

Kevorkian's team confident he'll prevail

BY PAT MURPHY
STAFF WRITER
pmurphy@ecce.homedomain.net

Dr. Jack Kevorkian may have lost a skirmish, but his new defense team is confident he will win the legal war over his role in the Sept. 17 death of Thomas Youk.

Kevorkian was ordered to stand trial on charges of murder, assisting in a suicide and delivering a controlled substance following his four-hour preliminary examination in Waterford District Court Wednesday.

But defense lawyers insisted — as they have from the outset — that no jury would convict Kevorkian for helping a dying man end his pain.

Youk suffered from ALS, more commonly known as Lou Gehrig's disease, and defense attorneys argued that Kevorkian was helping to end his suffering — not committing murder — when he assisted Youk.

One witness, hospice nurse Mary Ann Potter, who visited Youk several times in his home, testified the 62-year-old man had been ravaged by the disease

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*Dave Gorosh
— Jack Kevorkian's attorney*

and was close to death. On the day before his death, Youk "was mentally sharp, but very close to death," Potter said.

Youk had talked about assisted suicide, Potter said. But to her knowledge, Youk had not made a decision on ending his life, she said.

More than an hour of Wednesday's examination was devoted to showing the video tape Kevorkian made with Youk and subsequently submitted to CBS Television and shown on the program 60 Minutes.

That tape showed Youk acknowledging he wanted to end his life. It also showed Kevorkian administering three injections. On the tape,

Kevorkian admitted that one injection would depress Youk's nervous system — including his ability to breathe — and another injection would "stop his heart."

On another part of the tape, Kevorkian challenged the prosecutor to file charges, saying he wanted to force a legal showdown on euthanasia.

Assistant Prosecutor John Skrzynski argued the tape demonstrated Kevorkian's intent to end Youk's life. Youk's being seriously ill does not detract from the fact that Kevorkian had violated the law, he said.

Kevorkian's words on the tape were among the most compelling reason the retired pathologist from West Bloomfield should stand trial, said District Judge Phyllis C. McMillen. Those words clearly indicated that he knew death would result from those injections, she said.

Kevorkian did not act as his own attorney during the trial, leaving most of the legal points to be made by lead attorney David Gorosh, who said his client would be "very active" in the actual trial. "Dr. Kevorkian

has a constitutional right to defend himself," Gorosh said, "and he will take an active role in cross examining some witnesses and in closing arguments."

Following the exam, Kevorkian and his attorneys addressed a horde of reporters and television crews. While Kevorkian — on the advice of his attorney — refused to answer questions, but he seemed to outline the core of his defense.

"Does anybody think I'm a murderer?" Kevorkian asked. His assistance to Youk would never be considered criminal in any "enlightened society," Kevorkian insisted. "This trial is about eradicating hypocrisy."

Robert Sedler, a constitutional law expert from Wayne State University and one of four lawyers on the defense team, reminded reporters that Kevorkian has not been convicted, but will only stand trial.

"Remember, nobody is guilty of a crime until the jury says he (or she) is guilty," he said.



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ICE ARENA INFO

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HOCKEY CLINIC

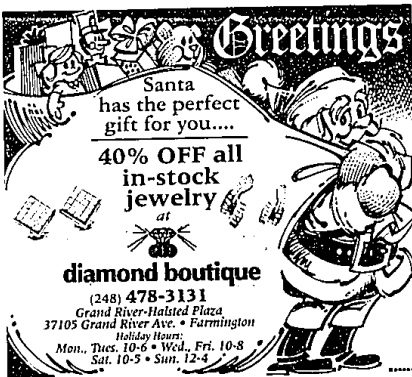
Farmington Hills Ice Arena Hockey Clinic Session III will be held Jan. 25 through March 20. Ages 4-7 4-4:50 p.m. Mondays. Ages 8-13 4-4:50 p.m. Wednesdays.

The clinic is designed to develop the skater and strengthen the following techniques: improved skating skills, stick handling, endurance, individual hockey skills, shooting and passing, and stopping.

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Numbered registration tickets are available one hour prior to scheduled registration time at the Arena Information Window.

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