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## ATTORNEY: CLAIM NOT WEAKENED IN WALSH CASE

### EX-OFFICER'S LETTER POINT OF CONTENTION

*Louise Taylor, Herald-Leader Staff Writer*

Although former police officer Anna Rathke Phillips does not want to pursue a criminal investigation against retired Lexington Police Chief Larry Walsh, that does not weaken the allegation she made that Walsh forced her to have sex in 1991, according to a memo filed in court yesterday on behalf of a woman suing the city and Walsh for sexual discrimination.

In February, Phillips gave a deposition in which she said Walsh ripped at her clothes and intimidated her into having sex when she was a police recruit in January 1991. On March 6, responding to an letter from Commonwealth's Attorney Ray Larson about pressing a criminal investigation, Phillips said she did not want to pursue a case against the former chief.

That letter prompted Keith Moorman, the attorney who represents both the city and Walsh, to ask that all of Phillips' deposition be barred from evidence when the case goes to trial March 24 in Fayette Circuit Court. If Chief Circuit Judge Gary Payne refuses to bar it, Moorman asked that the letter to Larson be read to jurors.

**Robert Abell**, the attorney for the lawsuit's plaintiff, retired police Capt. Melinda Massarone, said in his reply yesterday that he has no objection to Phillips' letter being read to jurors, and attacked Moorman's assertion that the letter tends to exonerate Walsh.

"Only someone like defendant Walsh ... could view Anna Phillips' statements as exonerating them," Abell wrote.

The city's motion to bar Phillips' deposition at trial is to be argued in court Friday.

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