

Case against Carlin faces challenge

BY JAY GROSSMAN
STAFF WRITER

Blame it on a bag of Jolly Rancher candy if the corruption case against former Oakland County Sheriff's Capt. Gerard Carlin goes down the tube.

Carlin's preliminary exam in 52-3 District Court derailed this week after charges were made that an investigator probing the case broke into a secretary's desk at the Rochester Hills substation to get information for a search warrant.

Sgt. Stephen Jacobs, with the county Fugitive Apprehension Team, doesn't deny he opened Judy D'Allesandro's desk while searching through the substation in January 1993.

But it was to get some candy, he said. Not evidence.

"I went into her drawer and took some candy," Jacobs testified. "I did not have her permis-

sion."

Carlin, former commander of the Rochester Hills station, faces 25 charges of misconduct, overtime shoving, falsifying expense reports and paying illegal overtime to his top command officers.

His attorney, Tom Kizer, requested an evidence hearing on Tuesday after the desk break-in was revealed.

James A'Hearn, in charge of the PAT team, testified Jacobs and another investigator, Sgt. Dave Wurtz, did nothing illegal when they searched the substation.

The two were sent there on a Saturday morning to find out what type of computers were used at the substation, and their serial numbers.

Nobody planned to enter anyone's desk, A'Hearn testified.

Jacobs testified he and Wurtz were about to leave the substation when he stopped at D'Allesan-

dro's desk to get a piece of candy. He said he knew about the candy because he worked in Rochester Hills sometime between 1990-91.

Lt. Doug Molinar, who replaced Carlin as the station commander, testified there were three unauthorized break-ins into the public safety building between January and April 1993.

The first break-in occurred on Jan. 23, 1993. Molinar testified he told A'Hearn about it on the following Monday.

A'Hearn refused to call the entry a break-in.

"They're sheriff's department employees with keys to (the) building," he testified, referring to Jacobs and Wurtz.

There was a sense of urgency to get the serial numbers and download the computers because investigators worried about evidence getting lost or destroyed, he said.

"You hear horror stories about whole programs getting dropped and accidents happening. That's why I wanted to get moving as quickly as possible," A'Hearn testified.

Investigators believed the computers contained information showing that Carlin spent time on politics while at work. Carlin was a key figure in County Executive L. Brook Patterson's 1991 campaign.

Nelson was expected to rule on the evidence hearing either late Wednesday, or Thursday.

Earlier, Nelson ordered Carlin to stand trial on five counts of overtime shoving. Carlin is accused of shoving around \$6,000 in overtime by billing the county for overtime worked in Rochester Hills rather than the city. Rochester Hills contracts with the county for police services.

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