

THE BUFFALO NEWS

 PRINT THIS



"It really hurt me so bad, to feel that people were drawing bad conclusions about me," says John Colazzi after his acquittal on child molestation charges.

Derek Gee / Buffalo News

FOCUS: JUSTICE

Teacher's aide confronts backlash from ugly case

Acquittal doesn't end child sex-abuse furor

By Gene Warner
News Staff Reporter

Updated: December 17, 2009, 11:02 PM /

The judge said, "Not guilty."

That verdict ended the criminal case against John M. Colazzi, accused of sexually abusing an autistic 4-year-old boy.

But it hasn't ended the debate over Colazzi's innocence or guilt. And Colazzi has achieved only half his goal.

He desperately wants his job back, as a longtime teacher's aide at Buffalo's Discovery School 67 on Abbott Road.

Colazzi, who was acquitted Monday in a nonjury trial before State Supreme Court Justice John L. Michalski, now faces what might be the toughest task he has encountered.

How does a 62-year-old man with no prior criminal record get his reputation back in a culture where many consider sexual abuse of a disabled child more heinous than homicide?

"I don't think that there is much you can do to get your reputation back," said Charles P. Ewing, a forensic psychologist and University at Buffalo law professor.

"A lot of people will look at an acquittal as not really an acquittal," he explained. "They think if you're charged, you must be guilty."

Colazzi has felt the sting of an accusing public.

"It really hurt me so bad, to feel that people were drawing bad conclusions about me," Colazzi said in a brief interview Thursday, noting that he was diagnosed with depression. "I was really down and out, right to the bottom."

During his weeklong trial, Colazzi was described in court as both a scheming child molester and an innocent man wrongly accused.

"I have absolutely no doubt in my mind that he not only was not guilty of the crime, but he was morally innocent," said his lead attorney, Thomas P. Hurley. "He did not commit this crime."

"That school was his whole life," added co-counsel Paul V. Hurley, Thomas' father. "We're going to fight ... to get him his job back at the Discovery School, and they would love to have him back."

Seeks 'to help children'

Erie County District Attorney Frank A. Sedita III had a different reaction to the not-guilty verdict.

"I'm not going to comment on Mr. Colazzi's guilt or innocence, but a verdict of not guilty does not necessarily mean a defendant is innocent," Sedita said. "It means there has not been sufficient proof beyond a reasonable doubt to remove the presumption of innocence."

Colazzi has been cleared of charges of sex abuse and child endangerment.

But accusations of sex abuse against children have become the scarlet letter of our society.

Ewing and others pointed out how convicted sex offenders, even after they serve their time, are ostracized and treated differently from any other criminals. They're listed in a public Sex Offender Registry, and they're even subject to restrictions about how close they can live to a park or a school.

But how about someone found not guilty in a courtroom?

"I don't think there's any question that even being accused of such a crime makes you a pariah," Ewing said.

Colazzi desperately wants to return to the classroom.

"I am not a bad person," he said. "My main objective is to help children. I don't hurt children. I would never do that."

Colazzi, who made about \$16,500 in his last year as a teacher's aide, was known for being one of the first instructors in school each day and one of the last to leave.

The teacher's aide talked about his passion for the job:

"To see them grasp it, to see the smile on their face [and the thought], 'Yeah, I can do it,' it just made me feel good."

Colazzi, while cleared of the criminal charges from the Nov. 14, 2007, incident in a school bathroom, still faces a civil suit from the boy's family. And his attorneys are trying to get him his job back.

But that might not happen at School 67.

"The union is backing him, the teachers and the aides who worked with him are backing him, but unfortunately, he may not be able to go back to the children he cared for," Thomas Hurley said.

Michael J. Looby, general counsel for the Buffalo schools, said school officials plan to follow state education law and Colazzi's contract. He declined to comment further.

Key witness

During the trial, the key prosecution witness, a special-education teacher at the school, testified that she saw Colazzi slap or touch the boy's private parts with his rubber-gloved hand six or seven times, allegedly causing the boy to become sexually aroused.

The Hurleys cited several points in Colazzi's defense that either were not admissible in court or that the public may not have heard:

- Colazzi passed a lie-detector test.
- A forensic mental health counselor who evaluates sex offenders for local courts found no indication of Colazzi having any deviant or sexual interest in children.
- Colazzi refused to consider a possible plea deal in the case, even getting angry when one of his attorneys brought it up.

After the verdict, the defense attorneys contended that the eyewitness offered seven different versions of the incident, including one in which they claim she said she wasn't totally sure what she saw.

So this case boiled down to a different kind of he-said/she-said case. And the defense's contention that the witness offered different versions about what happened may have created enough doubt to yield the not-guilty verdict.

Asked about such sex-abuse cases, Sedita cited all the safeguards in the system that are designed to make sure an innocent person is not convicted. In sex-abuse cases, those safeguards can help protect a suspect from possibly unwarranted accusations.

And in New York State, a felony case, almost without exception, cannot go to trial unless a grand jury determines that there's probable cause to believe the person committed the crime. A trial judge also has two chances to

dismiss the charges if there's insufficient evidence.

Sedita emphasized that he's reluctant ever to criticize a verdict, whether it comes from a judge or a jury.

"We, of course, respect that verdict," he said of the Colazzi case.

Sedita did, however, cite one element of the law, a defendant's right to demand a trial without a jury.

Presumed innocent

"In the criminal realm, the defendant has a unilateral right to a nonjury trial," the district attorney said. "If he wants it, there's nothing we can do about it. He gets it.

"Do we have the same result in this case if it goes to a jury? I don't know."

The Hurleys pointed out the advantages of a nonjury trial in such an explosive case.

"If there were a jury, we would have a hill or mountain to climb to get to neutral because of the horrific allegations of doing this to a child," Paul Hurley said. "With a judge, we start in neutral, because he truly accepts the presumption of innocence."

"Juries are great," Thomas Hurley added, "except when it comes to sex abuse of a child."

gwarner@buffnews.com

Reader comments

Rate This Article

Reader comments are posted immediately and are not edited. Users can help promote good discourse by using the "Inappropriate" links to vote down

There on this article.

comments that fall outside of our guidelines. Comments that exceed our moderation threshold are automatically hidden and reviewed by an editor. Comments should be on topic; respectful of other writers; not be libelous, obscene, threatening, abusive, or otherwise offensive; and generally be in good taste. Users who repeatedly violate these guidelines will be banned. Comments containing objectionable words are automatically blocked. Some comments may be re-published in The Buffalo News print edition.



Log into MyBuffalo to post a comment

MyBuffalo user:

Password:

Log In

[Forgot your password?](#)

What is MyBuffalo?

MyBuffalo is the new social network from Buffalo.com. Your MyBuffalo account lets you comment on and rate stories at buffalonews.com. You can also head over to mybuffalo.com to share your blog posts, stories, photos, and videos with the community. [Join now](#) or [learn more](#).

sort comments:

Showing comments to of (pages total).

Find this article at:

<http://www.buffalonews.com/home/story/897910.html>

Check the box to include the list of links referenced in the article.

© 2008 The Buffalo News.