

Case

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whether Olender will be bound over for trial in Circuit Court. That decision wasn't made because defense attorney Darryl Fink asked that final arguments be presented in writing, so he could rebut the state's contention that Olender actually possessed a weapon.

Fink argued throughout the exam that the gun parts Olender owned could not, on their own, fire a projectile and could not be called a "firearm," by legal definition. But Muscat said case law points to a more broad interpretation of that definition.

"The facts and the law don't equal up to a charge," Fink said. "It goes deeper than a simple operability issue. My contention is this doesn't even qualify as a firearm."

Fink pointed out Olender was in Wyandotte when he was arrested, but a receiver — which would make the gun fully operational — was still at a gun dealer's shop in Manchester. In what proved to be the day's most explosive testimony, Muscat charged Kevin Olender conspired with his father, Edward, to obtain that piece, despite federal regulations against Kevin owning it.

The word "conspiracy" clearly floored Fink, who immediately lodged an objection.

"There's a definition for this. It's called 'slandering,'" he said, pointing out the prosecution hadn't raised any such allegations before the hearing. "I cannot possibly be expected to argue a conspiracy between my client and his father."

However, Muscat said, Fink did have credit card receipts showing Edward Olender had paid for the receiver.

Firearms dealer James Warner testified he'd received a call from Kevin Olender early this year, during which Olender said he was interested in a "transfer," or purchase of an out-of-state weapon through a local, licensed dealer. Warner explained the procedure, and Olender called back a few days later.

"The second time, he told me what he needed," Warner said. "He told me he'd been in touch with an out of state vendor in Minnesota, Federal Arms... look-



ID: Farmington Hills police Detective Bob Tiderington identifies the suspect.

ing for an upper receiver for an FAL rifle."

When Warner explained a federal background check would be required, Olender said not to order the part, but he'd call back. A few days later, Warner said, he received a call from Edward Olender, whose credit card was used to pay for the part.

However, Kevin Olender called to set up an appointment to pick up the receiver, on Feb. 18, the day after he was arrested, Muscat said. As a matter of law, he explained, he didn't have to charge either man with conspiracy.

"Their attempt was to avoid the law," Muscat said. "I don't have to charge the conspiracy. I only have to show intent."

Warner also testified he would, under no circumstances, have given the gun to Kevin Olender on the day of delivery. Before turning over the receiver, he said, the buyer would have to sign a federal form.

"You didn't think there was anything wrong with this transaction, did you?" Fink asked.

"No, sir," Warner responded. While Edward Olender never said he was purchasing the part for his son, Warner said, "I assumed the two of them were in partnership."

Judge Kalmbach also heard expert testimony from retired State Trooper Dave Townshend, who has testified in over 400 cases about firearms design, function, assembly, repair and test firing. Townshend said it would take six to eight hours, and a raft of tools including a lathe, torch, torque wrench, barrel vise and other more common tools to fully assemble the FN

FAL kit.

Under cross-examination, Townshend said the gun parts as they were could be modified to propel a projectile, as could any metal, tube-shaped structure.

If a person has ingenuity, a person could place a cartridge in a pipe and fire it," Townshend said. "I have seen barrels cut down from firearms and used on another device, but not one like this."

Also entered into evidence were three e-mails taken from the central server at Computware, from Olender's e-mail account. The company's director of security said he had a special account that allowed him to access employees' e-mail, even though they require a password.

Sent to firearms-related companies, the notes indicated Olender was in the process of purchasing a FN FAL kit in November and was looking for information about the receiver and gun assembly.

An e-mail sent from his account Jan. 22 said Olender was a new FAL owner and wanted to purchase accessories for the gun, such as stripper clips (speed loaders) and bandoliers. Fink pointed out e-mail could be tampered with, but didn't object to their admission as evidence, for the preliminary exam.

Judge Kalmbach ordered Fink to have his final argument filed by Monday afternoon, and Muscat's response by Wednesday. He sent a hearing on at 11 a.m. Thursday to determine whether Olender will be bound over for trial in Circuit Court.

Muscat said no charges had been filed against Edward Olender, and he didn't know whether there would be.

