

Prosecutor/ judge feud spills into courtroom

By Pat Murphy
staff writer

Southfield lawyer Douglas J. Wartell insists there is no evidence to support a demand from the county prosecutor that Judge David F. Breck disqualify himself from criminal cases in Oakland Circuit Court because of prejudice.

"There is no evidence that Judge Breck is biased and no reason for him to disqualify himself," Wartell said in arguments at a hearing Wednesday before Breck in Oakland Circuit Court.

But Breck has developed an "adversarial" attitude toward the prosecutor's office and should refrain from presiding over future criminal cases, argued assistant prosecutor Michael J. Modelski.

Both were part of the latest development in an on-going jurisdictional dispute between Breck and prosecutor Richard Thompson.

That dispute has apparently simmered in the background for some time, but flared into the open after Breck threatened to ask county commissioners to curtail the prosecutor's budget if he didn't operate his office differently.

Breck insists the prosecutor should be more flexible. He wants Thompson to, for example, modify his "hard and fast" policy against plea bargaining, something the judge said would ease the court docket without compromise.

THOMPSON SAYS the judge has no authority to "dictate" how he will run his office and countered by filing a motion that Breck is prejudiced and demand he disqualify himself from criminal cases.

Breck made no decision following Wednesday's 20-minute hearing. He took the arguments under consideration and said he would issue an opinion next week. Otherwise he declined to comment.

The dispute became public after Breck sent an Aug. 20 letter to Thompson relaying dissatisfaction from three jurors who spent four days on a case in which the defendant was accused of stealing a \$35 radio.

One juror went so far as to write a letter asking why the prosecutor had spent so much time and money "to attempt to convict a man who was so clearly innocent."

Breck's letter cited other cases he considered to be typical of practices that waste time and money. "I respectfully urge you to consider changing some of your practices,"

permit more bench trials (instead of jury trials), avoid overcharging and give your assistants more authority.

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to negotiate pleas."

Saying he believes matters are "getting out of hand," Breck wrote, "It is my intention to suggest that the bench lodge their complaints with the Board of Commissioners when you next ask for a budget increase."

Thompson called the letter a "threat" and characterized it as "an unvarnished effort at direct interference" with the prerogative of his office.

"HE (BRECK) THINKS he can intimidate me," Thompson told newsmen.

Worse yet, the prosecutor says the

judge wants changes that would, in effect, soften his traditionally tough policies against crime.

"The policies of my office — such as refusing to plea bargain — are designed to present a tough policy on crime," Thompson said. "I campaigned on those policies and the people elected me. I do not intend to change them."

So far, other circuit court judges have not publicly intervened in the dispute, even though Breck said he "has the support of my colleagues" in trying to convince Thompson to change his policies.

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OCC program targets people in transition

Oakland Community College's free-admission Transitions Seminars are six-session weekly programs designed to offer support, direction, educational guidance, and career planning advice.

Participants will examine personal, academic and career goals, and identify the methods for achieving their objectives.

Starting in mid-September, the fall series of Transitions Seminars will be offered at each OCC campus. Participants are able to select morning, afternoon, and evening sessions. Registration in advance is required. Those interested can directly phone the campus of their choice through August 28 to reserve a spot. After that date, please call 340-6502.

• Auburn Hills Campus: Register by phoning the counseling office at 340-6574. The first session will be on Thursday, Sept. 19, 10 a.m. to noon, in Building B, Room 113.

• Highland Lake Campus: Register by phoning the Counseling Office at 360-3059. The first session will be on Monday, Sept. 16, 3-5 p.m., in Highland Hall, Room 330.

• Orchard Ridge Campus: Register by phoning the Womencenter at 471-7602. The first session will be on Wednesday, Sept. 18, 6-8 p.m., in Building D, Room 210.

Royal Oak Campus: Register by phoning the Counseling Office at 544-5574. The first session will be on Wednesday, Sept. 18, 10 a.m. to noon, in Building C, Room 102.

Southfield Campus: Register by phoning the Counseling Office at 552-2624. The first session will be on Monday, Sept. 16, 6-8 p.m., in the Lower Level, Room 114-30.

Fall tours set by county park

The Independence Oaks Nature Center is offering a variety of programs that enable residents to enjoy the fall colors and other natural wonders of autumn.

On Sept. 14, for example, the center is sponsoring a "Monarch Butterfly Bus Tour" to Ft. Pelee, Canada, to view butterflies and migrating birds.

Cost is \$7 per person, with prepayment required by Sept. 7.

Participants are urged to bring binoculars, lunch, all-weather clothes and proof of citizenship (a driver's license is not sufficient).

On Sept. 20, the center offers a "Harvest Moon" evening with hayride and campfire. The event is 7-9 p.m. and costs \$11 per person.

On Sept. 28, the "Canoes and Colors" water color tour will feature a paddling tour of Crooked Lake, lead by a park naturalist.

The tour is 2-5 p.m., with participants free to bring their own canoes or to rent one for \$3 per hour.

Those interested can preregister, or obtain additional information by calling 623-6473.

Independence Oaks is part of the Oakland County Parks and Recreation park system. It is located on Sasabaw Road, north of I-75 near Clarkston.