

Vagnozzi's Counsel Asks Dismissal

FARMINGTON The defense attorney for Aldo Vagnozzi of Farmington Township has filed motions asking for dismissal of the

assault and battery charges filed against him. The charge has been filed against Vagnozzi, member of the Farmington Board of Education, by Mrs. Donald Kenney, wife of the leader of a recall drive aimed at Vagnozzi and two other trustees. No hearing date has been set.

THE MOTIONS, filed by defense attorney Jack Bain, asks Farmington District Court to order the township attorney to provide the defense with the history of any psychiatric and or psychological treatment Mrs. Kenney has undergone in the past eight years.

The motion states that Vagnozzi has taken a lie detector test and the results support his contention that he had not committed assault and battery. Bain says the test was administered by examiner Ed Henessey of E.H. Henessey Agency, an independent polygraph operator.

The motion further suggests it "may have been the result of certain emotional or psychological problems" on the part of the complainant which caused her to enter a complaint.

complaint and warrant was also filed by Bain on Vagnozzi's behalf with Farmington District Judge

Michael J. Hand, who is expected to disqualify himself from hearing the appeals or conducting the trial.

The motions claim the township police were not given sufficient factual allegations by Mrs. Kenney to support the finding of "probable cause" needed before a warrant is issued.

Bain's motion also claims that between the times the complaint was signed by Mrs. Kenney and the warrant was ultimately issued by visiting District Judge Elmer Hartwick, at least three visiting judges had opportunity to peruse the complaint and failed to sign a warrant.

"At least one of the judges, when asked to sign a warrant, indicated he wished to examine the complaint and to read the police report," Bain states in his motion. "That judge was Martin Boyle of the 52d District Court. The petitioner has reason to believe that Judge Boyle was informed the complaint was to be dropped."

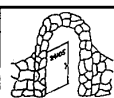
BAIN CLAIMS the warrant was hand-carried to the City of

Farmington division of Farmington District Court and given to Judge Hartwick. At the time the warrant was issued, Bain continues, numerous documents requiring a judge's signature were in the township division of the court.

"Once any other district judge had examined the judge had examined the complaint," adds Bain, "and failed to sign it there was, in effect, a finding of no probable cause, and once that finding was in effect, no subsequent judge could find probable cause on the basis of the same complaint."

"It would be tantamount to the prosecution being allowed to shop for a more friendly judge once a given judge failed to act in the manner the prosecution desired."

"To be allowed to go from judge to judge until eventually the prosecutor finds one who will sign a warrant would be a violation of due process," Bain concludes.



At the Center

Registrations are still being taken at the Center for the fall classes which have openings. Listed below are a sample of some of the many classes, but small enough to ensure individual attention. Materials extra. Instructor Mrs. Joyce Ellison has a bachelor degree in fine arts and her teacher's certificate. She has been exhibiting in numerous local shows and is affiliated with Oakland University Creative Council.

TAP DANCING for beginners: Tuesdays, beginning Sept. 28: 2:15-4 p.m. — ages 4 and 5; 4:45-5 p.m. — ages 6, 7, 8; 5:30-6 p.m. — ages 8, 9, 10; 5:30-6:15 p.m. — ages 11, 12 and up. Instructor Miss Shirley S. Mary is a tap specialist. She has her own studio in Detroit, has taught teachers and professionals, and has won many trophies in tap contests.

WATER COLOR: Wednesdays, beginning Sept. 29, 7:30-9:30 p.m. Ten sessions for \$30. Adults and high school students who wish to explore

this medium may join the class whether they are beginners or more advanced students who want more experience. The class will be small enough to ensure individual attention. Materials extra. Instructor Mrs. Joyce Ellison has a bachelor degree in fine arts and her teacher's certificate. She has been exhibiting in numerous local shows and is affiliated with Oakland University Creative Council.

WOMEN AND FEMINISTS: Tuesdays, beginning Oct. 5, 9:30-11:30 a.m. Eight sessions for \$18. The literature of leading women writers, Pearl Buck, Simone de Beauvoir, Willa Cather, Joyce Carol Oates and others will offer stimulating topics for discussion and comparison. Instructor Mrs. Louise Snider, presently an instructor in humanities, Oakland Community College, has an M.A. in art history from the University of Michigan and an M.A. in humanities, Wayne State University.

