

## **SUSPICIOUS SHOOTING COMES AT HIGH PRICE A MAN IS LEFT PARALYZED**

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Like a wild cop thriller, the story of Shawnnto Walton and Detroit Police Officer Michael Martel began with sirens, a dangerous chase and cries in the night.

By the time it was over, Martel had made a fateful, split-second decision to fire his weapon. Walton lay paralyzed from a bullet to the back of the neck. And justice began to unravel, with police more concerned about getting their story straight than with getting an ambulance for the victim. The night, Walton's lawyers would later say, became a tragedy woven with lies, excessive criminal charges against Walton and a cooked-up commendation for bravery for Martel.

This single Detroit police **shooting** -- one of dozens during the 1990s -- is a \$3.2-million example of what can go wrong when the police try to protect their own instead of finding out why an officer shot someone, critics say.

"This is a lesson that those who are steamrolled by the system are not disposable people," said attorney Milton Greenman of Southfield, who represented Walton in a suit against the city. "All of the evidence was orchestrated to protect the police and not to find the truth."

Martel said he is convinced he acted properly and faced down a gun that night. He said of having to shoot: "I'm not happy over how it went down. No police officer likes to shoot anyone."

Inspector William Rice, the head of homicide, said he was satisfied with the department's handling of the case.

"It's a matter of interpretation from where you sit," he said.

Detroit was still picking itself up on that Sunday -- July 6, 1997 -- after killer windstorms raked the metro area, damaging homes, toppling trees and knocking out power. The Police Department responded by putting every available officer it could on the streets.

Martel and Martin Singleton, police academy instructors who rarely worked the streets, paired for the night. After a briefing in the academy auditorium near the Fox Theatre, they set out to patrol the 9th (Gratiot) Precinct on the city's far east side.

The two got along well enough, although Singleton, then 42, later testified in a deposition that he had complained to supervisors and coworkers several times that Martel was too aggressive. Singleton never elaborated and declined to be interviewed for this story.

Martel, if nothing else, was a man of soldierly form.

After graduating in 1987 from Notre Dame **High** School in Harper Woods, he enlisted in the Navy and helped launch jets from aircraft carrier flight decks. Later, he joined the Navy reserves and then the Army National Guard, where he served as a military police officer.

In 1993, Martel joined the Detroit Police Department. He was an impressive cadet **at** 6-foot-3 and 260 pounds. By 1995, he served as a physical education instructor **at** the academy, and taught defensive tactics and patrol techniques. He also was an expert shot with his department-issued .40-caliber Glock semiautomatic pistol.

Walton, by contrast, was drifting day to day **at** age 23. He was a Denby **High** School dropout and hadn't held a steady job since he quit washing dishes in 1993 **at** Emanuel Steward's Place, a restaurant on East Jefferson, because he was tired of "being wet."

Sometime after midnight, as Martel and his partner cruised in their scout car, Walton borrowed a friend's 1976 Chevy Impala, a two-door hardtop with crank windows, and headed to pick up his girlfriend, Nakil Gordon. Walton had spent the day smoking marijuana, drinking cognac and fixing up a house on Pelkey that he planned to share with friends.

Walton had reasons beyond the drinking and smoking to be wary of police. He had no driver's license.

And he was a wanted man.

Walton, who wound up in a corrections bootcamp and on lifetime probation after a series of minor felony drug convictions, had failed to report to his probation agent for more than 6 months. If the police pulled him over, his next stop would be jail.

The beginning: **High** tension, speed

As Walton got in the car, he spotted a friend, Donnell Colbert, walking in the rain. Walton offered a lift, and they picked up Walton's girlfriend.

**At** 12:40 a.m., with the three of them in the car, the Impala wheeled onto Seven Mile near Hoover in front of Martel's scout car.

Martel thought the car was speeding. He turned on the emergency lights to pull them over. The Impala bolted. Martel hit the siren.

Several blocks later, the Impala slowed, then roared off again. The two cars raced through residential streets, hitting speeds of 70 m.p.h.

Inside the Impala, Walton's passengers screamed **at** him to pull over. He refused.

"I panicked," Walton testified later. "I was scared."

Tensions were **high** in the scout car, too.

Martel yelled to Singleton that something had just been thrown from the driver's side window of the Impala. It looked like a gun, he said.

