

## A VICTORY FOR GOINS' ATTORNEY

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Chief Recorder's Court Judge Samuel Gardner ruled Friday that defense attorney W. **Otis Culpepper** was improperly ordered off the Cary V. Goins murder case.

But **Culpepper**, immediately after Gardner's ruling, said he may voluntarily withdraw from the case now that he has proven his point and because jurors might hold his past defense work for alleged members of Young Boys Inc., a city-wide heroin ring, against Goins.

Goins, allegedly a member of Young Boys Inc., is accused of killing undercover Detroit Police Officer William Green and wounding his partner, Eric Byers, as the officers approached a group of youths walking on Woodward near Leicester the night of March 28.

THE WAYNE County Prosecutor's Office argued that the testimony of Ernest Files, an eyewitness to the Green shooting, could be influenced because **Culpepper** had successfully defended him in another murder case.

"It's a question of divided loyalties," Assistant Prosecutor Tim Boughman argued to Gardner.

District Judge John Perry ruled two weeks ago that a defendant does not have "an absolute right" to the lawyer of his choice when it conflicts with the state's right to a fair trial.

Gardner said the question raised by the prosecutor is "the first of its kind in the county. It is a novel question. It has never been decided before."

In a six-page written opinion, Gardner said that Perry did not seek the necessary evidence before supporting the prosecutor's position.

Gardner then ordered Perry to reinstate **Culpepper** or hold a hearing to prove that his continued representation of Goins would prevent the state from getting a fair trial.

Perry could not be contacted Friday to determine whether he would hold the hearing.

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