

RECENT

Other editions: [Mobile](#) | [News Feeds](#) | [E-Newsletters](#) | [Subscribe to the Free Press](#)

Find it: [Jobs](#) | [Cars](#) | [Real Estate](#) | [Apartments](#) | [Shopping](#) | [Classifieds](#)



SEARCH ALL



[HOME](#) [LOCAL](#) [NATION/WORLD](#) [SPORTS](#) [ENTERTAINMENT](#) [AUTOS/BUSINESS](#) [LIFE](#) [TRAVEL](#) [OPINION](#) [OBITUARIES](#) [EXTRAS](#)

[Site Index](#) [Photos](#) [Videos](#) [Add your photos](#) [Lottery](#) [Past headlines](#) [Weather](#) [Subscribe to the Free Press](#) [Site Services](#) [Contests](#)



Comment, blog & share photos

[Log in](#) | [Become a member](#)

POWERED BY YOU AND THE **Detroit Free Press**  
ON GUARD FOR 177 YEARS

# Macomb County prosecutor to lift plea deal ban for now

## He said some got off easy

BY AMBER HUNT • FREE PRESS STAFF WRITER • OCTOBER 10, 2008

[Read Comments\(3\)](#) [Recommend](#) [Print this page](#) [E-mail this article](#) [Share this article: ?](#)

### More Local News headlines

- ▶ [Patterson and Lawrence exchange barbs](#)
- ▶ [2 Kilpatrick supporters may back Hood](#) (61)
- ▶ [Obama proposes immediate fixes for the U.S. economy](#) (380)
- ▶ [McCain vows to fight for new direction for America](#) (61)
- ▶ [Michigan to combat claims of possible suppression of voters](#) (131)

#### MOST POPULAR

#### MOST E-MAILED

1. NFL should apologize for bad call
2. Middle class is mired in debt
3. Orlovsky should remain the starter; Lions should look to trade big names this week
4. U-M and its 109th-ranked offense have tough challenges ahead
5. Loss to Toledo 'worse than Appalachian State'
6. Teen shot 3 times amid toilet-papering of house
7. Late flag gives Vikings new life, crushes hopes
8. GM-Chrysler talk faces big test when markets open today
9. Kitna should be the QB, period -- one period
10. Detroit man dies after losing control of motorcycle

#### ADS BY PULSE 360

[Get Listed Here](#)

##### Globe Life Insurance

\$1 Buys \$50,000 Life Insurance. No Medical Exam, No Waiting Period  
[InsuranceFor1Dollar.com](#)

##### "Your Credit Score Stinks!"

A good credit score is 700+. View yours online instantly now, FREE.  
[www.CreditReportAmerica.com](#)

##### AARP & The Hartford Auto Insurance

Save \$363 On AARP Auto Insurance If You're Over 49. Free Quotes Now!  
[AARP.TheHartford.com](#)

Macomb County Prosecutor Eric Smith has lifted the ban on defendants negotiating plea deals in Circuit Judge James Biernat's courtroom -- for now.

---

ADVERTISEMENT

But he wants to resurrect the ban after November's election. And he wants to apply it to *every* circuit courtroom in the county.

"We want criminals to get convicted of the crimes they actually commit," Smith said.

Smith irked judges and defense lawyers when he banned plea deals -- which allow defendants to plead guilty to lesser offenses to save time and avoid trial -- in Biernat's court three weeks ago.

Some accused Smith of being sour because the move came after Biernat overturned a jury's murder conviction and ordered a new trial for Michael George, a man accused of killing his wife 18 years ago in the Clinton Township comic book store they owned.

Smith launched the ban, he said at the time, because too many criminals who deserved jail time were getting wrist slaps instead.

"This was a trial run," Smith said Thursday. "We tried it out in that court, and we thought it worked well."

But it creates problems, too, since most criminal cases are traditionally resolved by plea.

Richard Krisciunas, a professor at the University of Detroit Mercy School of Law, said that forbidding plea deals "can be a waste of resources."

As former chief of the trial division in the Wayne County Prosecutor's Office, he said, he approved pleas in less serious cases so the office could spend more time on the most violent offenses.

"I think it's unrealistic and a waste of judicial time" to issue an outright ban, he said.

More trials take more time, and that costs more money -- in a county facing a \$33-million deficit next year.

