

NEW CITY - A Bronx man was convicted yesterday of murdering his former girlfriend by shooting her in the head at point-blank range inside her Nanuet home in September.

The County Court jury of eight men and four women deliberated for two hours before finding Ken Rogers guilty of killing Michelle Despinasse, 27, whose voice, captured on an answering machine tape, was heard pleading with " Ken " to leave her house about 7 p.m. Sept. 15.

Several hours later that night, Despinasse's sister Angie opened the front door and found her lying in the vestibule of the family's Crikki Lane home. She died two days later in a hospital.

Rogers, 27, faces 25 years to life in prison when sentenced June 20 by Judge William Nelson for second-degree murder. The jurors also convicted him of second- and third-degree criminal possession of a weapon.

Prosecutor Robert **Magrino** will ask for the maximum sentence in the slaying of Despinasse, a former basketball player at Rockland Community College who coached at the school and worked in the Good Samaritan Hospital maternity ward. Clarkstown police arrested Rogers in December at his Bronx home.

" We're not God and we can't bring Michelle back, but we at least gave the family some justice, " said District Attorney Michael Bongiorno, who attributed the quick verdict to the Clarkstown Police Department's investigation and **Magrino's** presentation.

" I believe also that Michelle Despinasse was so well-loved and her family so well-liked that people came forward, " Bongiorno said.

The afternoon verdict came several hours after jurors heard final arguments for nearly 2 1/2 hours by **Magrino** and defense attorney Carol George.

George, who spoke to jurors for 12 minutes, called the prosecution's evidence " circumstantial, " its witnesses unreliable and the case loaded with reasonable doubt.

During his summation of more than two hours, **Magrino** told jurors that Rogers shot Despinasse after she refused his romantic overtures and had confronted her several times after she broke off their five-year relationship in June.

Magrino said Despinasse's last words should be enough to convict Rogers.

" Stop, Ken. Ken, stop. Will you stop, " Despinasse is heard saying on the tape before she screams and a " bang " is heard.

Her family, sitting in the back of Nelson's tiny courtroom, cried upon hearing her voice again.

Magrino also reminded jurors that minutes before Despinasse's final words, she had called a friend, who testified that Despinasse told her that Rogers was outside her home and wanted her to come over.

" You know her last words, " **Magrino** told the jurors. " She hit the memo button (on the answering machine) so people would listen to the tape and know what happened. "

Magrino said if the tape was not enough, jurors heard a Bronx man testify he sold Rogers a 9mm handgun a few hours before Despinasse was shot. She died from a 9mm bullet fired 1 to 3 inches from her head.

George told jurors that several prosecution witnesses lacked credibility, including the Bronx man who testified he sold a gun to Rogers. She dismissed as unbelievable a county jail inmate who testified that Rogers told him he shot Despinasse after Rogers denied the crime at least twice during extensive questioning by police.

George noted the prosecution failed to provide any fingerprints or witnesses proving Rogers was at the Despinasse home on Sept. 15.

As for the tape, George asked the jurors, " How many Kens did Ms. Despinasse know? " She answered the prosecution never told them.

George reminded jurors that Rogers' female friends testified that he did not mistreat women and people never heard him threaten Despinasse.

" They know him to be aggressive only on the basketball court - never with women, " George said.

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