

Judge hangs up on call box case

By JAY GROSSMAN
STAFF WRITER

When investigators questioned Oakland County Sheriff John Nichols about the theft of two Detroit call boxes, they asked him what he thought they were worth. "Probably not a hell of a lot," the sheriff replied.

On Wednesday, a Rochester Hills judge agreed with him.

A pair of criminal charges were dismissed in 52-3 District Court against deputy Mike Schmitzerle, who was accused of stealing the two Detroit call boxes sometime in 1991.

The prosecutor's office failed to prove the call boxes were worth anything, or even if they were actually stolen, Judge James Sheehy said in dismissing the charges.

"No evidence has been presented, other than assumptions, that the defendant actually stole the boxes and took them to Oakland County," Sheehy said.

One of the boxes was given to

Nichols in November 1991 as a birthday gift. The other ended up in the office of Gerard Carlin, the former commander of the Rochester Hills subdivision.

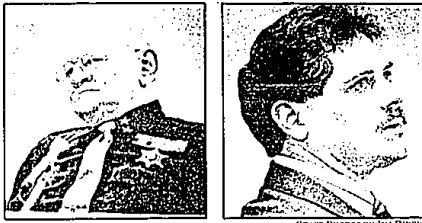
Schmitzerle was accused of stealing the two boxes from the Southfield Freeway. Detroit police stopped using them in the mid 1970s, but never bothered taking them down.

Schmitzerle was charged with larceny over \$100, and with receiving and concealing stolen goods, both 5-year felonies.

An inventory book listed the boxes at \$348 apiece, but Sheehy said the book value was inadmissible because the boxes were never manufactured as a product to sell.

Robert Broun, a distributor for the call boxes, testified Wednesday that the last time he sold one was in 1987 to a firm in Michigan.

Also taking the stand was Nichols, who guessed there are around 1,200 call boxes still in



STAFF PHOTOS BY JIM RIBICK

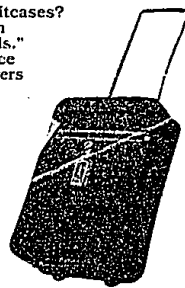
Out of court: Oakland County Sheriff John Nichols, right, testified in court Wednesday, before the theft case against Deputy Mike Schmitzerle, left, was dismissed.

Asked why he wanted it, Nichols said, "It was a question of nostalgia more than anything else."

Assistant prosecutor Greg Townsend said he plans to immediately appeal the dismissal.

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All Oakland Community College sites will close beginning Thursday, Dec. 23. Operations resume on Monday, Jan. 3.

Final registration for OCC's winter 1994 semester is scheduled for 9 a.m. to 8 p.m. Jan. 3-5. The first day of instruction is Thursday, Jan. 6.

Registration is conducted in an assigned last-name sequence, with open registration beginning at noon Wednesday, Jan. 6. There is no late registration after Jan. 5. Applications for the winter semester are now being accepted. New students should contact the admissions office at the campus

of their choice before Dec. 23 for a schedule of classes and more information. New and returning students may register at any one of the campuses below. There is no charge to apply.

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Highland Lakes campus, 7350 Cooley Lake Road, Waterford, 360-3069 or 360-3036.

Orchard Ridge campus, 27055 Orchard Lake Road, Farmington Hills, 471-7522.

Royal Oak and Southfield campuses, 739 S. Washington, Royal Oak, 544-5574.

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