

Brick mason acquitted of slaying in Columbia

By MARGARET N. O'SHEA
State Staff Writer

A Columbia brick mason charged with murder was defending himself when he shot an acquaintance behind a Gervais Street pool hall in May, a Richland County jury said this week.

The jury acquitted DeWayne Corbitt, 24, after the state's key witness admitted that the story he had first told police was not the one he told in court.

Corbitt was charged with killing 28-year-old Paul E. Daniel during an argument over money. Daniel was shot five times May 30 — once as he was standing and four times after he had fallen to the ground behind J.C.'s Pool Room.

Corbitt surrendered to police on June 1 after learning that authorities were seeking him in connection with Daniel's death. Corbitt admitted that he was involved in the shooting, but said he fired in self-defense. He was treated for a bullet wound in the foot after his surrender.

In court this week, a witness testified that he heard Corbitt and Daniel arguing about money just before Corbitt drew a revolver and shot Daniel.

Kent Robinson, whose family owns J.C.'s, told the jury that he saw Corbitt fire four more times as Daniel lay on the ground.

Robinson told that story under questioning by 5th Circuit Assistant Solicitor John Blincow.

But, under cross-examination by defense attorney Jack B. Swerling, Robinson said he initially told police that he didn't know what led up to the shooting and that he didn't see Corbitt pull a gun. In that statement to police, Robinson had said he heard shots, turned and saw Corbitt with a gun in his hand, firing into Daniel's chest.

Two defense witnesses testified that Corbitt wore a T-shirt and tight jeans that night, and that, if he had had a gun, they would have seen its outline.

Both said Daniel approached Corbitt and said he wanted to talk about money he owed Corbitt. Those witnesses said the two disappeared behind the pool room and that, moments later, shots rang out and Corbitt came lurching around the building, saying he'd been shot.

Corbitt admitted arguing with Daniel over the debt that Daniel allegedly refused to pay. But he said Daniel pulled the gun and shot him when he turned to walk away. Corbitt said that they struggled over the gun

and that Daniel was shot once.

He said he kept firing when Daniel lunged at him and ran because he was afraid.

Circuit Judge John Hamilton Smith told the jurors that they'd have to believe the state's witness to find Corbitt guilty of murder. The other options were manslaughter and self-defense.

Other testimony that observers said might have had a bearing on Wednesday's verdict stemmed from an autopsy that showed Daniel with a blood-alcohol level of .16 when his corpse was examined seven hours after the murder. The legal level for intoxication is .10.

The pathologist who conducted the autopsy said that meant Daniel's blood-alcohol level probably was higher than .16 just before he died.