

Jury panel unanimously convicts man of murder, robbery

By **ZACH MCKNIGHT**
Star-Tribune Staff Writer

DANVILLE, Va. — James Edward Fultz IV, accused of killing taxi driver Wendy Harris on the corner of Valley and Gay Street in Danville, was convicted of first-degree murder and robbery Wednesday in Danville Circuit Court.



Fultz

Michael Newman represented the Commonwealth and Eric Cronin represented Fultz. Circuit Court Judge James Reynolds oversaw the case.

Newman came out in his opening with guns blazing.

“I killed someone tonight! I killed someone **** tonight,” Newman began to the jury. That quote was in relation with what the defendant told his fiancé the night of the murder on a recorded conversation. This would come in use later.

Newman told the jury Harris was found stabbed multiple times, an owners manual was taken and he (Fultz) had no money to pay the fare, more on the last one later.

Cronin began his opening by telling the jury to keep an open mind and Fultz would testify at the end and to reserve all judgment.

Officer Thornton was the first to be called to the stand. He testified he arrived on the scene around 9 p.m. He described what he saw when he pulled up.

“Found a yellow cab in the intersection with the driver having multiple injuries,” Thornton said.

Pictures taken of the intersection, cab and victim were used and Thornton was able to verify all of them. They were submitted as evidence with no defense objection.

Thornton would explain there was no one around the scene or the vehicle.

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Fultz

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Officer Mayhew testified he was also dispatched and beat Thornton by half a minute. He said he saw the cab doors shut. He was able to talk briefly to a nearby occupant.

Britney Walton testified she saw a cab coming from the top of a hill to the end of the road and didn't see or hear anything until her son came into the kitchen seeing police lights.

Officer English was next. English is a crime scene technician with the Danville Police Department. His role is to take pictures and collect evidence. He told the jury he took a picture of the passenger side of the cab and the compartment was open, a picture of a white clipboard with papers and a picture of Harris and her injuries. All were submitted evidence with no defense objection. English would further explain he was dispatched to Jefferson Street and collected a manual from a Dodge van. A picture of the manual was submitted. Then, English was called to a grassy hill further down Valley Street and found a knife. A photo of said knife was also submitted. The picture showed the blade of the knife being a little over seven inches long.

Newman then called dispatcher James Calloway. Calloway said he knew Harris by working at the same company and Harris was working that night.

Calloway testified he received a call requesting a cab for 503 Gay Street. However, he did not know the number, so he called back. He said he dispatched Harris to that address by calling her cell phone. A little while later, he received a call from Harris on her phone talking to someone else; it was a male voice. Calloway heard, "Why'd you take my keys then?" from the call and around five minutes later, Calloway said the same male voice could be heard when Harris said, "You don't hang up on my phone!" The male allegedly said, "She trippin'."

After that, Calloway said the call cut out. He went to the address to find out what was going on. He said it took about 10 minutes to get there and didn't see anyone. As he looked into the window of where the cab was, he saw Harris and her injuries, so he pulled off and called 911 and his boss.

When showed a close up photo of the clipboard, Calloway said it's a manifest that drivers write their logs on. He also explained the cab company Harris was working for is a cash business (only cash transactions were used). He explained all drivers do their own paperwork after each shift when Cronin objected on the grounds of speculation.

Rhonda Graham was next to the stand, and she said she knew Fultz since he was little by through his sister. She testified Fultz came to the house and she walked 15 minutes to the store. When she came back, Fultz was still there. By this time, two others were at the house. Graham calls them Elmo and O (Elbert and

Olando). By the time Fultz left with the cab, Elmo and O were still there watching a football game. The next day, the police came to her door to show her a knife. Graham was able to confirm it was her knife.

The defense came up and asked who else was there on that day. Graham said two people by names of Pamela and Tony were there earlier and another person, Doris, stopped by. When asked what she consumed that day, Graham said she drank a beer and smoked some weed but also takes medication for depression and anxiety.

Next up was Dr. Sara Ohanessian, a medical examiner in Roanoke. She explains the procedure when dealing with a deceased individual.

