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## O'Malley convicted

■ O'Malley sentenced in fatal shooting of ex-girlfriend

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A jury found a former Currituck County man guilty of involuntary manslaughter Thursday in the fatal shooting of his former girlfriend more than three and a half

years ago.

Superior Court Judge J.C. Cole sentenced Thomas Paul O'Malley, 35, who was living in West Virginia before the trial, to 33 months on two charges. The



O'MALLEY

sentence included 19 months minimum for involuntary manslaughter and 14 months minimum for felony possession of a firearm.

O'Malley was credited for 22 months already served prior to posting bond, making his additional sentence about 11 months.

See O'MALLEY, 7A

## O'MALLEY

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O'Malley was accused of shooting then 26-year-old Morgan Mackey, an electrician in Kill Devil Hills, at O'Malley's home on Cardinal Drive in Harbinger as she was trying to prevent him from shooting her dog.

According to testimony, the two had been drinking heavily when O'Malley tried to awaken Mackey and her dog bit him on the arm. O'Malley then went to his room to get a pistol and returned, pointing the gun at the dog. Mackey reportedly tried to intervene and the gun fired, based on eyewitness testimony.

Mackey was hit and died from a single gunshot wound to the chest.

Before sentencing O'Malley, Cole said Mackey's death was a "crime that did not have to happen."

Cole said that alcohol and ownership of firearms had created a deadly combination.

"This family has lost a daughter, a sister because of your fascination of weapons," Cole told O'Malley.

Family members recounted the pain and loss they felt after losing Mackey, whom mother Drenda Mackey described as "beautiful both inside and out." After the trial, both she and the victim's sister Meredith Mackey said the most compelling evidence in the case was how O'Malley told two people not to call 911 after Mackey was shot.

In a brief statement before his sentencing, O'Malley thanked the judge, courts, jurors and victim's family for their time in court.

"There's nothing I can do to take that day back. I think about it every single day of my life. I am so sorry for what happened, but I know

that is not going to bring her back," said O'Malley.

Jurors deliberated for over four hours before delivering the verdict, asking twice for clarification for the difference among four possible choices: second-degree murder, voluntary manslaughter, involuntary manslaughter and not guilty.

In closing arguments, prosecutors Lyle Burnham and Kevin Leahy argued that

O'Malley illegally possessed firearms after a 2005 felony conviction in Virginia of attempted grand larceny, and acted intentionally and with malice in a chain of events that led to Mackey's death.

"If you don't want to kill somebody, you don't get a gun," Leahy said.

Defense attorney Kris Felthousen from Kill Devil Hills argued that O'Malley had no history of violence in his two-year relationship

with Mackey that would point to malice. He said that O'Malley may have pointed the gun at the dog without intending to actually shoot it, and suggested the gun may have fired accidentally when Mackey grabbed at his arms to stop him.

Noting both had been drinking alcohol, Felthousen said, "Alcohol makes people make poor judgments and risky decisions that can lead to accidents."