

Court delays anger suspect

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knowing, intentional waiver," Stevin added. "He's (Vermeulen) saying 'I'm tired of waiting.' That's just begging for an appeal."

VERMEULEN SAYS he is "fuming mad" about the system.

"That means I'll be locked in here until the Supreme Court renders a decision, which could be a year from now," said Vermeulen in a telephone interview from jail.

He also said the delay was hurting his defense. "I'm beginning to lose the intrinsic details of the case," he said. "It can be considered nothing more than warehouseing."

Vermeulen faces first degree murder and weapons charges in the shooting of 24-year-old Urmie Lewis in December 1985. He has admitted responsibility for her death, but claims it was because of a botched suicide attempt.

He had married Lewis and was separated — but not divorced — from his first wife, Sharon Vermeulen, at the time of Lewis' death.

Since the incident, the defense has insisted that Sharon not be allowed to testify under the state's "spousal privilege" which does not allow one spouse to testify against another without the consent of both.

THE VERMEULEN case is complicated because of the defendant's marital situation at the time of the murder.

Some of the court highlights regarding the Vermeulen "spousal privilege" issue include:

- Sharon Vermeulen testified at Vermeulen's preliminary examination in 47th District Court in March 1986. Her testimony was disallowed by District Judge Michael Hand.
- Judge Mester ruled in December 1986 that Sharon could testify. The matter was appealed by the defense.
- The state Appeals Court reversed Mester's decision, saying Sharon could not testify.
- The Oakland County Prosecutor's office appealed the matter to the state Supreme Court last August. A ruling is awaited.

OAKLAND COUNTY assistant prosecutor Michael Modelski, who handled the appeal, said oral arguments were made before the Supreme Court in April, and that a decision could take anywhere from several weeks to more than one year. "The process can go on and on," he added.

Based on the justices' questions, Modelski speculated the high court may consider tossing out the entire state "spousal privilege" statute instead of ruling just on the exception.

The Vermeulen case "won't go to trial for a while," added prosecutor Stevin, because the defense has motioned for an independent psychiatric evaluation of the defendant, which could take several months.

Defense attorney Kaluzny could not be reached for comment.

Hills plans vote on pay board

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Marks acknowledges that a mayor-appointed commission might provide doubt of who is really setting salaries. "That is a danger, no doubt about it. But there has to be a semblance of trust somewhere. You've got to make sure greed doesn't sneak in."

Sever wants a specific amount put before the voters, who would be able to determine what they feel is appropriate council compensation. Both he and Vagnozzi maintain a commission strays from the intent of the city charter.

"I think that we ought to take the direct approach, in keeping with the original intent of the charter, which, rightly or wrongly, set the figure in the charter," Vagnozzi said.

He told his colleagues that while the council can reject a compensation commission's recommended salary, experience shows otherwise with most public bodies that have such commissions.

FORMER CHARTER commissioner and councilwoman Joan Dudley echoes similar opinions. As a charter commissioner, Dudley strongly opposed allowing the council itself, or through a mayor-appointed commission, to set salaries.

The current salary charter provision was a compromise. "The thinking then was nobody should make money. They all like to put stars on their foreheads for public service. But no one should lose money," Dudley said.

The charter-set salaries are designed to be "a token of appreciation and to cover any costs." Serving as a council member can be a sacrifice of time and effort, but members reap benefits such as contacts made, particularly in business, Dudley said.

She dislikes the idea of a mayor-appointed commission. "I've watched appointments of mayors in the last five years and they are crooks. Based on that record, if the same thing is going on, what recourse does the voter have? They'll be stuck paying those higher council pays. They (voters) can't really attack directly the people doing it — that being the commission."

Resignation issue on ballot

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the 1985 election to resign their board or commission seat to run for election. They include council members Ben Marks, Aldo Vagnozzi and Jean Fox, as well as unsuccessful candidate Jonathan Grant, who resigned his seat on the Farmington Community Library Board of Trustees. The council later reappointed him.

IF VOTERS amend the charter, board or commission members who are council candidates would be allowed to continue in their positions if they lose the election. Proposition passage also would bring consistency to election qualifications in the charter. City council members are not required to resign their seats to seek election to county or state office.

The merit of changing this charter provision drew little discussion among council members when they agreed May 9 to put the two charter amendments on the 1989 ballot. But the topic has long been discussed on the sidelines, particularly by council members who were former board and commission members.

Councilwoman Jean Fox lost her bid to put the issue before voters at the August 1986 primary election in time for the 1989 city council election.

Proposition advocate Marks said he doesn't believe there's any need to lose a board or commission member's "expertise" simply because they are seeking council election.

"I think you lose more than what you gain," said former charter commissioner Marks, adding that he believes the proposition failed in 1985 because "it wasn't presented properly."

Charter commissioners, Marks said, included the provision forcing board and commission members to resign their seats so they wouldn't have an unfair advantage over other candidates. Marks said he doesn't believe elections have shown board and commission members have an advantage.

FORMER CHARTER commissioner and councilwoman Joan Dudley disagrees. She maintains that both charter amendment proposals endanger the city's integrity.

"In my opinion, to evaluate these proposals, let's take a look at the actors involved. Let's look at their conduct. There is an egomania beyond belief."

Dudley continues to support preventing board and commission members from maintaining their posts while seeking council election. "We felt it would avoid politicizing these commissions or taking advantage of one's position on the commission," she said.

Dudley referred to the increasingly common practice of board and commission members speaking up at city council meetings and of city council members speaking up at board and commission meetings. "They throw their weight around," she said.

Voters soundly defeated attempts to change the charter provision in 1985.

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clarification

Farmington Public Schools' annual district election will be held on Monday, June 13, not June 6 as reported in a recent Farmington Focus item.



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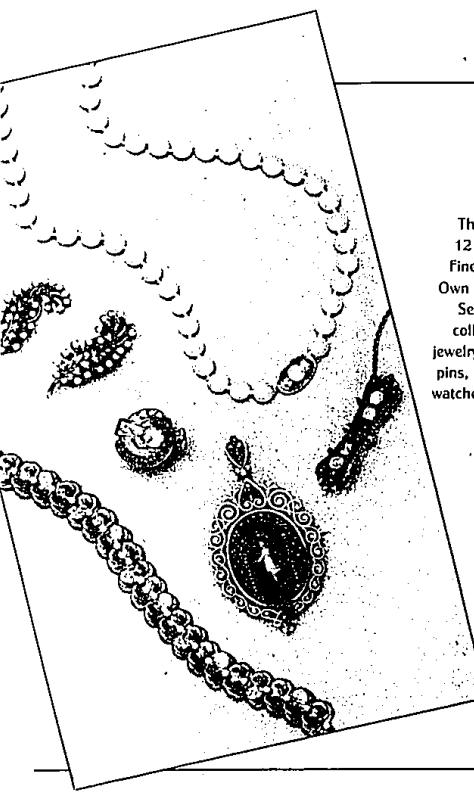
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