

Charges are reduced in drug case

BY PAT MURPHY
STAFF REPORTER

Charges against two men have been reduced, but the men, accused of dealing cocaine from an Orion Township bowling establishment, have been ordered to stand trial in Oakland Circuit Court.

District Judge James P. Sheehy ordered Joseph Puertas, 70, and James Talley, 35, to stand trial in circuit court Friday at the conclusion of their preliminary examination in 52nd District Court in Rochester Hills.

Sheehy said the credibility of the chief prosecution witness was "next to zero" on a scale of zero to 10.

Sheehy said the witness lacked credibility because the witness has prior felony convictions and admitted being a cocaine addict.

The judge said that background and the evasive nature of the witness' testimony called his credibility into question.

"But the jury must be given the opportunity to hear that testimony," said the judge.

Puertas and Talley were arrested Dec. 17 after narcotics officers raided the MegaBowl bowling establishment in Orion Township, several homes and two storage facilities.

Officers seized more than \$1.7 million in cash as well as other property, including several diamonds.

Puertas was originally charged with eight counts, including criminal racketeering and conspiring to deliver or delivering more than 50 grams of cocaine.

Sheehy dismissed two counts against Puertas and reduced the amount of cocaine involved to less than 50 grams. If convicted, he could be sentenced to six years in prison.

Sheehy dismissed racketeering charges against Talley, but ordered him to stand trial on two counts of conspiring to deliver or delivering less than 50 grams of cocaine.

"We have won," said Richard Lustig, the attorney for Puertas, after the hearing. Judge Sheehy challenged the credibility of the (chief) witness, but I predict no jury will believe him (the witness).

Oakland County assistant prosecutor Paul Stahlein said he will appeal the dismissal of charges as well as the reduction of charges.

Stahlein also claimed the chief witness was credible. "In drug cases, we don't get our witness out of court," he said.

In related civil action Wednesday and Thursday, the family of Puertas filed a civil complaint in circuit court, claiming police wrongfully seized property and records in the Dec. 17 raid.

The suit filed by James W. Burdick claims the cash and other property does not belong to the defendant and should be returned.

Assisted suicide group seeks loans to fund ballot proposal

BY NICOLE STAFFORD
STAFF WRITER

Merian's Friends is shifting into high gear in its effort to place a proposal on the right to assisted suicide on the 1998 Michigan ballot.

After a lackluster start in 1997, the group not only has started using professional petitioners, but also Tuesday will announce a plan to obtain loans to fund the drive. By soliciting loans, organizers hope they will be able to jump-start the petition drive.

Currently, Merian's Friends has 60,000 signatures in favor of placing the question of assisted suicide before Michigan voters. The group needs a total of

350,000 signatures by May 26 to get the issue on the November ballot.

"I think that we are off the ground," said Carol Poonisch, the organization's treasurer and daughter of Merian Frederick, after whom the group is named.

Frederick died in October 1993 in Royal Oak. She was the 19th person known to have taken her life after consulting with Dr. Jack Kevorkian.

But the current campaign efforts follow disappointment and confusion, according to Poonisch.

Last July, the organization targeted January as the deadline for the petition campaign. And many supporters falsely

understood not meeting the deadline as a failure to get on the ballot, Poonisch said.

Financial support also was less than expected, especially set against the organization's expenses, which included legal fees, the cost of printing petitions and conducting a statewide poll.

"Maybe we were too optimistic in the beginning," Poonisch said. "But, luckily, we have more time."

Merian's Friends now hopes to obtain 350,000 signatures by April. Having time to rally voters to support the proposal is the strategy behind finishing early, Poonisch said.

The ballot proposal, which Merian's Friends finished writing in July, stipulates that only terminally-ill, mentally-competent adults would be candidates for assisted suicide.

Candidates also would have to demonstrate that a psychiatrist, personal physician and specialist agreed that the patient had exhausted his or her pain management options.

National Voter Outreach, the Nevada-based petition management firm hired by Merian's Friends, currently has 35 people circulating petitions within the state each day and charges \$1 per signature.

The use of professional petitioners is quite common across the country, Poonisch said. "We



Carol Poonisch, daughter of Merian Frederick

also found that raising money is easier than going out and (getting signatures) ourselves."

Financial support has significantly increased since December, according to Bob Moreillon, Merian's Friends communications director, who estimated daily contributions at about \$1,000.

Repaying the loans will become easier as the group approaches getting the proposal on the ballot. "Once you're assured of being on the ballot, donations increase considerably," Moreillon said.

"We're seeing the money starting to come in from all over the country. But not just money, also support," Poonisch added.

Membership figures have also climbed, she said. Formed in 1996 by a handful of individuals, Merian's Friends currently has 4,000 members.

"We're really well established now. I think we stand a very good chance of making it," Poonisch said. "We know we have the support. It's really time for the people of Michigan to vote on it."

House to discuss ballot plan on Jan. 20

Contributing to the flurry of activity surrounding assisted suicide, the House Judiciary Committee is slated Jan. 20 to discuss whether they should place the issue before Michigan voters.

State Rep. Ted Wallace, D-Pontiac, chair of the House Judiciary Committee, announced plans Wednesday to examine the issue and place it on the ballot.

A similar measure, introduced by Sen. Gary Peters, D-Pontiac, failed in the Senate last year.

"America is a country built on the freedom to make a choice," Wallace said. "I believe it is the right of Michigan citizens to make the decision of whether or not they wish to prolong a life full of pain and suffering."

Wallace also stressed the challenge of examining such a sensitive issue, saying, "This is a very touchy subject. It doesn't just affect the individual, who is terminally ill, but their entire family."

Senate to deliberate on pain management

Personal experience brings urgency to the issue of pain management for Rep. Penny Crissman (R-Rochester).

Crissman, who received pain management care after developing a bone infection several years ago, is also one of the co-sponsors of a Michigan bill that would promote educating doctors and patients about the treatment of chronic pain.

Issuing from the House Health Policy Committee, the pain management package was unanimously passed by Michigan representatives in December.

"What we're trying to do is make sure that doctors are well-informed about the ability to treat pain," said Crissman, who described the pain care treatment she received as highly effective.

But Crissman, unlike many Michigan health care consumers, was aware of the treatment options, as a result of sitting on the Health Policy Committee.

Improving the public's knowledge about pain management is also widely recognized as the sister issue of assisted suicide, in which patients with chronic, untreatable pain seek to end their suffering.

The package now faces consideration in the Michigan Senate. Although the package was delivered to the Senate Health Policy Committee on Monday, a hearing date has not been set, according to the office of Sen. Dale Shugars (R-District 21), who chairs the committee.

The current pain management legislation would:

- define intractable pain;
- establish a 17-member commission to develop recommendations for health care providers

about pain care management and education;

■ educate health care providers about using controlled substances for pain management; and

■ require health care insurers to disclose coverage information related to pain care treatment and evaluation.

— Nicole Stafford, staff reporter

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