Man convicted of wife's murder in 1967 seeks new trial

Continued from Page 1

for his prison time and seek parole. He is trying to make an issue on his state of mind at the time, "Chopp said. Meric's attorney, Frank Lawrence of Livonia, refused to comment on the case. Lawrence said he decided about two weeks ago to avoid discussing the case "because it is not in my client's best interest."

Meric won his new trial by arguing that the judge at his first trial gave the jury bad instructions. The judge told the jury Meric had to be convicted of irist-degree murder unless they felt the

Free dental exams for kids set

Drs. David Weine, Arnold Colaick sented to the parent at the completion and Susan Carron, in conjunction with the Michigan Academy of Pediatric benefits and Children's Dental Health Month, will be offering a free dental resumination of children for identification purposes from Feb. 17 to March 7. The doctors, who are specialists in pediatric dentistry, will examine a children from the difference of the dentity of the control of the contr

"LOCATING THE evidence and the witnesses — preparing for the trial — is time consuming," said Conway, who, in 1967, was in charge of the Farmington Township Police Department Detectives Bureau and handled the Merlo case.

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to in January 1967. Conway has a copy of a newspaper article—in the Jan. 21, 1987 edition of the Philadelphia Daily Rews—about a man called John Mario (also known as Mariow). The article is about Merlo, a suspect in bis twice will be about Merlo, a suspect in bis twice will be a suspect in Philadelphia for trying to the Philadelphia newspaper.

Stores remove capsules

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LOCAL A&P Food Store officials in Farmington and at a regional office in Southfield would not comment on the situation or the stroet policy.

The company reportedly pulled all Tylenol from its atore shelves in 26 states. The products were then reportedly impounded by officials for further testing. The second bottle was discovered in a Woolworth's store several blocks from the A&P where the first poisoned bottle was bought, according to news reports.

Affected lots and expiration dates in the two bottles are ADP916/587 (May 1987) and AHA090/487 (April 1987).

"We will give any refunds for a customer requesting it," asid Berl Falbaum of Perry Drugs, with stores in Farmington and Farmington Hills, said.

All regular and extra strength cap-

said.
All regular and extra strength capsules were pulled from the shelves as of Friday as a "precautionary measure." The capsules will remain off the

shelves until store management re-ceives word from appropriate govern-mental agencies.

ARBOR DRUG store customers may also receive refunds, or make a substi-tution, if they prefer, according to Re-becca McLennan, representing Arbor Drugs Inc., with stores in Farmington Hills.

Drugs Inc., with stores in Farmington Hills.

As of Friday "all capsules have been pulted until further notice," she added, "I feel sorry for Johnson and Johnson (manufacturer of the pain reliever). This is just sick."

Tylenol capsules were also pulled from shelves at Farmer Jack, both Maple Village Discount Drugs and Bel-Aire Drugs, all in Farmington.
Customers can bring the product back for refunds at the above locations. Bel-Aire Drugs has accepted only unopened bottles for refund so far, a spokeswoman said.

The cyanide poisoning death is the first since seven Chilogo-area residents died in 1982 after taking tainted Tylenol capsules, officials said.



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IN ITS appeal, the Oakland County prosecutor's office is arguing two major issues. The first is that the judge's instructions to the jury in 1967 were 'a harmless error. This didn't cause the jury to find him guilty," Chopp said.

The second argument is that 'the law should not be retroactive"— meaning a 1967 verdict should not be changed because of a change is jury in structions in 1978, Chopp said.

"The retroactivity has to be chait with," Chopp said. This is not a fairly resolved question in the U.S. Supreme Chopp is hoping the appellate court will rule on the prosecutor's appeal and request for stay of proceedings in time to prevent the trial from starting March 10.

But when Judge Newblatt ordered a new trial for Merlo, he included a condition. If Merlo is not retried within 90 days of his order (Dec. 27), "he must be unconditionally released to go free." We won't let that happen, though. If we can't get a stay (of proceedings). We will retry it, "Chopp said.

The Oakland County Proceedor's office and the Farmington Hills Police Department were notified has year of Merlo's fortenent on the second and the stillnesses a new trial. "It can take an hour to locate a witness and six months to locate another," Conway said.

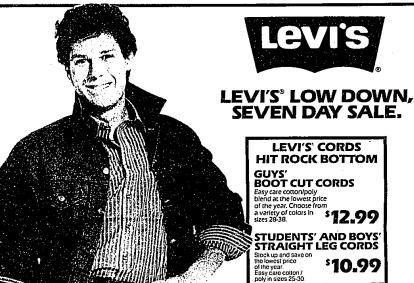
But Conway is prepared to go to trial if the prosecutor can't get a stay of proceedings and win their appeal. "We'll present our case and that's it."

Both Conway and Chopp acknowledge the hard work and expense lavolved in retrying Merio. "The physical hurdles that have to be overcome—linding people, reconstructing the case. Also having lestimony come out as it originally did. And the expense is enormous. The amount of money this man (Merich has received from legal assistance alone...," Chopp said.
"Mr. Merich has been assigned not one, but two attorneys to go through this second trial plus a private investigator," Chopp continued.

The assistant prosecutor will ask Judge Mester to reconsider whether Meric should have two public defenders.

RECALLING THE investigation in 1967, Conway said the case offered few difficulties. "We knew who he was. There were enough witnesses — six women and a little boy. So there were no problems."

Conway also recalls that the murder warrant for Merlo was issued at 12:45 p.m. the day he killed his wife. But immediately after the shooting, Merlo field ifrat to his hometown in Ohio and then to Philadelphia. It wasn't only the Detroit-area newspapers who were carrying Merlo's pho-



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