

HOLES IN CASE MAY SCUTTLE REPUTED DRUG ENFORCER'S TRIAL

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Charges against **reputed drug** gang enforcer Kurt (Kurt McGurk) Napier, described by authorities as "Public Enemy No. 1," are **in** danger of being dismissed **in** Recorder's Court because the prosecution did not know on the day of trial that key witnesses would testify that McGurk was not the man who fled from a police shoot-out.

On Friday, Judge Warfield Moore Jr. gave the prosecution one week to strengthen its "thin veil of evidence" against Napier or, he said, he would dismiss the charge that Napier tried to kill Detroit police Sgt. Wilbert Hyman **in** a Sept. 8 shoot-out on Detroit's west side. It was the second time the **case** was delayed because of problems with the testimony.

Chief Assistant Prosecutor Elliott Hall said his office would use the adjournment "to tighten up our **case** . We want to convict this man because he is Public Enemy No. 1 **in** my book."

Napier, 19, identified by authorities as an enforcer and hit man for the Young Boys Inc. **drug** ring, was the subject of an intense manhunt until his arrest **in** November when he crashed a stolen car during a high-speed chase with suburban police.

A FUGITIVE since June 1983, when he failed to surrender to start a four-year federal prison sentence for **drug** -related offenses, Napier was wanted **in** the **May** 12, 1983, murder of Joseph (Wamp) Brown and the shooting of Gregory Kendricks the same day.

Besides the federal **drug** conviction, Napier was convicted **in** Recorder's Court of possession of heroin with intent to deliver and has since been sentenced to four to 20 years **in** prison on that charge.

While Napier was at large after the alleged shoot-out with police, several death threats and taunts carrying Napier's name were mailed to Detroit police Homicide Inspector Gilbert Hill.

The **case** originally was adjourned last Friday during jury selection when it was revealed that key witnesses would testify that Napier was not the young man who fled from the shoot-out with police. The witnesses, it also was revealed, never made formal statements to the police, nor was an identification lineup -- which is routine police procedure -- held for them.

If the prosecution cannot complete its investigation by June 1, Moore said Friday, he will dismiss the assault with intent to murder charge without prejudice, meaning it could be reinstated if further evidence is produced.

HALL -- saying he was not satisfied with the way investigators prepared the **case** for trial -- said the "the chances of our prevailing are slim" without the additional investigation.

If the **case** cannot be strengthened, Hall said, the murder or other assault **case may** be tried.

"We want to go with our strongest **case** first," he said.

Defense attorney W. Otis Culpepper said the action by the Moore and the prosecutor **in** halting the trial indicated their concern with giving Napier a fair trial -- rather than trying him on his reputation.

"If it were not for Prosecutor John O'Hair and Elliott Hall, Napier would be tried on publicity," Culpepper said. "The system is working as it should."

Napier is charged with firing a sawed-off shotgun at Hyman **in** an alley near Dexter and Richton on Detroit's west side. Hyman, **in** an earlier hearing, testified he went to the area after being told Napier was **in** a video arcade.

Hyman testified he spotted Napier **in** a car and attempted to arrest him. The young man, Hyman testified, started running but suddenly wheeled and fired at him. Hyman said he shot back and heard the young man yell **in** pain, as if wounded, before escaping through backyards.

A police tracking dog followed a scent from the alley to a nearby house.

THE HOME OWNER, his son, and two acquaintances told police that a young man, bleeding from a leg wound, came to the house asking to use the telephone but was turned away.

But Culpepper said the men never gave formal statements and never were asked to identify Napier **in** a lineup. Culpepper also said the men saw Napier **in** court and said he was not the young man who came to the house.

Napier, who could be sentenced to life **in** prison if convicted, is being held **in** lieu of \$2 million cash bond.

Caption: Photo

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