

CRIME & COURTS

Rare Richland acquittal frees defendant accused of murder in killing of bully

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When 5th Circuit Solicitor Dan Johnson decides to prosecute someone for murder, his prosecutors usually wind up with a guilty verdict and the defendant heads for the slammer.

But in the case of Richland County murder defendant Anthony McWilson, the jury didn't take much time – only two hours after a four-day trial – to find McWilson not guilty of murder in a 2011 stabbing death

“The jury got it right – they saw through all the smoke and mirrors,” said Columbia defense attorney Luke Shealey, who defended the case with his lawyer twin brother, Brian Shealey. Judge James Barber presided.

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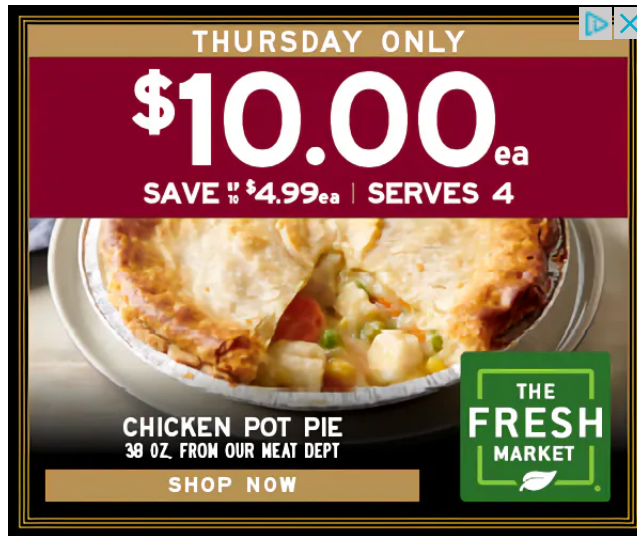




Many murder defendants plead guilty, but Luke Shealey said his client went forward with the trial because he had clearly acted in self defense.

The man Mcwilson was accused of killing – Michael Rahkeem Smith – had a documented history of taunting and bullying Mcwilson while the two were in high school. Back then, Mcwilson called the Richland County Sheriff’s Department for help, but deputies never pursued the case, according to trial testimony.

On the night Mcwilson killed Smith, Mcwilson called 911 several times to request help from police because he was fearful for his life. Recordings of the 911 tapes were played at trial.

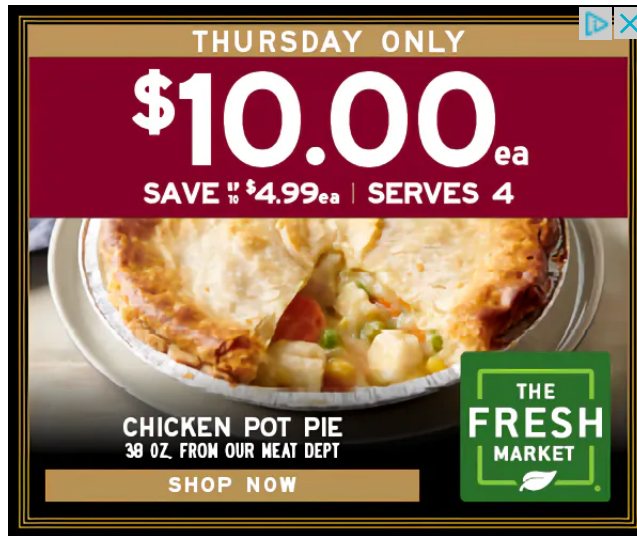


After killing Smith, Mcwilson then called police to tell them there had been an incident..

The incident took place on Sept. 11, 2011, in the Hopkins area of the county. Both men were 25 years old at the time.

According to the defense version of the incident, Mcwilson had been in Five Points in Columbia and found himself riding home that night with Smith and some other people. Smith, in the front seat, began taunting and threatening Mcwilson. Smith punched Mcwilson in the face. Mcwilson started to call 911 asking for help.

Finally, in fear of his life, Mcwilson pulled a knife, reached across the front seat and stabbed Smith 18 times. Smith died of the wounds later that night.

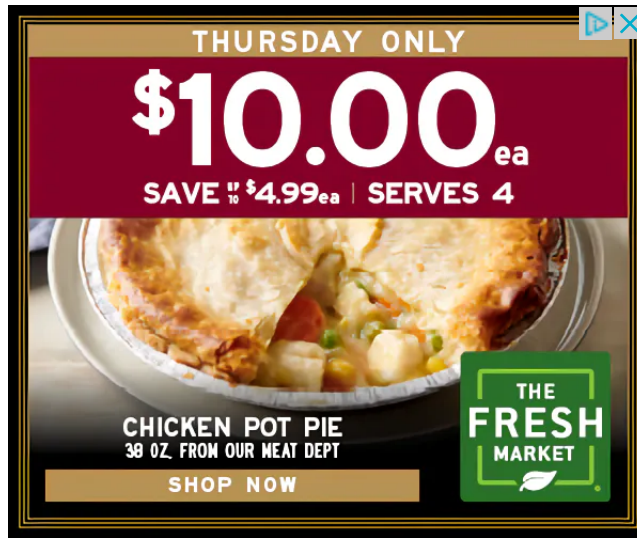


The Shealeys tried to have a judge rule that Mcwilson was immune from prosecution under the state’s Stand Your Ground law. But in November 2012, state Judge De’Andrea Benjamin ruled Mcwilson wasn’t entitled to that defense.

In her ruling, Benjamin noted that although Smith had called 911 during and after the incident, he at first didn’t mention to Columbia police that he had stabbed Smith when they arrived on the scene. Benjamin also ruled there was conflicting testimony about whether Smith had a gun in the car – an assertion made by Mcwilson and one but not all of the witnesses to the stabbing.

Johnson characterized the case as a rare loss for his prosecutors, led by Assistant Solicitor April Sampson.

“The people that prosecuted the case did an outstanding job, but we don’t win every time,” Johnson said.



Johnson called it a “tough case” because there was a history of bullying and 911 tapes.

But with elements like multiple stab wounds and inconsistent statements, the solicitor’s office had to try the case, he said.

Johnson said Smith died in violent fashion and it’s the prosecutor’s job to put the facts before the jury. “You can’t just walk away and do nothing. That’s what the process is for. We felt strongly we had a good case, and the jury gets to decide”

This story was originally published March 17, 2014 8:02 AM.

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