

Pair gets jail, community service

BY LARRY O'CONNOR
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Two men will serve 30 days in jail, eight weeks in boot camp and work in an animal shelter or for the Department of Natural Resources for beheading a duck at a Farmington Hills apartment complex.

Oakland County Circuit Court Judge Barry Howard sentenced Michael Gregory Prasher of Ann Arbor and Bradley Jon Woons of Grand Rapids Wednesday. The pair pleaded guilty to one count of killing and torturing animals for their role in decapitating a duck near a pond at Independence Green Apartments Sept. 1. In sentencing Prasher and Woons, both 22, Howard called the crime "heinous" and "senseless," while expressing disbelief. The judge's sentence includes

three years probation and six months in jail, most of which would be suspended upon completion of an Oakland County Sheriff boot camp. They have to serve 30 days in jail before starting the military-styled program. In lieu of 60 days in jail, Prasher and Woons have to do 100 hours community service in an animal shelter or DNR facility.

Howard also ordered both undergo intensive mental health treatment, which will be supervised by the Probation Department. "I thought it was a fair sentence," said Joseph Lavigne, Oakland County assistant prosecutor. "He gave them jail time,

ANIMAL CRUELTY

which they definitely deserve. I think they will benefit from the boot camp program. It's a longer term of probation than we expected ... We got everything we asked for."

Lavigne had the judge look at 13 police photos from the incident, which shocked onlookers Sept. 1. Witnesses said three men were feeding ducks at a pond in the late afternoon when one — identified as Woons — held the animal down while the other — identified as Prasher — brought down a 9-iron golf club on the animal's neck. The third man wasn't charged. Neither Prasher and Woons lived at the apartment complex.

One of the men admitted they had been drinking prior to the incident. Howard also ordered they stay away from alcohol and controlled substances with random drug testing.

Prasher, who is a Philosophy major at Eastern Michigan University, won't start his sentence until April when the semester ends. Neither Prasher's or Woons' attorney could be reached for comment.

An animal rights activist applauded the judge's sentence. "I think this is a good sentence for them," said Debby Glascock, Friends of the Ducks & Geese president. Glascock attended the preliminary exam. "It will send a message out that people can't blatantly get away with this with any animals. "It's very, very sad. It's a tragic story to begin with."

Board, commission appointments announced

The Farmington City Council approved a number of appointments and re-appointments to various boards and commissions

during the Jan. 4 meeting. Frank Clappison was named to a four-year term on the Farmington Downtown Development

Authority. His term expires in February, 2003. Re-appointed to four-year DDA terms were Susan Dubin, Robert Heinrich and Ron Oglesby.

Walt Gajewski was re-appointed to a three-year term on the beautification commission. Gajewski's term will expire in December, 2001. Also re-appointed was William Ingalls, to a three-year term on

the Farmington Building Authority. Ingalls' term will expire Jan. 1, 2002.

Meanwhile, Shirley Unger previously appointed to a three-year term on the commission for Children, Youth and Families, was introduced to the council. "I feel very honored and very excited about working with a unique group of people," Unger said. "We have exciting goals to pursue."

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Winners celebrate inaugural shootout

Congratulations to the first champions of the Farmington Hills Ice Arena Mini Stick Shootout. Kindergarten/first-grade champ is Kevin Lerg, runner-up Ethan Range and third place Noah Olson.

Fourth/fifth-grade champ is Stephen Kay, runner-up Scott Eberline and third place Jake Guminski. Sixth through eighth-grade champ is Mark Eberline, runner-up Brad Goralski and third place Mike Stack.

The next tournament is scheduled for Thursday, April 8.

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Supreme Court upholds U.S. Marine's conviction

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The Michigan Supreme Court has let stand the state conviction of a U.S. Marine who also was convicted in military court and Oakland Circuit Court for criminal sexual conduct with a 13-year-old in Troy.

Gunnery Sgt. Gregory D. Childers is serving a 2-20 year sentence in state prison after pleading no contest to rape and sodomy in 1993 before the late Judge Robert C. Anderson. Eleven months earlier, Childers had received a 24-month sentence under the Uniform Code of Military Justice.

The high court, on a 4-3 vote, said the case wasn't "double jeopardy," a violation of the constitution in which a person is tried twice for the same offense.

"The U.S. Supreme Court has consistently held that successive state and federal prosecutions are not a violation of the Fifth Amendment (to the U.S. Constitution)," said Justice Elizabeth Weaver's majority opinion.

"When a defendant breaks the laws of two sovereigns in a single act, he has committed two distinct offenses," she said. "The offenses have not been punished twice for the same offense, but rather he has committed two offenses by one act."

Key legal point was whether the U.S. military and the state had different interests, Weaver said they differed because:

"The military sentence was just 24 months. Under the state law, Childers received a 2-20-year sentence and could be imprisoned

before that time. Under state law, Childers will be registered as a sex offender and subject to mandatory HIV testing.

"The military sentence does not seek to vindicate the victim's interests" while the state law seeks to "protect young persons from sexual contact by persons with whom they have a special relationship." Weaver was joined in the Dec. 28 decision by Chief Justice Conrad Mallett and Justices Patricia Boyle and Clifford Taylor.

Disenting was Justice Michael Cavanaugh joined by James Brickley and Marilyn Kelly.

Cavanaugh said that while Childers received different sentences in each court, "his potential sentencing exposure was substantially similar." He said the state and federal interests are not substantially different — in fact, both provide for up to life in prison.

"The majority has pointed to no reason why the federal system could not be entrusted to vindicate Michigan's interests, and likewise, I can find none to exist. . . . Such slight distinctions do not amount to the substantive disparities . . ."

Cavanaugh would have reversed Childers' convictions on two of the four counts.

Assistant Oakland prosecutors Robert Williams and Thomas Greden handled the state law prosecution and received a supporting brief from the Prosecuting Attorneys Association of Michigan.

Detroit attorney Desiree M. Ferguson handled Childers' case.

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