

Prosecutor ready to defend tough drug law

By Pat Murphy
staff writer

The Oakland County prosecutor believes he has some good ammunition with which to defend Michigan's tough "over 650 drug-lifer law" — the one requiring life in prison for people convicted of possessing 650 or more grams of cocaine.

The average person sentenced to life in prison under the Michigan's drug-lifer law is a white male, 32 years old who sold drugs for profit, not necessarily because of addiction, according to prosecutor Richard Thompson.

Thompson said he drew that profile after reviewing statistics provided by the Michigan Department of Corrections on the 144 people sentenced under the drug-lifer law during the almost 13 years it has been in effect.

"OPPONENTS of the law want you to believe the law puts a lot of underprivileged, 16-year-old kids in prison for the rest of their lives because of a mistake," Thompson said. "That simply isn't the case."

Thompson, one of the state's staunchest supporters of the drug-lifer law, said he expects the information to be useful as state legislators come under increasing pressure to change the law.

One such person is Linda Fannon of Westland, whose son was 18 in July, 1987, when sentenced under the drug-lifer law. The law mandates a life sentence — with no chance of parole — for anyone convicted of possessing a pound and one-half or more of cocaine.

Thompson, who has obtained more than 80 drug-related indictments over the last two years, says the tough law helps police use little guys in a drug operation to get to middle-management operations.

"Very often the little guys won't talk," Thompson said. "That is, until they realize they face life in prison ... then they're often ready to make a deal."

LINDA FANNON insists the law is a miscarriage of justice. "Murderers and rapists aren't punished that much," she said.

Fannon insists Thompson, and others like him, are using the law to boost their own image as tough crime fighters. "... to build a reputation."

"I don't defend drugs," she said. "I hate them. People like my son should go to prison ... but not for the rest of their lives, not for a mistake."

Linda Fannon has been interviewed by newspaper columnists and talk show hosts recently as she focuses public attention on the case of her son, and what she considers the unjust drug-lifer law that put

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— Linda Fannon, Westland
whose son is serving a life term

him in prison.

She said there are extenuating circumstances in her son's case. One of the Canton Township detectives involved in her son's case, for example, was subsequently fired for allegedly using drugs.

The detective's dismissal was upheld in arbitration, Fannon said. But he was never charged with a crime. "There's no fairness there," she said. "If (the officer) is involved (in drug use) more than my son, but he's not even charged. But my son's in prison for the rest of his life."

Linda Fannon challenges the validity of the conviction of her son on evidence gathered by police who themselves may have been involved in drugs.

SHE ALSO challenges the Wayne County prosecutor whose office could have charged her son with a lesser offense — one carrying a less severe sentence.

But most of all, Fannon challenges the inflexibility of the drug-lifer law that takes away judicial discretion.

Gary Fannon, a 1986 graduate of Plymouth-Salem High School, is currently in the Ryan Regional Correctional Facility in Detroit. His mother said he is a 16 college credits short of an associate's degree.

"He's coping," she said. "He's earned numerous commendations for helping other inmates learn to read. He doesn't deserve to be in prison for life."

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Linda Fannon said she favors — and will fight for — a modification like that proposed by State Rep. William R. Bryant Jr., R-Grosse Pointe Farms.

Bryant has a bill pending, H.B. 4024, that would modify the law by empowering judges to impose lighter sentences.

H.B. 4024, — which is supported by a number of people including Macomb County Prosecutor Carl Manning and Oakland Circuit Judge Barry L. Howard — would enable judges to impose life sentences without parole, if warranted.

But it's, precisely that kind of tampering with the drug-lifer law that Thompson hopes to thwart with his profile of the typical felon now serving a life sentence.

THE U.S. SUPREME COURT upheld the constitutionality of Michigan's tough drug law, Thompson said. "And I believe it will be upheld this fall (when it's scheduled to be reviewed by Michigan's highest court). But the biggest challenge will come from legislators who want to change the law."

Thompson said he disagrees with the image promoted by those who want to change the law. "They want you to believe the law picks on people who simply made a one-time mistake. That's bunk."

Statistics provided by the Michigan Department of Corrections seem to substantiate the prosecutor's contention that those doing life under the drug-lifer law are far from being the first-time innocent.

Of 144 persons convicted between 1978, when the law went into effect, and last June 27, six are age 19 or younger. Most are between 20 and 29 (52 inmates) or 30 and 39 (50 people). There are 25 people between 40 and 49 currently in prison under the drug-lifer law, and 11 who are 50 or older.

"There are some teenagers," Thompson acknowledged. "But what about the other teenagers who die or become addicted because of the cocaine they were carrying?"

RACIALLY, according to the corrections department, 70 of those serving time under the drug-lifer law are white, 63 are black, six are Hispanic and five are classified as 'other' (Arabic, Asian, Indian, etc.).

But the most telling part of his profile, Thompson said, is the number of inmates who said they do not use drugs. "That disputes the theory most of them sell drugs because they're addicted. They're in it for profit."

Figures on the number of drug-lifers who themselves use drugs is incomplete and, according to the Department of Corrections, unreliable. Of the 144 inmates less than 50 answered when asked if they themselves are drug users.

And even those responses are suspect, according to prison spokesman Gail R. Light, whose office provided information for Thompson's drug-lifer profile. "The information on drug use was voluntary," Light said. "And there is no way to verify the answer."

Thompson, however, remains con-

vinced that many dealers — particularly white-collar types in Oakland County — are not hooked, but sell drugs because of the enormous profits.

Thompson has never dealt with Linda Fannon. But he said he understands a mother's anguish at the thought of her son in prison — for life.

But that doesn't change the prosecutor's support for the tough drug-lifer law — legislation he says is necessary if society is serious about the war on drugs and drug-related crime.

SOCIETY shouldn't feel sorry for

Gary Fannon, said Thompson, "he made his choice. What about the people who would overdose or become addicted with the cocaine he was carrying?"

Thompson said he doesn't know all the specifics of Fannon's case, but he presumes a mother's anguish at the thought of her son in prison — for life — charging him with a lesser crime providing he cooperated to get the suppliers. "Ask him (Fannon) why he didn't cooperate."

"A lot of young people get into drugs because it seems like easy money," Thompson said. "And they can't envision getting caught."

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