

Jury Trial For Fitz Set To Begin Oct. 20

Threats

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A contract was even negotiated for the killing of that eyewitness, she said.

"It shows knowledge of guilt," Garst said.

Albertson said he would take the motion and five others under advisement and rule on them within seven days.

The judge did rule on two motions: He denied Nagy's attempt to change the trial venue and provided an extra \$500 for the cost of a defense forensic expert.

Fitz is being held without bond at Rockingham County Jail. A five-day jury trial is set to begin Oct. 20.

Witness testimony during a preliminary hearing earlier this year suggested that Fitz thought it was a sign of disrespect for Turner to pick up his three children while Fitz was at Turner's ex-girlfriend's home on Commerce Drive.

Police say the two men argued in the parking lot before shots were fired, at least

three hitting Turner in the back.

The woman at the center of the dispute, Edasha Williams, initially told police that Turner was the aggressor, but later testified Fitz started the altercation.

'I'm Not A Gang Member'

Other defense motions included one preventing the commonwealth from presenting evidence of Fitz's alleged gang ties and another confiscating jurors' cell phones when they deliberate.

On the gang ties, Nagy said no evidence exists outside of "jailhouse snitches" of Fitz being a member of the Bloods, and nothing about the shooting, such as the motive, has been tied to a gang conflict.

"There's no reason to put what would be unbelievably prejudicial evidence to jury," Nagy said. "You can't unhear that and you can't unsay it."

Garst said six jail informants will say that Fitz has

intimidated others in jail by using Bloods signs and calls, further noting the defendant's "threatening behavior."

She only plans to discuss the gang ties during cross-examination of witnesses, she said.

Fitz briefly addressed the topic on Tuesday.

"I'm not a gang member," he said to Albertson. "I've never been in a gang."

Nagy also wants to keep phones and any other device that could access the Internet out of the hands of jurors once they start deliberating.

That would get rid of the "temptation" a juror may have to answer a question about the case by looking it up online, he said.

In taking the motion under advisement, Albertson said jurors can be trusted to follow instructions not to consult the Internet, yet added that removing devices was not a "huge burden."

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Wednesday, September

Murder Suspect Accu

by PRESTON KNIGHT

Daily News-Record

HARRISONBURG — A judge is reviewing six defense motions in the case of a murder suspect Delano Fitz, including one on how evidence of allegations of threats against witnesses will be presented at trial.

Fitz, 29, of Staunton, is accused of

killing Traman Turner outside Turner's ex-girlfriend's townhouse in Harrisonburg on Christmas Eve last year.

He is charged with first-degree murder, use of a firearm in the commission of a felony and possession of a weapon as a convicted felon.

Fitz has claimed self-defense in the shooting.

Defense attorney Lou Nagy and

Harrisonburg, Va.

cents

Accused Of Jailhouse Threats

Commonwealth's **Attorney Marsha Garst** argued motions Tuesday filed by Nagy in Rockingham County Circuit Court.

Among them, Nagy seeks to ensure that anyone called by the commonwealth to testify about the alleged threats must have firsthand knowledge of them.

"The threats have to be direct," he

told Judge Bruce Albertson. "They cannot be third party."

Garst said she has five inmates lined up who can confirm that threats have been made to witnesses, including one informant who says Fitz provided a witness' home address unknown to the public and a vehicle description.



Fitz

See **THREATS**, Page A7

Christmas Eve Slaying

Charges Piling Up

City Shooting Suspect
Accused Of New Crimes

By PRESTON KNIGHT
Daily News-Record

HARRISONBURG — With more time granted this week before his first-degree murder trial begins, suspect Delano Fitz is now accused of five new crimes.

Rockingham County Commonwealth's Attorney Marsha Garst filed five direct indictments against the city man on Friday.

The counts — three alleging the solicitation of murder and two charging obstruction of justice — will be presented to a Rockingham County grand jury Monday, the day Fitz's murder trial had been scheduled to start.

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Details On Alleged Crimes Not Available

Charges

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On Thursday, Judge Bruce Albertson granted a defense motion to delay the five-day trial until Jan. 5 — exactly one year after Fitz turned himself in to police after being named the suspect in a Dec. 24 shooting in the city.

Details on the new alleged crimes were not immediately available, but Garst has said in court that Fitz has made threats to other inmates while confined in Rockingham County Jail awaiting trial.

Court records say the obstruction charges occurred

June 30 and Sept. 16, and the solicitation counts are from April 4.

Fitz, 29, has been in jail all year. He is charged with shooting Traman Turner to death outside a Harrisonburg townhome on Dec. 24.

Fitz has claimed self-defense after an argument in the parking lot of the Commerce Drive residence, where Fitz and Turner's ex-girlfriend lived. He and his attorney, Lou Nagy, have



Fitz

also rejected Garst's claims that he's made jailhouse threats.

Fitz is charged with first-degree murder, use of a firearm in the commission of a felony and possession of a weapon as a convicted felon.

The murder charge carries a maximum penalty of life in prison.

