Judicial Cannon

Judge Timothy McGinty aims to reform the justice system in Cuyahoga County by firing away at lawyers, fellow judges and anyone else who doesn’t agree with his logic.
Road to Ruin: An Overwhelming Response

To date, more than 600 readers have called, written and e-mailed in regard to the magazine’s two-part series, Road to Ruin. More are contacting us every day from across the state and beyond Ohio’s borders. Readers told us that the story of Bob Kreischer’s conviction, his fight to clear his name and his imprisonment sparked anger and tears — and prompted them to act. They sent letters to Governor Bob Taft, asking that he grant Kreischer clemency, and to Linton Lewis, the Perry County judge who sentenced Kreischer to two years in prison, urging him to grant the man an early release from prison.

Overwhelmingly, they said the story frightened them because Kreischer could have been their husband, their brother, their son. Some told us they saw themselves in Kreischer.

Regardless of whether they agreed with Kreischer’s decision to throw a punch at his former neighbor, Terry Wooten, most believed that the American justice system failed Bob Kreischer and that he should be home with his family.

— THE EDITORS
Judge Timothy McGinty aims to reform the justice system in Cuyahoga County by firing away at lawyers, fellow judges and anyone else who doesn't agree with his logic.

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Story by MICHAEL K. McINTYRE
Photographs by MARVIN FONG
THE HEAT IS RELENTLESS on the marathon route in Erie, Pennsylvania, and so is marathoner Timothy McGinty. The Cuyahoga County Common Pleas judge — who has run dozens of races like this one — struggles through the humidity and monotony of the course.

Under a searing September sun, he refuses to concede.

Ahead, Tom Asplin — who raced out to a 24-minute lead over McGinty at the three-quarter mark — is in big trouble.

His will is not as strong, the desire to run draining with every drop of sweat.

“What the hell was I thinking?” Asplin says to himself. He’d been too preoccupied with his wife’s pregnancy — their first child — to train properly. He was tired and unprepared, and his personal best marathon time of 3:04 was a fantasy now.

On the bench, McGinty (above) often takes an avuncular tone with defendants, many of whom are drug addicts:

“You’ve got to get off this stuff. Fight hard. Work at it. … They’ll try to talk you back onto the methadone at the treatment center. Don’t take it. It’s just as bad as the heroin. It keeps you addicted to their program. You’ve been here a week. You don’t need it.”
McGinty’s (above) spurns many of his lunch hours running downtown. Here, he’s flashed on his right by Jay Gallagher, an assistant county prosecutor, and on his left by Walt Camino, a public defender.

McGinty (right) races the marathon in Asplin’s stride surrenders and he begins to walk. “I’m done,” he mutters. From behind he hears a voice, Tim McGinty’s voice. It doesn’t soothe and support like the cries of encouragement from the sidelines. It shoots through him like a sniper’s bullet. “Hey, fat ass,” the 52-year-old McGinty fires. “I’m older than your father and I’m going to beat your ass.”

McGinty is a plodding runner. He’ll never win a marathon, but he’ll never quit one, either. He has closed the 24-minute gap and he’s ready to pass. “Did you come all the way up here to run a four-hour marathon? I’m going to beat four hours, and if you got off your sluggish fat ass, you could do it, too,” says McGinty, thick as an old oak and just as coarse. “Who the heck does this guy think he is?” Asplin wonders as McGinty, mouth moving faster than his feet, opens up a lead. He doesn’t know whether to tackle the loudmouth or lie down and cry. “How ‘bout I kick your ass?” Asplin spits at the shirtless judge. McGinty has him right where he wants him. It’s a mile to the finish line. “How ‘bout you catch me?” McGinty snarls. The runner in Asplin is awakened. He takes off after the judge, forcing McGinty to step up his pace. They cross the finish line together, McGinty at 3:58.58; Asplin, at 3:58.59. Under four hours with a minute to spare.

McGinty, met at the finish by his high-school-aged son, Patrick, says Asplin heading his way: “I might need your help here, son,” he says. “I don’t know if this guy’s coming to kick my ass or shake my hand.” Asplin, toe to toe with his antagonist, looks him in the eye. And shakes his hand.

A LOT OF PEOPLE want to shake Tim McGinty’s hand. In his camp are victims he fought for during his decade as the county’s most dogged big-case prosecutor, friends who have his loyalty and appreciate his glibness, voters who love his no-nonsense judicial style, and political allies who admire his fearlessness. In an era where characters in public life are scarce, McGinty is a character with character.

Yet it’s possible to line a marathon route with people who would rather punch him in the nose than shake his hand. They see his constant carping about the inadequacies of justice in Cuyahoga County as sanctimoniousness on display and his “motivational techniques” as another excuse to bully, and they believe his true goal is to build himself up by tearing others down. They wish, in vain, that he’d just shut up.