WOODCARVING: Tuesdays, beginning Sept. 28: 7:30-9:30 p.m. — beginning, 1-3 p.m. — Advanced. Ten sessions for \$18 plus materials. Beginning students will learn to handle tools and to carve in low and high relief, chip carving, and carving in the round, using native and imported woods. Students should be able to carve simple birds and animals by the end of the classes. Advanced students go on to more work in the round involving a face and figure. Instructor is Mrs. Loretta Hawkinson.

YOGA: Tuesdays, beginning Sept. 28, omitting Oct. 19 and Nov. 16, 7 p.m. — beginning class, 8:30 p.m. — continuation class. Also Thursdays, beginning Sept. 30: 9:00-10:30 a.m. — beginners, and 10:30-12 noon beginners. Ten sessions for \$20. Hatha yoga is designed to improve its students physically and mentally through postures, breathing, and relaxation. They should wear loosely fitted clothing or leotard and tights and bring a rug or mat on which to practice. This will be a co-ed course for anyone 15 years or over. Instructor Mrs. Marilyn Ripelle has been teaching yoga in this area for a number of years.

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NOTICE OF SPECIAL VILLAGE ELECTION—VILLAGE OF WOOD CREEK FARMS, MICHIGAN

OCTOBER 12, 1971

TO THE QUALIFIED ELECTORS OF THE VILLAGE OF WOOD CREEK FARMS, COUNTY OF OAKLAND, STATE OF MICHIGAN:

NOTICE IS HEREBY GIVEN THAT a special village election will be held in the Village of Wood Creek Farms, in the County of Oakland and the State of Michigan on the 12th day of October, 1971, from 7:00 o'clock in the forenoon until 8:00 o'clock in the afternoon, Eastern Standard Time, for the purpose of voting on the following propositions, to-wit:

CHARTER AMENDMENTS

1. Shall Chapter X of the Charter of the Village of Wood Creek Farms be amended by adding a Section 19 thereto which would permit the Village Council to borrow money and issue bonds in anticipation of the payment of the special assessments for improvement of streets within the Village, which bonds would be an obligation of the special assessment district and a general obligation of the Village?

2. Shall Section 3 of Chapter XI of the Charter of the Village of Wood Creek Farms be amended to permit the Village Council to assess all or any part of the cost of street construction or maintenance to the properties specially benefited upon receipt of a petition signed by 51% of the property owners to be assessed requiring such improvement and to adopt a general ordinance governing special assessment procedures?

NOTICE IS FURTHER GIVEN that the full text of the proposed Charter Amendments is as follows:

CHAPTER X

Section 18. The Council, subject to the applicable provisions of law, may authorize the borrowing of money in anticipation of the payment of special assessments made for the purpose of the construction or improvement of streets within the Village. Such special assessment bonds shall be both an obligation of the special assessment district and a general obligation of the Village. All collections on each special assessment roll, to the extent that the same are pledged for the payment of the principal of, and interest on, bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of such principal and interest and shall be used for no other purpose.

CHAPTER XI

THOROUGHFARES AND GROUNDS

Section 2. No funds except from those from the State property allocable thereto and lands provided in the annual budget for such purposes, shall be used for the construction, improvement, or maintenance of highways, streets, or alleys within the Village. Provided however, the Council may determine that the whole or any part of the cost of the construction or improvement of streets within the Village shall be defrayed by special assessment upon the properties specially benefited upon the filing of a petition requesting such street construction or improvement signed by more than 51% of the record owners of lands within the special assessment district as finally established by the Council. The Council shall by general ordinance prescribe the special assessment procedure.

NOTICE IS FURTHER GIVEN that all qualified electors of the Village of Wood Creek Farms shall be eligible to vote on said charter propositions.

NOTICE IS FURTHER GIVEN that the polling place for said special village election will be at the Wood Creek Elementary School, 2840 Hurwitz Dr.

ALICE M. TOTH
Village Clerk

Published: Sept. 23 & 29, 1971

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