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PROSECUTORS CLASH IN DETROIT COPS CASE

Misconduct Charges For 17 Officers Are Disputed

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DETROIT A high-profile corruption case involving 17 Detroit cops is caught up in a dispute between Wayne County prosecutors, who say there's no evidence of misconduct in many of the cases, and federal prosecutors who say there is.

Kevin Simowski, a top lieutenant at Wayne County Prosecutor Michael Duggan, says federal prosecutors and the FBI apparently were "conned by a network of career criminals" who claim the cops planted evidence and lied about arrests.

But U.S. Attorney Jeffrey Collins said Tuesday that he stands by his investigation. "The appropriate forum to discuss the government's evidence is in federal court," he said. "But I will tell you this: In general, when we indict any case, we do so because the evidence indicates guilt beyond a reasonable doubt."

Attorneys critical of the county prosecutors' review said it was self-serving because it involved cases originally handled by the office. Duggan did not return calls seeking comment Tuesday.

Simowski said he and other prosecutors found no evidence that convictions in 17 cases handled in Wayne County courts based on arrests by the indicted cops should be overturned.

"We are convinced, through a review of all the available information, that no credible evidence exists to doubt the validity of the convictions in state court," Simowski said. "We are not going to set aside convictions based on the uncorroborated testimony of career criminals."

Three men remain jailed and one is in a halfway house after being convicted in arrests the federal government portrays as tainted by police wrongdoing. Simowski said the men, three of whom pleaded guilty and one who was convicted at trial, were fairly prosecuted.

Detroit Police Chief Jerry Oliver said Tuesday the department's internal affairs investigators found the claims against the indicted cops "substantive." "These aren't frivolous cases," Oliver said. "There seems to be these issues between the prosecutors. It doesn't change anything for the Police Department. Maybe Mike Duggan has some information that we don't. All that will have to play out."

He said the indicted officers have been suspended without pay. The indicted officers have denied wrongdoing.

Many of the people who complained about mistreatment and false arrests have long criminal records, including convictions for murder, armed robbery and drug dealing, which federal prosecutors acknowledge.

Some of those who allege police harassment have added more arrests and convictions to their rap sheets in the nine weeks since the officers were indicted. And two people who the federal government said were harassed by Detroit police are now suing the city, using the indictment as ammunition to seek damages.

On June 19, the federal government charged that Dontae Lindsey was illegally searched and arrested by Detroit cops in February 2002. But on July 17, Lindsey pleaded guilty to perjury in an unrelated attempted murder investigation in Wayne County.

Another witness, Michael Holt, told federal investigators that Detroit cops dangled him from a window and put a noose around his neck while threatening to strangle him in February 2002. The cops didn't arrest Holt during that incident, but Holt filed a complaint a few days later at a precinct.

On July 8, Holt filed a federal lawsuit seeking \$21 million. On Aug. 4, he was arrested with 56 rocks of crack in southwest Detroit, police said.

The 17 indicted officers also allegedly stole drugs, firearms and money from suspected drug dealers over two years. The indictments stemmed from citizen complaints and an investigation by a task force from the FBI, the U.S. Attorney's Office and the Detroit Police Department's professional accountability bureau.

Darrell Robinson, who is imprisoned on drug and gun charges based on the arrest cited in the federal indictment, has a hearing Friday before Wayne County Circuit Judge Deborah Thomas to seek a new trial because of the allegations of police misconduct in his case.

Robinson's attorney, Brian Selburn, shrugged off the Wayne County review.

"The Wayne County prosecutors are doubtful on the federal case and strong on the Wayne County cases. How self-serving can you get?" Selburn said.

Steven Fishman, an attorney for indicted Officer Jerrod Willis, lauded the review.

"I am certain that the Wayne County Prosecutor's Office did a thorough investigation. I am happy to see that they believe, as I do, that Officer Willis and the other officers made good arrests that resulted in valid convictions," Fishman said. "Hopefully, the federal prosecutors will soon arrive at the same conclusion."

Simowski said his office reviewed the cases handled by the cops to ensure that no one was unfairly charged or convicted.

The federal indictment cites 35 incidents, and named 32 people as victims of police misconduct. Most of the alleged incidents occurred in southwest Detroit.

The Wayne County Prosecutor's Office did not review police misconduct allegations made by nine people in the federal indictment because they had not been arrested or charged in Wayne County. But Simowski and others in his office reviewed 26 cases cited in the federal indictment where charges were brought in Wayne County courts as a result of arrests now called tainted by federal prosecutors:

* Fifteen people pleaded guilty to charges stemming from arrests cited in the indictment.

* Two people who say they were victims of police misconduct were found guilty at trial.

* One person, Dontae Lindsey, was found not guilty in a bench trial.

* One person has an outstanding warrant for her arrest based on the incident cited in the indictment.

* One arrest was dismissed because the person, Robert Blackwell, was murdered in June 2002 in an unrelated case.

* One case was dismissed in July because the arresting officers were indicted the month before.

* Two cases were transferred from Wayne County Circuit Court to U.S. District Court, so the defendants would face stiffer penalties under federal gun charges. Once they were in federal custody, federal investigators dismissed the cases.

* Three dismissed cases involved Clifton White, whom federal investigators cite three times as the victim of police harassment. But in January, White was picked up for cocaine possession and sentenced to probation.

Attorney Heather Bendure, who plans to file a civil suit for White, said the accused officers had a ven-detta against her client.

"It's easy to say they're not very credible . . . that it's just a bunch of drug dealers doing this," Bendure said Tuesday. "But the FBI investigated, and everything he told them -- drugs being planted on him and guns being planted on him -- was confirmed by independent witnesses."

Court testimony from various cases shows both the cops and their accusers knew for a few years that claims of police misconduct were being investigated.

Most of the people complaining about police misconduct live in southwest Detroit, know each other and have criminal backgrounds.

Simowski, who has worked in the Prosecutor's Office for 20 years and previously headed its homicide division, said it appears "criminals . . . knew that the feds were looking for allegations against officers."

In the review, Simowski was aided by assistant prosecutors Paul Bernier and Robert J. Donaldson. Donaldson also has dual credentials to work as an assistant U.S. attorney and so had access to the federal government's evidence.

David Lee, attorney for indicted Police Officer William Melendez, reiterated Tuesday what he has said in court.

"The government is relying on a parade of criminals of every sort -- drug dealers, liars, cheats, prostitutes and thieves of every description," Lee said.

Melendez, nicknamed Robocop, is considered one of the federal government's top targets. He has been sued four times for the alleged use of unreasonable force, and in 1999, the city settled a claim about his conduct for \$1 million. But Melendez also was honored as 4th (Fort/Green) Precinct Officer of the Year in 2001.

Bendure said she's studying claims by a dozen people who say the police violated their civil rights, and may file a lawsuit seeking damages. Some of her clients, she said, do not have criminal records. She also represents White, Lindsey and Thearthur Williams, who were identified in the federal indictment as victims of police misconduct