

NEVADA: Questions surround pastor's murder charge months after death

Written by Colton Lockhead
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Only a handful of facts about Link Ellingson's untimely death are clear: He fought with Robert Cox outside a Las Vegas restaurant, went to the hospital that summer night and died six months later.

Cox walked away free of criminal charges the night of the June 2013 dust-up. The 35-year-old youth pastor went on with his life for a year — until police with a fugitive warrant handcuffed him at his church.

Just what changed in the investigation is unclear. Clark County District Attorney Steve Wolfson won't say.

Cox's lawyer says it should be a clear-cut case of self-defense.

And at least one criminal law expert not involved in the case calls it "tricky."

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NIGHT OF THE FIGHT

Cox was en route to Texas from California on a church mission trip. About 20 members and interns from The Place of Refuge church in Manteca, Calif., had dropped in at the Four Kegs on Jones Boulevard after seeing it featured on a popular TV show.

After eating, most of the group was waiting in the parking lot for the last few interns to pay their bills when Ellingson, 55, of Las Vegas, came out of the bar. According to a police report he was drunk, and he exchanged words with the group, approaching "aggressively" before a scuffle broke out.

Cox stepped in to stop Ellingson, who was seven inches taller than he. At some point Ellingson fell backward and hit his head on the ground. He went to University Medical Center with severe head trauma.

Police responded but saw no immediate reason for charges against Cox. Four months passed. Officers did a follow-up investigation, interviewing only three of the many church members who witnessed the scuffle. They told the detectives "no one associated with the group punched Ellingson," according to a police report.

The detectives on Oct. 9 recommended Cox be charged with battery, but less than a week later the Clark County district attorney's office sent Cox a letter saying he would not be charged.

Months passed.

Ellingson was transferred to Summerlin Hospital Medical Center for rehabilitation. He died there on Dec. 15

Manteca police arrested Cox at his church earlier this month.

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The charge would be murder.

The district attorney has the right to file new charges or upgrade existing ones in any case, said Frank Cofer, Cox's Las Vegas-based attorney, but it was "a little bit strange" for prosecutors to send the letter saying Cox wouldn't be charged, only to charge him with a more severe crime later.

"There's no reason to have just denied the battery charges right away," Cofer said.

Addie Rolnick, an associate law professor at UNLV who specializes in criminal and self-defense law, said it makes sense that the district attorney would file new charges when the person dies. It's not uncommon for prosecutors to feel pressured to pursue tougher charges when that happens.

"When somebody dies, it becomes something different," Rolnick said. "It makes it eligible to be a much bigger crime."

ELLINGSON'S DEATH

Ellingson suffered a severe head injury, but what killed him was a cone-shaped filter designed to prevent blood clots in people with head trauma from entering the heart. Doctors inserted the filter in Ellingson's abdomen, in the inferior vena cava, the body's largest vein.

But rather than preventing blood clots from getting to the heart, the device pierced the vein. Ellingson bled to death.

Clark County Coroner Mike Murphy classified Ellingson's death as a homicide. But his definition is broader than the legal definition of the word, Murphy said.

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Instead of one person killing another, he said, a homicide happens when an interaction between two or more people results in death.

“We look at what causes the initial event that sets into motion the ultimate demise,” Murphy said, adding that his office does “not assign fault or blame” to a case.

In Ellingson's case, Murphy ruled the death a homicide because the filter was inserted to treat injuries from the altercation.

Linking the fight to Ellingson's death is a “tricky causation,” said Laurie Levenson, a professor at Loyola Marymount University in Los Angeles who specializes in criminal law.

The DA's treatment of the facts of the fight — which haven't changed since the first night — seems inconsistent, she said.

“The question is, ‘What has changed?’” Levenson said. “It really shouldn't matter if the guy dies or not.”

Cox told police that Ellingson, without provocation, punched him and an intern in the face. The police report from that night says Cox admitted to punching Ellingson in the face in retaliation, using his left fist, and that Cox's left ring finger was broken.

But Cox's attorney said he never punched Ellingson but rather grabbed the large man around the waist. The two fell, which caused Cox's finger to bend awkwardly and break, Cofer said, adding the break is not consistent with the injuries from throwing a punch.

Nevada is a “stand your ground” state, which means Cox had the legal right to defend himself after the attack as well as protect those in his group, Cofer said. Regardless of what happened

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at the hospital, Ellingson “caused his own death,” Cofer said, by aggressively approaching the group.

Cox claims he was acting in self-defense and was trying to protect the group of young church members who Cox said Ellingson attacked unprovoked. His father-in-law now represents him to the media, but Cox himself went on Fox News’ “Fox & Friends” after his arrest to tell his story.

“I don’t think that there was anything that went wrong. I acted — I felt threatened — and I was scared for my life. When watching my students get attacked and knowing that my daughter was watching it all go down out of the RV window. I was just acting — protecting myself and protecting those around me. I’m not sure what went wrong, but that’s all I was doing was just defending myself,” Cox said.

The burden is on the state to prove Cox had malicious intentions to kill Ellingson. Cox faces a preliminary hearing Wednesday.

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