

NEWS RELEASE

Peter S. Gilchrist, III
District Attorney

September 18, 2009

**THE DISTRICT ATTORNEY'S OFFICE HAS DECIDED THAT NO CHARGES
WILL BE FILED AGAINST C.L. MCCLURE IN THE SHOOTING DEATH OF
MARCUS FLUTER**

The investigation into the shooting death of Marcus Fluter by Mr. C.L. McClure has been completed and turned over to the District Attorney's Office. The investigating officers utilized a procedure established by this office which allows departments to request that we make the charging decision. This procedure can be followed when investigation indicates probable cause to arrest is present but officers have questions and request we review the evidence they have gathered in order to determine whether charges should be brought.

On August 22, 2009, 76 year old C.L. McClure was sitting in his basement room cooling off after cutting his yard. At approximately 12:30 in the afternoon, he saw a young black male walk past the door of this room. He thought it was his grandson coming by to see him. When he didn't come into the room, Mr. McClure walked to the door to see what he was doing. He was greeted by a young man with his face covered and armed with a weapon.

Mr. McClure was told to get on the ground. He was duct taped and robbed of cash and jewelry. Another man entered into the basement as well. Mr. McClure was asked who and what was in the main house. Mr. McClure told them his wife was upstairs and to please not hurt her. One man left the other stayed. Mr. McClure's wife was also a victim of this home invasion when they entered the home and took items from there as well.

After a brief period, the other man left and Mr. McClure got off the ground, retrieved a gun he had in the basement, and went to check on his wife. He saw a number of young men running from his house into the woods. From previous break-ins at his residence he believed that the robbers were running to a vehicle on the other side of the woods. His wife told him she was okay and he got into his vehicle. His intention at that time was to get to their car before they did and to shoot out the tires to immobilize their car until the police arrived.

As Mr. McClure approached the area where he thought a car might be parked, there was no car, and instead he saw all the young men running towards him. At this point he fired a shot in the air in an attempt to scatter them away from him and his vehicle and back into the woods. Instead, they kept running towards him. Some passed in front of his car and some behind. As Marcus Fluker passed his car he began to turn towards Mr. McClure. McClure, an Army veteran, had identified the weapon pointed at him at his house as some type of automatic weapon. When Fluker turned towards him he thought he was about to get “sprayed” by fire from this automatic weapon. He fired at him. McClure did not know if he struck him because Mr. Fluker turned back around and continued to run. At this point, McClure no longer felt in danger and did not fire his weapon again.

After the police arrived they went with Mr. McClure into the apartment complex where the individuals had been last scene. At this point, it was learned that Marcus Fluker had been struck by a single gunshot wound. At the place where he was found there was no gun. This location was not secure until the police arrived.

The investigation of this case recovered two firearms taken from Mr. McClure’s home and it is clear that Mr. Fluker was one of the individuals involved in the home invasion robbery. As a result of these events, Mr. McClure’s 70 year old wife suffered a heart attack.

In making a decision as to whether to charge Mr. McClure in this case, the District Attorney’s Office has considered all of the above facts as well as the law of self defense.

The only eyewitness to this shooting is Mr. McClure. The physical evidence corroborates what he told detectives. His idea to find the vehicle and try to delay the escape of those who invaded his home did not make him the aggressor nor did that take away his right of self defense. Mr. McClure believed that his life was in danger and fired in self-defense. It is the burden of the State in a criminal case to prove beyond a reasonable doubt that a charged individual did not act in self defense. The State cannot meet that burden in this case as it appears from all the credible evidence that Mr. McClure feared for his life.

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