

Oakland judges question prosecutor's aims

By Janice Brunson
staff writer

Are citizens getting their money's worth from the Oakland County prosecutor?

In this era of tightened budgets, is justice being served? Such questions are valid, according to some Oakland County judges and defense attorneys, who fear courts are increasingly burdened with nuisance cases that are overcharged by zealous prosecutors who refuse to plea bargain, even in instances where it is warranted.

Oakland County prosecutor Richard Thompson, who describes his office as among the toughest in the state, says he and 89 assistants are doing their job as mandated by law and critics are self-serving, pointing to isolated instances to prove their point.

Consider:

• After stealing a newspaper from a Birmingham soda machine, the defendant was tried before Oakland County Circuit Judge Frederick Ziem, who had earlier retired from the bench. He was acting as a visiting judge to ease congested court dockets.

• A Romeo man, involved in an acrimonious divorce, was brought to trial on charges of felonious eavesdropping after installing a video camera above the bed in his ex-wife's bedroom.

• Following a four-day trial in



'To be able to serve the people within the limited resources we have, each side must compromise. And to brand a person with a felony, in an instance that is isolated and where there is no prior record, lacks compassion.'

— Circuit Judge Hilda Gage

'Plea bargaining would be a lot easier, but it wouldn't do the job for the citizens. My job is not to make the judiciary's job easier.'

— Prosecutor Richard Thompson



ously be made easier. I think they might be handled another way."

LAST YEAR, 18 judges on the Oakland circuit bench were assigned an estimated 32,000 cases or some 1,950 each. Of the total number, nearly 8,000 were criminal cases, with 433 going to trial. The Oakland County Commission has approved two additional judgeships, but no relief is in sight before January 1993, if then.

Kuhn was originally assigned the stolen newspaper case but, to ease his crowded docket, reassigned it and two additional cases to a visiting judge, Ziem. There were no funds for visiting judges last year and may well not be this year, Kuhn said.

Former Oakland County prosecutor L. Brooks Patterson said the office reflects wishes of the citizenry. "They want a tough prosecutor" and Thompson "has probably taken (toughness) a step further" than when Patterson was prosecutor.

"I see the office a tad tougher to negotiate with," he said. Patterson is now in private practice and provided defense during the eavesdropping trial last November. The defendant was found not guilty.

"My client was not overcharged. I thought the charge was reasonable. If he was to be charged, it was the only charge that could be applied. But the evidence did not warrant any charge, as shown by the verdict," Patterson said.

Assistant prosecutor Gregory Townsend defends the charge. "I would gladly prosecute that case again. The way I look at it, when you

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Thompson defends tough stance

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staff writer

Just look south to Detroit, said Oakland County prosecutor Richard Thompson, and his tough stance on crime makes sense.

"My goal is to enforce the law and send a clear message. People who violate the law in Oakland County will pay for their crimes. They will be held accountable by the system. Otherwise, you lose control of the streets."

Thompson supports his position with certain statistics:

"We have a 93 to 95 percent conviction rate. More people plead guilty as charged than in any other county in the state. We conclude more criminal action than any other county."

His role, he said, "is to enforce the law. I do not have a pocket veto for laws I might feel are unreasonable or don't agree with."

In defense of allegations that minor crimes are overcharged, Thompson maintains "every step of every action is reviewed" prior to a case reaching circuit court.

"There are preliminary exams.

District court judges could dismiss at that level. If not, it should be indication there is sufficient evidence to pursue a case."

Thompson opposes plea bargaining because "it gives defendants an undesired reward, re-victimizes victims in court, discourages police officers and causes citizens to lose confidence in government's ability to protect them."

"Plea bargaining would be a lot easier, but it wouldn't do the job for the citizens. My job is not to make the judiciary's job easier."

"I do not apologize for maintaining a tough office."

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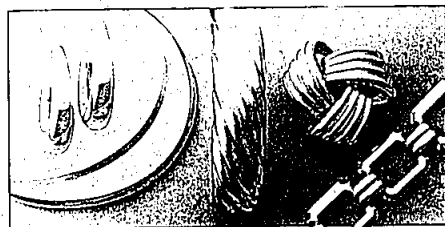
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