McGinty’s detractors include defense lawyers who went against him as a prosecutor and those who now resent the aggressiveness with which he operates as a judge; fellow judges who are often the targets of his pointed attacks; and, of course, the bad guys, especially the ones who don’t own up to what they’ve done and tell the judge how sorry they are. When McGinty ran for judge 12 years ago, he passed out buttons that read: “Elect McGinty. A tough prosecutor for judge. Take back your courts.” He’s still fighting to take them back. He’s running and barking at his fellow judges to run faster, too. It’s not winning him many friends in the courthouse, but McGinty doesn’t mind. “I could start a fight in church,” he says. A self-satisfied smile spreads across his face.
It’s no surprise that McGinty is as tough a judge as he was a prosecutor, ac-
counting to the bench because, he says, the judge he replaced — Sam
McGettrick, a truly bad judge, to
judge as he was a prosecutor, as-
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tesearch for McGinty’s weak spots, but
he’s as tough as he was in prosecuting Green, Mc-
Ginty’s prosecutorial aggression, at least
one in case, was directed at the wrong man.
McGinty sent Michael Green to prison for a
rape he did not commit. Ten years later, as a
judge, McGinty received the call that Green
was innocent. DNA evidence proved it. As
tough as he was in prosecuting Green, Mc-
Ginty immediately recognized the injustice
and told Marino, who was still at the prose-
cutor’s office, that he’d do whatever it took to
set the record straight for Green.

Then he sought out the man he’d sent away.
He shook Green’s hand and told him how sorry
he was.

“Everybody owed him an apology. I felt
terrible. The victim was 100 percent sure we
had the guy and so was I. There was a lot of
circumstantial evidence and it was all wrong.
Up until I saw the DNA, I still thought the
victim was right,” McGinty says.

Could his aggressiveness, take-them-all-pris-
oner style be the kind of approach that could
put innocent people in jail?

“I’ve done a lot of cases, some pretty big
ones, too. Say there might be 10 witnesses. I’ll
have a file an inch thick at most,” says Marino.

“Judgment call, man.”

McGinty got his guys away for as long as
he could and he felt good about it. He fought
as though the accused had personally victim-
ized him.

“First time I ever saw him, I was afraid of
him,” says Karen Holttnger, one of the several
downes victim of Ronnie Shelton, the West
Side rapist McGinty helped capture and prose-
ctor’s office promised to knock off
Donald Nugent knocked off McGettrick,
whom McGinty tauntingly referred to as “his
dishonor.” Nugent later became a federal judge.

McGinty once visited the chambers of
Judge James McGinty, whom he idolized for his principles —
whom he admired for his principles —
how McGinty years earlier had used a
public forum — a sentencing hearing — to
ment that might spare the victims the ordeal of
ment to a WMMS employee who had cut a
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McGinty delivers verdict on Cleveland rape

By Bill Kossel

McGinty delivered his verdict on the Cleveland rape case on Tuesday, the last day of the trial. The jury deliberated for 11 hours before returning a not guilty verdict.

The trial was the most high-profile case in Cleveland in recent history, and McGinty was under intense pressure to deliver a verdict that would satisfy the public.

McGinty, who had been the lead prosecutor in the case, said he was pleased with the outcome.

"It was a difficult case," McGinty said. "But I believe we presented a strong case and the jury was convinced that the defendant was not guilty."

The defendant, a 25-year-old man, was accused of raping a 16-year-old girl in a Cleveland park.

"We believe she was targeted because of her race," McGinty said. "We will continue to work with the community to ensure that all civic leaders support and work towards positive change in the Cleveland area."

The trial was marked by protests and demonstrations, with many members of the community calling for justice and transparency.

"I believe in the justice system," McGinty said. "I believe in the ability of our courts to deliver fair and just verdicts."

The defendant was released from jail on Tuesday, a day after the verdict was announced.

"I am grateful for the opportunity to clear my name," the defendant said. "I believe in the justice system, and I believe in my innocence."

The case has drawn national attention, with many calling for a re-examination of the Cleveland police department and its practices.

"I believe in the police department," McGinty said. "I believe in their commitment to serving the community and to upholding the law."

The case has also raised questions about the effectiveness of the police department, with some calling for changes in the way they handle investigations.

"I believe in the police department," McGinty said. "I believe in their commitment to serving the community and to upholding the law."

The trial has been a source of tension in the Cleveland area, with many calling for a resolution to the case.

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The trial lasted for two months, with testimony from more than 100 witnesses.

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McIntyre, ignoring those who say there's no proof that assigning a lawyer earlier would speed up the process. "We could save three or four thousand dollars per prisoner in reduced jail stays. That's a lot of money and you don't have to build a new jail."