As the cars careened through the streets, Martel and Singleton radioed in that they were in a hot pursuit. Back over the radio came a report that the brown Impala matched the description of a car sought earlier in a drive-by **shooting** .

Eventually, the Impala started circling the 13600 block of Glenwood as more police cars and a helicopter joined the chase.

"I knew I couldn't get away," Walton said.

Walton slammed on the brakes in front of his mother's house and bailed out. But instead of surrendering, he dashed between houses and onto Linnhurst.

As other officers took Walton's passengers into custody, Martel jumped out of his car and sprinted after Walton. **At** Linnhurst -- where street lights were still out from the storm -- Walton cut left, ran down the sidewalk and across the street.

An angry crowd, a frantic call

What happened during the next few seconds on the dark street has been the subject of nearly three years of legal wrangling in Wayne County's criminal and civil courts. But records gathered by Walton's lawyers -- Greenman, Thomas Loeb of Southfield and William Dobreff of Warren -- show that things were not what they seemed.

As Martel chased Walton, several other officers converged on the scene, including Victor Jones and Sharon Bouyer, whose stories would be pivotal.

Residents, drawn to their doors and windows by the sirens and circling helicopter, heard shots ring out. Martel had opened fire on Walton as Walton ran down Linnhurst.

He crumpled to the ground, instantly paralyzed below the neck from a .40-caliber slug that shattered his spine.

Recordings of 911 phone calls and police radio traffic show that police **at** the scene ordered a resident to call for medical help, rather than radioing it in themselves.

The caller, Mark Mieczkowski, became frustrated when the 911 operator kept pressing for details about the **shooting** .

"I have no idea, lady," Mieczkowski told her. "I mean, geez, can't the police come and do this? They're the ones who shot him."

The operator retorted: "You're the one that's calling."

Exasperated, Mieczkowski snapped: "They asked me to call EMS."

As an angry crowd gathered **at** the scene, Mieczkowski called back and sounded even more agitated as he urged the 911 operator to alert Isaiah McKinnon, then the police chief: "Lady, I hate to get involved in this, but you better call Chief McKinnon 'cause there's gonna be a war out here in a minute."

Meanwhile, a police dispatcher -- Officer Beulah Jackson -- spoke to cops **at** the scene, trying to find out what had happened. She was told that an officer had chased a fleeing suspect on foot. But instead of hearing details, Jackson heard a male voice over the air:

"Radio, we need 977 over here ASAP."

Realizing that officers were requesting a supervisor, Jackson immediately asked if there had been a **shooting** .

"There appears to be," an officer radioed back.

Jackson pressed for more details -- information that officers are supposed to provide immediately after a police **shooting** . But the officers told her their portable radios, called preps, were malfunctioning.

"I need to know who did the **shooting** . What officer?" Jackson asked. "I need the badge number. I'm sure the preps are bad units, but I need to know a badge number and how many shots. But we need EMS, right?"

Her questions went unanswered.

Eventually, officers told her the suspect had been shot, but weren't providing the required information.

"I understand we all have bad preps," Jackson said, but insisted, "I need you to talk to me."

Rather than answer her questions, the officers asked for a union representative to be sent to the scene. By contract, a union steward from the Detroit Police Officers Association must be sent to every police **shooting** to keep the officer from saying too much until he's talked with a union lawyer. The union steward accompanies the officer to the homicide section **at** police headquarters and stays with him as reports are prepared.

Protecting Martel seemed to be a priority, Greenman said, noting that several supervisors who had arrived **at** the scene failed to take charge as required by regulations.

Instead, Greenman said, they seemed to be waiting for the arrival of Martel's commanding officer **at** the academy, Lt. Barbara Kelley.

Greenman also was troubled by officers' comments on the police dispatch tape that indicated some police were using cellular telephones, which allowed them to communicate without their conversations being overheard -- or recorded.

After emergency medical workers arrived, they took Walton -- handcuffed -- to St. John Hospital, in critical condition.

A police report raises questions

Martel and other officers involved in the **shooting** were taken to police headquarters for questioning by homicide detectives, which is normal in such cases.

