

O'Malley goes on trial for murder

■ Former Currituck man charged in fatal shooting of ex-girlfriend

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CURRITUCK — Opening arguments are set to begin today in the murder trial of a former Currituck County man charged in the fatal shooting of his former girlfriend more than 3½ years ago.

Jurors were selected Monday for Thomas Paul O'Malley's trial for the Aug. 29, 2011 slaying death

of Morgan Mackey. Prosecutors allege O'Malley, who now lives in West Virginia, shot Mackey, then 26, at a residence the couple shared off Cardinal Drive in the Harbinger area of lower Currituck.

O'Malley, 34, has pleaded not guilty to the charge.

His attorney, Kris Felthousen, has indicated he plans to argue to the jury that O'Malley either acted in self-defense or shot Mackey by accident.

See O'MALLEY, 3A



STAFF PHOTO BY WILLIAM F. WEST

Murder defendant Thomas Paul O'Malley is shown leaving court in Currituck County, Monday. O'Malley is on trial for the Aug. 29, 2011, shooting death of Morgan Mackey. The trial resumes today.

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During jury selection on Monday afternoon, Assistant District Attorney Lyle Burnham questioned potential jurors. Joining him at the prosecutors' table was Assistant District Attorney Kevin Leahy. District Attorney Andrew Womble also sat in the courtroom for a time.

Felthousen, of Kill Devil Hills, handled the questioning of potential jurors on O'Malley's behalf. Attorney John Parker of Elizabeth City is serving as Parker's co-counsel on the case.

Superior Court Judge J.C. Cole instructed the seven-man, five-woman jury to return to the Currituck Courthouse today at 10:30 a.m. After Cole reads jurors his instructions, attorneys for both sides will present their opening arguments and prosecutors will call their first witnesses.

O'Malley is accused of shooting the Mackey at the couple's home as she was trying to prevent him from shooting her dog.

According to an eyewitness who was in the couple's home at the time, O'Malley had been playing rough with the dog and was bitten. When he tried to shoot the dog, he instead shot Mackey, killing her. An autopsy report showed Mackey died of a single gunshot wound to the chest.

The witness said both O'Malley and Mackey had been drinking prior to her death, and a toxicology report showed Mackey had a blood-alcohol level nearly four times the level considered too drunk to drive in North Carolina.

The couple did not have a reported history of domestic violence, Currituck sheriff's officials have said.

O'Malley originally was indicted on a charge of second-degree murder. However, a Currituck grand jury handed down a replacement indictment Jan. 5 charging him with murder.

Sheriff's officials have said that after Mackey's shooting, deputies discovered four rifles, two shotguns and two handguns in the residence, along with gunpowder and an assortment of ammunition.

The discovery of the firearms and ammunition resulted in O'Malley also being charged with possession of a firearm by a felon.

O'Malley's prior record stemmed from a July 2005 conviction for grand larceny in Frederick County, Va. He was sentenced to four years in prison, but three years and nine months of the sentence was suspended.

O'Malley, who remains free on bond, has been living in Shepherdstown, W.Va., which is northwest of Washington, D.C.