



## Witness says he put suspect in chokehold

By **Karen Jeffrey**

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BARNSTABLE — Before Jan. 26, 2002, Julio Concepcion fueled his life with alcohol, cocaine and as many women as would fall for his lines.

But the killing of an innocent man - 21-year-old Spencer MacLeod - caused him to take a long, hard look at his life, Concepcion said.

Yesterday in Barnstable Superior Court, Concepcion, 24, told jurors that before MacLeod's death, "I was a scumbag."

Concepcion was one of several defense witnesses called yesterday on the sixth day of trial. He told jurors he had changed as a result of MacLeod's death, saying, "I have been saved and given my life to Jesus Christ."

On trial in Superior Court is Zane Rasmusen, 20, charged with murder, home invasion, and assault and battery with a dangerous weapon.

Rasmusen is one of four young men charged with killing MacLeod and seriously injuring Shawn Kimball, now 23, in an attack inside a South Yarmouth apartment.

Concepcion, a friend of Kimball's, was not present when the fatal attack took place.

The prosecution contends the attack and killing was in retaliation for a fight earlier that evening at a party in West Dennis.

Rasmusen and his friends are accused of planning and then executing the attack that led to MacLeod's death.

MacLeod was not at that party nor was he involved in any disputes with those accused of killing him, according to testimony. He died after being stabbed in the heart and beaten with clubs when he tried to stop the attack on Kimball.

Concepcion told jurors a fight had broken out hours earlier when he and a group of friends showed up uninvited at a party at 15 Riverside Way.

Two teenage sisters from Weston threw the party at their parents' summer home in the exclusive Fingers section of West Dennis.

Concepcion admitted putting Rasmusen in a chokehold during the fight, which erupted when one man allegedly told Concepcion's friends they weren't good enough to attend a party at a "million-dollar house," Concepcion said.

"When I was choking him, I thought I could break his neck and I didn't want to," Concepcion said.

At another friend's urging, Concepcion said, he released Rasmusen and then headed out of the house, "screaming in victory like a Viking."

Another witness, Daniel Allen of West Yarmouth, told jurors that he stopped by the party in West Dennis around 1:30 a.m. and saw the fight.

Afterward, he said, Rasmusen grabbed a knife and ran after Concepcion's group. Allen said Rasmusen stabbed a tire and tried to break into their car through a window, but the car sped away.

A short while later, Rasmusen and his friends began talking about going to "get them," in retaliation.

Allen testified that he had witnessed Rasmusen's anger in the past, describing his friend as going into something akin to a trancelike state.

"He's the nicest guy in the world until someone ticks him off. Then he snaps," Allen said.

The others charged with murder and home invasion are: David Myland, 19, of Dennis Brandon Sweeney, 20, of Yarmouthport and Rudolfo Viera, 20, of West Yarmouth. A fifth man, Christopher Gonsalves, 20, of South Dennis, is charged with home invasion and armed assault. They are all scheduled for trial in August.

Rasmusen's trial is scheduled to resume this morning.

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