

Two murder counts filed because victim was pregnant

Cincinnati Enquirer - Cincinnati, Ohio

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Date: Nov 15, 2005

Start Page: B.1

Section: Metro

Text Word Count: 469

Document Text

Police say bullet was intended for man in fight, hit woman by mistake

A man accused of shooting Tawnia Kirksey to death last month while aiming at somebody else has been charged with double homicide - Kirksey was 10 weeks pregnant.

Eric Jackson, 27, was indicted Thursday on one charge of murder for Kirksey, 29, and another for her fetus.

"He may not have realized she was pregnant, but the fetus is still a person and that's murder," said Hamilton County Prosecutor Joe Deters.

Deters was instrumental in changing Ohio law to make it a crime to kill or harm a fetus after a driver lost control on Interstate 275 in 1995 and slammed into a car driven by Suzanne Daly, killing Daly and her fetus.

In 1998, legislators passed a law allowing prosecutors to seek a range of charges when a fetus is harmed by a crime.

Kirksey's mother, Daisy Kirksey, cried Monday when she learned her daughter had been pregnant.

"We suspected, but didn't know for sure," said Daisy Kirksey, 52. She heard news of her daughter's death while at work at a downtown Cincinnati hotel.

Daisy Kirksey is thankful prosecutors sought a charge of murder for the unborn baby.

To her, she said, that baby was one of her grandchildren.

"Tawnia Kirksey and her baby should be alive today and with her family," Deters said.

Jackson was involved in a fight on President Drive in Fay Apartments on Oct. 23, police said, when he fired shots at someone, but missed. Kirksey, who was visiting a sister who lived there, was hit by a bullet, according to Cincinnati police and her family.

Jackson, of East Price Hill, was shooting in self defense, said his attorney, Clyde Bennett. Somebody else fired at Jackson, prompting him to fire back, Bennett said.

"He didn't know Miss Kirksey or even know she was in the area," Bennett said. He added that the bullet that killed Kirksey may not have been from his client's gun.

Daisy Kirksey doesn't care why Jackson fired the gun. She says that he shouldn't have been shooting in the first place.

"To me it's just not right," she said. "It happened in broad daylight on a Sunday afternoon, a nice, warm beautiful day. It's just senseless. She was a mother and a daughter."

Kirksey is among four innocent bystanders killed by gunfire in Cincinnati this year, police say.

If convicted, Jackson faces a life prison term. He's being held in the Hamilton County Justice Center on \$250,000 bond.

For now, Daisy Kirksey said she's focused on her family.

She said she'll raise her daughter's children: 11-year-old Antwanae Kirksey, 8-year-old Ahmad Kirksey, 5-year-old Shaniqwa Kirksey and 4-year-old Rasheed Whitehead.

"I don't have any other choice. I can't let them go to a foster home," she said.

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Abstract (Document Summary)

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