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MAN WHO PLEADED SELF-DEFENSE IN SLAYINGS ACQUITTED

JOHN ALLARD, Staff Writer

Albert Fuller Jr. cried and his voice cracked as he told jurors that he fatally shot two men in self-defense after they shouted racial slurs at him and ran his car off Two Notch Road four years ago.

Fuller, who is black, said the men, who were white, got angry when he asked a white woman to move her car so he could turn his Pontiac Trans Am around on a side street off Two Notch Road. He said he was trying to find a friend's house.

"One of them said: 'Hey. Hey you. Nigger don't lie to me. That's why we got to take care of niggers like you,' " Fuller said. A Richland County jury -- six whites and six blacks -- agreed Thursday that Fuller acted in self-defense, finding him not guilty of voluntary manslaughter after deliberating 23 minutes.

Fuller said he fired a warning shot, but the men chased him in a Chevrolet El Camino, ramming Fuller's car into a telephone pole on Two Notch Road. He said he shot at the men four times when they started to get out of their car.

"I didn't want to see anyone get hurt," Fuller said. "They looked aggressive and threatening. I didn't understand it."

Fuller hugged his parents, both retired schoolteachers, after hearing the verdict.

"There's a God in heaven," Fuller said. "I hope this doesn't happen to anyone else."

The 34-year-old former S.C. corrections officer and U.S. Army intelligence analyst who was classified as an expert marksman stood trial this week for a second time in the fatal shooting of one of the men.

Fuller was charged with fatally shooting James R. Phillips, 35, a Columbia supper club owner, with a .357-Magnum revolver about 3 a.m. Sept. 20, 1986, near the Ole Place nightclub at 3311 Two Notch Road.

Fuller was convicted of voluntary manslaughter and sentenced to 30 years in prison.

A jury cleared Fuller in 1987 in the death of Oliver Lee Dixon, 35, of Columbia.

A divided S.C. Supreme Court ruled in March 1989 that Fuller deserved a new trial in the Phillips case because Circuit Judge Marion H. Kinon gave inadequate jury instructions on self-defense.

Fuller interrupted his testimony several times Thursday to wipe tears from his eyes, and relatives of Dixon and Phillips cried as they left the courtroom.

First Circuit Solicitor Joseph P. Mizzell Jr. contended that Fuller shot Dixon and Phillips before his car crashed into the telephone pole. Mizzell was assigned to the case because 5th Circuit Solicitor James Anders did not prosecute the first trial after he said he had a conflict of interest.

"I thought it was a classic manslaughter case," Mizzell said.

Fuller's attorney, **Jack B. Swerling** of Columbia, told jurors that Phillips and Dixon wanted to hurt, or even kill, Fuller because he is black. He said the verdict shows racism will not be tolerated.

"This case comes down to hate. There's a kind of hate that defies explanation and never subsides," **Swerling** said. "Any time justice prevails over racial prejudice, victory is sweet."

Fuller said he never will forget the fatal confrontation.

"Those men were going to kill me as sure as I'm sitting here today. It was the worst thing I've ever been in," he said.

"I have a healthy respect for life."





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Record 1255 of 1533 Printer Friendly | Back to Results

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LAWYER: NOT-GUILTY VERDICT IN KILLING SHOWS JUSTICE PREVAILS OVER RACISM
Author: Associated Press

Dateline: COLUMBIA

Article Text:

The lawyer for a black man who killed two whites who shouted racial slurs at him in 1986 said a not-guilty verdict for his client shows racism will not be tolerated.

"This case comes down to hate. There's a kind of hate that defies explanation and never subsides," attorney **Jack Swerling** said. "Any time justice prevails over racial prejudice, victory is sweet."

Swerling represents Albert Fuller Jr., who told jurors this week he fatally shot the two men after they shouted racial slurs at him and ran his car off a Columbia road Sept. 20, 1986.

A Richland County jury - six whites and six blacks - agreed Thursday that Fuller acted in self-defense, finding him not guilty of voluntary manslaughter after deliberating 23 minutes.

Swerling told jurors that the men - James Phillips, 35, and Oliver Lee Dixon, 35 - wanted to hurt, or even kill, Fuller because he is black.

Fuller, 34, a former S.C. corrections officer and U.S. intelligence analyst who was classified as an expert marksman, was on trial this week only on the charge of killing Phillips.

He had been cleared by a jury in 1987 in Dixon's death.

Fuller had been convicted originally of voluntary manslaughter in the Phillips case and sentenced to 30 years in prison. The S.C. Supreme Court ruled in March 1989 that Fuller deserved a new trial in the Phillips case.

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(NOTE: The following information did not run in edition 6.)

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Record 1255 of 1533
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