

AFTER SLAYINGS, MICHIGAN AND OHIO SORT CHARGES LAWS, STRATEGIES DIFFER IN TRYING TWO SUSPECTS

Detroit Free Press (MI) - Thursday, February 10, 2000

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Acting on a theory that two men sought out prostitutes in Ohio and killed them in Michigan, officials from each state set their egos aside and figured out how to charge the men.

First, they dealt with the death-penalty aspect in the cases against suspects **Charles MacKay Jr.** and Robert W. Cooper. Ohio law allows it; Michigan's doesn't. In Ohio, a kidnapping that leads to a slaying can be classified as a death-penalty case. Ohio prosecutors decided to leave it up to a grand jury.

Second, they dealt with the place of death. Monroe County Prosecutor Edward Swinkey said both killings occurred in Michigan; the bodies of 43-year-old Yvonne Mipe and 36-year-old Felita Thomas were discovered together Jan. 15 in shallow graves on an Erie Township farm.

"We had seven to nine detectives and two prosecutors from two states going over this and trying to figure it all out," Swinkey said. "It was educational for me about Ohio law, and likewise for them about Michigan law."

The State of Michigan, which rarely uses the grand jury process, filed open murder charges last week. **MacKay**, a Lambertville, Mich., resident, is charged in connection with Mipe's slaying, and Cooper of Toledo is charged in connection with Thomas' slaying.

Under an open murder charge, a jury decides whether a defendant is to be convicted of first-degree murder, which carries a sentence of life without parole; second-degree murder, which carries a sentence of up to life, or manslaughter, which carries a 15-year prison sentence.

MacKay, 27, was extradited to Michigan, where he will stand trial. A preliminary hearing is set for Feb. 16.

Then, last Thursday, a Lucas County grand jury returned aggravated murder and kidnapping charges against the men in Ohio. The indictments did not carry death-penalty specifications.

"The grand jury was fully informed about the option to attach the death penalty and did not," said Lucas County Assistant Prosecutor John Weglian, who declined to offer a reaction.

In Ohio, **MacKay** and Cooper were charged with abducting and killing Thomas. They are not charged there with Mipe's slaying.

Weglian explained that because the death is a result of an illegal activity, in this case kidnapping, Ohio can also charge the defendants with murder. Because each state is a separate sovereign, Cooper can be charged twice in connection with Thomas' death, he said.

In Ohio, aggravated murder carries a maximum life sentence penalty; kidnapping carries a penalty of 3 to 10 years in prison.

Cooper, 21, will remain in Ohio and be tried there first.

"Then we switch," said Swinkey.

If both get life sentences in one state, it may be a financial and prosecutorial waste of time to try both men again, Swinkey said, though it's too early to say how that will play out.

"It sounds to me like Cooper's going to get a chunk of time in Ohio," Swinkey said. "And we have Mr. **MacKay** in our custody now."

The situation also gets complicated for defense lawyers.

"I think my client should have somebody well-versed in Michigan law to represent him there," said Toledo attorney John Thebes, who represents Cooper. "My focus right here and now is Ohio, and I expect Michigan's case against him to take a back seat to Ohio."

George Gerken, the Toledo attorney defending **MacKay**, declined comment except to say that his client will need a Michigan attorney to represent him in Monroe County.

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Caption: Photo

Robert W. Cooper

CharlesMacKay

Memo: SHORTER VERSION RAN IN METRO FINAL EDITION, PAGE 3B.

Edition: OAKLAND EDITION

Section: NWS

Page: 6B

Index Terms: ROBERT W. COOPER ; CHARLES MACKAY; HOMICIDE ; MULTIPLE ; YVONNE MIPE ; FELITA THOMAS

Record Number: 0002100122

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