After conferring with his union lawyer, Martel typed a report giving his account of the chase and **shooting**. He wrote in the two-page report that Walton drew a blue steel automatic pistol from his waistband during the chase, turned and aimed **at** him. Martel said he shot Walton in self-defense, although he did not see Walton fire any shots **at** him.

In typing the report, Martel erased and typed over an important line -- the point where he described how Walton drew a gun on him. That alleged action gave Martel the basis for saying he shot in self-defense.

It's unclear how the line originally read. But Martel said he didn't change the phrasing; he merely corrected typos.

Besides his union lawyer, Martel had another supporter on hand that night -- his uncle, Detroit police Cmdr. John Courie, who was in charge of the risk assessment office. That office looks for ways to reduce the department's exposure to lawsuits.

Courie said in an interview that he merely lent moral support to his nephew and had no role in preparing the report.

He said an investigator eventually asked him to leave. Martel gave an oral statement to detectives and then was sent home.

The search for a gun

The focus switched quickly to what Walton did -- and why police couldn't find the gun he allegedly pulled on Martel.

They focused on a neighborhood resident, Glen Ledford, who had shown up **at** the scene that night and screamed **at** police about **shooting** Walton.

At some point he became a focus of attention as someone who might have taken the gun from Walton's waistband and hidden it.

Jones, who maintained that he was the first officer on the scene after the **shooting** , said Ledford ran up to Walton, lifted his shirt, took something and fled.

So officers searched Ledford's car and house soon after the **shooting** , and took him in for questioning.

But they didn't find any gun.

Neither did a tracking dog brought to the scene.

Ledford later passed a polygraph examination, arranged by Walton's lawyers, that found he was truthful when he denied taking a gun from Walton.

Greenman said it was ludicrous to believe that Walton had somehow managed to tuck a gun into his waistband while falling paralyzed to the ground or that police would let anyone run up to Walton and escape with a gun.

Martel was cleared in the **shooting** . Police and prosecutors concluded that he shot in self-defense.

Although no gun was found, Walton was charged with assault with intent to murder and with possession of a firearm -- charges that carried a potential life sentence.

An investigation falls apart

In the months that followed, Walton's lawyers began dissecting the police investigation -- and turning up what they considered big discrepancies between what Martel and Jones had said, and what other evidence showed.

Here's what they found:

- \* Martel was the only officer who claimed to have seen a gun thrown from the Impala as the chase began, which elevated an ordinary case of fleeing and eluding to a case involving a pursuit for someone with a weapon. And no one ever went back to look for the gun, raising questions about the thoroughness of the investigation.

- \* Despite the police radio broadcasts that the Impala may have been linked to a drive-by **shooting** -- a report that further escalated the situation -- the lawyers said, police never provided evidence that the drive-by **shooting** ever happened.

- \* Martel's story kept evolving.

He initially told Police Officer Sharon Bouyer, one of the officers to arrive after the **shooting** , "I thought he had a gun."

By the time Martel got to police headquarters, talked with his lawyer and filled out his report, his "thought" had become a certainty. He declared in writing that Walton had pointed a blue steel automatic **at** him as they ran through the darkness.

\* Officers **at** the scene gave contradictory accounts.

Jones, who accused the neighbor of taking an object from Walton, said Walton not only had a weapon, he fired it **at** Martel, who then collapsed onto a car.

Greenman and Loeb said police had to come up with some explanation of what happened to the gun in order to prosecute Walton for assault and possession of a firearm in commission of a felony.

But officers Bouyer and Singleton, Martel's partner, contradicted Jones' version when they were questioned as part of the lawsuit.

Singleton said he arrived **at** the scene before Jones and saw no gunfight nor anyone take anything. Singleton said 30 minutes passed before anyone even suggested that a civilian might have taken a gun from Walton.

In an interview with the Free Press, Martel disputed the accounts given by Bouyer and Singleton. "Bouyer wasn't there until later," Martel said, adding that Singleton made "an outright mistake."

\* Key witnesses weren't interviewed.

Contrary to regulation, investigators told Bouyer not to fill out a report about what she saw and heard, although she had vital information. In later deposition testimony, Bouyer, like Singleton, said no one, including Ledford, got close enough to Walton to take anything.

Greenman turned up a witness that police didn't interview: Sean Spearman, who was visiting his sister in the neighborhood on Linnhurst and watched the foot chase from his sister's door. Spearman testified in a deposition that Walton did not have a gun. He said Walton ran with clenched fists and never looked back **at** Martel.

