

March 15, 2003

Section: City&Region

Edition: Final

Page: B1

SEX CLAIM OK'D FOR WALSH TRIAL BUT CASE MUST ALSO INCLUDE LETTER THAT WEAKENS ACCUSATION

Louise Taylor, Herald-Leader Staff Writer

The deposition of a woman who claims that retired Lexington Police Chief Larry Walsh forced her to have sex when she was a rookie police officer in 1991 will be allowed into evidence at an upcoming trial, but so will a letter the same woman wrote this month in which she says she is uncertain of what happened and does not want to pursue a criminal investigation against him.

Keith Moorman, the attorney representing the city and Walsh against a civil sexual discrimination lawsuit by another woman -- retired Capt. Melinda Massarone -- argued yesterday that the deposition of Anna Phillips should be barred from trial.

"This case is becoming more and more about Anna Phillips and her credibility, and less and less about Melinda Massarone," Moorman told Chief Fayette Circuit Judge Gary Payne, adding that the information is going to confuse and inflame jurors. "The jury isn't going to understand."

Robert Abell, Massarone's attorney, argued right back that Phillips' deposition and the letter, though not related to Massarone's personal experience during her 20 years in the police department, illustrated Walsh's demeaning and discriminatory attitude toward women.

Massarone alleges in her suit that Walsh tried to kiss her at the beginning of her career, and after she rebuffed his advance, bore a grudge against her that culminated with her transfer to the communications division when she was promoted to captain. She said she was miserable in communications, and ultimately retired on disability because of emotional problems she blames on Walsh and Assistant Chief Sandra Devers, who was her direct boss and denied her a transfer.

Through Moorman and in his own deposition, Walsh has denied the claims against him. He describes his relationship with Phillips as consensual, and both he and the city argue Massarone received every promotion for which she was eligible.

Walsh retired in 2001 after 11 years as chief. He was publicly regarded as an outstanding leader who cleaned up a department plagued by corruption, but Massarone's suit and her witnesses say that privately Walsh was an autocratic racist and chauvinist.

The case is scheduled to go to trial March 24 in Fayette Circuit Court. Phillips, who left the department after two years and now lives in North Carolina, is not expected to testify because she cannot be subpoenaed across state lines.