

DEATH PENALTY DEBATE POSSIBLE IN DETROIT DRUG TRIAL

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Author: Associated Press

This month, Michigan will see its first capital punishment case in 57 years.

The state never has had capital punishment, but a 1988 federal law provides for the death penalty in federal cases involving drug-related homicides.

Stacey Culbert is the last of five defendants against whom the federal government sought the death penalty in the 1992 prosecution of Best Friends, a Detroit-based multistate drug ring.

Culbert is scheduled to stand trial on a murder charge in U.S. District Court in Detroit. Jury selection is set to begin Wednesday; testimony is expected to start Sept. 26.

A federal grand jury indicted 29 people linked to Best Friends.

Of the five for whom the death penalty was sought, three avoided the risk of execution. They agreed to testify against the others and were allowed to plead guilty to reduced charges. The fourth was murdered in Atlanta.

Culbert has little room to negotiate, as the government no longer needs a witness against the others.

Federal prosecutors have not used the 1988 law in a Michigan case previously.

Best Friends began large-scale cocaine trafficking in Detroit in the mid-1980s. Prosecutors say the group used violence to control territory, wipe out competition and collect on debts.

Culbert is accused of killing Frank Maxwell and Michael Mitchell. Ten other Best Friends members will stand trial at the same time. Four face charges of intentional killing; six face conspiracy charges.

More than 100 witnesses are expected to testify in the trial, which could last more than two months.

In a pretrial hearing last week, Judge Avern Cohn met with prosecutors and the attorneys representing all 11 defendants.

Cohn rejected a suggestion from Assistant U.S. Attorney James King that a single jury hear all the cases. Two juries will be impaneled -- the first to hear the case against **Culbert**, the second to hear the cases against the 10 others.

"I won't ask the same jury to hear the case against all the defendants when only one faces a decision on the death penalty," Cohn said at the hearing.

Cohn issued strict instructions to the attorneys that the second jury not be made aware that the other panel is hearing a capital punishment case.

The panel hearing **Culbert** 's case must first decide if he is guilty of the charges and then decide whether he should be executed.

If **Culbert** is sentenced to death, it will be administered by lethal injection at the federal prison in Terre Haute, Ind.

The last execution in Michigan was a 1938 federal treason case in which a man was hanged at the Milan Correctional Facility.

As of April 30, 3,009 inmates were on death row in the United States, and 154 had been executed nationwide since 1990, according to the NAACP Legal Defense Fund.

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