

## **Detroit indictments taint crime cases - Corruption charges against cops open door to appeals, lawsuits**

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**DETROIT** -- Darrell Chancellor sat in jail for 213 days last year until federal prosecutors decided the 20-year-old was arrested on a trumped-up weapons charge by a **Detroit** police officer nicknamed "Robocop."

Lonnie Byrd pleaded with a judge that he was innocent of drug dealing charges. "They're playing with my life," Byrd said of the cops who arrested him. After time in jail, he got two years probation for a **crime** federal investigators now say he didn't commit.

Two officers held Michael Holt by the legs and dangled him out of a second-story window last year. Then they placed a noose around Holt's neck, tightened it and threatened to kill him, investigators found.

Those are just three victims in what federal prosecutors described Thursday as a three-year campaign by 17 police officers to bully, abuse and steal from suspects.

The **indictment** could jeopardize scores, if not hundreds, of criminal convictions that were based on **cases** built by the officers, who served an average of 10 years each on the force, officials said. At least five people currently in state prison may have been wrongfully convicted, U.S. Attorney Jeffrey G. Collins said.

"The incidents of unconstitutional conduct as alleged in the **indictment** are chilling ... and despicable," said Collins, whose office has dismissed federal charges against two men as a result of the investigation.

Wayne County Prosecutor Michael Duggan, whose office would be involved in the review of convictions, declined to comment Thursday. But Collins said he was in contact with Duggan's office to discuss the review process.

In addition to defendants appealing their convictions, the **indictment** also is likely to spawn lawsuits by people claiming misconduct by officers and may prompt judges who have dismissed lawsuits against the officers to take another look, legal experts said.

"It would seem that anyone convicted as a result of their constitutional rights being violated by these officers would certainly be able to move for a new trial and attempt to have the charges dismissed," University of **Detroit** Mercy Law Professor Lawrence Dubin said.

Defense attorney David Moran agreed.

"Anyone who was convicted in a **case** similar to the **case** of misconduct where they have now been charged has a good argument to re-open their **case**," said Moran, who is also an assistant professor of law at Wayne State University.

#### Court appearances

The 16 current officers and one former officer are accused of planting guns on suspects, writing phony reports to justify arrests and stealing money and guns. All are charged with conspiracy to violate citizens' civil rights in an eight-count **indictment**. The charges carry a maximum 10-year prison term.

A federal magistrate ordered three of eight officers who appeared Thursday in U.S. District Court to be held until they could attend a hearing today to set their bonds. The rest were released on personal bond until hearings on Monday.

One officer, 24-year-old Nicole Rich of St. Clair Shores, cried during her brief appearance.

The officers were also required to surrender their handguns and were handcuffed coming in and out of court. One of the officers, Mark Diaz, told reporters outside court that he was not guilty and that if any officers were guilty of what the government alleged than they should go to jail.

All the officers have been suspended from the force.

In addition to the conspiracy charges, officers William Melendez, and Matthew Zani are also charged with use of a firearm during a **crime** of violence, which is punishable by up to life. They were both ordered held, along with Officer Troy Bradley.

The remaining nine officers are expected to be formally charged today. Christopher Ruiz, who lives in Tampa, Fla., and is no longer on the force, is expected to be formally charged in Florida.

#### Officers of the Year

The charges sparked intense and opposite emotions from police and criminal defense attorneys.

"I'm upset, I'm devastated," said Charles Barbieri, commander of the 4th (Fort) Precinct where 12 of the 17 officers worked. "Some of the officers who have been indicted, I just don't believe it."

In the past three years, three of those indicted -- Melendez, Denny Borg, and Timothy Gilbert -- have all been named Officer of the Year in the 4th Precinct, Barbieri said.

The **indictment** said Melendez's nickname is "Robocop" -- a moniker he earned for solid police work, Barbieri said.

"He looks like Robocop," Barbieri said. "He's in excellent physical condition. He's made a lot of great arrests, outstanding arrests."

The commander was especially concerned that federal investigators relied in part on convicts and others with questionable backgrounds to put together their **case**.

