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No jury, no justice? It seems that way.

By Regina Brett, Plain Dealer Columnist

What a sham.

Potential jurors filled three rows in a Bedford Municipal courtroom on Monday morning, but none of them got to hear a word about whether Patrick O'Malley shoved his wife into a closet.

The judge announced that a jury wouldn't be needed because the parties had reached a conclusion.

Not quite.

Vicki O'Malley wasn't part of the agreement to dismiss the domestic violence charge against her estranged husband, the Cuyahoga County recorder.

The prosecutor, who represents the city in misdemeanor cases, should also be an advocate for the victim. But this guy treated Vicki as if she were an annoying gnat.

When she tried to talk to him afterward, Prosecutor Michael Murman snapped, "I don't want to speak to you, Mrs. O'Malley. Speak to your own lawyer."

Then he walked away as smugly as if he had just won the case.

Vicki was expecting a two-day trial. What a shock to hear the prosecutor ask for a dismissal. At one point, he even referred to Vicki as the defendant.

Freudian slip? You be the judge.

The prosecutor chose not to use a jury to decide this case. He simply decided the evidence was inconclusive.

There was no weapon, he said.

No weapon? In domestic violence crimes, a man's hands, arms and legs can be as lethal as a gun or a knife.

He said there was no motive.

No motive? Surely he's aware of the bitter O'Malley divorce battle. Plus, men who abuse women don't need a motive. They hurt them because dinner is cold or because it's raining or because it's Tuesday.

He said there was no intent to cause harm.

No intent? The issue is whether harm – physical or psychological – was caused, not whether he intended to cause any.

He said there are no disinterested eyewitnesses.

In many domestic violence cases, there aren't any eyewitnesses.

The prosecutor said there was confusion over who did what. But that happens a lot during crimes. That's why 12 jurors are used to sort out the claims.

The prosecutor gave Patrick credit for taking two polygraph tests, yet in the next breath said, "We're not putting any weight on these polygraph tests."

Which is it?

He said Patrick offered to submit to voice stress analysis. How about letting a jury hear the stress level in Vicki's voice as she described what happened that day?

Murman seemed to resent Vicki for consulting a private attorney. Wouldn't you consult a private attorney if your husband had political leaders in his pocket?

Murman said key witnesses had "lawyered up" with private attorneys. He called that "unusual" for prosecutors to face. But it's not unusual in a high-profile case like this.

Vicki told the judge the prosecutor wouldn't even return her phone calls. Judge Richard Swain told her the case was difficult to evaluate, then said:

"I think perhaps, rightly so, there's some feelings that perhaps politics played a part in what happened in this case maybe right from the beginning, including up until now."

Ya think?

When the judge dismissed the jurors, he told them, "Our system is certainly not a perfect system."

Boy, was he right.

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