

'Double jeopardy': Stoddard

By Tim Richard
staff writer

Former banker Stanford C. Stoddard is saying "double jeopardy" as federal prosecutors prepare to try him a second time for misapplying bank funds in a Jackson case.

Stoddard, 59, of Birmingham, is the former board chairman of Michigan National Corp., then a holding company. He was arraigned in federal court last week on the appeals panel over his 1987 conviction.

"This proceeding clearly subjects me to double jeopardy. I will exercise my right under the Fifth Amendment (to move for dismissal)," Stoddard said in a telephone interview Monday. "They have indicted me on a different basis."

THE APPEALS court overturned the conviction in May. It said the

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lower court lacked jurisdiction because the affected institution — Michigan National Midwest of Jackson — wasn't federally chartered.

U.S. Attorney Stephen J. Markman is asking a second federal trial on the ground that the Jackson bank was covered by the Federal Deposit Insurance Corp.

U.S. District Judge Anna Diggs Taylor, who conducted the 1987 trial, sentenced Stoddard to three years in federal prison and fined him

\$5,000. At press time, the new trial date and judge were unknown.

Stoddard's attorneys are Neil Fink, Christopher Andreoff (a former federal prosecutor) and Keith Corbett of the Detroit firm of Evans & Luptak.

IN A STATEMENT, Markman said Stoddard benefitted from a deal in which a company he half-owned leased a Jackson building to the

bank. Markman alleges that terms of the lease — \$27,000 annually — were excessive for a building purchased for \$41,500. He added:

"Stoddard kept his interest hidden by having the property purchased in the name of an attorney-friend, then later by transferring the property and the lease to a partnership known as 'Amberly Properties' — a Michigan co-partnership in which Stoddard was a 50 percent partner."

Stoddard was forced to resign as chairman of Michigan National Corp. in 1985. He has separate suits in Oakland Circuit Court against MNC and the 19 directors for failing to provide aid in his defense against federal charges.

The comptroller of the currency sought to ban Stoddard from banking for misuse of bank funds, but that case was overturned by the U.S. Court of Appeals in Washington, D.C.

Appeals court upholds judge

By Tim Richard
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Only one judge was involved. But Oakland Circuit Judge David Breck thinks Michigan's entire judiciary was following his fight with Oakland County Prosecutor Richard Thompson.

"It was a ruling that supports the independence of the judiciary," said Breck after the state Court of Appeals said he had been wrongly disqualified from hearing major cocaine trafficking cases.

Breck had openly opposed mandatory life sentences in cases involving possession of more than 650 grams of cocaine. He had declared a por-

tion of such a law unconstitutional.

"Judges throughout the state were concerned," said Breck, a former district judge and one-time mayor of Birmingham. "They were saying, 'My God, is this what happens when a judge declares a statute unconstitutional?'"

THOMPSON SAID there was no attempt to "send a message" to trial court judges. "We want courts to comply with the law," said Thompson, successor to L. Brooks Patterson and a tough law-and-order official.

His chief assistant, Gerald Polson, said the appellate ruling would

be carried to the state Supreme Court.

The ruling came in drug sale cases in Ferndale involving Yolanda Houston and Peter Blinder.

According to court documents, the prosecutor's office said Breck could not be impartial because (1) he ruled a life sentence was unconstitutional, contrary to legal precedent; (2) he erroneously ruled on several pretrial motions in the case of Blinder; and (3) he wrote open letters to other judges expressing his personal concern about the mandatory life provision.

Chief Circuit Judge Robert Anderson disqualified Breck from hearing cases involving more than 650 grams of a controlled substance and ordered that Breck not be assigned other drug cases.

BRECK APPEALED and won. "The chief judge erred in applying the 'appearance of bias' test and should have required a showing of

actual bias or prejudice," said a Court of Appeals panel.

The unanimous ruling came from judges John H. Shepherd of Southfield, William R. Beatty of Birmingham and Roman S. Gribbs of Detroit. Beatty and Gribbs are former circuit judges.

"There is no allegation of personal bias against any party. Accordingly, we believe the chief judge should have required a showing of actual bias," the appeals court said. It reversed Anderson's order.

As for Breck's declaring part of a law unconstitutional, the appeals court said that issue should be decided separately by another panel.

The panel said Breck "did err" in his decision to inform the jury that defendant Blinder would be subject to a mandatory life sentence if convicted as charged. It is not proper for the trial court to place the possible penalty before the jury."




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Harvest moon up and coming

September is the month of the Harvest Moon, the start of autumn and the month when the amount of daily sunlight we receive drops below 12 hours, resulting in more darkness than daylight.

Just three of the five naked-eye planets will be visible this month. Jupiter is in the morning sky; Venus and Saturn are in the evening sky. Mercury and Mars are too close to the sun to be visible.

Venus, in Virgo, is the brilliant "star" low in the southwest after sunset. Saturn, in Sagittarius, is due south 45 minutes after sunset. Jupiter is in Gemini and looks like a bright star, high in the east, before dawn.

Although the planet Pluto is never visible to the naked-eye, it is worth mentioning that it is at its very closest to the sun in September, the closest it has been in 248 years!

Pluto takes 248 years to complete an orbit around the sun. Its orbit is the most elliptical (oval) of the nine known planets, so elliptical that it is now closer to the sun than Neptune, a characteristic it will maintain until 1999.

THE LAST PLANET to be discovered (in 1930), Pluto has moved through just 25 percent of its orbit since then. Because precise information about Pluto's orbit is still uncertain, it is not possible to determine the exact date that Pluto makes its closest approach to the sun. Pluto's closest approach to Earth does not occur for another eight months, when our orbit carries us to the same side of the sun as Pluto. Pluto will not be this close again until the year 2237.

On Sept. 1 we receive 13 hours and nine minutes of sunlight. The sun rises at 6:57 a.m. and sets at 6:06 p.m. On Sept. 30 the sun rises at 7:28 a.m. and sets at 7:15 p.m., allowing for a possible 11 hours and 47 minutes of sunshine. This is

a decrease of one hour and 22 minutes.

LOOK TOWARD the west southwest after sunset on Sept. 2 and locate Venus. As the sky darkens, look to the south (left) of Venus for Spica (SPY-ca), the brightest star in Virgo. Venus will appear to "pass" Spica over the course of the next week.

Venus, Spica and the moon form a nice triangle on the evening of the third. Venus is five degrees to the north (right) of Spica. Directly below Spica is the waxing ("growing") crescent moon. On the following night, the daily motion of the moon has transformed the triangle into a line.

Venus will pass 1.7 degrees north of (above) Spica on the evening of the sixth. Watch Venus move away from Spica during the rest of the month.

The bright star above the moon on the evening of Sept. 7 is Antares (an-TAR-ees), the "heart" of Scorpius the scorpion. Antares means "rival of Mars" because it has about the same brightness and color as the red planet.

THE FIRST-QUARTER moon is at 5:49 a.m. on Sept. 8. The moon has completed one-quarter of its orbit around the earth.

On Saturday, the ninth, the bright "star" above the moon, in the south, is Saturn. Even a telescope with low power will show you Saturn's splendid ring system. The rings are tilted 26 degrees this month, which is the greatest tilt we will see until the early part of the next century.

Saturn is stationary Sept. 11. The planet has been drifting westward (backward), through the stars of Sagittarius, for the past five months. On the 11th, the backward motion ends and Saturn will resume eastward (forward) motion.

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