"We make sure the individual is identified. We take photos and start an external exam (height, scars, etc.) then we start internal."

She explained Harris had several sharp force injuries. A few photos of Harris's injuries were used to describe the kind of injuries. One photo showed a stab wound to Harris's shoulder, and it was measured at seven inches deep. It was explained this stab went through the shoulder and softened the spinal cord, which would cause nerve damage preventing breathing of the diaphragm. There was another photo that showed several wounds to Harris's neck and behind the ear. Ohanessian would say the one behind the ear went along the scalp, injuring the vertebral column and was measured at five inches deep. Ohanessian would say just a few would be grounds for death, but all combined were the cause of Harris's death. All were submitted with no defense objection.

Investigator Lancaster of the DPD testified he met with Shelby Holbert at a business off Riverside Drive to try and capture Fultz. The plan was for Holbert to meet up with Fultz, and then as she's driving, he'd follow to arrest him. To capture voice, a mobile phone was placed in her car. That's when Lancaster heard a male's voice inside the car saying, "I killed someone tonight." A recording was played of the voice and was submitted. They continued to drive and pulled over off of Jefferson. Fultz started to get out. Lancaster activated his emergency lights, and that's when Fultz took off running.

After his arrest, investigators backtracked and found a manual to a Dodge van. It was the same manual that Officer English referred to. The manual was submitted with no objection.

Lieutenant Bray was next. Bray said he talked to Fultz after his arrest. Newman played a video of the interview, and Fultz said he went to two or three different places to find someone and was unsuccessful. He also told Bray he would go back into the house (503 Gay) to get money but said, "It went wrong." The recording was submitted.

Newman called Officer Frost who is a K-9 handler

with the DPD. Frost said his dog his specially trained for tracking humans and human scent. Frost said he started his dog at the passenger side of the cab and the dog tracked south on Valley but track stopped. After three times, there were no other tracks. Cronin gave an objection based on age of the trail and weather. Frost explained weather and foot traffic could play a big role in tracking.

Investigator Woody was called and when showed photos of the knife, manifest and manual, he recognized them. He would be called a second time to say he helped carry out a search warrant of 503 Gay Street.

Tim McClure, DNA Analyst from the Department of Forensic Science, came up and explained what he does is he examines fluids to develop a DNA profile. He explains the procedure.

"First, clean the work area and examine one item at a time, see if there's a red or brown stain. Then, apply chemicals and a positive is a mixture of a red and blue color."

When it came to the blood on the clipboard, he said, "(Wendy) Harris cannot be eliminated as a contributor."

McClure then explained if someone holds something temporarily, they may or may not leave DNA behind. This was the case for the knife. There was a mixture on the handle where Harris could not be eliminated but there was a very small percentage of male DNA, it could not make a comparative sample. On the blade, Harris could not be eliminated as a contributor.

Officer English was called back up and was asked if there was any money in the van or on either Harris or Fultz. He said no.

Officer Bray was also called back up and said the next day when showing the knife to Graham, the same individuals were present.

Detective Shively was the final testimony for the Commonwealth. He said he saw a black man get in and heard on the before recording that he killed somebody. Newman played a body cam of the foot chase where Fultz started to run and was captured a short time later. On the body

cam, it was shown Fultz dropped the manual from the cab. After the video, the Commonwealth rested.

Cronin made a motion to strike on the basis of first-degree murder and requested a reduction to second-degree. Cronin said there was no evidence of money and the evidence brought was not sufficient for the robbery charge.

Newman fired back stating, "It is a cash business. The compartment was open and the book was taken. Harris suffered six stab wounds. The blade is barely seven inches long with wounds seven, six and five inches deep!"

Fultz himself testified and said he saw Rhonda and Elbert standing outside after 7 p.m. He said he originally wanted to get some stuff for them and went to Southside Garden and two other places. When asked about the money, Fultz told the court Olando and Tony were supposed to meet him but they left. Fultz said when seeing Harris's injuries after coming back, he panicked and ran. The Commonwealth objected and it was abstained.

