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WOMAN ACQUITTED IN COMMON-LAW HUSBAND'S KILLING

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A Batesburg-Leesville woman who said she killed her common-law husband in self-defense was acquitted of a murder charge Thursday by a Lexington County jury.

Barbara Quinn, 52, said she grabbed a gun and shot James William Carter, 58, at their home at 221 Ranch Road in August 1992 because she believed he would go after the gun otherwise.

"She just thought, 'It was either him or me,'" said her lawyer, **Jack Swerling**. "She beat him to the gun." But prosecutors told jurors that physical evidence didn't support her story. Eleventh Circuit Assistant Solicitor Fran Humphries, who handled the case with Deputy Solicitor Knox McMahon, said Carter was holding a beer can when he was shot.

Humphries also said Quinn shot Carter from a few feet away, too far for her story of him coming toward her to be true.

"He would have been on top of her," he said.

But **Swerling** said Carter, whose blood-alcohol-level was 0.33, had been verbally or physically abusive to Quinn all day, getting worse as he became more drunk. He also threatened a visitor to the couple's farm.

Just before the shooting, he pushed Quinn to the ground and said he would kill her if she got up, **Swerling** said.

Quinn had gotten up and was going to the door when Carter called to her and the shooting occurred, **Swerling** said. **Swerling** said Carter had gotten the gun out and put it on the coffee table.

Swerling said that there were only a few instances of Carter hurting Quinn in the past, but that Carter had been more aggressive and verbally abusive the week before the shooting.

Humphries described the relationship as turbulent on both sides. He also said Quinn's blood-alcohol level wasn't tested, but she had admitted she had three drinks before the shooting.

The jury took about two hours to find Quinn not guilty.

Humphries said that prosecutors were disappointed, but that the case was a difficult one.

"In a case like this, you've got two people who know what actually happened, and one isn't alive to tell his side of the story," he said.



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