

New Bedford man may be first Superior Court defendant convicted by six person jury in modern history

A 28-year-old New Bedford man who took part in the vicious beating of another man was convicted last month during a six-person Fall River Superior Court jury trial, Bristol County District Attorney Thomas M. Quinn III announced.

Kevin Aquino was convicted by the jury of his peers of an indictment charging him with assault and battery with a dangerous weapon—resulting in serious bodily injury. After his conviction, Judge Renee Dupuis sentenced the defendant to serve four to six years in state prison.

The conviction may be the first of its kind in modern Massachusetts history. Superior Court juries have long been comprised of 12 members, but due to the ongoing Covid-19 Pandemic, the trial court system recently began allowing for a limited number of six-person jury trials in the Superior Court. According to the new rules of limited superior court trials, the defendant must first consent to the reduced number of jurors, which in this case did occur.

The defendant stood accused—along with co-defendants whose cases still remain pending—of driving to the intersection of Phillips and Acushnet avenues to confront a male victim. Surveillance footage from the incident, which occurred around 12:40 am on June 2, 2019, show the defendant drive his 2007 Nissan Altima to the intersection. Within moments of arriving, the defendants backseat passengers emerged from the car and began attacking the victim. While the backseat passengers were attacking the victim, the defendant and a front seat passenger

also exited the vehicle and entered the area where the attack was ongoing. Surveillance footage shows this defendant pick up the victim's baseball cap and place it over his face as he laid on his back, apparently unconscious.

The victim was rushed to St. Luke's Hospital before being transferred to Rhode Island Hospital due to the severity of his injuries. He went into cardiac arrest after being intubated and had no pulse for four minutes. He suffered multiple complex facial fractures, a broken ankle and is at risk for blindness in the future due to the injuries sustained.

The case was prosecuted by Assistant District Attorney Jeanne Veenstra and the trial lasted three days. The jury returned its verdict on March 19.

"I am very pleased that the jury convicted the defendant for his role in the brutal assault on the victim, who almost lost his life. A defendant has always had a right to trial by a 12-person jury in superior court. Because of the pandemic, the SJC issued an order allowing for a defendant to consent to a six-person jury trial in superior court. This defendant consented. This appears to be the first case in the history of Massachusetts and Bristol County where a defendant was tried and convicted before a jury of six in superior court," District Attorney Quinn said.