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R.I. judge won't recuse himself from lawyer's bribery trial

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Lawyers for Donna Uhlmann, a defense lawyer facing bribery and obstruction of justice charges, had argued that statements Judge Robert D. Krause made from the bench concerning the guilt of her alleged coconspirator showed that he had a bias in her case.

Uhlmann's lawyers, David A. Levy and Gary G. Pelletier, said in their motion that Krause's statements in court created "a perception that he has prejudged her case, effectively precluding her from receiving a fair trial."

But Krause rejected the motion, saying the burden was on the defense to show he had a bias "so extreme as to display clear inability to render fair judgment." Krause's ruling cited more than a half-dozen state and federal court rulings that found a judge's ruling in other cases alone did not meet that standard.

Krause presided over the trial of Gerard Donley, a defense lawyer who was found guilty of bribing a witness in a stabbing case. A jury found Donley guilty of all four counts: obstruction of justice, conspiracy to obstruct justice, bribery of a witness and conspiracy to commit bribery.

The state claims Uhlmann was part of the conspiracy and she is facing bribery and obstruction of justice charges as well. She has pleaded not guilty and her trial is set for later this month.

After the jury found him guilty, Donley asked Krause to order a new trial. In his denial of that motion, Krause savaged Donley's request, calling it "inane," "specious" and "wholly unbelievable," adding that there was "overwhelming evidence" of Donley's guilt.

Since both Donley and Uhlmann are facing the same charges over the same events, Uhlmann's lawyers said Krause's statement indicated he had prejudged her guilt.

In his 12-page ruling, Krause said the defense motion "utterly failed to view the court's findings in their proper context." His statements in court were about Donley's guilt, he wrote, a judgment formed by what he'd heard at trial.

He cited more than a half-dozen previous rulings in other courts, many involving defendants who tried to get judges removed because of rulings involving codefendants and conspirators, that said absent a demonstration of "deep-seated favoritism" or outside-the-courtroom source of information, rulings by judges weren't sufficient cause for recusal.



Defense lawyer Gerard Donley, left, with his lawyer Edward C. Roy, was found guilty of bribing a witness in a stabbing case in June 2013 in Superior Court Judge Robert D. Krause's courtroom.

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