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Suspects: 'You talk, you die'

Scared witnesses letting some walk

By Sharon Coolidge
The Cincinnati Enquirer

Lisa Gregor thought the worst day of her life was June 14, the day her 18-year-old son was shot dead in Over-the-Rhine. At least police had a good suspect. Gregor prayed he'd pay for the crime.

Instead, the charges were dropped.

A Hamilton County grand jury declined to indict the 25-year-old man after one witness wouldn't cooperate and another couldn't be found.

"It's twice as bad," Gregor says today. "It hurts even more to know the person who killed my child is not being charged with it."

Police and prosecutors say they see it all the time: Witnesses who could help convict violent offenders are too scared to speak up. They're frightened into silence by suspects or their friends or families who threaten to shoot, beat up or kill anyone who helps the police.

The result: Crimes take place in crowded places where nobody sees anything. When witnesses do come forward, they don't show up later in court. Sometimes, victims change their stories to shift blame from suspects who threaten to hurt them again. Cases get dropped, and criminals walk away free.

Law officials say intimidation of witnesses is their single biggest obstacle to fighting violent crime.



Lisa Gregor holds pictures of her slain son.
(Brandi Stafford photo)
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"We're primarily seeing it in high-crime neighborhoods, but it's happening all over," says Hamilton County Common Pleas Court Judge Steven Martin, the court's presiding judge. "There have always been people who didn't show up for court for various reasons, but over the last three or four years it's become very noticeable.

"People are afraid of what's going to happen."

Common Pleas Court Judge Patrick Dinkelacker decided last month that he had had enough. In a case that got national attention, he freed a rape suspect and jailed the alleged victim when she failed to show up in court.

He let her go after she spent five days in jail and he endured a barrage of criticism. But Dinkelacker neither apologized nor backed down from his position, even when the victim said she was too frightened to appear.

"I could have put my head in the sand as I've done before," the judge said last week. "But bad people go free. This time I took a stand, and I will do what I have to do in the future."

No data exist to know precisely how many criminal cases are compromised when witnesses won't step up. But in 2002 in Hamilton County Common Pleas Court, 274 cases were dismissed when prosecutors couldn't proceed with charges for various reasons, including uncooperative witnesses. That's up from 206 cases the year before.

Last year, 36 people - about one every 10 days - were charged in Hamilton County with intimidation for threatening witnesses.

Hamilton County Prosecutor Mike Allen says witness intimidation has reached alarming levels in Cincinnati, especially with this year's 47 homicides on pace to match last year's 66, a 15-year high.

"We see it too often," Allen says. "The system cannot function unless victims and witnesses cooperate and testify."

'He might come back'

Hamilton County police and court cases are full of examples of possible witness intimidation.

Tiffany Ruff witnessed the death of boxer JeShawn Johnson in South Cumminsville in April and says she was threatened in August.

Four relatives of the man charged with the shooting were indicted on intimidation charges, accused of threatening Ruff's life. One of the female relatives hit Ruff with a bottle, Assistant Hamilton County Prosecutor Kevin Hardman said during a hearing on the charge.



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"These are very, very serious allegations that go to the root of our system," says Dinkelacker, the judge in the rape case who presided over this case, too. "We need witnesses to show up. We need witnesses to be protected."

The case is pending against the four suspects. The murder case is pending, too.

Last week, Earake Thomas was convicted and sentenced to at least 18 years in prison for shooting to death Idris Cockrell during a block party in Winton Terrace on June 30.

But four additional charges of felonious assault were dropped because the four other people who were shot didn't show up for Thomas' trial. Prosecutors say the four feared there would be retaliation.

In another case in February, a Hamilton County Justice Center inmate hatched a murder-for-hire plot to stop a shooting victim from testifying against him.

Dante Robb, 23, of Mount Healthy was afraid that the owner of a College Hill pony keg, whom he had shot during a robbery three months earlier, would identify him as the shooter. So Robb conspired with a cellmate and a girlfriend to find someone to kill the storeowner, Hemant Shah, authorities say. Unknown to them, they found a police informant.

Police protected Shah and watched his store for at least two weeks.

Robb was sentenced to 15 years in prison for the plot against Shah. Shah says he feels better that Robb is in prison, but "it's still scary."

"He might come back and kill me or my family," Shah says. "That fear will always be in back of my mind."

A 22-year-old Mount Airy man accused of a triple homicide in Springfield Township was freed in May 2001 after a woman and her son gave testimony in court that conflicted with earlier statements.

At times the woman was unable to clearly recall what she had said. She contradicted herself multiple times and at one point wept because she had to continue to talk about the case at all.

Her son told prosecutors he lied during earlier questioning because he was scared.

Court officials couldn't find two other witnesses.

Martin, the court's chief judge, dropped three counts each of aggravated murder, murder and aggravated robbery against the accused.

Tom Jones, who formed a neighborhood crime-fighting group, says intimidation of witnesses is an ongoing problem in high-crime communities across the city.

'Worse than ever'

"It's worse than ever," Jones says. "Guys on the streets committing criminal acts have become empowered. It's an unwritten law on the street: You talk, you die."

Intimidation of witnesses is hurting crime fighting in almost every U.S. city, police and prosecutors say.

A U.S. Department of Justice survey released in March found that only half of violent crimes committed nationwide from 1992-2000 were reported.

In some cases, victims fear that their attackers will retaliate. Others simply don't trust the system.

"This study exposes a deep lack of confidence in our justice system," says Susan Herman, executive director of the National Center for Victims of Crime.

Cincinnati police say reluctant witnesses and victims are common in drug- and gang-related cases. Getting people to cooperate in drug cases is just as important as in homicide cases, says Police Capt. Vince Demasi, commander of the criminal investigations section.

"People who have ties to that culture live by their own rules," Demasi says. "But your average citizen who sees a crime, they will come forward."

"Is it the easiest thing in the world to do? No, it's not, but they do it."

Police, prosecutors and groups that help crime victims are trying to reverse the trend of reluctant witnesses and victims.

Hamilton County Prosecutor Mike Allen is working with Jones and others to start a witness assistance program in the county.

Lucy Logan, director of local advocate group Who Killed Our Kids, says families are devastated when witnesses won't come forward.

Of the group's 47 members who have lost a relative, only four have seen arrests in the killings, Logan says. Her son, Nolan Moi, was fatally shot in March 2002 in his Madisonville apartment, a homicide that remains unsolved.

"I believe somebody knows something in most of the cases," Logan says. "I used to think people didn't care, but police

have had valid witnesses and then lost them because they changed their story or nobody maintained contact with them to get to court."

Lisa Gregory, a member of Who Killed Our Kids, takes some comfort in knowing that the man accused of killing her son is not free.

He's in prison on a parole violation for failing to comply with a police order. He is scheduled to be released next March.

Gregory, who lives in Northern Kentucky, says she's keeping her 15-year-old daughter close.

"I can't risk losing another one," she says.

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