In addition, defendants would be convicted or cleared faster, so justice would move along. "McIntyre is correct that it takes too long to convict or clear suspects in Cuyahoga County," says McMonagle. But the administration system "the most corruptive influence on the integrity of our bench."

The same bench that he calls hard-working harnesses. It's her way, or no highway.

"He needs to do it. It burns off stress," says Jack McGinty, who is 76 and after graduation signed on with the prosecutor's office, where his star rose quickly. When he's not in court or trying to change the world, McGinty partners around with vintage car fans to work on old auto restorers. He's just about done with a 1949 Packard, which he had planned to give to his son when he's done. But first he'll have to get past his wife, Ellen, who won't let Patrick have the car because it's so old, it doesn't have shoulder harnesses. "It's her way, or no highway.""McIntyre doesn't play hard guy at home. "That doesn't work here. It might work on his motion. But first he'll have to get past his wife, Ellen, who won't let Patrick have the car because it's so old, it doesn't have shoulder harnesses. "It's her way, or no highway."

"Son, it's a chick magnet," he declared. Not the munitions running, of course. His pace is tame. This year, he competed in the Boston Marathon and six days later beat four hours in the Cleveland Rite Aid Marathon.

"He's never had 10 cents worth of interest in books and knew at an early age that he would live a life of public service," says his dad, and his brother is an investment banker in Cleveland. His mom is a retired real estate agent. "Tami just interested in doing the right thing," his dad says. McGinty says he was former President John F. Kennedy, an Irish Catholic Democrat like himself, who inspired him to want to work for the public.

"I brought into that whole John Kennedy speech," the judge says. "Ask not what your country can do for you." McGinty kicked around at some construction and steel mill jobs after college before becoming a county probation officer, where he would receive his first taste of the criminal element. He knew then that he wanted to become a prosecutor, so he attended night classes at Cleveland-Marshall College of Law and after graduation signed on with his prosecutor's office, where his star rose quickly.

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and his crusades as a judge, made sure to save John Carroll University this year, says her times, it can be stressful."

"He feels like it's his responsibility to speak up about the things he sees, that it would be the process, at work.

husband to seek change, and win enemies in accomplish what is important that compels her important," says Leon.

Grace Leon, whose husband, Wayne, a Cleve-

land policeman, was shot and killed on duty on June 25, 2000.

"Tim had so many barriers to overcome to get this built and he overcame them all. And

land policeman. He started it all.

Leon, after an evening in which she and
does a disservice to hard-work-

McGinty's methods might draw protest, but he lost his credibility when he continued to

he continues to heat that drum," Ready says.

Judge David Mata says McGinty is doing more harm than good.

"To pick up the paper and have your neighbors and friends think you are part of a
does a disservice to hard-work-

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McGinty, whose husband, Wayne, a Clev-

"He loses credibility when he continues to

"We're going to commission a consultant to talk to us about how to do our jobs," says Mata. "Especially when it's a lie."

"He's a lie, says McGinty; then why not have an outside expert prove it?

"We're not supposed to criticize another
culture here."

"McGinty's Methods might draw protest, but he

Money, no study has been done. McGinty says
to confront the culture here."

"I saw the lack of accountability and what it did. It fostered judges like McGettrick. We
covered up for their ineptitude with this cul-

it can't be denied that they're also coaxing

to institute his reforms. "He doesn't have a

But culture is slow to change. Six months after the commissioners voted to give the

money, no study has been done. McGinty says the court still wants to operate in the dark.

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"Just because something of a certain validity, you're obliged to accept it. Just because something of a certain validity, you're obliged to accept it.

"I don't think it's true that the courts are resisting a study, says McManus. He says he has been working with representatives of each compo-

McManus's methods might draw protest, but it can't be denied that they're also covering progress.

In addition to the monument study, judges in April voted to put to the voters on the arraignment room casework system. Now a judge
From the courtroom, McGinty begins a story about the early American flags that set the stage for the debate, McGinty starts to say he'll have to have a witness available for the entire day tomorrow. The defendant is charged with assaulting a cop who was arresting his mother, and the mother—who may have on her own behalf—to help her. He tells a story about each one—the Republic of California, the finest speech ever given in American history was given at Gettysburg and it was three and a half minutes long. 

The judge reaches for a photo, tacked behind him retorts. “It’s interesting, I’ll say that when it comes to sentencing, their seats. He has done his job. He has put an end to the practice of judges handing out work to lawyers, there are not delays caused by Leneghan’s client had several cases before the judge and the lawyer thought with McGinty after trying to argue that charges of assaulting a cop, he was dropped because it had taken too long to bring his client to trial. McGinty said delays were caused by Leneghan’s tardiness at court, blew a gasket and set the file on fire. He’s being held on some other things,” McGinty says. “Just have your witnesses ready.” 

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