Police tell story of freeway shoot out

By Teri Banas
staff writer

Livonia Police Officer Gregory Henderson testified last Thursday that he returned gunfire on James Douglas Barton then turned his service revolver toward the man's two companions.

The testimony came at the start of Barton's preliminary exam in Livonia's 16th District Court. Barton, 23, is charged with attempted murder in the May 6 shoot-out on the Jeffries Freeway which left one man dead and three injured.

Henderson, 33, was released last Tuesday from the Westland Medical Center, where he spent nine days recovering from a bullet wound received in the shoot-out.

The officer testified that he was "fired on" by the driver of a red Thunderbird that he and his partner, Officer Charles Baron-Klask, had pulled over on a traffic violation. The officer said he was crouched down in the open doorway on the passenger side of the car trying to remove a gun he saw lying on the floor. He said he was looking in to see why Barton wasn't getting out when the shot came from inside the car.

"I knew I was shot. I knew I took a shot in the chest . . . I returned fire," he testified.

WOUNDED and stumbling from the impact of gunfire, Henderson said he was having trouble breathing and knew he was "bleeding badly" when he shot at Barton. Then he pointed the weapon "in the direction" of Barton's two companions. Henderson had earlier ordered Arthur E. Sherman and Casimir (Charlie) Bagaciunis, 20, of Westland, out of the car and up against the passenger side of the Thunderbird.

Henderson said the men were "advancing" and one had his hand in his pocket. Police reported that neither Sherman nor Bagaciunis were armed.

Sherman, shot once in the abdomen, was dead-on-arrival at Westland Medical Clinic. Bagaciunis was shot three times. As of Friday, he was still in Westland Medical Center listed in fair condition.

On three occasions during defense attorney Jim Rashid's questioning of Henderson, Wayne County assistant prosecutor John Sloan objected to Rashid's attempts to get the officer to admit whether any of his shots struck Barton's two companions.

"Do you know who you hit?" asked Rashid.

"I've been told," Henderson said, beginning to answer.

Sloan told Judge Robert Brzezinski the contents of a ballistics report being prepared by the Michigan State Police Crime Lab in Northville would be "an issue" when the hearing is continued on Wednesday, May 29. Sloan said his witnesses will include three ballistics experts.

Upon questioning, Henderson reported that he had never before been fired upon or fired his gun in his "almost 13 years" on the Livonia force.

Henderson looked pale as he recounted the events of the shooting on I-96, west of Middlebelt. After 15 minutes of questioning by Rashid, Sloan asked Brzezinski for a short recess on Henderson's behalf. Henderson later asked to stay when his partner was called to testify.

Baron-Klask, who said he never moved from the driver's side of the car, when the shooting started, said he couldn't see what was happening on the opposite side of the vehicle.

The officer, who was unhurt in the incident, said he and Henderson first spotted the Thunderbird as it drove past their scout car which was stationed on Middlebelt Road, heading south toward Schoolcraft.

It was shortly before 3 a.m. and the officers were suspicious because the backseat of the car was filled with some kinds of objects. Unaware of the robbery that occurred in Farmington Hills, the officers followed the car and then tried to stop it when the car, carrying three men in the front seat, made a right turn without signaling onto the Schoolcraft service drive.

Baron-Klask said both officers reached the car, each taking a different side, at the same time. He asked the driver (Barton) for his license and registration and reported that the driver said he had just been "evicted from his house" and didn't have either.

"Then, I received information from Officer Henderson, 'Charlie, there's a gun in the car,'" he testified.

"I saw Mr. Barton lean to his right and an orange flash from him toward Officer Henderson," said Baron-Klask.

THEN Barton drove away, said Baron-Klask. "As Mr. Barton pulled away, I saw the other two occupants lying on the shoulder of the road."

Before Barton drove away, the officer said he saw him attempting to reload his gun.

"I knew he and I were in a race to reload and that if I didn't (reload first) . . . I wouldn't get out of there."

Baron-Klask said he landed in the middle of the freeway as he backed away from the vehicle while shooting at the driver. He said he tried to follow Barton, upon learning Henderson was still conscious, but soon lost him.

BARTON, bearded and dressed in a black suit and open shirt, sat expressionless in front of the witness stand during testimony. Barton had been released from the hospital the previous Saturday and walked with a limp in his left leg, injured by bullet wounds received in the shootout.

Barton, who did not testify, also is charged with the use of a firearm in the commission of a felony. His court-appointed attorney declined to discuss his client's defense after last week's hearing.

Barton and Bagaciunis face charges in Farmington Hills in connection with the armed robbery there. Barton is charged with three counts of armed robbery, one count first-degree criminal sexual conduct, and four counts of use of a firearm in the commission of a felony (second offense). Bagaciunis is charged with three counts of armed robbery and three counts of felony firearm.

Barton remains in Wayne County Jail on a $500,000 bond. He was employed at Franklin Fastener in Redford Township at the time of the shooting-robbery. He had been paroled last January from the Southeastern Michigan Prison at Jackson after serving a 26-month sentence on an armed robbery and weapons conviction in Wayne County Circuit Court.

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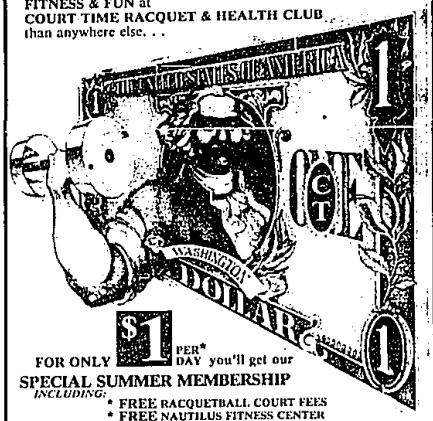

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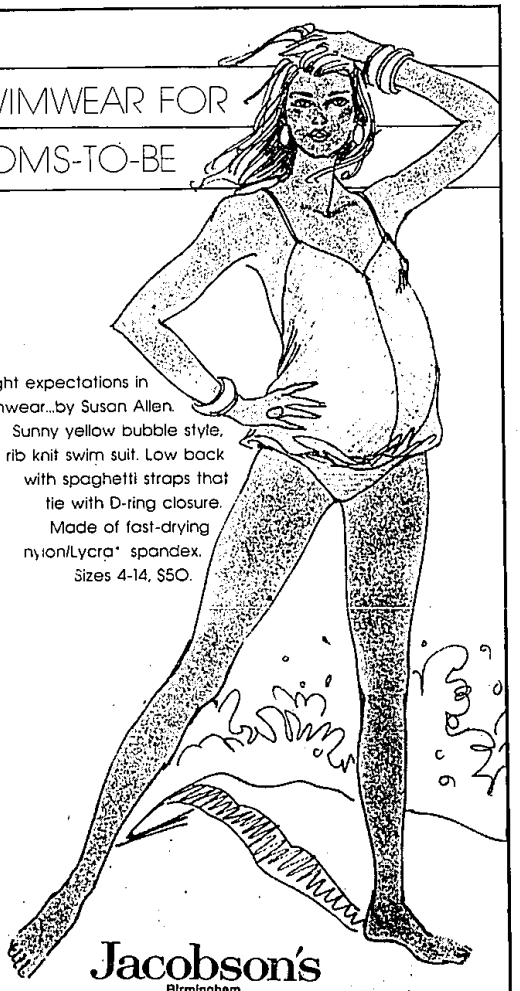

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