

Charges dropped against Malee

BOZEMAN (AP) — A Helena district judge has dismissed felony charges against a former Bozeman priest accused of deviate sexual conduct, on the grounds he was denied his right to a speedy trial.

Judge Henry Loble also contended the prosecutor used "unfair and legally incorrect" tactics in pursuing the case against the Rev. Kevin Malee for more than 19 months.

Malee's attorney, Steven Ungar, said his client was "greatly relieved" by the ruling. He said the accusations against Malee were unfounded.

Deputy Gallatin County Attorney Marty Lambert disagreed Friday with Loble's decision, but said it will not be appealed.

Malee, who now lives in California, was arrested in September 1987 when he returned to Montana to visit his family. He was accused of

engaging in sexual contact or intercourse with a teen-age boy in Bozeman during two time periods in 1985 and 1986, when the youth was 15 and 16.

In his Wednesday ruling, Loble said Malee's trial was delayed more than 600 days, largely by the prosecution.

Lambert had twice appealed to the Montana Supreme Court when Loble ordered the teen-ager to undergo an examination by a psychologist hired by the defendant.

The prosecution's effort to have its own psychological experts testify and to deprive Malee of testimony from a defense psychologist is "inherently unfair and legally incorrect," Loble said.

In addition, Loble concluded the teen was still refusing to undergo the evaluation.