



Five arraigned in killing

By **Karen Jeffrey**

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Witness says MacLeod 'died in my place' BARNSTABLE — The sixth man wanted in connection with Saturday's stabbing death in Yarmouth was arrested yesterday afternoon in Providence, R.I.

Rudolfo "Foo" Viera of West Yarmouth was taken into custody without incident around 2 p.m., said Cape and Islands First Assistant District Attorney Michael O'Keefe.

Viera, 19, faces a charge of home invasion stemming from an attack early Saturday morning that left one man dead and another recuperating at Cape Cod Hospital from two stab wounds to the back.

Five others accused of participating in the attack - resulting in the death of Spencer MacLeod, 19, and serious injury to Shawn Kimball, 19 - were arraigned in Barnstable District Court yesterday. All five pleaded innocent.

Meanwhile, a witness last night shed light on the events leading to the death, saying that MacLeod and Kimball had attended a party in West Dennis hours before the killing. The witness indicated he might have been the intended victim.

Two of the five arraigned were also charged with murder and assault with a dangerous weapon: Zane A. Rasmusen, 19, and David Winter Myland, 18, both of Dennis. They were ordered held without bail pending a hearing Feb. 15.

"They came armed with several weapons - chains, clubs, knives and two pit bulls," said Assistant District Attorney Lisa Edmonds of all six defendants during yesterday's arraignment. "They went to the front of the house and through the door."

The home invasion - reported to Yarmouth police about — a.m. Saturday - was apparently sparked by a fight at a party in West Dennis earlier that evening.

MacLeod was stabbed twice in the heart and once in the thigh. Kimball was stabbed twice in the back and once in the arm. Both men were beaten with a golf club. Kimball is in stable condition at Cape Cod Hospital, Hyannis, following surgery.

While police are receiving conflicting reports about whether MacLeod and Kimball attended the party, last night one friend said there is no doubt MacLeod and Kimball were there.

"Spence and Shawn were there, but they did not get involved in the fight," said Julio Concepcion, 22, of Harwich.

"I was there. I was in the fight with a couple other friends," said Concepcion, standing outside the apartment where his friend was killed.

Shaken to the core Concepcion said the shock of the death has shaken him to the core.

"Everyone of us who was involved in that fight is responsible for this violence that took Spence's life," said Concepcion. "The violence is our fault. We could have talked it all out."

According to Concepcion, the fight began when he and a group of friends showed up uninvited at the party Friday night at 15 Riverside Way in West Dennis.

They never anticipated being unwelcome, Concepcion said. The party, held at a home in the exclusive Fingers section of West Dennis, where most homes are seasonal and include private docks as part of the back yard, was

throw by two teenage girls who were visiting for the weekend.

"We just heard about the party. We didn't really know the girls well. They were summer girls just down for the weekend," Concepcion said.

The fight erupted when Viera allegedly told the new arrivals to leave, saying they weren't good enough to attend a party in such an expensive home. Viera allegedly derided the newcomers for their connections to Swan Pond Village, an affordable housing complex in South Yarmouth.

"(One victim) got hit in the head with a bat. I jumped in, pretty soon the fight was really big," Concepcion said. "Then it broke up and we left."

Concepcion said he and his friends returned to Swan Pond Village. He stopped briefly inside the unit where MacLeod and Kimball were planning to spend the night, then left when MacLeod "went upstairs to bed."

Only minutes later, six young men exploded through the doorway of that apartment. Concepcion is convinced he was the intended target. MacLeod and Kimball were "innocent bystanders," he said.

"That should have been me who got knifed. I was in the fight, not Spence or Shawn," he said. "Spence was not a violent man. He was a good man. He died in my place. He died trying to protect his friend Shawn."

Seeking forgiveness MacLeod's death "is a terrible lesson for all of us," Concepcion said. "I have asked everyone for forgiveness because of the violence that brought this on."

Concepcion has already asked MacLeod's mother and Myland's father to forgive him. They have, said Concepcion. "I will go to each and every parent involved in this. Violence has to be something of the past. We have to find more peaceful ways to handle our problems and our lives."

Last night was the second consecutive evening that friends of MacLeod and Kimball gathered at a makeshift memorial of flowers, candles and a Bible made outside the apartment where the fatal stabbing occurred.

More than a dozen young people huddled deep into their coats as they tried to comprehend the violence. Some prayed. Some wept. Others stared expressionless at the dozens of flowers and candles surrounding a large rock that has become their place of remembrance.

Kimball, through messages from his family close friends, is calling MacLeod "a hero, who saved my life."

"We owe Spencer a life. He saved my brother," said Jennifer Kimball. "Spencer gave his life for others just like Christ."

Yarmouth and state police are continuing their investigation into what is the second murder on Cape Cod this year. O'Keefe said the case will be presented to a grand jury in a matter of weeks. Additional charges could be filed against the six young men as a result.

But there are others involved in the case that could also face criminal charges, O'Keefe said. He declined to specify who these people are or what charges could arise out of the continued investigation.

A memorial service for Spencer MacLeod will be held at 7 p.m. Friday at Victory Chapel, Iyannough Road, Hyannis. Visiting hours will be 10 to 11 a.m. Saturday at Hallett Funeral Home, 273 Station Ave., South Yarmouth.

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