"You've got to consider the source of where this information is coming from," Barbieri said. "If they convince a jury, maybe they'll convince me."

The **indictment** cites but doesn't name "unindicted co-conspirators," which officials said include **Detroit** police officers who are cooperating with the government.

John Goldpaugh, an attorney for the **Detroit** Police Officers Association, said he didn't remember a **case** of this magnitude. "It almost looks like we're going to grab everyone we can," he said.

But four of the officers indicted Thursday have been the subjects of lawsuits filed by citizens and settled by the city.

Records show that Melendez has at least four settlements that cost \$1.2 million. Ruiz was involved in a **case** that was settled for \$180,000. Zani has been named in four suits that settled for a total of \$71,500. Officer James Coss had at least one **case** that were settled for \$25,000.

The lawsuit settlements and the **indictments** are part of a long string of bad news about the police department that defense attorneys say only helps them.

"Jurors read this stuff," defense attorney Gabi Silver said. "They know cops are making up charges. It happens all the time."

### Lonnie Byrd **case**

Silver was one of several attorneys to represent Lonnie Byrd.

On Jan. 3, 2001, Byrd was arrested in the 1660 block of West Chicago by officers Matthew Zani and Christopher Ruiz.

"Ruiz falsely claimed in his report that he found crack cocaine on Byrd's person," Thursday's **indictment** said. "Zanie and Ruiz stole approximately \$400 from Byrd and wrote false reports to justify Byrd's arrest and to conceal their illegal conduct."

He was charged in July 2001 with intent to deliver marijuana and less than 50 grams of cocaine. He faced up to 24 years in prison, up to \$45,000 in fines and possible probation for the rest of his life.

A month later, he reached out to the Wayne County judge on his **case** , Annette Berry, and begged her to drop the charges.

"Mrs. Berry, I have witnesses to prove that the officers are lying," he wrote in neat cursive, and claimed his daughter was born in June while he sat in the Wayne County Jail.

"Your honor, they're playing with my life," Byrd wrote. "... I've been in the house helping my mother and trying to get in this brick-laying school. I failed the test, but I am ready for the next one in October. Mrs. Berry, I've had three long months to think. I thought this was the worst, until I sat next to real killer and real drug dealers that are looking to get life in prison."

In September, Byrd cut a deal with prosecutors and pleaded guilty to attempted delivery of a controlled substance. In October, Judge Berry sentenced him to two years probation.

Why would an innocent man plead guilty?

"It happens a lot of times," attorney Silver said. "Lawyers come in, they don't want to listen to the client, they tell them 'just plead,' and that's how it happens."

Corruption investigators interviewed Silver about the Byrd **case** . She also told them she could provide information about numerous other questionable **cases** that the FBI and the **Detroit** Police Department could investigate.

She said she's skeptical that previous convictions will be overturned because of local courts' huge backlog and legal bureaucracy.

"You've got to get a judge to set aside a plea, and I'm not sure that's going to happen," Silver said.

Darrell Chancellor **case**

On April 22, 2002, Chancellor, now 21, was pulled over by Melendez, Jeffrey Weiss and Troy Bradley in his 1980 Oldsmobile 98. He took off running and was caught by Melendez and Bradley.

"Melendez who had Chancellor illuminated with his flashlight, observed Chancellor reach into his waistband with his right hand and toss a weapon on the ground," said an affidavit filed by Kristine L. Kirby, an ATF special agent in May 2002.

A federal magistrate ordered Chancellor held without bond.

After the FBI's investigation of the officers began, the U.S. Attorney's Office asked that Chancellor be freed on bond. They dismissed the charges on Nov. 26 in the interest of justice.

"All the allegations that the defendant officers had made against (Chancellor) were completely frivolous, unfounded and incredible," said Ronnie Cromer, a lawyer for Chancellor. He filed a civil suit against the city and the three officers in March.

#### Michael Olah **case**

The government's **case** is complicated by questionable witnesses like Michael Olah, named in the **indictment** as a victim.

Olah told The **Detroit** News he has worked as a drug dealer, but Thursday's **indictment** claimed he was wrongly accused.

