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911 DEFENSE QUESTIONS LAW HOLDING OPERATORS AT FAULT

BY CECIL ANGEL

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DETROIT The law under which two Detroit 911 operators are charged with willful neglect of duty for dismissing the calls of a young boy on the day his mother collapsed and died is too vague and could be made to apply to any public employee, including janitors, a defense attorney for one of the women said in court Wednesday. "It's so ambiguous, so vague," Cornelius Pitts, attorney for operator Sharon Nichols, said of the law. "Indeed, it can cover any employee."

Nichols, 43, and Terri Sutton, 47, have been charged with a single misdemeanor count each of willful neglect of duty, punishable by up to a year in jail.

On Feb. 20, Robert Turner, of Detroit, then 5, called 911 after his mother, Sherrill Turner, 46, collapsed. She died of complications from an enlarged heart. Her son spoke to Nichols at 5:59 p.m. for 43 seconds, but Nichols did not

send the police. The boy called back at 9:02 p.m. and spoke to Sutton for 1 minute, 16 seconds.

Police were sent to the boy's home sometime after his second call, but only to reprimand him for what the operators perceived as prank calls, according to authorities.

In 36th District Court, Pitts argued Wednesday that the charge be dismissed. He said Nichols had not received fair notice that her conduct would subject her to the criminal penalties of the Willful Neglect of Duty statute.

Nichols, as a 911 operator, is not required to take an oath and is not a sworn officer of the Detroit Police Department, he said in his motion. The law, as it's applied, could mean criminal charges for a janitor, who is a public employee, who fails to give warning that a just-waxed floor is slippery.

"Counsel is taking this argument to the illogical extreme," Assistant Wayne County Prosecutor Lora Weingarden said of Pitts.

The case is not about janitors but 911 operators, she said.

"Nobody could dispute that their job responsibilities put them in a position of public trust," Weingarden said.

"She said Nichols deviated from established protocol and misled Robert. Sutton threatened him, saying he would be in trouble for playing on the telephone," Weingarden said.

Both Pitts and Sutton's attorney, David Lee, say their clients have not violated any criminal law and that, at best, the case is a civil matter.

Judge Paula Humphries said she would issue her opinion in three days.

Contact **CECIL ANGEL** at 313-223-4531
or angel@freepress.com