

LAWYER ACTS FOR 2 OPPONENTS

Detroit Free Press (MI) - Monday, November 18, 1985

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Attorney W. **Otis Culpepper**, whose controversial career has been marked by his frequent defense of alleged drug gang figures, is representing both a reputed hit man and a man charged with trying to kill him in a separate incident.

Culpepper, according to Recorder's Court computers, is the attorney listed for both Dennis Franklin and Charles Hardaway, the man charged with assault with intent to murder in a shooting that left Franklin paralyzed.

CULPEPPER said "right now there is no conflict" in representing both men, but he said he would withdraw from one case "when and if a conflict develops."

No conflict now exists, **Culpepper** said, because Franklin was not the complaining witness for the warrant charging Hardaway. The warrant was issued on the basis of sworn statements from police officers.

"At such time as he, Mr. Franklin, did become a complainant, that would force me to make a decision," **Culpepper** said.

Detroit, said **Culpepper**, "is criminally a small town. By that I mean, there is a small number of criminal defense attorneys. Just because you have represented someone in the past -- and I have represented Mr. Hardaway before -- does that mean you can't have anything to do with any case where he may be a witness or complainant in the future?"

ASSISTANT WAYNE County Prosecutor Timothy Kenny, head of the office's Prosecutor's Repeat Offender Bureau and its chief trial attorney, said "this is a very troubling situation."

Kenny, whose office will oppose **Culpepper** in both trials, compared it to an earlier, similar instance involving **Culpepper** in which Kenny argued that such a relationship would hinder the "people's right to a fair trial."

Eugene LaBelle, deputy grievance administrator of the State Bar of Michigan, termed it "a peculiar situation," but could not say if it violated any professional standards.

Franklin, an alleged member of Young Boys Inc.'s A-Team enforcement squad, was shot at a west side car wash in August, two weeks after he had been released on bail pending his first-degree murder trial for the November 1984 machine-gun slaying of a Detroit teenager.

Franklin's murder trial is scheduled to begin Dec. 2, but might be delayed because of his injuries.

AN ESCAPE warrant was issued for Hardaway on Tuesday when he failed to appear for his preliminary examination on the assault charge in Detroit District Court. He had been free on \$15,000 bond after posting a 10 percent cash deposit.

The current situation is akin to the 1982 trial of Cary Goins, charged with killing one Detroit police officer and wounding another. Kenny tried to have **Culpepper** disqualified as Goins' attorney because he represented a witness to the killing. The witness' testimony, Kenny said, could be influenced by loyalty to **Culpepper** .

After being removed by a district judge, Chief Recorder's Court Judge Samuel Gardner ordered **Culpepper** reinstated pending a full hearing.

But **Culpepper** voluntarily withdrew, saying jurors might be influenced by the notoriety surrounding his past representation of alleged drug figures. Goins was convicted of manslaughter and sentenced to 15 years in prison.

Caption: Photo 1981 File Photo

Memo: beat report / criminal justice

Edition: STATE EDITION

Section: NWS

Page: 14A

Record Number: 8502160978

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