

## Pregnant woman's killer freed

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### Document Text

Jury says innocent victim's death a result of self-defense

Eric Jackson walked out of court a free man Friday, even though no one disputes he shot and killed a pregnant woman last year.

A Hamilton County jury acquitted Jackson of two murder charges - one for the woman and one for her fetus - after concluding he fired in self-defense during an argument with another man.

The shot missed Jackson's target and hit Tawnia Kirksey, who was 10 weeks pregnant.

"He got off with murder," said Kirksey's mother, Daisy Kirksey. "I feel like the justice system failed."

The verdict also stunned prosecutors, who had argued that Jackson meant to kill the other man, Eli Wheeler, and did not fear for his life.

"It's amazing," Prosecutor Joe Deters said. "But we have a jury system, and it's not perfect."

After the verdict, Jackson praised his lawyer, Clyde Bennett, and said he fired to protect himself - not to harm Kirksey.

His acquittal ends the case and means he cannot be charged again in Kirksey's death.

Jackson said he believed his life was in danger Oct. 23 when an argument over money at the Fay Apartments turned violent.

He said Wheeler pulled out a gun and fired, prompting him to draw his .38-caliber revolver and return fire.

He said he never saw the 29-year-old Kirksey, mother of four children, and didn't know she had been hit until he read about her death in the newspaper the next day.

"I had a lot of remorse. I cried a lot," Jackson said. "I didn't know she was in the area or anything. I only acted in self-defense."

Bennett said Kirksey's death was a tragedy, but it wasn't murder. "He in no way was trying to kill Miss Kirksey," he said.

Kirksey was one of four bystanders shot and killed last year in separate incidents in Cincinnati.

Jackson, 27, was charged with two counts of murder, one for Kirksey's death and another under an Ohio law that makes it a crime to kill or harm a fetus.

Not-guilty verdicts are rare in murder cases, but Deters and Bennett said self-defense can be a powerful argument for acquittal in Ohio if a jury decides the evidence supports the claim. That's true even if an innocent bystander is hurt.

Prosecutors said the evidence didn't support Jackson's self-defense claim and instead indicated that Wheeler was backing away when Jackson drew his gun and fired.

"We just thought it was preposterous," Deters said of the self-defense claim.

So did Kirksey's mother, who is struggling to support her daughter's four children on her own. She wept after the verdict Friday and wondered what she would tell Kirksey's children, ages 11, 8, 5 and 4.

"Somebody is murdered, he pulled the trigger and then the jury does nothing," Kirksey said. "He shouldn't be allowed back on the street."

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Eric Jackson was acquitted of two counts of murder in the death of Tawnia Kirksey and her baby.

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**Abstract** (Document Summary)

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