

STAR MAGAZINE

THE KANSAS CITY STAR

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FOR THE DEFENSE

No boardroom lawyer,
John O'Connor tackles Kansas City's
sensational cases

Gulliver's travels ● Getting Started: Old sport ● By Design: Flower power ● Your Health

By
Tom
Jackman

MAN IN THE STREETS

*John O'Connor's
insistence on doing
his own legwork
has spelled acquittal
in many of his
high-profile cases*



Photos
by
Don Ipock



Joseph Spino, reflected in a mirror at his store, was charged with murder when a customer died after being beaten.

The crushing heat and littered halls make walking into the T.B. Watkins housing project like staggering through a dense, rancid fog. John O'Connor plunges ahead in his crisp khaki suit. A certified court reporter trails close behind.

A former assistant prosecutor, O'Connor is now on the other side, defending a man accused of murder. His search for a witness has led him to the city's meanest apartment com-

plex, where a white man in a suit is usually a cop or a crack customer.

"Who is it?" a high-pitched voice calls out. "John O'Connor."

The door opens. Jackpot. O'Connor finds not one but two witnesses in the apartment. The court reporter pulls out her stenograph machine and sits on the coffee table.

O'Connor asks one of the young women to recall exactly what happened in the minutes preceding the fatal beating. After interviewing both women, he walks casually outside and speaks to a group of men he fears will suspect that the women are police informants.



Defense lawyer John O'Connor and court reporter Teresa Taylor interview a potential witness in a store on the Paseo.

"Fellas, what's going on?" he asks easily. "I'm a defense attorney representing a man who's been wrongly accused." That line draws supportive nods and questions about possible representation. O'Connor recognizes a man he helped prosecute 10 years ago, and they talk amiably. Within moments, O'Connor has disarmed the entire group, as comfortable in the inner city as in a complex court battle.



Few lawyers pound the pavement in search of witnesses and evidence, either to build a defense or knock down an alibi. Since his days as an investigator in the Jackson County prosecutor's office, John O'Connor has done so routinely.

But O'Connor is even more of a rarity: He's a defense lawyer people like. In an age where lawyers have replaced ethnic groups as the butt of jokes, O'Connor remains popular among members of the bar as well as players in the criminal justice system.

"I don't know of anybody that doesn't like old John," said Jackson County Circuit Judge Michael Coburn. "He's a guy whom you trust implicitly. You can't say that about everybody."

("Old John" hardly looks his 40 years, despite helping to raise seven kids in the last 20 years.)

"Lawyers often are more concerned with preserving an intellectual image," said Jim Jeans, a law professor at the University of Missouri-Kansas City. "(John's) lack of pretension is his greatest asset."

Besides his high rating in the congeniality competition, O'Connor has had remarkable success in recent years with a string of high-profile defendants. Consider:

■ Bryan Sheppard. Charge: Triggering the explosion that killed six firefighters in November 1988. Result: Charges dismissed.

■ Officer Stephen Stock. Charge: Involuntary manslaughter, for shooting a Kansas City, North, stockbroker to death in his apartment in October 1990. Result: Not guilty.

■ Danny Hyler. Charge: Participating in the Olive Street firebombing that left six family members dead in January 1989. Result: Charges dismissed.

■ Jacqueline Delacruz. Charge: Abusing her 3-year-old great-niece to death in Blue Springs in February 1990. Result: Charges dismissed.

There's little mystery to O'Connor's method. He digs and digs until he has discredited his client's accusers, or showed that his client simply wasn't there. Often, he presents his findings to the prosecutors. The prosecutors, overwhelmed by cases and lacking the time to match O'Connor's investigation, sometimes are persuaded to drop the charges.

O'Connor's knack for getting that information — whether from winos or bankers — comes from his working-class background.

"One of the advantages of the common man is you're not better than anybody," O'Connor said. "I think I can deal with intellectual people and street

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people on the same level. I think I have real good common sense, and that carries you a long ways."



On a sweltering July afternoon, O'Connor continues his investigation of a case that could become as hot as the Paseo pavement: A black man was beaten into a coma by a white store owner. While Jackson County prosecutors considered how to handle the case, members of the black community called for charges to be filed against the owner, Joseph P. Spino.

The prosecutors presented the case to a grand jury, which indicted Spino for assaulting William L. Ralls. When Ralls died April 30, nearly two months after the beating, Spino was charged with murder. Some civil rights activists then called for a boycott of Spino's A&J Liquor and Deli. The case has most of the elements of a racially charged Spike Lee scenario.

