

REPUTED DRUG ENFORCER IS ACQUITTED

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Reputed Young Boys Inc. **enforcer** Kurt (Kurt McGurk) Napier was **acquitted** Tuesday of trying to kill a Detroit police officer in a case many thought would never come to trial.

A Recorder's Court jury deliberated 2 1/2 hours before clearing Napier of trying to kill Detroit police Sgt. Wilbert Hyman in a Sept. 8, 1983, shoot-out in a west side alley.

The case almost was dismissed several times after all but one of the prosecution witnesses said they could not identify Napier. The prosecution, after weeks of wavering, tried the case by telling the jurors its witnesses would be lying to them out of fear.

ALTHOUGH NAPIER -- identified as "Public Enemy No. 1" by ranking law enforcement officials -- was charged with assault with intent to murder for his alleged role in the shoot-out with Hyman, Napier's reputation as Detroit's premier teenage desperado was the focal point of the four-day trial before Recorder's Court Judge Warfield Moore Jr..

The shoot-out occurred while Hyman was seeking Napier on a murder warrant charging him with the May 12 fatal shooting of Joseph (Wamp) Brown.

Hyman testified he saw Napier in car and was chasing him on foot down an alley, when the man wheeled and fired a sawed-off shotgun at him.

Still awaiting trial for Brown's death, Napier also **is** charged with wounding Gregory Kendricks last Sept. 8.

Assistant Wayne County Prosecutor Robert Agacinski and defense attorney W. Otis Culpepper said the testimony had to be examined in light of Napier's fearsome public image.

UNTIL HIS ARREST in November after a high-speed chase with suburban police, Napier, 19, was sought in one of the most intense police manhunts in Detroit history. While Napier was being sought, death threats in his name were mailed to Detroit police Homicide Inspector Gilbert Hill. After the arrest, Detroit District Judge Leon Jenkins was threatened with death if he ordered Napier to stand trial.

The case was scheduled to begin a month ago, but it was halted on the day of trial when the prosecution belatedly learned that four of its five eyewitnesses would testify that it was not Napier who fled from the shoot-out with Hyman in a west side alley.

MOORE granted the prosecution three delays to bolster its case, which he described as having only a "thin veil of evidence" to convict Napier. At one point, Moore advised the prosecution that its evidence tended to clear, rather than convict, Napier of assaulting Hyman.

After Chief Assistant Prosecutor Elliott Hall labeled Napier "Public Enemy No. 1," the decision was made to proceed with the case despite its weaknesses.

To overcome the flaws, Agacinski told the jurors in his opening statement that those witnesses would "deliberately mistestify . . . lie to you" because of Napier's notoriety and the threats made on his behalf.

In his closing argument, Agacinski said: "I'm not naive. There are problems in the case, especially with those four witnesses. But there **is** a reason why they may be reluctant to co-operate: They were aware of the case against Mr. Napier and the threats surrounding the case. . .

"The reputation of Kurt Napier, based on fact or fiction, pervaded this community."

CULPEPPER AGREED, but he told the jurors that when Hyman saw a young man fitting the general description, he convinced himself it was Napier.

Culpepper said, "We can see the same situation today with Alton Coleman," a widely hunted suspected child-killer and kidnapper. "We can see how the police act when they really want somebody."

Urging the jurors to use their common sense, Culpepper said, "I trust you not to be swept up in the same Kurt Napier frenzy that was going on in September 1983."

OUTSIDE COURT, Culpepper characterized the Napier manhunt as "a feeding frenzy. The police were biting at anything that looked like food. They saw someone who looked like Napier and they bit, but it wasn't him."

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