

# Police chief protests dismissal of drug conviction

BY PAT MURPHY  
STAFF WRITER

The failure of attorneys to raise the defense of entrapment was a major factor in the dismissal of a drug conviction against a Novi man currently serving a life sentence in prison, according to Oakland Circuit Judge David F. Breck.

"The defense was horrible," Breck said Tuesday after the Farmington Hills police chief pledged to bring the dismissal to the attention of the Judicial Tenure Commission for review.

The June 21 letter from police chief William J. Dwyer was critical of the judge for, among other things, finding the word of a convicted felon more credible than the testimony of one of his officers, Sgt. Craig Summers.

"Sgt. Summers is one of the most highly respected police officers in the county," Dwyer said in his letter, "for you to viciously attack his integrity and credibility certainly creates an air of mistrust and doubt in the minds of the entire law enforcement community. Your ability to fairly hear cases and render proper decisions has come into serious

question."

In the meantime, the Oakland County prosecutor's office is appealing Breck's ruling and fighting to keep the defendant, David G. Ryan, now 43, in the Lakeland Correctional Facility in Coldwater.

Ryan's attorneys, David A. Koelzer and Neil H. Fink of Birmingham, said they are seeking his release on parole. "We've already contacted the parole board," and hopefully we'll get some results.

In 1987, Summers was on assignment from the Farmington Hills department to the Oakland County Narcotics Enforcement Team (NET) when he bought a kilo of cocaine from David G. Ryan, then 35.

After purchasing the cocaine, Summers arrested Ryan who was subsequently convicted of delivering more than 650 grams of cocaine and sentenced to life in prison with no possibility of parole under Michigan's so-called drug-lifer law, the toughest in the nation.

In his June 12 ruling, Breck was critical of Ryan's defense attorneys — Kleanth A. Kembel of Farmington and Charles F. Rid-

dle of Warren — and police efforts.

"The ineffective assistance of counsel prejudiced the defendant due to the fact that the meritorious defense of entrapment was not presented," Breck said in his ruling. "The defendant went to trial completely unprepared and defenseless...."

When contacted, both defense attorneys said they did not raise the issue of entrapment because they didn't believe police entrapped or enticed the defendant. "As I recall," Kembel said Tuesday, "the defendant called the police officer on 20 separate occasions trying to sell cocaine."

Police conduct in the case constituted entrapment by escalation, Breck ruled. The judge noted that Ryan prior to his involvement with Summers was working undercover, he said cocaine — in small quantities — to feed the addiction that had already destroyed his life.

Prior to his attempting to sell the kilo of cocaine, the largest amount Ryan was known to have sold was two ounces, with most of the sales in much smaller quantities.

"This court finds the police conduct in this case was reprehensible and constitutes entrapment," Breck said in his opinion. During an evidentiary hearing, Ryan testified that on Dec. 3, 1987, when he was to sell Summers the kilo of cocaine, he wanted to back out of the deal and not go through with the

transaction.

But Summers encouraged him to consummate the sale, Ryan testified, and offered him an additional \$1,000.

Summers denied offering the \$1,000 or attempting to entrap Ryan. But Breck said, "This court finds (the) defendant to have been a credible witness and Officer Summers to have been not credible."

Taking the word of the defendant over that of Summers was particularly offensive to Dwyer. "There has never been the slightest hint of wrongdoing on the part of Sgt. Summers," the police chief said in his letter, "and impugning his character, credibility and honesty is unconscionable. I ask that you cite what observations during Sgt. Summers' testimony led you to doubt his credibility."

"It is obvious that your decision was not based on the proofs presented, but rather on our personal and prejudiced observations of a major dope trafficker versus those of a dedicated police officer," Dwyer said.

"I speak for the entire law enforcement community in voicing my hope that the Oakland County Prosecutor's office is successful in its appeal of your biased and baseless ruling which may release this dope dealer back into the community," the police chief said.

References by Dwyer to what he described as Breck's "prejudiced" and "biased" ruling is an apparent reference to the judge's

outspoken criticism of the drug-lifer law passed by the Legislature in 1978.

In 1988, Breck initially refused to impose the mandatory sentence — insisting it constituted "cruel or unusual punishment"

— and instead gave Ryan 7 to 30 years in prison.

The Michigan Supreme Court, however, subsequently ordered the judge to impose the mandatory sentence.

