

## Judge lenient in sentence

# Waters fined, put on probation

By ROBERT KIPPER

OAKLAND COUNTY—Clarkston's Robert C. Waters is not an ordinary criminal, nor was his crime an act of hate.

So argued his defense attorneys before Circuit Court Judge William Beer Monday morning as they pleaded for leniency.

A retired auto executive, former high school coach and one-time village president, Waters has always been a respected member of his community, said one of his attorneys, Henry Woolfenden.

Even Oakland County's "law and order" prosecutor agreed that Waters' crime—assisting or at least not stopping his wife from taking her own life—was motivated by "love rather than hate."

Judge Beer, apparently sympathetic to these unusual circumstances, decided that Waters wouldn't go to jail for his part in his wife's death.

Waters was placed on probation for 30 months and fined \$3,750—half as long and half as much as the judge could have imposed.

**BEFORE PRONOUNCING** sentence, Judge Beer stated that, contrary to some opinions, he felt a crime had indeed been committed. The judge said the evidence, which consisted mostly of an admission statement Waters provided sheriff's deputies, demonstrated that Waters was guilty of the reduced charge of manslaughter.

Waters might have been sentenced up to 15 years in prison for such an offense.

Waters, 45, who waited patiently for sentencing and stood silently before the judge, showed no emotion when Judge Beer announced his decision. Asked later if he would care to make a statement, Waters smiled and said, "No. Thank you very much, sir."

**WATERS—WHO** never labeled what he did a crime but said only, "I knew I was not following the law"—helped his wife Kathleen take her life by carbon monoxide poisoning Nov. 13. He sealed the family garage and started the automobile for his wife, who had physical and mental ailments and had contemplated suicide since 1971.

Prior to assisting his wife, Waters described his repeated attempts to dissuade her and his continued devotion for his wife of 40 years.

"Rather than die the way she feared, a cripple maybe and mentally affected, I would rather let her make her own choice and die—if I may say so—with dignity," Waters said in his statement to police.

It was the highly unusual nature of the case that led Prosecutor L. Brooks Patterson to charge Waters with a lesser offense. The case may establish a precedent to future cases of mercy killing in the state.

**JUDGE BEER** congratulated Waters' attorneys for not exploiting the emotional aspects of the case in a prolonged trial. Rather than standing trial, Waters pleaded no contest to the charge. That plea neither admits nor denies guilt.

"You have not succumbed to the temptation to indulge in a fiction-like defense," Judge Beer told Waters' attorneys. "It takes courage to tell a client what course he should follow (in a case like this)."

Judge Beer ignored a recommendation from the county probation department that Waters be sentenced to six months in jail. Waters' standing in his community and the likelihood that he wouldn't commit another crime were factors in ignoring the jail recommendation, the judge said.

The prosecutor's office, caught in the middle between factions that argued for leniency for Waters and factions that wanted a tough prosecution refrained from making a statement prior to sentencing.

Later, Prosecutor L. Brooks Patterson said he was "satisfied with Beer's decision, but added he would have been satisfied even if Waters had been sent to jail for a time.



Robert C. Waters (left) and attorney Robert C. Waters.

Although he said he was very sympathetic to Waters' predicament, Patterson said it had to be established that a crime was committed and that euthanasia can't take place without suffering, consequences—which he felt the Waters case demonstrated.

**WATERS' BEHAVIOR** Monday morning indicated he was eager for the publicity that has surrounded him the past several weeks to subside. Encountering photographers, a television crew and a newsman as he and his lawyers left for home, Waters waited for a slow-to-arrive elevator with his back turned to the cameras and his head bowed to the ground. Apologizing for not being more cooperative, Waters said in low tones, "I'm not anxious to have people recognize me in restaurants."

One of his attorneys added, "It seems to me you people should respect this man's right to privacy. He's not a public exhibit."

After one photographer expressed his disdain for doing assignments of this type, however, Waters said, "You have your job to do."

Such encounters with the media like the questioning by police and standing trial on a criminal charge were aspects Waters had apparently braced himself for when he agreed to help his wife commit suicide.

In his statement to police, Waters described his wife's concern for the consequences he might face after she was gone.

"I can face that," he reported telling her. "Don't you worry about it."

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