

JUDGE LIMITS REMARKS IN ' MCGURK ' CASE

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Author: JOE SWICKARD Free Press Staff Writer

A Recorder's Court judge barred the prosecution Wednesday from describing Kurt Napier as an enforcer for the Young Boys Inc. heroin ring and from using his notorious alias of "Kurt **McGurk** ."

Setting the ground rules for Napier's **trial** on charges that he assaulted a police officer, Judge Warfield Moore Jr. said, "We cannot try or convict this man on innuendo."

Napier, labeled "Public Enemy No. 1" by **Chief** Assistant Wayne County Prosecutor Elliott Hall, is charged with assault with intent to murder **in** the Sept. 8 shotgun attack on Detroit Police Sgt. Wilbert Hyman.

Moore also ruled that Assistant Prosecutor Robert Agacinski must limit testimony that Hyman was trying to arrest Napier on a murder warrant at the time of the **shooting** .

Moore said the prosecutor could question witnesses about the fact that Napier was being sought by police. But he said witnesses could not "gratuitously" mention that Napier was wanted on a murder charge.

OPENING STATEMENTS and testimony are expected to begin today. If convicted, Napier, also charged with using a firearm **in** the commission of a felony, **faces** a maximum penalty of life **in** prison.

Napier, 19, of Detroit, has been named by law-enforcement officials as a hit man and enforcer for Young Boys Inc. He is awaiting **trial** on charges of murdering Joseph (Wamp) Brown and wounding Gregory Kendricks **in** May 1983 while free on bond pending the start of a **drug** - related federal prison sentence.

Agacinski argued that testimony about Napier's association with the **drug** ring and the outstanding murder warrant were needed to explain why some witnesses may feel threatened and why Napier shot it out with police. Death threats against at least one judge and homicide Inspector Gilbert Hill have been made **in** Napier's name, Agacinski said.

Defense attorney W. Otis Culpepper responded that Napier was **in** custody during many of those incidents and that there is nothing directly tying his client to the death threats.

Culpepper also said Napier did not shoot at Hyman. "No," he said. "Some other guy did it."

The case against Napier turns on his identification. Though Hyman said it was Napier who shot at him, some witnesses have said it was not Napier who fled from the shoot-out.

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