

GROUP SAYS NEW MAYOR MERITS JAIL, NOT OFFICE

**By Deborah Frazier, Rocky Mountain News
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Black Hawk's new mayor belongs in jail, not at city hall, the Colorado Coalition Against Domestic Violence said Thursday.

David Spellman, who was sworn in Wednesday night, pleaded guilty last week to felony charges for pistol-whipping his wife, firing the gun at least three times and threatening to kill her in 2005.

He received four years of probation with a required diversion program that could include counseling for alcohol abuse, anger and domestic abuse.

Spellman and the victim, Lynnette Hailey, Central City's city manager, have since reconciled.

"He is walking free and was sworn in by a judge to uphold the law, which he hasn't done himself," said Randy Saucedo of the Colorado Coalition Against Domestic Violence.

Saucedo and other members of the coalition met with Carl Blesch, spokesman for Gilpin District Court, to challenge the plea agreement.

"We are looking for justice," said Saucedo. "The message that's been sent is that domestic violence is acceptable."

Blesch, however, said Spellman had no prior felonies and a witness, Michael Hailey, the victim's brother, left the country and wasn't available to testify.

Lynette Hailey issued a public statement after the assault in defense of Spellman.

"The victim also asked the court to lift (a) restraining order so she could resume her relationship with the defendant," Blesch said.

Blesch said Spellman is under a court order not to have guns or drink alcohol.

"For four years, he must follow strict limits.," said Blesch. If Spellman doesn't comply, he could go to jail.

If Spellman completes probation, the felony conviction will be dropped from his record, Blesch said. The four-year term was double the normal probation period imposed, he said.

Saucedo acknowledged the difficulty of prosecuting cases where the victim may not testify, but said the town of Black Hawk's attitude was "outrageous."

"We have to challenge a community that winks at violence against a partner," said Nancy Osborn Nicholas, the coalition's interim executive director.

The Black Hawk City Council appointed Spellman, who served on the council for 19 years, as mayor in late June after Mayor Kathryn Eccker died.

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