\* Some reports appear **suspicious** .

Besides Martel's retyped report, another report by Martel's academy supervisor, Kelley, contains what appears to be a later insertion, which bolstered Martel's account of Walton pulling a gun on him.

The possible insertion was one of several points that prompted the Detroit Law Department in December to ask the City Council to pay Walton \$3.2 million to settle a lawsuit he filed against the city.

\* Police relied on two neighborhood residents who had been drinking all day to corroborate Jones' account of the gunfight. One of the men, Mieczkowski, 41, the brother of a Detroit police officer, later recanted, admitting in a sworn statement that he was **high** when the **shooting** happened and that he had come up with an account to help the police.

He also told Greenman that, if questioned by a lawyer defending the city against Walton's suit, "I would have told her what she wanted to hear."

Mieczkowski's roommate, Gerald Galbraith, 64, who admitted drinking that night, gave Greenman a vivid and highly animated account of the Martel-Walton encounter, describing it as a shootout. Galbraith looked stunned during a videotaped deposition when Greenman told him Mieczkowski had recanted and that even Martel had said there was no shootout.

"Oh, brother," Galbraith said.

Dobreff, another of Walton's lawyers, said he was amazed that police were willing to build their criminal case on two men who had been drinking all day.

\* Police didn't perform key scientific tests.

Walton's hands were not tested for gunshot residue, which his lawyers said should have been a routine step. Such tests might have helped clear up whether Walton had a gun.

Police also canceled a laboratory examination of the football jersey that Walton wore that night, Loeb said. Greenman had the jersey tested more than two years after the **shooting**. David Balash, a former Michigan State Police detective lieutenant -- and one of the state's foremost experts on firearms evidence -- conducted the tests. He concluded that there was no gunshot residue on the jersey and that the bullet hole in the jersey showed that Walton had been shot in the back, about where the neck meets the shoulders.

To Greenman, this was further proof that Walton never pointed a gun **at** Martel and that he was shot from behind while running away.

\* Jones concealed a relationship with Martel.

In police reports, a sworn deposition and court testimony, Jones never revealed he had anything more than a passing acquaintance with Martel.

"I knew him just by face," Jones testified, because they attended the police academy **at** the same time.

What Jones didn't reveal was that he was the captain of a military police unit in the national guard -- and Martel's commanding officer.

Jones did not respond to interview requests.

\* Courie, the uncle who showed up **at** police headquarters on the night that Martel was questioned, in early 1998 ghost-wrote a bravery commendation for Martel, commending him for his actions that night.

Courie, a lawyer who is now an assistant Macomb County prosecutor and a law professor **at** the University of Detroit-Mercy, retired from the department in 1998.

In a deposition related to the case -- and an interview with the Free Press -- Courie insisted he did nothing improper.

Under questioning by Greenman, Martel's supervisor, Sgt. John Rau, said he submitted the award **at** Courie's behest. Rau said the request did not bear Courie's name because, "I didn't figure that Commander Courie would want his name on it."

Courie didn't order him to submit the recommendation, Rau said, but just suggested it in a phone call.

Courie responded in his deposition: "I haven't given anybody an order in years. I don't have to give people orders."

Courie admitted preparing the recommendation, adding that Rau was busy and didn't have a secretary.

"I did," Courie said. "I told him it was in the computer. If he wanted to change it, if he didn't agree with anything in it, he could change it. But I've prepared it. It's my nephew.... I certainly didn't force him to sign it."

Courie also said he didn't make the award board approve it.

"I did not influence the board," Courie testified. "I didn't know who the board was and it was submitted as though Sgt. Rau actually prepared it."

Courie defended his nephew, saying Martel shot in self-defense.

"He did good work," Courie said. "He risked his life and he should be given a meritorious award."

Courie became furious when Greenman told him that Martel had shot Walton in the back: "That isn't true. That is a lie," Courie fumed, threatening to walk out of the deposition.

If not for Rau, Greenman never would have known about Courie's role in the case because Courie's name never appeared on any documents, including the sign-in list **at** the homicide section. The list is used to help identify everyone who may have been involved in the case.

A fragile case in court of law

The information found in the civil case enabled Loeb to dismantle the criminal case against Walton.