On this day, O'Connor works out of Spino's store at 1028 the Paseo, contacting witnesses scheduled to testify for the prosecution.

The first man he speaks with said he saw Spino strike Ralls with the bat. But he paints a picture of Spino acting out of fearful

self-defense. He tells of Ralls' belligerent behavior on that day, and provides the names of several customers Ralls harassed.

Another prosecution witness confirms that Ralls was drunk and nasty the night he was fatally injured. O'Connor tells both men he'll be back with a court reporter to get their observations on the record.

O'Connor is ebullient. Neither witness has been contacted by the prosecutor's office, who may be surprised by their testimony. He has the names of more people who might testify for the defense, which will lead him to the nearby, Watkins housing project.



Part of O'Connor's reputation stems from his willingness to do the legwork. "Not very many do it," said Robert Duncan, one of the city's most respected private defenders. "I did when I was young. It is best to do it yourself."

"To me, that's being a lawyer," O'Connor said. "The cases aren't won in court. They're won in preparation, outside the courtroom."

Victories for his clients haven't hurt O'Connor's stature either. Undoubtedly the biggest win freed his client, Bryan Sheppard, from the shadow of six counts of murder in the firefighters explosion.

After Sheppard was indicted, O'Connor examined the police files and identified Sheppard's main accusers. Then he visited them, court reporter in tow. That's all.

Months before the indictment, a man named Chris Sciarra told police that Sheppard had confessed to him. But after O'Connor spoke with Sciarra, on the record, Sciarra said: "Do you know, I don't think he (Sheppard) actually admitted it."

Sciarra then signed an affidavit, prepared by O'Connor, changing his mind about Sheppard's confession, and pointing the finger at another jail inmate. The affidavit also summarized Sciarra's drug, crime and psychiatric problems.

O'Connor obtained similar statements from other witnesses who recanted their initial allegations.

Presented with a new set of statements from their chief witnesses, Jackson County prosecutors dropped the case. Police maintain O'Connor manipulated Sciarra, and a transcript shows O'Connor did question Sciarra with unrelenting intensity. Still, the resulting affidavit cast "reasonable doubt" on the case, and Sheppard was released.

O'Connor's defense career hasn't been completely triumphant, though. He also represented Gregory Winship, a member of the Jeffrey



While waiting for potential witnesses to show up, O'Connor makes phone calls outside Joseph Spino's store, site of a fatal beating.



O'Connor talks to Dr. Shelley Tepper at the Jackson County Medical Examiners Office. O'Connor was looking into the cause of death for a beating victim.

Lundgren clan that murdered a former Independence family in 1989. O'Connor arranged a plea bargain in which Winship avoided the death penalty, but faces a lengthy prison sentence.

Abdul Nur Shakur, a midlevel cocaine dealer, insisted on going to trial in 1989 in federal court despite a raft of evidence against him. O'Connor fought gamely, but Shakur and most of his immediate family were all found guilty. Shakur was sentenced to 75 years.

And in a classic defense attorney irony, O'Connor represented the career criminal George "Baby" Harris in an armed robbery trial. O'Connor completely outmaneuvered a young county prosecutor, and Harris was acquitted. Several weeks later, Harris pumped a fatal gunshot into the face of a former friend, and subsequently was sentenced to death.

O'Connor waits inside Spino's store, looking for a man and a woman who supposedly tried to move Ralls after he was hit with the bat.

O'Connor asks one man whether he knows where to find these people. The man points out a house around the corner, but doesn't want to be seen talking to O'Connor. He says he knows of other witnesses, and will call O'Connor. Later that day, he shows up at O'Connor's office with a list of five names and addresses.

After a trip to Municipal Court, O'Connor returns to the Paseo and finds the man he's looking for. The man says he's already talked to Albert Riederer, and won't talk to O'Connor unless subpoenaed. He knows the system. But O'Connor knows the man isn't on the prosecution's witness list. Even if he really saw something incriminating, he probably

won't be called to testify. O'Connor leaves him alone.

No one thought John O'Connor would someday be a successful lawyer. "I really didn't have these goals," said the youngest of seven children. "Our family didn't even know a lawyer."

O'Connor was a baseball player, not a student, and his mother, Eleanor, recalls him being chastised by the nuns at various Catholic schools around Kansas City for staring at the ball field rather than the blackboard.

