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Monday, May 12, 2008

Worthy puts all gun cases on hold

Doug Guthrie and George Hunter / The Detroit News

Wayne County Prosecutor Kym Worthy has brought all gun cases in Detroit to a standstill in an effort to stem a deluge of appeals from defense lawyers while the Detroit Police firearms analysis unit is under scrutiny.

She has vowed to not take evidence to court that was processed by the now-closed laboratory until her staff completes an audit of every trial and guilty plea in the past year that used information from the lab, where a ballistics mistake was uncovered last month.

Still, the potential for a massive number of appeals by defendants convicted with evidence from the now suspect firearms lab "could be a nightmare," Detroit defense attorney David Griem said.

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"If this is a systematic snafu, the cost to the Prosecutor's Office and to all of

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us as taxpayers could be huge," Griem said. "This could open the floodgates for every criminal defendant in a gun case who's read the newspaper to raise it as an appellate issue or in pretrial."

Professor Lawrence Dubin of the University of Detroit Mercy School of Law added that the incident casts a cloud over how the criminal justice system works in Detroit. "This has the potential of being a huge problem," Dubin said. "Our legal system cannot tolerate incompetent ballistics testing which is offered into evidence against criminal defendants who can be convicted of serious crimes."

Detroit Police spokesman James Tate pointed out that convictions are not solely based on forensic evidence.

"You have witnesses, too," Tate said. "So it's not like every conviction was based only on what the gun lab did."

You can reach George Hunter at (313) 222-2134 or ghunter@detnews.com.

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