

Jury frees cops MC Lawyer says testimony ignored

**By Diane Bukowski
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DETROIT – As eight Fourth Precinct police officers, along with their attorneys and supporters, celebrated their May 20 acquittal on charges of violating residents' constitutional rights, others were aghast, calling the federal jury decision a "nullification verdict."

The divide in perception was evident in a statement made by David Lee, attorney for one of the officers, William Melendez, who along with Matthew Zani was accused by government prosecutors of being a ringleader in the conspiracy case.

"I really do feel that this jury sent a message to Detroit police officers that they can go out and do their jobs without having the federal government looking over their shoulders," he said. He added: "One juror, a Detroit resident, personally told me to make sure that these young men get back on the street because we need their protection."

But one resident of the area covered by the Fourth Precinct, Cornell Squires, legal coordinator for the Original Detroit Coalition Against Police Brutality, said, "It's a sad day for all Detroiters. Surely the city will suffer greatly, and there will be more people, mostly African-American, framed up by these deviant cops if they are allowed back on the force."

A spokesman for Police Chief Ella Bully-Cummings said she has not yet decided whether to file internal charges against the officers or reinstate them. Her department actively cooperated in the federal investigation and prosecution of the eight officers. Seven other officers are still awaiting trial.

The jury in this trial, which was spread over three and a half months, deliberated only 19 hours, and then acquitted the defendants of charges that could have landed them in jail for 10 years. Jurors said they did not credit the testimony of witnesses who had been convicted of crimes, including drug dealing and prostitution.

Those witnesses testified that the officers planted guns and drugs on them. They said the officers also beat them, sexually abused and strip searched them, threatened to kill them, and then falsified reports and lied in court.

Circuit court judges dropped charges against several of the witnesses after the officers were indicted.

Kevin Ernst, attorney for Clifton White, one of the chief witnesses against the officers, called the jury decision a "nullification verdict," saying the jury ignored the testimony of 17 police officers who took the stand to testify against the eight indicted officers.

“I’ve been a civil rights attorney for 14 years. And never in that time have I seen a police officer testify against another officer, because of the blue code of silence. When you have other officers testifying, it’s hard to believe that it’s not true,” he said.

He added: “In fact, Melendez pled no contest to falsifying a police report in an earlier case. It’s obvious to me that the jurors just didn’t care if the civil rights of the witnesses got violated, because some [of the witnesses] were not upstanding citizens. But they have rights like everyone else.”

Only three of the officers that took the stand, Troy Bradley, Hubert Brown and Nicole Rich, were originally indicted in the case. They pled guilty to charges of falsifying reports and violating rights, in exchange for sentences of probation and their resignation from the police force.

The 14 other officers who testified were either present or otherwise involved during the arrests of some of the civilian witnesses. They included Officer Raynell Rogers, who said fear prevented her from previously contradicting allegations by Officers Melendez and Timothy Gilbert that one witness, Bruce Toney, possessed drugs and weapons.

“I was afraid,” Rogers said. “I was a new officer at the precinct, and I feared repercussions, consequences, being singled out.” Two other officers, Craig Gregory and Deonne Dotson, also testified against Melendez and Gilbert in that case.

Most of the officers testifying against the indicted officers were Black, whereas those on trial were white or Latino. The civilian witnesses who testified against the officers were also predominantly Black. On the final panel of the federal jury that heard the trial, held in half-day sessions beginning Feb. 12, there were four African Americans, all women, three of them Detroit residents.

In a motion filed during the final days of the trial, U.S. Attorneys John Engstrom and Michael Bullotta said jurors’ emotions were improperly inflamed during closing arguments, because defense Attorney Anthony Chambers argued that “government witnesses with prior criminal histories would soon be moving into the jurors’ neighborhoods, unless officers like the defendants were allowed to stop them.”

But Steve Fishman, attorney for one of the defendants, Timothy Gilbert, said the verdict showed that jurors felt “citizens are sick and tired of street crime and want police officers to do something about it.”

The verdict leaves ongoing civil lawsuits by some of the witnesses up in the air. Ernst said he would continue to pursue the broad-ranging suit he has filed on White’s behalf. That suit alleges that Melendez and other Fourth Precinct officers harassed, abused, threatened and framed White continually, over a period of 10 years, from the time he was 18 until the present, and that the officers were well-known for similarly treating other young African-American males.

Among other incidents it describes, the suit says Melendez told a friend of White's, shortly after White was shot in the head by an unknown assailant, "Heard your boy got shot. Too bad it didn't kill him."

Another suit, by Michael Holt, who did not testify during the trial, alleges that Zani, Mark Diaz and two other officers, hung him out of a window by his feet, and then tightened and un-tightened a noose around his neck until he lost consciousness.

