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## UPDATE AUDIO Krendick Not Guilty

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8/6/2008 4:10:32 PM | Joe Jastrzemski

A visiting judge has found Summit County Deputy Stephen Krendick not guilty in the jail death of inmate Mark McCullaugh.



[LISTEN To The Verdict As It Was Read To The Court](#)

Defense Attorney James Kersey responded to the verdict by saying he was very happy and that the prosecution did have enough, there was an overall lack of proof in the case.



[LISTEN to Kersey's Reaction After Winning The Case](#)

In response to the verdict, Summit County Sheriff Drew Alexander said he was very happy for the Krendick family. He pointed out his agency has been under scrutiny for this case.

"This has been a difficult time, not only for the Krendick family, but for my entire agency," he said.



[LISTEN to Alexander React To The Outcome Of The Trial](#)

4:27 p.m.

No comment from Krendick, who was cleared of all charges according to reporter Lindsay McCoy. There were no lesser charges imposed by Geauga County visiting Judge Herman F. Inderlied. Krendick's family cheered as the verdict was read, while McCullaugh's family was in tears.

Summit County Sheriff Drew Alexander was on hand as the verdict in the bench trial (no jury) was delivered, and said he was "very happy" with the verdict. If he had been convicted of murder, the 35-year old Krendick faced a potential prison sentence of 15 years to life.

Defense lawyers say the verdict shows the facts didn't support the charges; prosecutors were tight-lipped on the status of their case against four other deputies still facing charges in the August 20, 2006 death of McCullaugh at the Summit County jail.

*More coverage to come; earlier reporting by Lindsay McCoy*

In closing statements the defense argued a heart attack or heart problem was to blame for the death of Summit County inmate Mark McCullaugh, the prosecution stuck with its opinion all along; that McCullaugh died of asphyxia.

The focus of the trial was narrowed in on what happened the last night McCullaugh was in his cell. The description by the prosecution pointed to a fight that went too far, while the defense argued that McCullaugh injured himself in his cell and as the efforts to restrain him were made, the stress was enough to cause a heart attack or heart failure.



### [LISTEN to Kersey's Closing On A Lack Of Proof In The Case](#)

The final weapon the prosecution cited claimed the life of McCullaugh was the pepper spray in Krendick's hand. Dr. Sturbenz identified three factors that lead to McCullaugh's death including electrical, mechanical and chemical. Prosecuting Attorney John Kosko described the pepper spray had covered McCullaugh "from his hair down to his socks", and that there was enough pepper spray to burn his skin away.

The defense claimed the prosecution have "no proof" that the pepper spray killed McCullaugh as well as no proof that McCullaugh was in a hog-tied position when he was cuffed. According to Defense Attorney James Kersey's closing argument, the only incident verified by two nurses was that Krendick's boot at some point made contact with McCullaugh's head.

But Kosko ended the afternoon with his closing arguments. Kosko described the death of McCullaugh as "malicious".

"They beat him up," he told the courtroom.



### [LISTEN to Kosko's Closing Arguments](#)

Kosko said the use of pepper spray after McCullaugh was cuffed was felonious assault, that it was a lopsided fight, no one else got hurt and his guy (McCullaugh) "lost real bad".

Krendick's fiance became emotional near the end of closing arguments in visiting Judge H.R. Inderlied's courtroom. As she wiped away her tears, the McCullaugh family stared straight forward with saddened looks on their faces.

Jennifer Fox, McCullaugh's mother, described the trial as an emotional rollercoaster. Fox said she wants justice and hopes that the deputies involved won't be allowed to put on uniforms again.



### [LISTEN to Fox Explain What She Hopes Will Happen](#)

Krendick sat attentively as he has during the past week and a half.

*Previous Coverage Today:*

Just before testimony began, tears ran down the faces of Krendick's family. Defense attorneys did not have any plans on having Krendrick take the stand and testify in

3 his own behalf.

The defense did question four witnesses this morning regarding incidents prior to Mark McCullaugh Junior's arrest. They were four Akron Police Officers. The prosecution argued that parading officers into the court room to testify about those instances had no relation to August 20, 2006, the day that McCullaugh died. The trial of Krendick, one of five Summit County Sheriff's deputies facing charges in the incident, is now in its second week.

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**Comments** [As of August 26, 2008]

posted at 8/6/2008 7:02:15 PM (2151)

**jefferys** said:

Just goes to show, if ya got a badge you really can get away with murder. A visiting judge with no recourse when he's wrong. I'm sure the prosecutors office did all they could ("Riiiiiiight"). And now lawyers for the defence act like they know more than the coroner. Nothin like true justice. Hope all that were involved don't believe in karma. If they do they'll not be gettin much sleep any time soon.

posted at 8/6/2008 9:42:06 PM (2152)

**mona** said:

My heart is sadden, my head in disbelief. Krendicks own peers testified to him stomping on this shackled mans head, unloading a 16 oz can of pepper spray (crowd control size) on this man, and never was the unspecified anal injury even addressed in court. My prays are with the McCullaugh family. I am sorry that the reputation of the Summit County Sheriff is to some, more important than a human life. I am numb.

posted at 8/6/2008 11:22:22 PM (2153)

**annie** said:

The man had his day in court. He was acquitted and is innocent according to the law. Mr. McCullaugh was a very disturbed and unfortunate man. He did not deserve to die, but that doesn't make it murder. Godspeed to the healing of all parties involved and their families.

posted at 8/7/2008 7:23:46 AM (2154)

**historybuff** said:

Justice, bought and paid for. Krendick did it all right. The badge, the gun, murder for hire!

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Return to the TASER COLLECTION:

<http://www.charlydmiller.com/LIB07/2006TaserCollection.html#McCullaugh>

Return to the Restraint Asphyxia LIBRARY:

<http://www.charlydmiller.com/RA/RALibrary.html#McCullaugh>