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Douglas Prade should not go back to prison simply because of a deadline: editorial



Douglas Prade sits in jail for now awaiting a decision from the Ninth District Court of Appeals on whether he is entitled to a new trial in the 1997 slaying of his former wife, Dr. Margo Prade. (Chuck Crow, *The Plain Dealer*)

Print (http://blog.cleveland.com/opinion_impact/print.html?entry=/2014/08/douglas_prade_should_not_go_ba.html)

 (<http://connect.cleveland.com/staff/neomgeditorial/index.html>) By Editorial Board
(<http://connect.cleveland.com/staff/neomgeditorial/posts.html>)
on August 01, 2014 at 7:30 AM, updated August 01, 2014 at 11:09 AM

We don't know if Douglas Prade, the former Akron police captain originally convicted of the 1997 killing of his ex-wife, Margo Prade, is as innocent as Dr. Richard Kimble in "The Fugitive" or as guilty as Hannibal Lector, the fictional cannibal.

But we do know that Prade, **who was released from prison in 2013** (http://www.cleveland.com/metro/index.ssf/2013/01/douglas_prade_former_akron_pol.html) by now-retired Summit County Common Pleas Judge Judy Hunter, doesn't deserve a trip back to prison if judges on the 9th Ohio District Court of Appeals fail to meet a 30-day deadline to rule on Hunter's order for a new trial. Hunter had granted Prade another trial if her order releasing him from prison was overturned on appeal, as it has been.

Furthermore, it seems to us that the only way to ensure that Prade is justly re-imprisoned is to grant him a new trial based on the recent DNA evidence that Hunter ruled exonerated him -- even though the 9th Ohio appellate court disagreed about the weight of that evidence, and the Ohio Supreme Court recently **declined to review** (http://www.cleveland.com/open/index.ssf/2014/07/ohio_supreme_court_declines_to.html) that decision.

At the very least, Prade ought not to go back to prison simply because of an arbitrary deadline.

Prade is currently in Summit County jail, but Summit County Common Pleas Judge Christine Croce says he must return to state prison if the appellate court takes longer than 30 days to rule on Hunter's order for a new trial.

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While it is true that the court keeps its own clock, in this case, we urge the appeals court to give its answer within 30 days.

Prade, who has maintained his innocence, had been serving a life sentence for shooting and killing his ex-wife, a doctor, outside of her office. Although there was ample circumstantial evidence against him, a bite mark on her arm was one of the key pieces of evidence in his 1998 trial.

However, last year Hunter ruled after a hearing that advanced DNA testing now available does not link Prade's DNA to the bite mark that led some jurors to convict him.

No "reasonable juror" could have found him guilty, she concluded before she freed Prade. "There is no just reason for delay," Hunter wrote.

The appellate court may disagree with Hunter's findings on Prade's guilt, but it can't disagree with her conclusion about a need for speed. It must expedite its decision.

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Judge Hunter's decision was a stunner. It was no surprise that she was unanimously reversed on appeal.

How many people with a first degree murder charge pending against them are walking around free? None, that I have ever heard of.

This is a no-brainer. Give him a new trial if the evidence requires it, but, in the meantime, lock him up.