"The courts are going to be busier and our office is going to be busier, but that's a small price to pay," Smith said.

The idea doesn't sit well with some defense lawyers.

Warren-based lawyer Randy Rodnick said that prosecutors sometimes overcharge suspects, hitting them with multiple charges that often are whittled down when a defendant agrees to plead guilty to some of the offenses.

"There should be pleas when they're warranted," he said.


Contact **AMBER HUNT** at 586-826-7267 or [alhunt@freepress.com](mailto:alhunt@freepress.com).

**In your voice**

[READ REACTIONS TO THIS STORY](#)


Newest first

POWERED BY

 **jackrencen** wrote:


God forbid people should be held responsible for the crimes they commit. Can't do the time, don't do the crime. Kwame's 120 days for 10 felonies was a joke in Wayne County. A prosecutor elected to prosecute criminals actually wanting to prosecute them, What a novel idea!  
10/10/2008 8:44:06 a.m. EDT

Recommend(3) New post Reply to this Report Abuse  
 Post

 **lawmom23** wrote:

Will Mr. Smith also pledge not to over-charge and to train his prosecutors who will actually issue the warrants to be consistent? "Plea bargaining" is a misnomer, because often what actually occurs is not an offer to plead to a "lesser" charge, but it is actually an adjustment of the charges to reflect a fair resolution when all the facts are in. Original charges are issued before all the facts are in. Calling for a ban on Plea bargaining is mere political grandstanding, and should tell all of us that Mr. Smith doesn't have a true grasp of what his role is, and is banking on the fact that most of the citizens don't either.  
10/10/2008 6:39:00 a.m. EDT

Recommend(5) New post Reply to this Report Abuse  
 Post

 **NorthEastSida** wrote:

All it means is that the jails will be more crowded and we'd be paying not only for court costs, but to incarcerate somebody for a longer amount of time. Eventually, the jails will be overcrowded with folks who can't be released under the mandatory overcrowding relief procedure.  
10/10/2008 6:19:23 a.m. EDT

Recommend(2) New post Reply to this Report Abuse  
 Post

You must be logged in to leave a comment. [Login](#) | [Register](#)

1000 characters left

**INSIDE FREEP.COM**



**PANORAMIC VIEW**  
**360 degrees of Ford's flowers**

Giant sunflowers bloom across 200 acres at Ford headquarters. Take a look and download PC wallpaper.



**COLLEGE FOOTBALL**  
**See U-M, MSU video highlights**

See video highlights and in-depth coverage of U-M and MSU football each weekend right here on freep.com.



**PHOTO GALLERY**  
**The Millen era comes to an end**

Take a trip through these photos from Matt Millen's tumultuous tenure as the Lions President and CEO.



**PHOTO GALLERY**  
**See inside the Manoogian**

Ever been curious what's inside? Check out our archival photos taken inside the Manoogian Mansion.



**PHOTO GALLERY**  
**Metro Detroit's best sandwiches**

Hungry? You will be after you see a special gallery of the best sandwiches the area has to offer.

**SITE INDEX**

**Home**

- Photos
- Videos
- Add your photos
- Lottery
- Print edition
- Contact us
- Frequently Asked Questions
- Help

**Local**

- Detroit
- Wayne
- Oakland
- Macomb
- Metro
- Michigan
- Election 2008
- Driving & traffic
- School closings
- Columnists

**Nation/World**

- Top stories
- Lotteries
- Election 2008
- Nation/World
- Business

**Sports**

- Lions
- Pistons
- Red Wings
- Tigers
- U-M Wolverines
- MSU Spartans
- High School Sports
- Scores
- Columnists
- Shock
- Outdoors
- Olympics sports
- Golf
- Auto racing
- Detroit Marathon

**Entertainment**

- Search for events
- Things to do
- Celebrities
- Movies
- Music
- TV/Radio
- Casinos
- Theater/Arts
- Dining
- Video games
- Metromix.com
- Photos

**Autos/Business**

- Auto news
- Business news
- Markets
- Auto reviews
- Technology
- Detroit Auto Show

**Life**

- Travel
- USA Today Travel
- Shopping
- Relationships
- Food
- Pets
- Health
- Columnists
- Technology
- Twist

**Opinion**

- Editorials
- Blogs
- Cartoons
- Letters to the Editor
- Columnists
- