Allan Lucero intended to rob a 71-year-old Arkansas tourist, a key element needed to convince the jury to convict Lucero of felony murder and put him in prison for life.

WHAT'S NEXT:

The trial resumes at 9 a.m. today in 4th Judicial District Judge Gilbert Martinez's courtroom. Among the witnesses expected to testify is Helen Elshire, the widow of Robert Elshire. The prosecution is expected to conclude its case this morning. The defense is scheduled to call just three witnesses: Lucero's stepfather, a Colorado Springs Police Department expert on gangs, and a psychiatrist. The case could go to the jury

Controversial shopping center sold by county retirement fund

By Wayne Holman/Gazette Telegraph

The El Paso County Retirement Fund on Friday sold a southeast Colorado Springs shopping center that has been the focus of an investigation into alleged financial mismanagement.

The pension fund sold The Landings, a 29,000-square-foot shopping center at 1617-1683 Jet Wing Drive, to Pak-Moon Partnership for \$900,000, said Mike Witty, who manages the \$75 million fund's real estate. The partnership is controlled by Tu I. Pak, owner of a Dunkin' Donuts outlet at 1823 S. Nevada Ave., and Kye S. Moon, owner of the Seoul Restaurant, 1411 S. Nevada Ave.

District Attorney John Suthers said last month that his investigators were looking into allegations of financial mismanagement involving the fund, but he declined to discuss specifics.

Sources close to the investigation said it stems from information provided by Harmon Wilfred, a property management consultant and construction manager who did business with several firms that hold management contracts for The Landings. Wilfred told the Gazette Telegraph last month that he raised questions with Suthers' office about:

- Why the center's leasing agent was paid double the agreed-upon commission.
- Why maintenance charges for the center are double the industry average.
- What happened to \$36,000 the plan put into an account to pay for construction. Checks written on the account bounced 48 hours later, so the plan had to put more money into the account.

The fund financed the deal for the restaurant owners by accepting a five-year, \$795,000 promissory note. The deal generates nearly a 70 percent profit for the fund in the 14 months it owned the center.

Witty said the fund also is trying to sell the Airport Business Park in southeast Colorado Springs, and the Village Marketplace shopping center and an office building in the Hollowbrook Office Park, both on the city's northeast side.

"We never intended to become the land barons of Colorado Springs," Witty said. "We saw the opportunity to make the plan some money and invest locally, and that is what we chose to do."

El Paso County commissioners recently decided to hire an outside consultant to review pension fund investments, saying they are concerned about the high percentage of real estate holdings.

Suthers' office also reviewed in a separate probe contracts awarded to a firm owned by Witty to manage the plan's real estate investments. Witty's firm, Pinnacle Investment Consultants, received \$163,000 last year, based on a share of the plan's real estate holdings and profits from properties it manages.

After Suthers concluded the review last month without taking action, the county commissioners voted unanimously to hire a consultant to evaluate the fund and its management practices. Witty resigned in July as the plan's administrator but still manages the fund's real estate.

Rain, hail pelt Pikes Peak region

By Marcus Montoya/Gazette Telegraph

A strong storm system swept over El Paso and Teller counties Monday evening, dumping rain and some hail for several hours.

The first rain hit late Monday afternoon. By 9:45 p.m. the National Weather Service had issued a flash flood warning through most of the rest of the night for Colorado Springs and northern El Paso County. No injuries or property damage was reported late Monday.

p.m. about 10 miles east of Palmer Lake, the weather service said. Heavy rain was also reported north of U.S. Highway 24 between Colorado Springs and Cañon.

A small rockslide on U.S. 24 was reported near Manitou Springs earlier in the evening, but no major problems resulted, the Colorado State Patrol said.

Two late storm cells in particular hit the Donna Fair of the Colorado Springs Emergency Management. One was