Indicted officers Matthew Zani and Thomas Turkaly unlawfully entered Olah's house in the 6000 block of Cecil in February 2001, pointed a gun at him, stole \$140, and conducted an illegal search and seizure, the government said.

The cops found heroin and cocaine inside the house, but didn't have a search warrant and falsely claimed they made the bust and drug recovery on the front porch, according to the **indictment** .

Olah spent 90 days in the Wayne County jail after his arrest, plead guilty to an attempted drug delivery charge, and is on probation.

"I used to sell heroin and coke, but I never did it on the porch like the police tried to say," Olah said Thursday. "I was inside the house, when there was a knock on the door. I opened the door and they asked for Mike. I didn't know who they were. At first, I thought they were a gang or something. I tried to shut the door, but one of the cops pulled a gun on me and stuck it in my face, then they forced their way in.

"They took my money, and then they sat here for about an hour and a half stealing from my customers. Every time one of my customers would come in, the cops would tell them to empty their pockets.

"The police were even answering my phone, telling my customers to come to the house and knock three times. Then, when they'd get there, (the officers) would rob them. What were (the customers) going to say? They were probably just glad to get away without getting busted.

"They kept trying to get me to snitch on my (supplier). They kept telling me, 'we don't want you we want the big guy. Who's the big guy?' I told them they were just going to have to shoot me, because I'm not crazy -- if I told them who I got my dope from, I'd be dead for sure.

"Now, I don't know what to do. I'm afraid of the cops coming back to mess with me. I'd like to get out of this neighborhood if I can. Right now, I just don't know what to do."

**Detroit** Police Chief Jerry A. Oliver Sr. said the vast majority of **Detroit's** 4,000 police officers are honest and hardworking and do their jobs.

The **indictments** "represent yet another installment on our pledge to restore the prominence and, more importantly, rebuild our credibility and respect among the citizens we serve."

Thursday's **indictment** is not the first time **Detroit** police officers have been accused of stealing from drug dealers and others. In October, a former civilian employee was accused of stealing 222 pounds of cocaine and replacing it with flour. He then sold some of the cocaine to drug dealers.

The **case** is assigned to U.S. District Judge Avern Cohn, who served as a member of the **Detroit** Board of Police Commissioners before he became a federal judge.

The officers charged

Denny Borg, 31, of Woodhaven. June 24, 1996.

Troy Bradley, 36, of **Detroit**. Oct. 13, 1997.

James Coss, 30, of **Detroit**. Sept. 20, 1993.

Mark Diaz, 28, of **Detroit** . March 21, 1994.

Timothy Gilbert, 28, of **Detroit** . Dec. 14, 1998.

Chris Guinn, 39, of **Detroit** . May 6, 1996.

John McLeod, 25, of Lincoln Park. June 3, 1999.

William Melendez, aka Robocop, 34, of Livonia. Sept. 20, 1993.

Stephen Petroff, 31, of Dearborn. June 3, 1999.

Nicole Rich , 24, of St. Clair Shores. Sept. 25, 2000.

Christopher Ruiz, 29, of Tampa, Fla. No longer works with the department.

Thomas Turkaly, 38, of Warren. Aug. 14, 1989.

Ricardo Villarruel, 34, of **Detroit** . Nov. 20, 1995.

John Watkins, June 24, 1996.

Jeffrey Weiss, aka Joker, 32, of Dearborn. Jan, 6, 1997.

Jerrod Willis, 32, of Southgate. Sept. 30, 1996.

Matthew Zani, aka Spike, 36, of **Detroit**. Jan. 4, 1994.

Sources: U.S. Attorney's Office and **Detroit** Police Department

Caption: Michael Olah's **case** was among those cited in the federal **indictment**. The admitted former drug dealer said officers barged into his house and took his money and drugs. **Detroit** Police Chief Jerry Oliver, right, holds a news conference with U.S. Attorney Jeffrey Collins, center, and FBI agents. U.S. Attorney Jeffrey Collins called the police incidents that led to Thursday's **indictment** of 17 officers "chilling and despicable."

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