

JUDGE LIKELY TO DISMISS NAPIER CASE

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Recorder's Court **Judge** Warfield Moore Jr. said Friday that he was inclined **to dismiss** a first-degree murder **case** pending against alleged Young Boys Inc. enforcer Kurt (Kurt McGurk) **Napier** .

"I'm sort of saying what I'm going **to** do without hearing your motion. . . . I just don't think the people's time and money should be used **to** try that **case** ," Moore said, telling defense attorney W. Otis Culpepper **to** submit a written brief seeking dismissal of murder and firearms charges.

"I don't think it ought **to** be tried, and I'm going **to** give him time **to** file his motion," Moore said.

FOUR WEEKS ago, a jury deadlocked at 11-1 in favor of acquitting **Napier** , 20, in the May 12, 1983, fatal shooting of Joseph (Wamp) Brown, a small-time drug dealer. In December, another jury found Maurice (Mohawk) Gibbs not guilty of Brown's slaying.

"If this **case** is brought again, it would be the third time this has been tried with the same facts," Moore said. ". . . So far, 23 people -- 23 citizens -- have said the prosecution's **case** doesn't have enough evidence."

Moore said that the **case** has been pending for almost a year and that **Napier** "has a right **to** get it over with."

When assistant Wayne County Prosecutor Paul Bruno said the **judge** 's comments sounded as though he was "pre-disposed," Moore answered: "Yeah, I am. I've told you I'm pre-disposed . . . because I've sat and listened **to** the evidence, the arguments and know the history of this **case** ."

THE **CASE** against **Napier** is based on Brown's alleged dying statement. A police officer testified that Brown, before dying, said he had been shot by "Mohawk and McGurk -- Kurt McGurk."

This is the second time Moore has threatened **to dismiss** a major felony **case** against **Napier** , who has been labeled "Public Enemy No. 1" by the Prosecutor's Office.

In June, Moore nearly dismissed a **case** in which **Napier** was charged with assault with intent **to** murder for a shotgun attack on a Detroit police sergeant. A jury acquitted **Napier** of that charge in July.

Even if the murder charge is dismissed, **Napier** faces another charge of assault with intent **to** murder for wounding Gregory Kendricks the same day Brown was shot.

Police believe the Brown and Kendricks shootings were part of efforts by members of Young Boys Inc. **to** settle grudges before entering prison.

Napier and more than 40 other members of the heroin ring, and their associates, were indicted on drug-related charges by a federal grand jury in 1982. In June 1983, **Napier**, who pleaded guilty **to** a single count, was declared a fugitive when he failed **to** surrender **to** begin his 32-month sentence.

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