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Karen Heller: Verdict likely in Phila. case of former judge vs. former detective lover

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Leslie Fleisher costars in the case that has the furious desire you see on the soaps, rarely in actual courtrooms.

By Karen Heller, Inquirer Columnist

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He wanted to watch the Penn State game, and she didn't.

The course of true love, to say nothing of justice, never runs smooth, especially in the case of Lewis Palmer III and Leslie Fleisher.

"They had a four-year relationship that was very stormy," state Deputy Attorney General Bill Davis argued, in a mastery of understatement.

On Oct. 17 last year, Fleisher alleges, Palmer tried to choke her and pushed her against a brass hinge in her Society Hill townhouse, causing a gash on the back of her head. He, in turn, accuses his 110-pound former paramour of beating him.

The state Attorney General's Office prosecuted the case because Palmer, 49, was a detective with the Philadelphia District Attorney's Office. Senior Chester County Court Judge Charles B. Smith adjudicated because Fleisher, 48, is a former, embattled judge in the Court of Common Pleas, where the case is being tried.

Fleisher resigned in March, several months after the incident, facing myriad complaints of erratic behavior and courtroom management from several lawyers.

One of those lawyers was A. Charles Peruto Jr., Palmer's defense attorney, who took the case as a professional crusade. "If I lose, I'll retire," Peruto said in March.

"This case will show that she is a former Common Pleas Court judge. And the citizens will be glad she is a former judge," he said Monday. Tuesday he claimed that Fleisher "refuses to testify as long as I'm

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here."

"They're going to have to sell tickets," he said.

They could have. In the cramped corridors of Philadelphia's Criminal Justice Center, the case attracted standing-room interest among top trial lawyers.

When was the exact moment the trial went from being intriguing to ludicrous?

Was it when Peruto lay down and gave part of his closing argument from the floor?

Or was it when he reclined a second time?

Did the pinnacle of absurdity arrive when Fleisher, a witness and no longer a judge, told Smith through a staffer that she "requested a 10-minute recess"?

Perhaps it was when she made a dramatic, though unsteady, late entrance for her testimony Monday and - curious for someone occupying the bench for nine years - appeared not to know the location of the witness box?

Perhaps it was when Peruto argued, rather loudly, that Fleisher tried to break the antenna on Palmer's beloved 10-year-old Lincoln because "she's NUTSI"

To which prosecutor Davis, in his closing, countered of Palmer, "If Leslie Fleisher is nuts, what does that make him?"

Smith, a no-nonsense judge who expertly streamlined the proceedings, said after listening to testimony about Fleisher's injuries, "I'm having a pain scale of about 8."

The two-day trial revealed that Fleisher and Palmer, if not made for each other, display a similarly sporadic understanding of basic legal and medical information.

Fleisher said she didn't know what a hematoma is. Palmer, a Philadelphia detective of 17 years, questioned the definition of choking.

"Choked her? No," he said in a statement. "Grabbed her and squeezed her throat? Yes. Is that choking? I don't know."

Palmer claimed not to know about Pennsylvania's stringent anti-taping laws. He's facing charges of illegally recording six of her phone messages, and forwarding them to his superior in an attempt to retain his job.

"The relationship escalated from simple defense to more than defense over the course of time," Palmer said. "I allowed her to assault myself a definitive number of times, and then I started hitting back."

This was a case of mad love, the sort of furious desire you see on the soaps, and rarely witness in actual courtrooms.

One night, Fleisher phoned Palmer 21 times. She claimed he continued to say he loved her long after the fracas. They met for an assignation at the Ritz-Carlton less than a month after the fight that, by her own admission, ended "not nice." She said he gave her three diamond rings and wanted to marry her. They spoke earlier this month.

Fleisher may be one of the few judges who is an argument against merit selection *and* judicial elections.

She first ran for the bench in 1999 as a Republican. Fleisher was deemed unqualified by the Philadelphia Bar Association and the editorial boards of the Inquirer and the Daily News. She lost. Two years later, she ran again, endorsed by both parties, though still deemed unqualified by the bar and editorial boards.

She did, however, attract support from the Teamsters: \$12,000 in direct contributions from various locals, and \$10,600 in donated printing costs.

A month before the general election, and during his final weeks in office, Gov. Tom Ridge named Fleisher to fill a vacancy. She won election in 2003, coming in seventh among 13 candidates for 11 judgeships.

Since then, she had received a barrage of complaints from attorneys about absences, unusual hours, a lengthy backlog of cases, and unjudicial conduct. Facing dismissal, she agreed to step down from her \$161,850-a-year post, keeping her "honorable" title and some benefits, returning to her interest in pro bono animal rights.

Peruto, pulling out all stops in his closing argument, complete with the two trips to the courtroom carpet, said of Palmer and Fleisher, "Just have Judge Smith marry them after this case is over. That will be punishment."

On that sad and violent October evening, "I just wanted to watch the Penn State game," Palmer said in taped testimony.

The jury is expected to return a verdict today.

For the record, the Nittany Lions trounced the Minnesota Gophers, 20-0.

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