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**Thomas McCants (left), accused of killing Lizzette Fountain, appears in Dane County Circuit Court Thursday with public defender Joseph Sommers. An assistant district attorney questioned whether Sommers, who failed to show up in court Wednesday, delaying McCants' initial appearance, is qualified to handle a homicide case.**

# Innocent plea entered by suspected murderer

## Appearance delayed by attorney no-show

By Joe Potente

The Capital Times

The man accused in the murder of his girlfriend, Lizzette Fountain, in their Fitchburg apartment registered a not guilty plea Thursday to a first-degree intentional homicide charge.

The initial court appearance for Thomas L. McCants, 24, originally was scheduled for Wednesday, but was delayed when his attorney, Joseph Sommers, failed to arrive in court.

McCants will be held on a \$250,000 cash bond in the December killing, with his next court appearance scheduled for July 15 in front of Dane County Circuit Judge John Albert. The court first offered McCants a preliminary hearing within 10 days, but McCants elected to delay it because of scheduling conflicts with other cases Sommers is handling.

This decision came after Assistant District



Fountain

Attorney Mary Ellen Karst questioned whether Sommers, a public defender, is certified to handle a first-degree homicide case.

Sommers retorted, citing his "six and one" record in Class B felony cases.

"I think I'm well qualified to represent him," Sommers said. Court Commissioner Todd Meurer ordered

that Sommers would need to deal directly with the Public Defender's Office over matters concerning his credentials.

McCants, who also is due to appear in federal court today for a drug conviction stemming from narcotics found in his apartment after the murder, already faces a minimum of 10 years in prison for distributing crack cocaine after pleading guilty in April.

If convicted for Fountain's murder, McCants would face imprisonment for life, according to a criminal complaint filed Wednesday, which outlines his alleged involvement in the homicide.

According to the complaint, McCants shot Fountain in their apartment at 2002 Traceway Drive after a night of partying and love-making with Jukedra Thomas, a Madison woman with whom he had been carrying on a relationship for several months. After shooting Fountain, 19, in the early morning hours of Dec. 4 and leaving the apartment, McCants returned and called 911 shortly before 6:30 a.m. to report that Fountain was dead, the criminal complaint stated. Foren-



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Joe Johnson (left) of Wausau, the uncle of Lizzette Fountain, speaks with the media Thursday. With Johnson is Fitchburg Police Chief Thomas Blatter.

sics investigators later discovered traces of gun powder on McCants' skin and clothing, the complaint said.

It was the comprehensive forensics investigations that led to a relatively late charge in the crime, Fitchburg Police Chief Thomas Blatter said.

"We had a certain time limit we were following and some of it involved scheduling expert witnesses and some of it involved getting forensic evidence back, and that takes time," Blatter said.

Speaking to reporters on behalf of Fountain's family after Thursday's hearing, Joe Johnson, one of the victim's uncles, praised the law enforcement efforts and said the family would like to see a conviction in the case that has left them in shock for the past six months.

"Like anything, it would put closure to it and it's not anything more than that," said Johnson, a former Madison resident who now runs a business in Wausau. "Nobody needed to die."

"My family believes that if we're patient with spiritual endurance and guidance, that this thing will move through," Johnson added. "I wish I could say things are going great, but that wouldn't be true."

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