

The Sun

Leasure makes the wrong call

Howard County: Judge acted hastily in moving teen rape trial to another jurisdiction.

by The Baltimore Sun

November 14, 1996 Page(s): 18A
Edition: HOWARD SUN
Section: EDITORIAL
Length: 439 words
Biographee: EDITORIAL

Index Terms:
HOWARD COUNTY

Record Number: BSUN481832

CIRCUIT JUDGE Diane O. Leasure may regret her decision to move a high-profile rape case from Howard County to another jurisdiction. The judge, wary of an appeal, granted a motion for change of venue, ruling that pretrial publicity from a story in the Howard County edition of The Sun would prejudice the jury against the defendant.

The story, written by Caitlin Francke and published on Monday, previewed the trial of Timothy Bryan Chase, a 28-year-old west Columbia man who has been charged with raping a 15-year-old girl outside the Howard County Public Library in Columbia's Town Center.

Ms. Francke's report described some evidence that will be presented in the case, including jewelry taken from the victim that police say was found in Mr. Chase's pockets. Her story also reported that Mr. Chase's wife, who turned her husband over to police, would not testify against him in the trial. Also included were analyses from legal scholars and DNA experts.

Though detailed, the story was not reason enough to move the trial from Howard. Changes of venue should be granted only when a torrent of reports from various sources make it difficult for potential jurors to escape hearing about a case and forming an opinion on it. The Oklahoma City bombing and Rodney King beating trials were accompanied by such publicity. Indeed, prospective jurors can absorb a heavy dose of reports from newspapers, radio and cable without forming a belief of a defendant's guilt or innocence. At the very least, they should be asked, something Judge Leasure failed to do before reaching her decision.

Judge Leasure's ruling delayed the trial, driving up the cost of trying the case and compounding the inconvenience for witnesses scheduled to testify. The judge's motives were commendable: She wanted to prevent the teen-aged victim from having to go through two trials if a higher court overturned a verdict because of the pretrial publicity argument. But this delay also prolongs the case for the girl.

The judge set a precarious precedent. If she takes the same approach in future cases, it may be difficult for her to preside over any high-profile trial. Cases like this merit extensive news coverage. Judge Leasure must have more faith that jurors can read and watch these stories without jumping to conclusions.

Pub Date: 11/14/96

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