"You don't trust the cops. I grew up like that," Fultz said.

Newman began to question Fultz about where Olando and Tony were and why he still had the owner's manual four hours later. Newman points out "all the coincidences" and grills Fultz about him not trusting the police.

"If you don't trust the cops, fine, why didn't you call 911? Call for an ambulance, something?" Newman questioned.

Fultz retorted with, "Find a dead body and tell me how you feel."

Newman then goes into why he doesn't have money on him for the cab. By this point, Newman was growing visibly very frustrated.

Newman pulls a Facebook conversation Fultz allegedly had with a friend saying he was "desperate" for money and wanted to "get out as soon as possible."

"You don't have any money, do you?" Newman asked Fultz. Fultz also declined naming the person he was going to get stuff from.

"You can't name him because it didn't happen. If it did, you could bring him in and validate your story, but you can't," Newman said.

"All I'm telling you is the truth," Fultz responded.

"You stabbed Ms. Harris because you were desperate for money," Newman fired back.

At this point, Cronin renewed motion to strike, but Reynolds said it would be for the court to decide.

In closing, Newman pointed to Fultz's communications and actions before and after the alleged act.

"He didn't know he was being recorded. He was being pretty adamant he killed someone. The individual got into the cab with Wendy. She's dead. He was the only one in that cab. He took to the witness stand and tried to explain away. You know Rhonda is telling you the truth. The murder weapon came from Rhonda's house. He wants you to believe he didn't need money. You saw on his Facebook he was desperate. It's clear! He unfortunately got caught spilling the beans, and he's going to try and talk his way out of it. The physical evidence corroborates that. It's exactly what he told his fiancé. He wants you to believe he wasn't on the phone with the dispatcher. He ran; he doesn't have the same clothes. That's three to four hours later! We've established beyond reasonable doubt. Don't let him try to convince you otherwise."

Cronin countered with the results of Fultz's testimony and the DNA on the

knife handle. "I asked you to keep an open mind. Fultz took the stand; he did not have to. You heard from the examiner; Mr. Fultz's DNA was not on the knife. It's been a year, Rhonda is on drugs and takes medication and drank beer. Mr. Fultz panicked, he got scared and he took off. He felt responsible. He felt horrible as he was talking with his fiancé. He did not commit any homicide. In this case, Mr. Fultz's testimony brings true and credible. What happened was horrible, there's no arguing. When you consider, I ask you find him not guilty."

Newman spoke one final time.

"He (Fultz) never came back. He can't give you any reason why Rhonda would lie. Why didn't you call 911? You find this lady stabbed and run twice? Just a coincidence he's keep a manual for four hours. You try and tell the jury someone else got in the van and had the exact same conversation? He wouldn't know the truth if it ran over him! Wendy was just doing her job, but because he was desperate, she's dead. I'm asking you to do your job and hold him accountable. He killed Wendy Harris."

The jury only took 30 minutes before coming back with a unanimous guilty verdict.

According to Virginia law, both charges together come with a length of 25 years to life in prison. Sentencing is tentatively scheduled for January 12, 2022 at 9 a.m.

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NOT GUILTY

Gretna man did not commit sex crimes against teen, jury says

By **ZACH McKNIGHT**
Star-Tribune Staff Writer

A Gretna man was found not guilty of three sex crimes allegedly committed between 2015 and 2017, when he was a teenager.

A jury found Patrick Harley Payne, 21, not guilty of object sexual penetration, aggravated sexual battery and sexual battery Thursday evening after an all-day

trial in Pittsylvania County Circuit Court.

The Honorable Judge Stacey W. Moreau oversaw the case.

Commonwealth's Attorney Bryan Haskins told the 12-member jury the accuser changed her appearance, and that



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behavior had changed since the time the incidents happened. He explained these kinds of incidents could cause individuals be reluctant talking about it. According to Haskins, this was the fourth time the accuser had to recall the events of what happened.

“The aim for every trial is searching for truth,” Haskins said.