O'Connor tried college for a year, then left and at age 19 married Catherine Parris, herself one of 13 children. O'Connor began training to become a millwright.

But a bad union connection cut him out of the apprenticeship program. Instead, O'Connor got a job as a guard at the Jackson County jail. His assignment was transporting prisoners to and from court.

"I was amazed by all of it," O'Connor said. "I looked forward to going to court every day." He soon became convinced that these lawyers weren't so much smarter than he was.

In 1974, he returned to college, and graduated from Avila College in 1977. The next year, he obtained a master's degree from Central Missouri State University, while still working in the jail and then as an investigator for the public defender's office.

While trying, and failing, to get into UMKC law school, O'Connor moved to the prosecutor's office as an investigator. Combining his energy with an improved sense of the streets, gained from three years' work in the jail, O'Connor started helping prosecutors build the foundations for convictions.

"He was famous for going into the most dangerous neighborhoods late at night and finding

witnesses," recalled James Humphrey, a former prosecutor. "He's got more guts than Dick Tracy."

After three days of cruising the Paseo, O'Connor finally spots the woman witness he has been searching for. She's standing in the shadows of the store, unexpectedly sober. O'Connor leads her inside the grocery, and takes her and the court reporter to a back storeroom for a statement.

O'Connor explains who he is, and why he's doing this. The woman agrees to cooperate. "I was high," she says more than once, trying to justify her fuzzy memory of the night in question. O'Connor presses on anyway.

The woman says she went to Ralls' aid after he fell, but she says she never tried to move him. She says the other man, who reportedly was with her, wasn't there. She never saw Spino hit Ralls with the bat, although she was outside the store where the beating took place. She says she will testify. O'Connor is quietly satisfied.

O'Connor graduated from UMKC law school in 1982, but didn't pass the bar until a year later. But even before he became an assistant prosecutor, O'Connor was "trying cases and winning them," Duncan said. "After being there a very short time, I thought he was the best prosecutor there."

"Even when he was just a pup, he was around on all the big cases," said Detective Ed Glynn, a homicide investigator who worked with O'Connor.

Perhaps O'Connor's biggest case was the 1983 murder of Earl and Pauline Chambers, a popular couple who for years had operated a Downtown tavern. They were stabbed to death in their home at 58th Street and the Paseo by a group of burglars. Over four years O'Connor obtained five murder convictions.

As a prosecutor, O'Connor still did his own legwork. In a 1984 rape case, there was no definitive physical evidence, but the victim and a witness recalled the attacker's distinctive gun. O'Connor went to the suspect's house, interviewed his mother, and asked whether her son had a toy gun. Why yes, the mother said. Could O'Connor take it? Sure, the mother said. The gun sealed the rape conviction.

O'Connor's star rose. In 1986, he won the Lon O. Hocker Award, given annually by the Missouri Bar to the most promising young trial lawyer in the area. After leaving the prosecutor's office in 1987, he was mentioned often as a possible candidate for Riederer's job.

But Riederer sought re-election in 1988, and O'Connor declined to run against him. Although O'Connor would like to run for prosecutor, he feels a loyalty to Riederer, who hired him as an assistant in 1983. If Riederer runs for a fourth term next year, O'Connor won't challenge him.

Until then, O'Connor is happy with what he's doing, even though "he used to put them away,

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children wonder where parents will be and what they will be doing.

■ **General fears.** Children worry about asking to go to the bathroom, worry they won't have the right supplies or will be unable to do the work.

Parents can help offset these fears. Experts suggest parents search libraries for books or videos that address the subjects of new schools and new friends.

Attend open houses, if offered, to allow the child a chance to visit the classroom with the security of a parent along. Discuss transportation and practice the walk or visit the bus stop.

"The more you plan and prepare with them, the easier it will be for them," Busby said. "It's important to give them a big hug and kiss goodbye, but don't stay in the room. Be consistent."

Tears are not unusual for the first-time students, but the experts say complaints past the first week should probably be treated.

Dr. Carla Polasek, a child psychiatrist, said constant complaints of headaches, stomachaches, or trouble sleeping should prompt a visit to a pediatrician to rule out any physical problems. Parents can help by talking with children about school before it begins, she said. Ask children what they think school will be like. Try to

answer questions and reassure them.

Experts say asking children to draw a picture may help express fears and needs. "Reassure a child where the parent will be during school and where and when they will see them again," Polasek said.

Schools often try to link school and home through stories, art projects, cooking and pictures.

