

MISTAKES ADDED UP TO SET A RAPIST FREE - WITH 2 WOMEN DEAD, OFFICIALS WANT ANSWERS

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System-wide failures led to freedom for a rapist who should have been in prison when he allegedly murdered two women in Highland Park, state and local officials conceded Friday.

"The court screwed up, the prosecutor screwed up and the Department of Corrections screwed up," Wayne County Prosecutor **Michael Duggan** said. "If any one of the three of them had done their job, this guy wouldn't have been on the street."

But **Michael Lee Anthony** was free because the state prison system had no confirmation of a 15- to 30-year sentence for a rape-and-robbery conviction in Detroit in 1991. Prosecutors say he should have been in prison until at least 2011.

Last Saturday, police acting on a tip searched **Anthony** 's flat on Grove Avenue and found the corpses of two women in the basement. The women, who still had not been identified Friday, had been asphyxiated. **Anthony** is charged with first-degree murder in their deaths.

A review of corrections records, court documents and interviews with officials Friday revealed a series of mistakes that allowed **Anthony** to walk free from state prison in 1996, when he should have been starting to serve his rape-and-robbery sentence.

Law enforcement authorities said they did not know if the lapses were indicative of a systemic problem, but all agreed that many unlikely factors combined to set **Anthony** free.

Among the mistakes that were made:

- * A judge's order of sentence apparently was never delivered to the Corrections Department, a possible failure by the Wayne County Circuit Court or the Wayne County Sheriff's Department, which transports prisoners and their paperwork to the state prison system.
- * **Anthony** himself alerted corrections officials about the rape-and-robbery case. Corrections officials sent two letters, one to the court and one to the prosecutor's office, asking for details. No one from the court responded, they said, and the prosecutor's office sent a form letter that erroneously indicated **Anthony** 's rape-and-robbery case had been dismissed or closed.
- * The Corrections Department apparently failed to check **Anthony** 's criminal history when he was released in 1996, and during the period of his parole, which lasted until 1999. Details of the unserved sentence were available on a statewide criminal database, officials said.

Duggan, who is starting his second year as prosecutor, said the mistakes stemmed from an apathy permeating Michigan's criminal justice system.

"There wasn't enough concern on the part of anybody to make sure this guy stays in prison," Duggan said.

State Sen. William Van Regenmorter, R-Hudsonville, who chairs the Senate Judiciary Committee, said he has asked for details on the **Anthony** case and called for a review.

Anthony ended up serving only a 5-to-10-year sentence for assault with intent to do great bodily harm, a crime that predated his arrest for rape and robbery of a woman outside a Detroit apartment in May 1991.

Tim Kenny, chief judge of the criminal and civil divisions of Wayne County Circuit Court, said he studied **Anthony**'s court files Friday and found no procedural problems with the judges who handled the cases, Robert Evans and Leonard Townsend.

"If you look at all the orders, the orders that were signed by Judge Evans and by Judge Townsend, they both clearly indicate the sentence that was to be imposed," Kenny said.

When corrections officials sought information about the rape-and-robbery sentence, they sent their letter to the wrong judge. Townsend presided over **Anthony**'s guilty pleas in the rape and robbery. But prison officials wrote to Evans, who handled the assault case.

Evans said Friday that he did not recall receiving a Nov. 21, 1991, letter from corrections asking about the rape and robbery, the letter that corrections said never drew a response.

Wayne County Sheriff Robert Ficano said his department, which handles the transfers of prisoners from jail to prison, is investigating.

State Corrections Director Bill Martin said he also will be looking into what happened. "We're all saddened. We're all horrified," Martin said. "Could we have done more? Looking back at it, we certainly could have."

In the meantime, the prosecutor's office has asked Townsend to resentence **Anthony** to serve the time he owes. A hearing is scheduled for Friday.

Marsha Kight, a public policy assistant for the National Organization for Victim Assistance, said the snafu regarding **Anthony** is "unexcusable."

"Having lost a daughter to murder, screwups that cost lives are totally unacceptable, and the people that made the error should be held accountable," said Kight.

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Caption: Photo

Michael Lee Anthony is held in two Highland Park killings.

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