

SHOOTER CONVICTED

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BY KEITH EPPS

A Fredericksburg jury yesterday recommended a 38-year prison term for a man who shot and killed a man last year during a dispute at a city nightspot.

Brandon Lee Smith, 20, was convicted of first-degree murder and using a firearm in the commission of a felony.

Smith killed Dasan Richard- son, a 30-year-old married father of three, outside Mi Casa Restaurant in Central Park on Jan. 12, 2008.

There was little doubt that Smith was going to be convicted of something. Even his attorney, Stuart Sullivan, acknowledged that he was guilty of a serious crime.

But Sullivan insisted that the crime was manslaughter. He said the evidence did not support a first-degree murder conviction.

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The jurors took about an hour to disagree.

According to the evidence, Richardson was one of several people providing security at a hip-hop event that night.

Smith and four of his friends were initially denied entrance to the event, in part because they weren't old enough and in part because employees claimed they had caused trouble at previous gatherings.

Smith later sneaked into the club, but was soon removed by security workers Sonny Odum and Kynn Garrison.

Witnesses testified that Garrison put Smith in a "sleeper hold" that left him briefly unconscious on the sidewalk.

When he came to, Smith vowed to return and did so four or five minutes later. A major brawl erupted when Smith punched Odum in the face near the front door.

During the ensuing ruckus, Smith fired two shots from a .45-caliber gun. One of the shots struck Richardson, who had been directly involved in the altercation with Smith, in the chest.

Prosecutor Travis Bird said Smith clearly planned to retaliate for being embarrassed in front of his friends. Bird said Smith solicited a cousin to do the shooting, but the cousin declined.

"He had to save face and he didn't care if he shot someone," Bird said. "Dasan was not a person or a father to [Smith]. He was just a [expletive] who he shot."

Sullivan argued that while Smith used bad judgment in returning to the club, he never planned to kill anyone.

He compared the prosecution's attempt to make it first-degree murder to trying to "turn a square into a circle."

Smith testified that the gun fell out of his pocket when he was knocked to the ground and he fired shots in reaction to having two people pounding on him.

He said yesterday that if he had wanted to kill someone, he would have shot Odum in the head.

During the sentencing phase of the trial, Sullivan tried to persuade the jury to give Smith a chance to be free again one day.

He said that despite growing up poor and without a father, he became the first member of his family to finish high school and attend college.

Bird noted Smith's 11 convictions since he turned 18 and said, "Every day he's behind bars is another day he's not dealing drugs or killing someone."

The jury could have given Smith anywhere from 23 years to life in prison. Judge Gordon Willis will formally sentence Smith on June 23.

Security around the courthouse area was heavy for all three days of the trial. Smith is reportedly a member of a criminal gang known as Pound Property.

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