

Kevorkian's 2nd trial not just repeat performance

BY PAT MURPHY
STAFF WRITER

Among the interested parties watching as the trial of Dr. Jack Kevorkian unfolds this week in Oakland Circuit Court will be the Birmingham-based Michigan Christian Coalition.

"We're watching to see if the trial is just and honest," said executive director Glenn Clark, whose organization claims 200,000 members statewide. "In the last trial (concluding March 9), the judge (Jessica R. Cooper) was clearly biased against the prosecution, and the jury followed her lead."

Jury selection was scheduled to begin today — barring any last minute appeals or setbacks — before Judge David F. Breck.

The office of Oakland County Prosecutor Richard Thompson claimed victory late Friday afternoon when the Michigan Court of Appeals ruled that some of the questions attorneys wanted to pose to prospective jurors could

not be asked and at least one had to be modified.

"Once again the offerings of (defense attorney Geoffrey N.) Fieger must be thrown in the trash can," said Lawrence Kosma, chief of legal operations. Prospective jurors will not be asked questions that violate their constitutional right to privacy, he said.

The Christian Coalition characterized some of those questions as "prejudicial and bigoted against people of faith."

Kevorkian is charged in the deaths of Sherry A. Miller, 43, of Roseville, and Marjorie Wantz, 58, of Sodus near Benton Harbor. Miller had Multiple sclerosis and Wantz suffered from intractable pain.

Both women left notes or videotapes claiming they wanted to die because of unending pain that made life unbearable and not worth living.

Kevorkian, 67, who now lives in West Bloomfield, is charged under Michigan's common law

which carries a maximum penalty of five years in prison, a \$10,000 fine or both upon conviction.

In rulings last week, Judge Breck said the prosecution needed to prove that Kevorkian provided the means for Miller and Wantz to commit suicide and that he knew the women intended to end their lives.

That ruling may appear to make it easier for the prosecution this time, said Lawrence Dubin, a professor at the University of Detroit-Mercy School of Law. "But that's still a considerable burden," he said.

The difference between common law and statutory law, Dubin said, is that one evolves through the courts while the other is spelled out in state laws. "Common law develops with court rulings," he said. "Statutory law comes from the Legislature."

While the prosecution has its job cut out, so does the defense, said Dubin, a resident of Birmingham. "The defense will like-

ly try to show the law as vague," and to some extent, ill advised.

One phenomenon that both sides are watching for, he said, is "jury nullification," the concept that jurors will decide the case on what they think the law should be instead of what it is.

The judge will instruct jurors that they must decide the case on the facts as presented in court and on the law as he explains it, said Dubin.

Both sides are aware that jurors — despite claims to the contrary — may factor into their decision making process private thoughts about the law being just or not.

Both sides are also aware of polls showing that a majority of people questioned favor some form of assisted suicide and want the Legislature to establish some guidelines.

A study published last week in the Journal of the American Medical Association indicated one in four patients who seek help from their doctors to commit suicide

receive prescriptions for medication to kill them.

This trial on assisted suicide could involve killing of a different kind, according to observers, including defense attorney Fieger. For almost six years, Fieger has contended that Thompson is persecuting his client because of his personal religious beliefs rather than any objective application of the law.

Prosecuting Kevorkian is a matter of malicious and selective prosecution, Fieger said after his client was acquitted last month. "And it's a colossal waste of taxpayer's money" that is sure to irritate voters, he said.

Friday Fieger was more specific. "This trial will be the end of Thompson's career," he said. "It will be the final nail in his political coffin."

While that view is not universally held, at least one knowledgeable person sees a core of truth in Fieger's assessment. That's Oakland County Executive L. Brooks

Patterson, who was county prosecutor for almost 15 years, with Thompson as his chief assistant for many of them.

When Kevorkian was acquitted in March, Patterson said he believed the prosecutor should not go ahead with this trial on the common law. "I'd advise him (Thompson) to just discontinue the prosecution and announce that he's waiting for the Legislature to enact some laws or guidelines," he said last week.

"I still have the greatest faith in Richard Thompson," said the executive. "But I think this decision will haunt him politically."

Thompson seemed very much aware of that possibility when he addressed a God and Country Rally sponsored by the Christian Coalition in Clawson on March 16.

He took an oath to enforce the law as it is written, Thompson told a supportive audience. "If it costs me my job as prosecutor, so be it," he said.

History of rustic lakeshore cabins doesn't deter group use

BY PAT MURPHY
STAFF WRITER

The rustic cabin in which Marjorie Wantz and Sherry A. Miller died is still a popular attraction in the Bald Mountain Recreation Area near Rochester Hills.

On the weekend before the trial of Dr. Jack Kevorkian was to begin in Oakland Circuit Court, a scout troop from West Bloomfield was scheduled to spend the weekend in the cabin where the two women died. A troop from Detroit was to occupy a companion cabin,

nearly identical, a short distance away.

If both are within about 100 feet of small, but scenic Tamarack Lake. It was the rustic setting that prompted Wantz and Miller to choose this location as the site at which they would become the

second and third persons to take their own lives with assistance from Kevorkian.

Miller, 43, and Wantz, 58, died together on Oct. 23, 1991, in one of the two cabins that are routinely rented out.

