

Friends, relatives say defendant is killer

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BY KEITH EPPS

Several of Brandon Lee Smith's relatives and close friends identified him as the man who gunned down Marlo McQuillar three years ago in a city apartment complex parking lot.

Smith, 22, is charged with first-degree murder and using a firearm in the commission of a felony for the July 27, 2007, slaying at Forest Village in Fredericksburg.

Prosecutors Jeff Adams and Travis Bird rested their case yesterday, the second day of a scheduled three-day trial in Fredericksburg Circuit Court.

Defense attorney James Maloney, who spent much of the past two days attacking the credibility of the prosecution witnesses, is expected to put on his case this morning.

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According to the prosecution's evidence, Smith and a number of associates from the Colonial Beach area were at the former El Paso restaurant on U.S. 1 in Fredericksburg the night McQuillar was killed.

They were kicked out of the nightspot after getting into a fight--something that was described as commonplace--and headed for nearby Forest Village.

Witnesses said that Smith had gone there to see a girl, but happened to run into McQuillar, who had stopped to get something from his sister.

McQuillar was shot five times in the back with a .40-caliber handgun, including at least twice while he was on the ground.

Witnesses said Smith shot McQuillar because McQuillar had testified in Stafford against members of a major drug ring.

"He said he did it because [McQuillar] was [a snitch]," said Dwayne "Weezy" Stewart, a childhood friend of Smith's who claimed to be standing right next to Smith when he shot McQuillar.

Smith's nephew and cousin, Jeremiah "JD" Smith and Jamie "Ox" Tate, were among those who claimed to have witnessed the slaying.

Jeremiah Smith refused to raise his head and began sobbing as he testified, prompting his brother, Cortez Smith, to blurt out from the back of the courtroom, "Don't cry nigga I love y'all niggas, you hear me JD?"

Judge Gordon Willis had Cortez Smith removed after the outburst. Cortez Smith testified just before his brother, saying Brandon Smith told him he had killed someone but didn't give him any details.

Most of the eyewitnesses are either in jail or have charges pending.

Defense attorney Maloney got several of them to admit that they had either received or were expecting to receive leniency in exchange for their testimony.

Several prosecution witnesses were not cooperative yesterday. They gave sworn evidence to a grand jury implicating Smith, but yesterday they claimed to know nothing.

Justin Tate, for example, repeatedly said, "I'm not sure" or "I'm not for certain" in response to questions from prosecutors.

Brandon Smith's former girlfriend, Marie Fields, admitted lying to the grand jury and said she felt pressured to do so by investigators.

Brandon is already serving a 38-year prison term for the Jan. 12, 2008, slaying of Dasan Richardson outside another city restaurant.

The jury in the McQuillar case has not been told about that murder conviction.

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