

# Jurors convict man in restaurateur's murder

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The lawyers couldn't duplicate the weather of the night an armed robber shot and killed Johannes "Hans" Frischknecht, for that was the night Hurricane Elena threatened Tampa 13 months ago.

But the prosecutor tried to duplicate everything else about the killing Monday in Hillsborough Circuit Court, down to running through the courtroom in his shirt-sleeves brandishing the murder weapon.

(He won the case.)  
After deliberating four hours, the jury found that 23-year-old Leon Antonio Torres committed the first-degree murder of the owner of the Matlern Horn Hofbrau House on Aug. 31, 1985.

The jury will return to court today to recommend a sentence to Circuit Judge Donald Evans, either life in prison or death in the electric chair.

Frischknecht, 39, died bringing a shotgun and a pistol to bear against a masked, unidentified robber who invaded his restaurant after hours as he and family and friends celebrated the end of the season.  
Police arrested a restaurant employee named

John Scott Lehman for being an accomplice in the robbery, Lehman, on the eve of his own murder trial, fingered Torres and testified against him.

Lehman's sister Pauline, who was dating Torres at the time, testified Torres came home that night and said, "I think I just shot somebody." Experts identified a gun owned by Torres as the murder weapon.

In closing arguments Monday morning, defense lawyer Donald Westfield argued that the Lehmans had set Torres up, using his gun.

Westfield hammered on the fact that Lehman had given police two previous stories about who the gunman was. One man was arrested, but later freed for lack of evidence.

After being threatened with the death penalty when the first two names didn't work out, Lehman and his sister decided to make Torres the scapegoat, the defense lawyer contended. Lehman's sentence will be 12 to 17 years under the deal.

"Would a purchasing agent (Torres' profession) run out and commit an armed robbery to help the brother of a girl he had known for only three months?" the defense lawyer asked.

Then it was the turn of prosecutor Joe Episcopo, who placed large color photographs of the res-

taurant on four easels and a blackboard scattered around the courtroom.

He eschewed the traditional podium from which lawyers make their arguments ("It gets in my way"), and stripped off his jacket.

Arguing that the murder was premeditated, Episcopo reminded jurors that Torres, according to Lehman, filled the gun's clip with 36 bullets. He committed to 36 as he imitated the act.

Then Episcopo assembled the three pieces — clip, gun and barrel — each with a click that echoed through the courtroom. After each click he repeated the words, "conscious decision to kill."

Episcopo waved the gun — a black foot-long piece with a bolt that he worked repeatedly.

Then it begins, Episcopo said. He broke into a riot around the courtroom and snapped the gun's bolt again — this time behind Torres' head as he passed by the defense table. Pointing at various photographs on the easels, he described the crime as if the jurors were sitting in the restaurant.

Yes, the state made a deal with Lehman, Episcopo admitted. But the testimony of Scott and Pauline Lehman had not been contradicted by any other evidence, he said.