Shortly after they died, groups

specifically asked about the death cabin, said William T. Stark, unit manager for the Michigan Department of Natural Resources (DNR) that controls the 4,637-acre recreation area.

Stark has been the manager since about 1978 and was in charge of the area when Miller and Wantz died. He has been subpoenaed as a possible prosecution witness and said he is on standby to testify when the trial gets under way after jury selection is completed before Judge David F. Breck.

Stark said he couldn't talk about his possible testimony — if, in fact, he was asked. He was willing to discuss the recreation area, including the cabin in which the assisted suicides took place. Immediately after the fall of 1991, some groups asked about the deaths and the specific cabin in which they occurred, Stark said. "Some groups didn't want

the (death) cabin," he said.

"Other groups didn't care." Such inquiries have dropped off since then, Stark said. "But people still know this is the place where the two women died."

The cabins are about 24 feet wide and 36 feet long. Void of electricity and indoor plumbing, they sleep 20 offering a perfect setting for communing with nature.

The two cabins were built in the 1950s. But one — the one in which Miller and Wantz died — was rebuilt about 1978 after a fire.

Another DNR manager, Robert C. Remer, said he's aware that campers often tell ghost stories or repeat unverified legends about, for example, "big foot" or the "Mildred panther."

Do any of those stories involve Miller or Wantz?

"I don't know," said Remer. "But scary stories are certainly part of camp."

Bloodmobiles make these stops in April

Listed below are bloodmobiles in the area for the month of April:

Rochester — April 1: Congregational Church, Fellowship Hall, 2:30-3:30 p.m., (810) 997-3896.

Birmingham — April 1: Baldwin Public Library, Rotary Room, 12:30-3:30 p.m., (810) 647-1700.

Ann Arbor — April 1: St. Elizabeth Ann Seton Catholic Church, church hall, 3-9 p.m., (810) 879-1310.

Troy — April 1: Beaumont Hospital, Conference Rooms F.G.H., 6:30 a.m.-4 p.m., (810) 828-5972.

Troy — April 2: 7:30 a.m. - 1:30 p.m., 14201 Desplandre - conference room F.G.H., (810) 828-5049.

Auburn Hills — April 3: Avondale School District High School, 2800 Waukegan, gym, 8 a.m. - 8 p.m., (810) 852-2850.

Farmington Hills — April 4: Burns & Wilcox Limited, Training Room lower, 9 a.m.-3 p.m., (810) 932-9000.

Troy — April 8: Lutheran Church of the Master, Luther Hall, 2-8 p.m., (810) 879-5575.

Rochester — April 8: Oakland University, Gold Rooms, 9 a.m.-9 p.m., (810) 370-2020.

Auburn Hills — April 9: 8 a.m. - 2 p.m., (810) 340-0600 Ext.131.

Southfield — April 9: Art Moran-Pontiac GMC showroom, 10 a.m.-4 p.m., (810) 353-9574.

Southfield — April 10: Lawrence Technological University, Cafeteria Buhl, 9:30 a.m.-9:30 p.m., (810) 398-2079.

Southfield — April 12: Fin-silver/Friedman Mgt. Corp./Wendy's, conference rooms, 9 a.m.-3 p.m., (810) 353-0783.

Southfield — April 12: Great-lake Rehab Hospital, Community Room, 7:30 a.m.-1:30 p.m., (810) 423-1458.

Troy — April 15: Reorganized Church of Jesus Christ of Latter Day Saints, Multi-Purpose Room, 2-8 p.m., (810) 624-1096.

Southfield — April 18: Allstate Insurance Company, Suite 121, 10

a.m.-4 p.m., (810) 351-7063.

Lake Orion — April 18: Lake Orion High School, stage area, 7:45 a.m.-1:45 p.m., (810) 693-6084.

Farmington — April 21: Our Lady of Sorrows Catholic Church, gym, 8:30 a.m.-2:30 p.m., (810) 553-2300.

Farmington Hills — April 21: St. Fabian's Catholic Church, gym, 7:30 a.m.-1:30 p.m., (810) 489-8055.

Farmington Hills — April 22: Orchard United Methodist Church, Fellowship Hall, 2-8 p.m., (810) 626-2445.

Southfield — April 22: Highland Park Baptist Church, Fellowship Hall, 1:30-7:30 p.m., (810) 649-0241.

Farmington Hills — April 24: Mercy High School, lobby of auditorium, 8:30 a.m.-2:30 p.m., (810) 476-8020.

West Bloomfield — April 26: Early Elementary, gym, 2-8 p.m., (810) 539-2300.

Farmington Hills — April 27: Antioch Lutheran Church, Fellowship Hall, 8 a.m.-2 p.m., (810) 626-4148.

Rochester — April 27: Abiding Presence Lutheran Church, classrooms, 8 a.m.-2 p.m., (810) 375-0710.

Knights of Columbus — April 28: 3400 Adams, 8 a.m. - 2 p.m., (810) 696-3050.

Clarkston — April 28: St. Daniel Catholic Church, Social Hall, 8 a.m.-2 p.m.

Walled Lake — April 28: St. Williams Catholic Church, Parish Building, 8:30 a.m.-2:30 p.m., (810) 624-1421.



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