

# Police chief complains to judicial commission over court drug case

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STAFF WRITER

Farmington Hills Police Chief William Dwyer is questioning the integrity of the Oakland County Judge who publicly took the word of a convicted drug dealer over that of a Farmington Hills police officer. He addressed his question in the form of a complaint to the Michigan Judicial Tenure Commission Friday.

"This complaint of judicial misconduct concerns the actions taken by Judge David F. Breck, conduct which clearly was prejudicial to the administration of justice and whom clearly exhibited improper demeanor, conflict of interest and bias in his handling," Dwyer wrote in his complaint to the state commission. The complaint stems from the arrest of David G. Ryan during an undercover drug bust in December 1987.

Ryan testified that during a series of 1988 evidentiary hearings, he wanted to back out of the deal to deliver one kilo of cocaine to undercover officer Craig Summers, now a sergeant, but Summers enticed the defendant with more money. Ryan was charged with four counts of drug delivery.

Judge Breck, a 6th Circuit Court judge for 18 years, calls this entrapment. Dwyer would

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— Judge David Breck,  
Circuit Court



William Dwyer  
Farmington Hills  
Police Chief

were ineffective for failing to raise this defense.

"What is abominable is the representation of Ryan's (previous) attorney," said Breck. "The first time they met to discuss a defense was outside in the hall (of the court house). That's called ineffective assistance of counsel."

After ordering the prosecutor to respond to Fink's motion, evidentiary hearings were held from January to April 1995. It was during these meetings, that (the) defendant introduced the alleged extra \$1,000 inducement from officer Summers. Finally on June 12, 1995, the defendant's motion for relief for judgment was granted and the charge of delivering over 650 grams of cocaine was dismissed due to entrapment.

"He certainly has a right to defend his officer," Breck said about Chief Dwyer, "but this is not the (responsibility) of the Judicial Tenure Commission. The proper route is the prosecutor's appeal."

In addition to accepting the word of Ryan as more credible than Summers, Dwyer is concerned about Judge Breck's personal feelings on mandatory life sentences and the possible influence that had on the Ryan case.

"Judge Breck's conduct... is clearly prejudicial to the administration of justice," Dwyer said. "He has taken the opportunity while presiding over this case to voice his personal feelings... sarcastically ordering that the defendant be sentenced to 'die in prison'; appointing Fink (a counselor who shares Breck's distaste on life sentences) to take over the defendant's appeal to the Supreme Court; and finding the testimony of a 13-year veteran police officer to be incredible and that of a cocaine-addicted, convicted drug dealer to be more credible."

The police chief feels all of this was done to "set up a window of opportunity for the Judge to dismiss the case, knowing full well that an appellate court would have difficulty reversing on the issue of credibility."

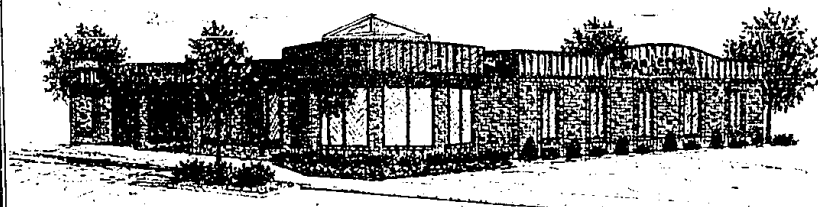
Judge Breck denies the allegation. "My attitude toward the mandatory life sentence has nothing to do with this case," he emphasized.

He also said he has "no animosity toward Dwyer," who he feels is just looking out for his police officer.

Prosecutors are appealing the decision to the Michigan Court of Appeals.



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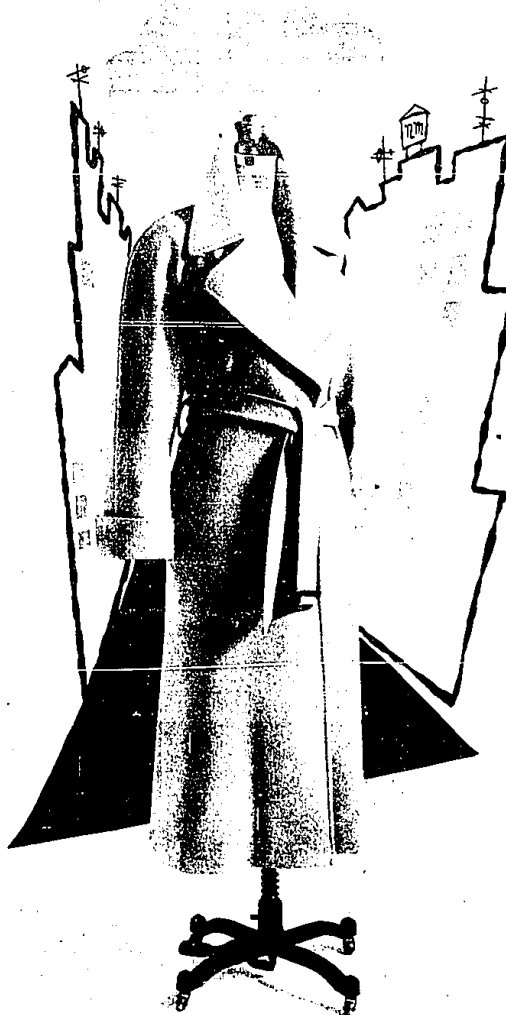
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