Parents can help by including notes in lunchboxes or by leaving messages on an answering machine for a child to hear when he returns, if the parent won't be home until later.

It also helps, before school starts, to introduce the child to others who will be schoolmates. Pairing a youngster with another at the same bus stop can help reduce fears as well.

If the new-school jitters persist more than a month, Polasek recommends parents talk with teachers, counselors or seek advice from a community mental health center.

Phyllis Washington, principal of Swinney, says most children do adapt easily to school. "After a few days they find it will be a pretty neat experience and learn they are not totally severing their relationship with Mom."

Miriam Pepper is a writer for The Star.

BODY & SOUL

A National Cancer Institute statistical review says that 51.1 percent of all cancer patients are now surviving at least five years, a 4.1 percent increase from the mid-1970s. Cancer incidence rates are declining for cervix, stomach, colon-rectum and some types of leukemia; cancer deaths among children have dropped 38 percent since 1973. But total incidence of all cancers continues to grow.



The nationwide shortage of nurses is easing, according to a survey, and the recession might be the reason.

Laura Marker, the American Hospital Association's vice president for nursing, says the recession is causing some nurses to re-enter the work force, pushing the percentage of vacancies across the United States down to 11 percent in 1990 from 12.7 percent a year earlier. Because such a large percentage of nurses are married with children, Marker says, nursing salaries may be providing families with necessary supplemental income when nurses' spouses lose their overtime wages or their jobs.

For the long term, this trend worries Marker. "When the economy shifts, a lot of nurses might very well exit the job market again," she says.

From The Star's press services

O'CONNOR

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now he's keeping them out," as his mother puts it.

"He's got that fire in him," Glynn said, "and you can see it now that he's on the other side. We hated to lose him."

O'Connor didn't really see an ethical dilemma in leaving the prosecutor's office for defense work. "This is what I know, this is what I enjoy doing," he said. He feels vindicated when he clears an innocent person.

At home, off the streets, O'Connor acts as chief enforcement officer for a rowdy band of offspring ranging in ages from 6 to 19. He spends most of his free time attending or coaching the children's ballgames, or working at the law profession's branch office, the golf course.

"It's still hard for me to believe," O'Connor said of his success. "You've got to work hard, but you've also got to have the breaks. I worked hard, but I also got the breaks."

After a daylong trial, O'Connor and Jackson County prosecutors presented their closing arguments Aug. 14 in the murder trial of Joseph Spino. "William Ralls was killed because he wouldn't leave the store," said prosecutor Joseph Bednar. Self-defense? "That's baloney," Bednar told the jury.

O'Connor's response was dramatic, his voice rising indignantly. He unveiled a huge handwritten chart of questions for the prosecutors. "Can honest business owners defend themselves on their own property?" he asked. One juror appeared to be crying. A reference to the courage of the Rev. Martin Luther King Jr. caused some Ralls family supporters to storm out. Two hours later, a verdict: Not guilty on all counts.

Tom Jackman is a writer for The Star.

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HEALTH TALK

Information is a source of good health. Ask a health care professional.

Q *I am considering permanent eyebrows. Is permanent makeup like a tattoo?*

A There are several techniques popular for the application of permanent make-up. The technique utilized at Mirror Image is called "micropigmentation or MPI," involving the microimplantation of FDA approved colors into the skin. Though MPI is compared with tattooing in concept (both apply color that does not wash off), there are several important differences.

A tattoo is generally done as a single application, placed deeply in the skin, and lasts a lifetime. It may feel harsh to receive and result in a scab forming over the application. With MPI, color is applied much shallower in the skin and is layered in over a three application process. It is mild to receive, does not form a scab, and responds to the skin's renewal process lightening over time with about a five year life span. This will allow for an updated or softer look later on which is important to many clients. Many people spend twenty minutes or more daily just applying eyebrow make-up. Clients express relief, even joy, at the freedom they have from the chore of daily application of temporary brow make-up. "This

has changed my life" said one very satisfied client.

Pat Elliott, Mirror Image
17501 E. 40 Hwy, Indep., MO
(816) 478-3373

Q *I know some weight loss programs use powdered food replacements. But how do I learn to eat less if I'm not eating at all?*

A Surprisingly, you can learn a great deal about food and eating behavior even when you are "fasting." This is especially true if you use the fast to think about and practice the behavior changes you will need to keep your weight off. However, a supplemented fast is only recommended for persons who are 50 pounds or more overweight and only if it is done under supervision by a physician.

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