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Guilty verdict

Jury recommends 25 years on two counts for teen in assault case

By Bob Watson

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Up to 55 years in prison.

That's the recommendation from a nine-woman, three-man Cole County jury for Patrick Middaugh's sentence, after the same jury found him guilty of first-degree robbery, second-degree assault and armed criminal action for his role in last June 9's attack on Domino's Pizza driver Alan McCullough.

Circuit Judge Patricia Joyce ordered a sentencing advisory report from the state Probation and Parole board before she imposes a final sentence in the case. Those reports generally take from 45-60 days to complete.

The jury recommended five years on
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Stephen Brooks/News Tribune

Cole County Assistant Prosecutor Randy England, left, shows Patrick Middaugh, on the witness stand Friday, the board used in the June 9, 2005, assault of Alan McCullough.

the assault charge, plus a fine to be set by the court, and 25 years each on the other two charges.

Joyce will determine later whether those sentences are to be served consecutively — giving the maximum of 55 years — or at the same time.

Public Defender Keith Halcomb was disappointed with the jury's recommendation.

"It was clearly higher than I wanted," he told a reporter. "I was thinking they would look at what Patrick actually did in this case, and they would see that he was not that involved — that he was some poor, stupid kid who did a really stupid thing."

Throughout the two-day trial, Halcomb and his associate, Amy O'Keefe, argued that Ronald E. Bell was the real criminal in the case — and that Middaugh only took part in a robbery, not the vicious assault.

But, said Prosecutor Bill Tackett: "This reinforces what Cole County juries have done, historically — that is, dole out serious punishment for serious crimes. ...

"This was a gruesome crime. I think the jury — during my closing argument, I could tell they were really focussed in on the evidence, and listened intently during this two-day trial."

Tackett shared the trial duties with Assistant Prosecutor Randy England, who asked most of the in-trial questions.

Both men developed a case of Middaugh being actively involved in the planning and execution of a crime that included the beating.

Middaugh, they said, was the

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"bait" to distract the delivery-man as he approached the pair standing in front of a home at 1219 St. Mary's Blvd., so that Bell could hit him from behind.

Middaugh, now 18, had no adult criminal record when McCullough was assaulted last year.

The teen testified Friday morning he befriended Bell after the two met at a party in Oak Grove, and agreed to come to come to Jefferson City with Bell as a "road trip" because, as a high school dropout, "It was something to do (and) I was not working at the time."

Middaugh said he agreed to participate in a plan to rob a pizza delivery man because "I was scared of Ron. There was no talk of beating him or anything — just taking the money."

Halcomb expects an appeal will be filed.

"I'm 95 percent certain some appeal of this case be filed," he said, adding Middaugh "will have the assistance of the public defender's office if he so asks for it."

Tackett wasn't surprised by that.

"Every case of this magnitude there will be an appeal," he said.

Friday afternoon, McCullough told the jury his life after the assault has "bothered me a lot, and it's bothered my kids more than anything."

McCullough has two daughters, ages 5 and 8.

"They're having trouble in school, acting out, and my oldest daughter is kind-of like just closed-up and not saying anything to anybody," he said.

He no longer can support his daughters as he did before the assault, McCullough testified.

His mother, Connie McCullough, told jurors during the trial's penalty phase: "He's not as alert and sharp as he used to be. He seems kind of slow.

"If you tell him something today that you want to do next week, he might have already forgotten it by the time that day shows up next week."

She saw her unconscious son, briefly, before his emergency surgery about six hours after the assault.

"He had to have emergency surgery, or he would have died," she said, choking back tears.

Dr. Jerry B. Rogers, a University of Missouri-Columbia, surgeon had testified Thursday that doctors removed part of McCullough's skull because of the swelling in his brain.

As he "started to wake up" days after the surgery, she said, "he thought he was okay and wanted to get up out of bed."

But he couldn't walk or sit up straight for weeks, she said, and was confined to a wheelchair until mid-August.

McCullough said he still has several goals to meet before doctors will release him from the rehabilitation center in Sedalia where he's lived since last fall.

"Right now, multi-tasking, problem solving judgment and reasoning," he said. "And my impulsiveness."

McCullough said he also must learn how to manage the various medications — he named a half-dozen he currently takes — that will be part of his life for the rest of his life.

"I keep track of them in a med box that is set up for mornings and nights," he explained.