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**Wendy Howard Sentenced On Voluntary Manslaughter Charge
*People v. Wendy Howard: Kern County Superior Court Case BF176978A***

Bakersfield – Kern County District Attorney Cynthia Zimmer discussed the conclusion of a significant homicide case today.

On May 4, 2023, Wendy Howard was sentenced after she entered a plea of ‘no contest’ to voluntary manslaughter on April 7 of 2023. The plea to the voluntary manslaughter charge was the result of negotiations after the conclusion of a jury trial where a Kern County jury heard evidence regarding Howard’s unlawful killing of Kelly Pitts. The previous jury trial, which concluded on October 21, 2022, resulted in verdicts of “not guilty” for murder and voluntary manslaughter under a theory of imperfect self-defense. However, the jury was unable to reach a unanimous verdict on the voluntary manslaughter charge that was grounded in a “heat of passion” theory. As a result, after the jury trial, Howard remained charged with a count of Voluntary Manslaughter based on a heat of passion theory of liability.

Under the “heat of passion” theory of voluntary manslaughter, the People alleged that Howard, angered at Kelly Pitts over allegations of molesting and other misconduct of Pitts toward her daughters, armed herself with a firearm and sought out a confrontation with Pitts. During the trial, Howard claimed that during the confrontation, Pitts drove his ATV toward her, but could not verify if she was ever struck at all by the ATV. This action, Howard claimed, in combination with a “look” that she claimed to recognize Pitts having from a prior domestic violence incident 14 years earlier, justified her use of deadly force to shoot and kill Pitts.

The jury’s inability to reach a unanimous verdict on Howard’s guilt regarding a “heat of passion” basis for voluntary manslaughter was indicative that the jury refused to unanimously accept that the killing was done in lawful self-defense. A killing done in lawful self defense would have entitled Howard to a “not guilty” verdict of all charges.

On April 7, 2023, Howard entered a “no contest” plea to the remaining charge of Voluntary Manslaughter. That plea was specifically entered as what is commonly known as an “Alford plea.” The plea is still of no contest, but the reference to an “Alford plea” refers to a United States Supreme Court case from 1970 – *North Carolina v. Alford*. That case recognized a scenario where a defendant, despite claiming innocence, may wish to enter a plea that accepts punishment for the charges in light of the considerable evidence of guilt and the desire to accept a plea agreement. In *North Carolina v. Alford*, the defendant entered a guilty plea to avoid a more serious punishment, but simultaneously proclaimed his innocence. On appeal, Alford attempted to invalidate his guilty plea, claiming that it should not have been accepted by the court since he still claimed to be innocent. Ultimately, the United States Supreme Court in held in *Alford* that the plea remained valid because, despite Alford’s claim of innocence, he entered a plea of guilty or no contest and there was evidence admitted that “substantially negated his claim of innocence...” that justified the court in accepting the plea. The *Alford* case stands for the proposition that a defendant may proclaim to be innocent, but still resolve the case if, despite the claims of innocence, there is a benefit to resolving the case as well as evidence of guilt. A plea of no contest, even when entered as an “Alford plea” still results in a finding of guilt by the court, and results in a criminal conviction.

On May 4, 2023, Howard was sentenced on the felony charge of Voluntary Manslaughter to which she entered a no contest plea. Howard was granted felony probation on the voluntary manslaughter charge, which was in accord with the plea agreement entered. Though the probation included a period of time in-custody, Howard’s approximately three months spent in jail prior to being released on bail before the trial was sufficient to satisfy the jail requirement, and Howard was given credit for the time in-custody that she had already served, and no further jail time will be required as long as Howard satisfies the conditions of her felony probation.

District Attorney Cynthia Zimmer commented on resolution, stating; “Wendy Howard and her daughters have many rights as the victims of crime, but those rights do not include a license for Wendy Howard to kill. Regardless of how wronged a person feels, or how abhorrent the conduct of another is, the law does not empower individuals to make themselves the judge, jury and executioner of those who are perceived to have wronged them. Kelly Pitts may have deserved to be imprisoned for his conduct, but he did not deserve to be killed. The very protections that Howard enjoyed – a trial where her side could be heard and guilt and punishment could be considered by a judge and jury – are the same protections she denied to her victim by shooting him dead without legal justification.”