

ACLU SEEKS FREEDOM FOR WOMAN HELD AS WITNESS

Detroit Free Press (MI) - Thursday, October 8, 1992

Author: JANET WILSON, SCHAEFER Free Press Staff Writers

The **ACLU** wants to free the alleged rape victim jailed on a \$50,000 bond who is a key **witness** in the Highland Park serial killer trials.

But Assistant Wayne County Prosecutor Michael Reynolds, who requested the **woman** be **held**, said she is being detained **for** her own safety, **as well as** to guarantee that she will appear in court.

"I have the highest respect **for** the liberty and safety of all of my **witnesses**, particularly victims," Reynolds said Wednesday. "I would never take such a drastic measure unless I felt it was absolutely necessary."

The **woman**, called Donna by the Free Press to protect her anonymity, led investigators to the confessed Highland Park serial killer, Benjamin (Tony) Atkins. She said she was raped and nearly strangled by Atkins last fall. She has not been charged with a crime, but has been **held** since Sept. 23 in a cell at Detroit police headquarters under laws covering material **witnesses**.

"The **ACLU** is prepared to represent her if she wishes . . . to help her obtain her **freedom**," Paul Denenfeld, legal director **for** the organization's Michigan office, said Wednesday.

But Reynolds said there are reasons why it is necessary **for** the **woman** to remain in jail. He said the admitted crack addict had been assaulted by people who were angry because she owed them money. He said authorities had tried to find safe places **for** her to stay, but she had been asked to leave homes of relatives and friends. He also said Donna's testimony was key not only to her case, but to cases of the **women** who were killed.

"I would not want to have to look the families of the 11 murder victims in the face if we lost her testimony because she was missing or dead," said Reynolds. He said her testimony could be important to rebut an insanity defense, should one be offered, and to describe the attack on her, which police say is similar to how the slaying victims were attacked.

Denenfeld said those reasons still did not mean she should be in jail.

"While I appreciate the fact this prosecutor would very much like to prove his case, that does not mean he can step all over a person's rights."

Reynolds said a court hearing was **held** on Sept. 21 before 30th District Court Judge William Bledsoe. He said testimony by Highland Park Police Detective James Dobson showed there was "grave apprehension" that the **woman** would not appear in court to testify when necessary.

Reynolds said he didn't know if Donna had been legally represented. She did not attend the hearing.

He said there was no state-funded **witness** protection program, and that the **woman** was receiving help from the prosecutor's victims' rights staff.

Donna was jailed under a Michigan law that allows a judge to require key **witnesses** to put up substantial collateral to guarantee they will appear in court, or to be jailed if they can't.

Denenfeld said he believes the law is unconstitutional.

"If he's unhappy with the statute . . . he can petition his legislator to amend or repeal it," Reynolds said.

Donna is expected to stay in jail until at least Oct. 15, when she is scheduled to testify.

Wednesday was Day 15 in jail. Donna recently was given a television set to use in her small cell, which also has a bed, toilet and sink.

She said three guards have been nice to her in jail but the rest have not. Though she has suffered no physical abuse, she couldn't get any help when she told a guard she broke an already bad tooth while eating a carrot.

"She walked down the hall laughing," Donna said. "One guard up here, she said I made the choice to be in here. I didn't make the choice. Just because you're a **woman** doesn't give someone a right to assault you."

Edition: METRO FINAL

Section: NWS

Page: 1B

Index Terms: ACLU; HIGHLAND PARK ; DRUG ; WITNESS; HOMICIDE ; MULTIPLE

Record Number: 9202070384

Copyright (c) 1992 Detroit Free Press