**Hepplewhite's**  
FINE FURNITURE AND RUG GALLERIES

**Remodeling Sale!**  
WALL-TO-WALL CLEARANCE

**SAVINGS up to 70%**

**MUST SELL!**

**MUST CLEAR ENTIRE FIRST FLOOR**

**FINANCING AVAILABLE**

210 W. UNIVERSITY DR. ROCHESTER, (810) 651-1161  
OPEN THURS. & FRI EVES. CLOSED SUNDAYS

## Suicide cause unknown

BY PAT MURPHY  
STAFF WRITER

The woman who appears to be the 31st assisted suicide involving Dr. Jack Kevorkian breathed carbon monoxide gas prior to her death, according to the Oakland County Medical Examiner.

But carbon monoxide by itself may not have been the cause of death, said Dr. Ljubisa J. Dragovic, who on Friday performed an autopsy on Bette Lou Hamilton.

The carbon monoxide appeared to have been used in combination with other poisons, said Dragovic, who said the cause and manner of death are "pending."

Hamilton, 67, of Columbus, Ohio, was dead on arrival at Pontiac Osteopathic Hospital about 10:15 p.m. Thursday, June 20, said Dr. Robert Aranosian, emergency room director. The body had been wheeled into the hospital in a wheelchair by a friend, said the physician.

The friend and Geoffrey N. Fieger, Kevorkian's lead attorney, provided some basic information about the woman then left, said Aranosian, who said the woman appeared to suffer from a degenerative neurological disorder similar to Lou Gehrig's disease.

The body was turned over to the medical examiner, said Aranosian.

Attorney Michael A. Schwartz, also one of Kevorkian's attorneys, said neither he nor Fieger were present when the woman died. "I can guarantee that neither of us has any knowledge about where or when the woman died," Schwartz said.

Schwartz said he does not expect his client to face charges related to the death of Hamilton.

"Why should Dr. Kevorkian face charges in Oakland County?" the attorney asked. "No other prosecutor in the state believes Dr. Kevorkian has committed a crime."



SALE PRICE  
**\$1867<sup>50</sup>**

**The price of extravagance is down 50%. This week only.**

The days of false modesty are past. No one hesitates to embellish the home with precious collectibles. No one blushes to be extravagant in the cause of beauty. Schonbek has been making crystal chandeliers since 1870, when the company was founded in Bohemia to serve the ruling class and others rich and famous in their day. Our sale lasts this week only. So hurry.

**HERALD WHOLESALE**  
10830 Coddridge Hwy. Oak Park, MI 48237  
Hours: 9-5:30 Mon-Fri, 9-3 Sat, 12-5 Sun 4800

**SCHONBEK**  
Lighting for the New Age of Elegance

**It's the Talk of the Town!**

Here's what people are saying about us...



"This place is unbelievable. Who knew you could get treated like royalty just three blocks from home."  
- Carol Nolte



"I got kind of busy and missed my workout for a few days. I couldn't believe it when my trainer called me to make sure everything was all right. He wasn't about to let me slack off - and I appreciate that!"  
- Tom Morgan - Roney & Company



"I've never seen locker rooms so clean. The attendants keep things so perfect, you could entertain anybody in there."  
- Karen Watson



"Oakland Athletic Club is the nicest I've ever seen. The equipment is the newest and the best, and the staff really know what they're doing. I can even keep up with my email messages on the Bloomberg."  
- Bill Meidell

Find out for yourself. For a complimentary visit, call 810-540-9596 today.

**OAKLAND ATHLETIC CLUB**

Zaske Sarafa Financial Center  
355 S. Woodward, Suite 290 Birmingham, MI 48009

"Great Equipment..." "Friendly..." "Clean..." "Beautiful..."  
"State-of-the-art..." "First Class..."

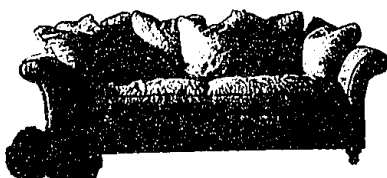
**Factory Authorized 4th of July Sale:**

**40%\***

**OFF ALL CUSTOM UPHOLSTERY!**

Expressions, your design workshop—creating one-of-a-kind upholstered furniture to your liking—is having a one-of-a-kind sale. Choose from more than 150 sofa and chair frame styles, over 700 gorgeous fabrics and 40 leather colors, to design a million dollar look at rock-bottom prices during this factory authorized sale. Your Expressions piece will be delivered in 45 days, based on in-stock fabrics, and will provide you with a lifetime of enjoyment and peace of mind. All Expressions custom furniture is backed by a lifetime warranty on frames and springs.

For 10 Days Only... from June 28-July 8.



**EXPRESSIONS**  
YOUR DESIGN WORKSHOP

BIRMINGHAM • 880 S. WOODWARD AT HUNTER SPLIT  
(810) 647-8882  
OPEN JULY 4, 10-2

**CP SHADES**

**SUMMER SALE**  
(everything 50% off)

**Begins June 27**

172 North Woodward  
Birmingham

