

Mackey shooting witness testifies

■ Beale saw O'Malley fire shot killing Currituck woman

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CURRITUCK — An eyewitness to Morgan Mackey's fatal shooting in August 2011 told jurors Tuesday she was in the room when murder defendant Thomas O'Malley fired the shot that killed the Currituck woman.

Ashley Beale, testifying for the prosecution, recounted the events leading up to Mackey's death during the first day of testimony in O'Malley's murder trial in Currituck Superior Court.

Beale, a receptionist at an Outer Banks animal hospital, testified she knew O'Malley through a mutual friend and that she had bought a sailboat from him in October 2009. She said she would hang out with O'Malley a couple of times a month.

On Aug. 28, 2011, Beale testified she was with O'Malley and Mackey in Point Harbor where they were checking out their boats. Hurricane Irene had just barreled through, and as a result, the docking facility was a wreck. Beale estimates they were at the dock for about four or five hours, drinking and working on their boats.

She testified that when O'Malley invited her to come over that evening for a cookout at his house in



O'MALLEY

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the 100 block of Cardinal Drive in lower Currituck, she accepted. She said she agreed to come because she had lost power at her own home and O'Malley had a generator.

When she arrived at O'Malley's house, Beale testified law enforcement officials were there. She said she was told Mackey had been involved in an altercation with a woman who lived nearby. Beale testified that Mackey had a busted lip and a black eye.

Beale told the jury that she, O'Malley and the woman Mackey had the altercation with ended up in O'Malley's garage, drinking and listening to music. Beale said Mackey joined them for a time, but later went inside O'Malley's house.

Later, Beale testified, O'Malley went in the house and came back out with a gun. She said he fired a couple of rounds from the gun and then she fired a round. Beale said O'Malley then told her they needed to go inside so they wouldn't upset his neighbors any more than they already had.

Beale said when she entered O'Malley's residence, she saw Mackey asleep on the couch. She testified O'Malley tried to wake Mackey up but was not successful.

O'Malley's efforts trying to awaken Mackey roused her dog, Joey, a mixed-breed Doberman pinscher, Beale testified. When the dog appeared to stand up to O'Malley, Beale said he slapped the dog and then went to his room to get his pistol. She testified O'Malley said he was going to kill the dog.

When O'Malley returned, Mackey had woken up and was standing. Beale said she witnessed Mackey and O'Malley get their bodies entangled. She then heard O'Malley's gun go off and saw Mackey slump and breathe a couple of short gasps.

Beale told the jury she heard O'Malley ask Mackey, "Did that graze you?"

Beale said O'Malley then grabbed her wrist and told her, "You didn't see this."

Beale said she tried to get help from a couple who

lived nearby but was unsuccessful. She testified she then fled into some woods, got on her cell phone and called 911.

Beale was one of nearly a half-a-dozen witnesses called to the stand on Tuesday.

In her testimony, Currituck Sheriff's Deputy Kim McIntosh told jurors she was on patrol when she received a call shortly after 1:50 a.m. Aug. 29, 2011, that shots had been fired at O'Malley's Cardinal Drive address. McIntosh recalled driving up and encountering O'Malley, who was approaching her holding his hands up.

McIntosh, noting she was waiting for additional deputies to arrive, said she told O'Malley to get on his knees and remain on the ground. McIntosh said Sgt. Evelyn Thornton then arrived and handcuffed O'Malley before entering the house.

McIntosh told jurors O'Malley appeared to be on an emotional roller-coaster. "His emotions were all over the place," she said, noting he had bloodshot eyes, slurred speech and erratic movements.

McIntosh told jurors O'Malley told her he had shot Mackey after her dog had bitten him. O'Malley made several remarks to her, including, "Morgan is never going to wake up" and "I shot the love of my life," the deputy testified.

McIntosh said O'Malley claimed to her that his pistol, a 9mm, was always empty of bullets and that he had only intended to hit the dog.

"There's no coming back from this one," McIntosh recalled O'Malley saying that night.

She also recalled him asking her, "So this means life in prison?" She also testified that he asked her to either stun him with a stun gun or beat him.

O'Malley appeared to be in tears as McIntosh testified in court on Tuesday.

Thornton testified that when she arrived, she heard O'Malley say, "I shot her. It's all my fault. I killed her."

Some of Mackey's family members and supporters either cried or fought back tears as Thornton was shown crime scene photographs that included Mackey's body on the couch.

Jennifer Sligh, a State Bureau of Investigations expert in firearms, told jurors she test-fired O'Malley's pistol and concluded the gun functions property. Sligh said she couldn't testify about the firearm's condition at the time of Mackey's shooting.

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