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State, The (Columbia, SC)

2006-08-08

Section: METRO/REGION

Edition: FINAL

Page: B1

NEW TRIAL ORDERED IN SLAYING *RICK BRUNDRETT, rbrundrett@thestate.com*

The S.C. Supreme Court on Monday ordered a new trial for a Hopkins man serving a 35-year sentence for the 2001 shooting death of his estranged wife. In a 4-1 vote, the justices overturned Willie Earl Reese Jr.'s murder conviction, ruling that a prosecutor's closing argument in his December 2001 trial encouraged jurors to "abandon their impartiality."

The 12-member Richland County jury - nine of whom were college students - deliberated less than 30 minutes before convicting Reese.

Then-Deputy Solicitor Johnny Gasser in his closing argument repeatedly asked jurors, "Who speaks for Teresa Reese?"

The majority of justices said those remarks were improper because they didn't focus on the evidence. The high court upheld an earlier ruling by the S.C. Court of Appeals against trial Judge G. Thomas Cooper.

Writing for the majority, Associate Justice James Moore said a closing argument aimed at placing jurors "in the victim's shoes tends to completely destroy all sense of impartiality of the jurors and its effect is to arouse passion and prejudice."

In his dissent, Associate Justice E.C. Burnett said although Gasser's argument was improper, "the error was harmless because of the overwhelming evidence of Reese's guilt."

Gasser, now a prosecutor in the U.S. Attorney's Office in Columbia, said Monday "several senior prosecutors" in the 5th Circuit solicitor's office reviewed "the content of my (closing) remarks" before he presented it to jurors.

"Those prosecutors, as well as the trial judge, believed the remarks to be proper, given the context in which they were made," Gasser said.

Fifth Circuit Deputy Solicitor John Meadors declined to discuss specifics of the ruling but said his office would retry the case.

Reese's lawyer, **Jack Swerling** of Columbia, said he was pleased with the ruling, though he didn't know how soon his client would be retried.

"He did not shoot her with malice or intend to shoot her," **Swerling** said.

A key issue in the trial was whether Reese acted with malice - an element of the murder charge. The majority of justices found the evidence of malice was "not overwhelming."

Because of that, **Swerling** said, the majority of justices might have given more weight to Gasser's closing remarks.

Teresa Reese died April 29, 2001, after being shot in the front yard of her parents' Gadsden home.

Prosecutors said Willie Reese approached his wife after she returned home from an evening out with a cousin, shot her once in the head and drove away.

Swerling said his client shot his wife unintentionally while waving a gun around and threatening to commit suicide.

The Supreme Court's ruling was the second time in a week that a state appellate court overturned a homicide conviction in Richland County.

The Court of Appeals on July 31 reversed the conviction of Kenneth Navy Jr. in the 2003 suffocation death of his 22-month-old son. The court said Cooper, who was the trial judge in that case, was wrong to admit three statements by Navy because detectives initially failed to read him his rights.

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Reese



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