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New Charges In Christmas Eve Slaying

By PRESTON KNIGHT
Daily News-Record

HARRISONBURG — A Rockingham County grand jury handed down indictments Monday alleging five new crimes against Delano Fitz, already awaiting trial on a murder charge.

The panel indicted the city man on three counts of solicitation to commit murder and two counts of obstruction of justice.

Fitz, 29, has been held in Rockingham County Jail since his arrest in January on charges that include first-degree murder in the Christmas Eve shooting death of Traman Turner in



Fitz

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Trial Date Delayed

Charges FROM PAGE A3

Harrisonburg.

The incident occurred outside Turner's ex-girlfriend's home on Commerce Drive, where Fitz also was living.

Fitz has claimed self-defense in the shooting following an argument in the parking lot.

The woman at the center of the dispute, Edasha Williams, is one of the three people who Fitz sought to have killed, according to Monday's indictment.

The three solicitation charges come from incidents between April 4 and July 16.

The obstruction charges are from June 30 and Sept. 16 and relate to Fitz harassing two other inmates, Mark Hurley and Eric Stanley, the indictments say.

Hurley, 28, is scheduled to go to jury trial next month on one felony count of malicious wounding and one felony count of use of a firearm in the commission of a felony.

Police say Hurley fired a shotgun into the stomach of Damien Roy Mills of Bergton in August 2013. The Fulks Run resident has claimed the shooting was accidental, while investigators say he fought Mills after returning home to find Mills there with his wife.

Stanley, 42, of Bridgewater, is in jail on drug and child abuse charges.

Fitz's defense attorney, Lou Nagy, has disputed Rockingham County Commonwealth's Attorney Marsha Garst's allegations that his client is threatening other inmates.

Nagy said those inmates stand to gain by testifying against his client.

Last week, Judge Bruce Albertson granted Nagy's motion to delay the five-day trial that was to start Monday until Jan. 5 — exactly one year after Fitz turned himself in to police on the murder charge.

Fitz is scheduled to appear in court this afternoon to set a date for the new set of charges.

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Staunton Man Builds Case Of Self-Defense

Xmas Eve Killing Trial To Start Oct.

By PRESTON KNIGHT
Daily News-Record

HARRISONBURG — The attorney for a defendant accused of killing another man last Christmas Eve has laid the groundwork for what will be a self-defense argument when the matter goes to jury trial next month.

Delano Fitz, 29, of Staunton, is accused of killing Traman Turner outside Turner's ex-girlfriend's townhouse in Harrisonburg. He appeared in Rockingham County Circuit Court on Friday with his attorney, Lou Nagy, for argument over motions filed in the case during the past two weeks.

A five-day jury trial is set to begin Oct. 20 on charges of first-degree murder, use of a firearm in the commission of a felony and possession of a weapon as a convicted felon.

What produced the most contention on Friday between Nagy and Commonwealth's Attorney Marsha Garst — and will bear out in more detail



Fitz

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Gang Links Questioned

Case

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come trial — is whether Fitz acted in self-defense and the evidence that exists to support the claim.

In a Sept. 16 court filing, Nagy sought any of the commonwealth's records from Harrisonburg and Charlottesville area gang task forces that might connect Turner with gangs and threatening behavior. That information isn't normally accessible, Nagy said, but if it exists and is available, it would speak to Fitz's claim that he shot Turner to protect himself.

Specifically, he said Turner, according to a witness, previously told Fitz that he would "go to Charlottesville and get [my] boys."

One of those connections, Nagy said, is a man convicted of a triple homicide in Greene County.

Garst, however, said Lt. Chris Rush, who leads CHARGE, the Combined Harrisonburg and Rockingham Gang Enforcement task force, has found "no such evidence" of Turner being connected to a gang.

She added that "not a scintilla" of evidence of self-defense exists, noting that Turner was shot once in the chest and three times in the back.

Nagy contends that shots were fired in "very rapid succession," and it's possible for Turner to have been hit multiple times in various locations.

Judge Bruce Albertson denied Nagy's motion for possible gang-related evidence, though the request basically became moot since Garst had Rush check for records.

Witness testimony during a preliminary hearing earlier this year suggested

that Fitz thought it was a sign of disrespect for Turner to pick up his three children while Fitz was at Turner's ex-girlfriend's home on Commerce Drive.

Police say the two men argued in the parking lot before shots were fired.

The woman at the center of the dispute, Edasha Williams, initially told police that Turner was the aggressor, but later testified Fitz started the altercation.

Displays, Phones Limited

Albertson also informed Nagy and Garst on Friday his rulings on several motions argued in front of him two weeks ago.

Among them, any evidence that Garst presents showing that Fitz has made threats to witnesses must be direct from a witness, the judge says.

Garst has said she has five inmates lined up who can confirm that Fitz has made threats to witnesses, including one informant who says the defendant provided a home address unknown to the public and a vehicle description of an eyewitness. A contract was even negotiated for the killing of that eyewitness, she said.

Albertson's other rulings include allowing visual displays from people observing the trial in the gallery, but with discretion to have someone remove an item, such as a shirt with the victim on it; and confiscating jurors' mobile devices when they begin deliberating.

Albertson is also considering banning mobile devices from the courthouse altogether for the trial.

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