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Accused attackers have previous legal troubles, records show

By **BOB WATSON**
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Alan McCullough was listed in serious condition Saturday night at the University of Missouri-Columbia Hospital — an improvement since he first was hospitalized after he was assaulted June 9 while trying to deliver two Domino's pizzas and some chicken wings.

Presumably, prosecutors are studying the previous criminal histories of both suspects in McCullough's attack to determine if those records can be of any use in the new case.

"I can't comment on this case," Cole County Prosecutor Bill Tackett said Friday, "but, in cases in general, a criminal pedigree gives

us insight into whether or not a person intended to commit a crime."

Both Ronald Edward Bell Jr., 25, and Patrick Michael Middaugh, 17, face June 27 preliminary hearings in the McCullough case.

Both are being held in the Cole County Jail on \$500,000 bonds.

They have been charged with first-degree assault, first-degree robbery and armed criminal action for attacking McCullough.

And public record criminal histories the News Tribune obtained from the Missouri Highway Patrol indicate both have had previous legal troubles.

However, nothing in the public record shows a similar case with

the kind of violence alleged in the June 9 assault on McCullough.

Jefferson City Police said in a probable cause statement that Middaugh waited on the porch of 1219 St. Mary's Blvd. with a wooden stick for the delivery man to arrive.

When he attempted to deliver the order, police said, Bell hit McCullough three times on the back of his head with a steel pipe, police said. He also was hit in his left side.

Police said McCullough's attackers got \$26, the food and the heat bag it was carried in.

"They showed an undue amount of violence over a very small amount of money," Police Capt. Mike Smith said last week.

"This was a set-up."

Middaugh turned 17 only last October, so his record shows only some charges that have yet to be resolved — including a Jefferson City Police allegation of misdemeanor stealing on June 8, the day before the attack on McCullough occurred.

Bell also was arrested in that case, but details were not available.

The Highway Patrol's criminal record report cannot show whether Middaugh has a juvenile record because that information is not available to the general public.

Bell's record shows he completed two prison sentences last year, one for a Cole County conviction of burglary and stealing,

the other for a Laclede County conviction for stealing utility services.

In the Cole County case, Bell pleaded guilty Jan. 5, 2000, to an Aug. 21, 1999, break-in at the Bee Line Snack Shop, 1100 Missouri Blvd.

Prosecutors said Bell broke the glass in the front door and stole beer from the store's coolers.

On Feb. 10, 2000, Judge Thomas J. Brown III sentenced Bell to three years in prison. The criminal record shows he was released to Probation and Parole's field supervision in April 2003 but returned to prison in July.

He completed the three-year sentence on Aug. 22, 2004.

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The Laclede County utility tampering case in 2000 had resulted in a four-year sentence, which also was completed last August.

Bell also spent 10 days in the Cole County Jail in June 1999, after his two-year probation had been revoked on city misdemeanor charges of driving while intoxicated and leaving the scene of a 1998 accident — when Bell was 18.

The patrol's "general information" sheet released with the criminal reports also note people may

have "closed" records that cannot be given to the public.

But, Tackett said, any information in criminal histories like those for Bell and Middaugh generally can't be used either in deciding what kind of charges to bring in a new case, or during any criminal trial.

"You charge (a case) based on what you can prove in front of a jury," he explained. "It helps prove intent but, if (the defendant) doesn't take the stand, it doesn't help. ...

"Only if the defendant takes the stand does he or she open them-

selves up (to having) their own credibility impeached by a certified prior conviction.

"At any other time, we cannot tell the jury. Period."

However, having a previous criminal history can affect the sentence, if a defendant is convicted by a jury or pleads guilty to a criminal charge.

"If they have a prior felony, then the jury does not get sentencing," Tackett explained. "That's given to the court, and that's perceived as an advantage to the state."

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