

# Kevorkian ordered to trial in area man's suicide

**By BILL CASPER**  
**STAFF WRITER**

Dr. Jack Kevorkian has been ordered to stand trial on a charge that he violated Michigan's law banning assisted suicide after he allegedly aided in the Sept. 9 suicide of Donald O'Keefe in his home in southwest Redford Township.

The ruling to bind over Kevorkian for trial in Wayne Circuit Court was issued Monday afternoon by Redford's 17th District Court Judge Karen Khalil in her courtroom that was packed to capacity with spectators, including several of O'Keefe's family members and a number of Khalil's family.

The jury box in her courtroom was filled with television cameras, including one from CNN, and other print reporters seated in a reserved section among the spectators as Khalil entered to render her decision.

"Let me first make clear it is my opinion that a final resolution on the question of the propriety of

assisted suicide is not going to be resolved in this court proceeding, nor will it be determined by the decision which will be reached by the Court of Appeals," Khalil said. "It is an issue which the people of this state will continue to struggle with even after the courts have ruled on this specific law."

"This is a highly charged emotional case which has been the focus of worldwide attention, and rightfully so. The issue of assisted suicide is one which must be addressed not only in this courtroom, but in this nation and it must be addressed in the proper forums with input and leadership from the medical profession. . . . It is appropriate that this debate take place and that through the proper democratic processes we resolve these issues as they arise."

**Makes 2 rulings**

Khalil's remarks were clearly audible in the quiet courtroom even though she was battling in-

fluenza with medication. She issued two rulings, the first to deny a motion by Kevorkian attorney Geoffrey Fieger, who sought to have the charge dismissed by arguing that the assisted suicide law is unconstitutional.

Khalil then bound over Kevorkian to circuit court, scheduling an Oct. 26 arraignment on the charge. She allowed Kevorkian to remain free on bond on the condition he does not assist in any suicides.

In explaining her decision to deny Fieger's motion to dismiss the charge against Kevorkian, Khalil said the Michigan Court of Appeals is now addressing the constitutional issue.

The issue went before the appellate court on appeal by the Attorney General after Wayne Cir-

cuit Judge Cynthia Stephens earlier this year ruled the law unconstitutional in a lawsuit filed by Teresa Hobbins to challenge the assisted suicide ban that took effect Feb. 25.

The appellate court has received legal briefs from attorneys arguing the question and is preparing to hear oral arguments, Khalil said.

"The district court concludes that it would be improper to take action on an issue before the appellate court," Khalil said. "Let me further emphasize my position that this type of action on the part of the district court could possibly lead to judge or forum shopping by those interested in assisting in suicides."

Khalil urged the appellate court to promptly render a deci-

sion in the interest of fairness to Kevorkian, 66, and all the people of the state.

Fieger argued in court Sept. 29 that the state's assisted suicide law violates the fundamental liberty interests guaranteed under the first, fifth and fourteenth amendments to the U.S. Constitution.

But assistant Wayne County prosecutor Timothy Baughman argued that suicide is not a right guaranteed by the U.S. Constitution. He said Fieger was not citing constitutional law, but his own moral philosophy and an issue to

be decided through the democratic process.

After hearing the attorneys' arguments, Khalil announced she would take time to review them before rendering her decision Monday when she denied Fieger's motion to dismiss the assisted suicide charge against Kevorkian.

She then ordered the pathologist be bound over to circuit court, saying the prosecution has met the burden of showing probable cause that the crime of assisted suicide had been committed and that Kevorkian assisted in the suicide.

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