

Judge wants change in Michigan drug law

By Pat Murphy
staff writer

Oakland County's legal community has influential voices on both sides of the emerging debate on the Michigan law mandating a life sentence for those convicted of possessing at least 650 grams of cocaine.

Prosecutor Richard Thompson, of course, defends the law, calling it an important weapon in the war on drugs.

"Anybody who feels sorry for those in prison because of the law has a misguided conscience," Thompson said Friday. "They should have some concern about the 15,000 crack babies born in Michigan each year, or the people whose lives are wasted because of cocaine addiction."

Among those who want the law changed is Oakland Circuit Judge Barry L. Howard who insists it does not give judges enough discretion. He wants the law changed — as proposed to the Michigan Legislature.

Howard wants judges to be able to depart from the policy of imposing a mandatory life in prison sentence when there are "substantial and compelling" reasons.

"That law just isn't working as it was intended," said Howard, a member of the executive board of the Michigan Judges Association that also wants the law changed.

THE LAW IN question is a 1979 statute that requires judges to impose a mandatory life sentence for any person convicted of possessing 650 grams, or more, of cocaine. The so-called "650 gram drug-lifer law" has come under scrutiny for a

'That law has not worked out as intended.'

— Barry L. Howard,
Oakland Circuit Judge

number of reasons, including what critics claim is its inflexibility.

State Rep. William R. Bryant Jr., R-Grosse Pointe Farms, has introduced House Bill 4024 that would allow judges to depart from the mandatory sentencing aspect of the law for substantial and compelling reasons.

Judges could still impose life sentences, under the proposed change. But they could also impose a minimum sentence of five years in prison.

H.B. 4024 is pending before the judicial committee. But extensive discussion on its merits is expected if it resurfaces before the Legislature this year.

Howard said although he and the Oakland prosecutor are on opposite sides of the issue, he personally respects Thompson. "We differ on this issue. But I think he does a good job as prosecutor."

TO ILLUSTRATE why he opposes the existing mandatory life law, Howard pointed to a case before him involving a defendant who suffered a closed-head injury that left him bound to a wheel chair besides mentally impaired.

"He was a courier, selected because of his disability," said Howard. "But if he's convicted, I'm forced to sentence him to life in prison."

Howard insists cases like that — affecting mainly low-level dealers — are all too common. "The law was designed to get the big dealers . . . but it's not working out that way," he said.

But Thompson disagrees. Michigan's drug-lifer bill has given police agencies needed leverage to deal with small-time dealers. "Most of the time after we catch them, small-time dealers won't talk," he said. "But when they realize they could go to prison for life, they're anxious to make a deal."

When asked to name some large-scale dealers sentenced under the drug-lifer law, Thompson pointed to members of the so-called Kalasho drug organization who were indicted by the Oakland Citizens Grand Jury in July 1990.

The drug ring — considered one of the biggest in southeast Michigan — was named after its alleged leader, Harry Kalasho, who was murdered in Detroit in 1989. Of the nine people indicted, five have subsequently been convicted and sentenced to life in prison with no possibility of parole, Thompson said.

They are Najah Konja, 29, Basam Jarges, 28, and Hatin Zakar, 29, all of Southfield, and Saad Bohda, 22, and Basil Mery, 28, both of Detroit.

They were named in the 83 indictments returned by the citizens grand jury since it was formed in the fall of 1989.

The Kalasho organization processed \$2 million worth of drugs a week, according to Thompson. "That's wholesale. The street value (of that cocaine) was probably around \$20 million. That certainly isn't a small fish operation."

Michigan business activity stagnate

Michigan's Business Activity Index (MBAI) stagnated in June at a level of 122 — the same as in May and 9.3 percent below June 1990, Manufacturers National Bank of Detroit reported.

Through mid-year, Michigan's economy is operating 6.2 percent below 1990, after removing the effects of inflation, economist David L. Litt-

mann said. Michigan's economy now appears to have stabilized but has not begun any significant recovery.

Some factors in the performance:

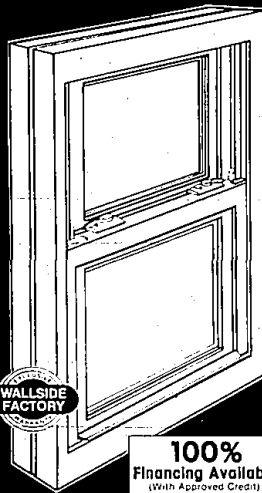
- The state's average unemployment rate in June was 9.0 percent versus 7.4 percent in June 1990.
- Steel and electric power consumption indicators rose. So did the average hourly work week in manufacturing.

- These gains were offset by weakness in employment, retailing and declines in the automotive series.

The Michigan Business Activity Index represents 10 measures of economic activity compiled monthly by the bank. The MBAI is expressed on an index with the base year 1982 equalling 100.

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Designer Salon

A clever, and complete, selection of simple dresses, daytime and professional suits, and full-length gowns for evening. See wool challis, silk prints, boucle, mixed patterns, elegant brocades and velvets. It is a "must see" collection.

Ungaro Parallele
Wednesday, August 14, 10 a.m. to 4 p.m.
Informal, International
Designer Salon

Plaid by day and evening...a wondrous interpretation of the madress for plaidness this fall. Daytime suits with cinched waist jackets, plaid evening suits with metallic touches. Great prints and floral velvets.

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Carolyne Rochm
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August 22 and 23, 10 a.m. to 5 p.m.
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Claude Montana
Tuesday and Wednesday,
August 27 and 28, 10 a.m. to 4 p.m.
Informal, International
Designer Salon

See his vibrant colors, new pyramid silhouette and signature silvertone hardware throughout the collection. Marvel at his cocoon shapes, down-filled coats, and other great outerwear pieces. It's pure Montana all the way!

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