On the day Walton's trial was to begin before Wayne Circuit Judge James Chylinski in August 1999, Loeb took Assistant Prosecutor Ruth Carter aside and told her that Walton had been framed.

Among other things, Loeb told her that police had based much of their evidence on two men who admitted they were drunk and that one had recanted. In addition, Singleton and Bouyer were prepared to testify on Walton's behalf, undermining the Jones-Martel version of what happened.

Carter called her supervisor, Robert Agacinski, to join the discussion. In short order, they agreed to dismiss the attempted murder charge and firearm charge, and let Walton plead no contest to fleeing and eluding the police, which Loeb said was the only crime Walton committed.

Chylinski later sentenced him to two years non-reporting probation.

Agacinski, head of the elite Prosecutors' Repeat Offenders Bureau, said the case looked like a loser because of the questionable evidence and witnesses. He said the theory that the police allowed a civilian to make off with the gun was far-fetched.

"I didn't think we could sell it to a jury," he said.

And even if they could, Agacinski said, what further punishment could be inflicted on a man who can't move or care for himself?

Agacinski said there were ample reasons to dismiss the assault and firearm charges without ever considering possible police misconduct.

Chylinski said it's not unheard of for a case to be dismissed on the day of trial, and there was no reason for him to launch an investigation of the case's sudden collapse.

"Sometimes witnesses recant or new facts have come to light and then the case goes south," the judge said.

"Agacinski signed off on it, and he is one of the most honorable prosecutors I know. You have to rely on the lawyers, and these are honorable lawyers."

Since the **shooting** , Martel has been promoted to sergeant in the 4th (Fort) Precinct.

Jones has been promoted to investigator **at** the 9th (Gratiot) Precinct.

Rau has retired.

Bouyer and Singleton, whose testimony helped derail the criminal trial, are still patrol officers.

"It was courageous for them to do the right thing," Loeb said of the two. "If anyone deserved a commendation they do. And I don't need to ask anybody's uncle about it."

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Caption: Photo GABRIEL B. TAIT/Detroit Free Press; Photo CRAIG PORTER/Detroit Free Press; Photo from Thurswell, Chayet & Weiner; Map, Drawing RICHARD JOHNSON/Detroit Free Press

Police Officer Michael Martel shot Shawnnto Walton in 1997. He says Walton had a gun. Shawnnto Walton, above, grimaces as he tries to get comfortable on his bed in Detroit. Right, friend Willie Sims carries Walton past his cousin RA'Jon Ray. They were headed to Belle Isle. Walton often spends his days riding around with his friends.

Police Officer Martin Singleton, right, shown with Officer Ken Steil, was with Officer Michael Martel on July 6-7, 1997, when Martel shot Shawnnto Walton in the neck and paralyzed him. Singleton testified in a deposition that he had complained to supervisors and coworkers that Martel was too aggressive.

## FIVE VIEWS OF A SHOOTING

MARK MIECZKOWSKI: A neighborhood resident who recanted his story about the **shooting** to police.

GERALD GALBRAITH: Mieczkowski's roommate, who insisted that a shootout took place.

SHARON BOUYER: Police officer who arrived after the **shooting** and was willing to testify on Walton's behalf. JOHN RAU: Martel's supervisor, who said he submitted a bravery award **at** the behest of Martel's uncle. JOHN COURIE: Martel's uncle, who, as a police commander, wrote a debatable commendation. **Shooting** victim Shawnnto Walton, 26, listens to brother Chico Walton, 16, left and friend Ken Jordan, right, **at** home in Detroit. Walton was left a quadriplegic after a police chase.

Angel Walton gives brother Shawnnto Walton a bath **at** his home Tuesday.

## LIFE AFTER NEAR-DEATH

Cousin James **Price** massages Shawnnto Walton's face after a haircut **at** his home. Walton, a small-time drug dealer on lifetime probation, was shot in the neck by Detroit Officer Michael Martel during a chase on July 6 and 7, 1997. Police gave conflicting accounts of what happened.

Memo: DETROIT POLICE: LETHAL FORCE, LASTING QUESTIONS; SERIES; SEE  
RELATED STORY PAGE 1A; SEE MICROFILM PAGE 12A FOR DIAGRAM OF CRIME  
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