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Ohio not charging doctor in sex case

- GREG TUTTLE Of The Gazette Staff
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Authorities in Ohio will not pursue the criminal case against a doctor who resigned from his Billings position in 2007 after he was accused of committing a sexual offense.

A spokesman for the Ohio Attorney General's Office said Tuesday that prosecutors will not renew the case against Dr. Patrick Muffley, who was charged in that state with gross sexual imposition.

Muffley was working as an obstetrician-gynecologist at Billings Clinic when he was indicted on the sex offense by an Ohio grand jury in April 2007. Before coming to Billings, Muffley worked in the same medical field at a hospital in Gallipolis, Ohio.

In September 2007, a local fugitive task force arrested Muffley at Billings Clinic on the Ohio charge. Billings Clinic officials said the criminal charge did not surface during a background check of Muffley before he started work there in May 2007.

Muffley resigned from his position at Billings Clinic and returned to Ohio, where pleaded not guilty to the charge. The criminal complaint alleged that Muffley had sexual contact with a woman "by force or threat of force" between April 17 and April 24, 2006.

No similar complaints surfaced against Muffley resulting from his work in Billings.

A Billings attorney hired by Muffley said shortly after his arrest that the doctor was surprised by the allegation and that it did not involve a patient. The attorney, Brad Arndorfer, said Muffley asserted that the allegation stemmed from a civil dispute.

In March 2008, a judge in Ohio dismissed the charge against Muffley after a defect was found in the original indictment. A prosecutor with the Ohio Attorney General's Office said then that the criminal case against Muffley would be resubmitted to a grand jury after further investigation.

On Tuesday, a spokesman for the Ohio Attorney General's Office said a decision had been made not to resubmit the case to a grand jury. The spokesman, Ted Hart, declined to release further details, but he said the woman alleged to have been the victim in the criminal case had filed a civil lawsuit against Muffley.

According to public records available online from the Gallia County Court of Common Pleas, a woman named Julie Harris filed a civil lawsuit against Muffley in April 2008. The lawsuit also names as defendants the Holzer Hospital Foundation and Holzer Clinic Inc., where Muffley worked before he came to Billings.

The online public records do not provide access to the civil complaint, and telephone messages left Tuesday for the attorneys involved in the case were not returned.