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Philadelphia jury rules detective didn't assault former judge



Leslie Fleisher resigned from Common Pleas Court in March.

By Joseph A. Slobodzian, Inquirer Staff Writer

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The Oct. 17, 2009, altercation between Judge Leslie Fleisher and paramour Lewis B. Palmer III left her with a cut scalp and scrapes and bruises.

But whatever transpired that night in her Society Hill townhouse - her version, his version, or a mix of the two - did not amount to criminal assault, a Philadelphia Common Pleas Court jury ruled Wednesday.

After about five hours of deliberations over two days, the jury of eight women and four men acquitted Palmer, 49, of aggravated and simple assault charges.

But the jury did find Palmer guilty of violating Pennsylvania's wiretap statute by recording six of Fleisher's angry calls to him three days after the altercation without her consent.

By Oct. 20, 2009, Palmer had already been suspended from his \$64,471-a-year job as a narcotics detective in the District Attorney's Office. Defense attorney A. Charles Peruto Jr. said the recordings, though illegal, were Palmer's desperate try at defending himself to his bosses and justifying what had happened.

Palmer sat in his chair in court, head down, kneading his brow in a hand after hearing the verdict, which probably won't result in jail time but could cost him his job.

"We came here saying that no assault took place, and the jury so found," Peruto said afterward. "I am elated."

Palmer left without commenting, accompanied by family and friends.

Peruto said Palmer would fight to get back his job and would file a civil

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perjury lawsuit against Fleisher, 48, alleging she brought false assault charges against her boyfriend of four years.

Reinstatement may not be easy. Tasha Jamerson, spokeswoman for District Attorney Seth Williams, said: "Mr. Palmer is now a convicted felon. It is not the policy of this office to hire convicted felons or to rehire them to their previous position."

Fleisher, a Common Pleas Court Judge from 2001 until she resigned in March amid lawyer complaints about her courtroom behavior and management, was not there for the verdict, though she had been in court earlier.

Fleisher has consistently refused to comment on the controversy or her resignation. State Deputy Attorney General Bill Davis, who prosecuted because of Palmer's job with the District Attorney's Office, said he had not had a chance to tell her about the verdict.

"I'm disappointed that [the jury] did not find her to be an assault victim," Davis said, "but I think the fact of the wiretap verdict will prevent him from ever again being a city police officer. He's the kind who gives cops a bad name."

Judge Charles B. Smith, the retired federal magistrate judge and senior Chester County judge who presided because of Fleisher's service on the Philadelphia court, set sentencing for Nov. 29 and told Davis that he would be open to imposing a first-offender probationary sentence.

Davis declined to say what sentence he would seek. He said the statutory maximum for the wiretap verdict was seven years in prison.

Palmer was charged with shoving Fleisher against a wall and trying to choke her during an argument over his watching football on television. The ex-judge's uneasy and at times confused testimony drew a capacity crowd of mostly lawyers to the trial Tuesday.

Palmer did not testify. But in his 30-minute audiotaped statement to agents of the state Attorney General's Office, played for the jury, he said Fleisher had initiated the fight by jumping on his back and trying to grab his gun.

Both sides described the relationship as stormy and combative, and Palmer said in his statement that Fleisher had previously assaulted him.

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