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Prosecutor loses appeal in Leonard murder case

PHILIPSBURG - The Prosecutor's Office has lost the appeal it had launched against the acquittal by the Court of First Instance of a 17-year-old suspect it held responsible for stabbing Otmar Leonard (22) to death on July 14, 2010.

The Court of Appeals said Tuesday it had not come to the conclusion that H.K.I. had deliberately stabbed Leonard, which led them to acquit him of murder and manslaughter.

Solicitor-General Anton van der Schans had asked the Court of Appeals on May 19 to imprison H.K.I.

for ten years for the stabbing.

In January, the Court in First Instance had acquitted the juvenile of murder and manslaughter. He was, however, convicted of assault and battery, for which he received four months.

The Prosecutor's Office had immediately filed an appeal.

Leonard was fatally stabbed in his ribs with a knife during a fight. Earlier that same day, he had become involved in another altercation with H.K.I. at the Belvedere basketball court.

The knife punctured Leonard's right lung and heart. He died at St. Maarten Medical Center.

During the appeal hearing, H.K.I. did not deny he had been angry at Leonard, nor that he had threatened him, but he denied he had pulled a knife and stabbed.

Attorney-at-law Cor Merx had stated that his client should be acquitted of murder and manslaughter because the evidence provided by the Prosecutor's Office was based on assumptions, because there had been no witnesses to the stabbing.

H.K.I. had said Leonard had died by accident and not by his hands.

The Court of Appeals did find assault and battery proven of a 15-year old boy at the basketball fight, for which H.K.I. was sentenced to four months, one of which was suspended. He was also placed on two years' probation.

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