Payne’s defense attorney, William Meyer, gave his opening comments, telling the jury, “We ask you not to be swayed by emotions.”

The accuser was visibly scared and anxious when she approached the podium. She said she lives with her mom, dad and sister. She’s related to Payne, saying he was her third cousin.

The accuser’s name is not named in this piece because she was under 18 when the alleged events happened. She tried to recall the events of what happened.

At the time, the accuser was transferring from Faith Christian Academy to Gretna Middle School. According to her, the first incident took place summer of 2015. Her father introduced her to Payne and thought it would be a good idea to go to Walmart and get to know each other. On the way there, the witness said Payne allegedly started talking about how he had sex with other girls in the truck. She said she felt uncomfortable, and described Payne taking her to a dead-end road with no traffic or houses.

The accuser claimed Payne started touching her inappropriately and talking to her about positions of sex.

It was then the accuser started to break down in tears. She described painful sexual contact.

The witness testified that Payne exposed himself to her and started to undress her, only stopping when she told him her dad was calling and there were cars coming.

The second incident allegedly took place during the summer of 2016, when the accuser said Payne took her to the same place and that she “knew he was going to do it again.” Payne allegedly started groping her when she tried to push his hand off more than once.

The third incident took place in 2017. She testified that Payne forced himself on her again. She testified that he did so in a blue truck with Farm Use tags and LED lights. This statement would later hurt her credibility.

After this time, the accuser testified that she told her mother and then-boyfriend about what happened. According to the accuser, she said, “Gross stuff was happening, and I didn’t want to hang out anymore.”

The accuser’s mother

said to get law enforcement involved, but the accuser did not want to because she thought no one would care or believe her, she testified.

At that time, the accuser acted out a lot and was depressed carrying the events on her mind, according to her mother. She did get in contact with the police October 2019.

Haskins called Melissa Worley, the accuser’s mother, to the podium. Worley stated she was not concerned with Payne first time seeing him. She said everything about her daughter had changed, explaining she wasn’t happy anymore and was depressed.

The accuser’s cousin, Logan Little, was called to the stand and said she and the accuser had been very close for a long time. She said she saw the accuser and Payne making eye contact, and at that moment, she stopped talking, her hands started shaking and she was crying.

Jason Lovelace of Hurt Police Department was next on the stand. Lovelace presented a recorded statement that contained his and the accuser’s voices, but Meyer had an objection to it. The prosecution argued the disk would be used not as evidence, but rather to set to describe the demeanor of the accuser that day. A written statement was produced as a compromise.

Haskins called Pittsylvania County Investigator Molly Motley to testify. Motley said she got a call from the accuser saying she wanted to take her to the exact place of the incidents. Haskins showed a Google Earth map of the location and used it as evidence. Motley matched the description of a dirt road dead-end surrounded by woods, with no traffic and no houses.

Rosie Barker, the mother of defendant, explained more about the blue truck. It was a blue Mitsubishi pickup that was bought for \$500 as a fixer truck. She said the truck had no farm tags, and Payne did not have a driver’s license in 2017. Before that, Payne only drove the truck on the farm to catch the school bus.

Payne testified and denied the truck had LED lights and said he doesn’t have the truck anymore. Haskins asked how he got to the accuser’s house and Payne said his stepfather drove him and that his family had a good relationship with the accuser’s family, especially his stepfather and the accuser’s father. Haskins kept the pressure on, but Payne denied doing anything inappropriate.

Motley was called back up a third time and said she talked with Payne on Dec. 1, 2019. She didn’t tell him details at the time,

but shared that there was a sexual assault complaint. Payne said his only contact with the accuser was one hug and denied having any physical contact with her at all before turning 17. This conversation took place at Payne’s house.

Both sides made closing statements with Haskins pointing towards the accuser’s age at the time of the complaints and Virginia’s consent laws.

“Was she under 13? In Virginia, if you’re 13, you do not have consent, period,” Haskins stated.

He continued, “By force, threat or intimidation, it does not need to be all three.”

Haskins reiterated the accuser’s testimony and emphasized her emotions during the whole thing.