RAGE from page A1

rolling for the grant. He applied last fall through CVB and the program made the final five, out of an applicant pool of 66.

Russell said a panel of representatives were sent by CVB to visit the RAGE club at Harrison and interview members about the innovative program. "The following Monday, we were informed that our proposal had been accepted."

Among goals of the club is for students to have an opportunity to live balanced lives.

Areas of so-called "balance," Russell said, include the following: development of school/comm-

munity/world spirit; community service; creative arts; intellectual development; leadership training; multicultural diversity; physical development; and social development.

Programs supported by the grant will emphasize these areas of balance, he said.

"Another main goal of the club is to give students the opportunity to seize the day — carpe diem," Russell said. "Many people hear this philosophy, but don't know how to live every moment of life as fully as possible."

"I'm not saying we do know how, but we keep on trying."

RAGE is based on the theme "rage against the dying of the light," or, against "games of emptiness," according to Cleland at the school-cityes meeting.

Students meet at lunch and discuss social topics and worthy after-school projects, such as the upcoming districtwide school district telethon, 3 p.m. Friday, March 17, to 3 p.m. Saturday, March 18, at the new TV studio at North.

RAGE is taking on an active role in helping spark interest in the telethon.

Shriners' cowboy-Indian parade act prompts concern for cultural group

By TIM SMITH
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Dick Miller isn't a Shriner, he's a Mason. But he doesn't understand what the big deal is about letting Shriners continue with their traditional "cowboys and Indians" act in Farmington's annual founders parade.

"Personally, I think they've added to the parade in the past and I don't feel strongly that they should get rid of them," said Miller, a Livonia resident who belongs to the Farmington Masonic Temple. "It doesn't bother me."

Further, said Miller, he knows several of the Shriners, some with Indian heritage, "and it doesn't bother them."

But a confrontation is seemingly brewing between the Shriners and Farmington Multicultural/Multiracial Council, the latter of which embraces diversity. The council, during a recent meeting, decided it wants the Shriners to get rid of the "cartoonish" Indian act and be more sensitive to native Americans living in the community.

"As part of the multicultural council I agree with the decision to encourage the parade committee (Farmington Area Founders Festival Inc.) to work with the Shriners and eliminate the material that is offensive," said Farmington schools Superintendent

Bob Maxfield. "The way we understand it, if the ... council can't be straightforward and say cartoonish depictions of native Americans are offensive, who can say it?"

Maxfield emphasized that the Shriners' act promotes stereotypes, something the multicultural/multiracial council is determined to eliminate.

The Shriners apparently have fired back with a "take it or leave it" stance. They bring 21 individual acts to the parade, something they've been involved with since the 1980s. If any single act got the boot, none would come to Farmington.

Happy medium sought

"That's my understanding," said Farmington City Manager Frank Lauffoff, who is on the FAFF board. "If they have to pure it back, they won't come."

"People have to remember that the Shriners have been part of the parade since the beginning."

He also noted that the fundraising efforts of the Shriners, a national organization, help fund children's burn centers in hospitals across the United States.

"They're an old organization," Lauffoff said. "They do a lot of good and they're community minded. They also are looking at ways they need to change and improve as society changes."

According to Maxfield, the

inclusion of the Indian act promotes further stereotypes. He added that the council also wants other community groups to help with "the outreach to Shriners to help them understand."

Meanwhile, Lauffoff said the board is in favor of including the Shriners — Indian act and all — in the parade, and that the ultimate decision belongs with board members.

"There's probably a difference of opinion of how to deal with these concerns," Lauffoff said. Carleigh Flaherty, president of the Farmington Area Chamber of Commerce, is hopeful that both sides can come to a "happy medium" over the issue.

"It's very traditional for them and we have to respect their traditions," Flaherty said. "But they also have to respect the wishes of the multicultural council."

Flaherty said the Shriners were asked to "tone it down" for the parade.

Karen Bolson, co-chair of the multicultural council, said the flag goes back about five years and is "opposite to what we say in our guiding principles and in our mission statement."

Holson added, however, that ultimatums is not "what we're about. We're about building bridges and working with the Shriners. And we'd like to talk with them some more."

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