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Longer sentences sought after case of man who set ex-girlfriend on fire

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By John Fuddy, The Columbus Dispatch

Judge Julie M. Lynch wanted to punish Michael W. Slager for dousing his ex-girlfriend with gasoline and setting her on fire. So Lynch issued the strongest sentence allowed by law.

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"Your legislature has chosen to eliminate being able to punish someone for each count," a frustrated Lynch said at the sentencing hearing on Dec. 12.

Slager, 41, **pleaded no contest to aggravated arson, felonious assault and possession of criminal tools** for the attack, which left 33-year-old Judy Malinowski with **injuries so horrific that she remains hospitalized and fighting for her life 17 months later.**

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One state legislator wants to change that. Sen. Jim Hughes, an Upper Arlington Republican who will move to an Ohio House seat this month, said he was so troubled by the Slager sentence that his primary goal this year is to sponsor legislation that would allow judges to enhance sentences for defendants whose victims are permanently maimed or disfigured.

Malinowski "has a life sentence, in my opinion, and his is just 11 years," Hughes said. "Hearing that story, it just cries out for the legislature to do something."

Hughes hasn't decided what shape the legislation will take. It could seek to remove the requirement of merging sentences in cases such as Slager's, or it could create a specification that would allow judges to add years to the sentence for defendants who disfigure their victims, he said.

Among those who support Hughes's proposal is Malinowski's mother, Bonnie Bowes.

"It won't help Judy, but if it gives another parent, another mother, another person a little more justice, it is well worth it," she said.

Another central Ohio legislator tried to do something similar in recent years. When he was a Republican state representative, Bob D. Hackett of London sponsored legislation in response to a 2006 child-abuse case in which a Clark County man received an eight-year sentence for causing permanent brain damage to his girlfriend's 16-month-old daughter.

The legislation, which he called "Destiny's law" in honor of the victim, would have added as many as 10 years to the sentences of those who cause "serious, permanent harm" to their victims.

The proposal "languished and died" in the Senate last year, said Hackett, now a state senator. It fell victim to those trying to decrease the state's prison population, he said.

Opponents included the Ohio Association of Criminal Defense Attorneys, which argued that the proposal would increase costs for incarceration by millions of dollars and add to the costs for prosecutors and public defenders, who would be required to obtain expert testimony about "permanent harm."

Hughes said he understands those concerns and wants to work with the Department of Rehabilitation and Correction to draft legislation that would be "narrowly tailored" to defendants who disfigure their victims.

Judge Lynch said she remains frustrated about merging sentences.

Increased costs for defendants such as Slager "in the end, isn't my problem," she said. "My job is to punish the offender and protect the community. (The legislature) seems to care only about the budget."

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