“When we come to court, she either told the truth or lied. You heard her today and when she broke down. This young lady, unfortunately, has had to relive it four times. His story is inconsistent on many points.”

Meyer countered with his argument.

“What we have is a girl going to a new school, things happen. Parents saw nothing; she had every opportunity to say something,” Meyer said. “He would have been 15 with no license. Privacy is not a threat. Force is not perseverance. He did not say there would be consequences. This is years after the fact. Is what he said reasonable? Every element is required to be guilty. You need to ask the questions.”

Haskins countered one final time about Payne’s testimony.

“What he told the investigator was a lie because he can’t remember what happened,” Haskins said. “There are things that happen that you always remember. He knew she was resisting. She didn’t want any of this to happen. She didn’t have a motive to lie,”

Haskins ended by asking the jury, “Do you believe it? If you do, what are you going to do about it?”

The jury took about an hour before making the not guilty verdict.

“I’ve been on this court case for the past two years, and we had him guilty in 2020 and took him to sentencing how he could get life in prison, and they made me read an accuser letter,” the accuser said. “Then, they stopped me and told me it was a mistrial, and they were dropping the case. The judge checked the wrong box, a paperwork mistake. We were supposed to have court with just the judge, but then it was changed to a jury. We don’t know what happened. I don’t know where to go from here.”



Zach McKnight/Star-Tribune

Danville Sheriff Mike Mondul awards Cpt. Willie Tucker's captain pins downtown Thursday evening.

DSO honors 4

By **ZACH McKNIGHT**
Star-Tribune Staff Writer

Danville Sheriff's Office Lt. Willie Tucker was promoted to Captain on Thursday. He replaced Kelly Johnson, a 27-year veteran who will return to the department part-time after about a month.

Tucker served in the Marine Corps for six and a half years as a combat engineer and first came to the department in 1985 after receiving a call asking if he would like a job with them.

Danville Sheriff Mike Mondul gave high praises for Tucker stating he is always at the station and has never missed a day. He used the term "workhorse."

"He's always here," Mondul

said. "He does volunteer, front line, whatever we need him for. Always has a smile on his face. He's a dedicated hard worker."

Tucker explained how his work ethic is going to translate to his new position.

"In this business, compassion is very important," Tucker said. "You can deter a situation using commonsense. I treat people the way they want to be treated. Don't disrespect nobody."

Mondul said the decision for captain was narrowed to three lieutenants, and with him having the final decision, it was the clear choice.

Tucker's favorite quote is, "Working like a dog." He explained

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what that meant.

“Think of it as a sheepdog,” Tucker explained. “A lot of wolves can harm the sheep. I am the dog, and those people are the sheep. It’s my job to protect them. We serve and we protect.”

Before the promotion, two deputies were given letters of commendation. Daniel Myers was coming to work and

saw a man running around in the streets and shouting incoherently. The man fell onto the ground and started shaking uncontrollably while still shouting.

After getting the man to safety, Myers called for backup and EMS. He asked the man for his name but was denied. After asking a couple more times, the man gave his name. Myers asked the man if

he was on drugs and after an initial decline, Myers ran the man’s name, and he had four active warrants out of Arlington. The man then admitted to being on drugs and alcohol and was subsequently taken into custody.

Sgt. John Phelps was on his way to work when he identified a subject that was wanted for robbery. Phelps recog-

nized the man because he was in the Danville system before. He struck a conversation with the man and was arrested almost without incident.

Cpt. Johnson, who retired from the Danville Sheriff’s Office with 27 years of dedicated service, was also honored with a retirement plaque by Sheriff Mondul.



Sgt. John Phelps (right) and Sheriff Mike Mondul (left) shake hands after Phelps received his letter of commendation.



Cpt. Kelly Johnson retired from the Danville Sheriff’s Office with 27 years of dedicated service. She is shown here with Sheriff Mike Mondul receiving her retirement plaque.



Willie Tucker gives his comments on his new promotion.

Zach McKnight/Star-Tribune

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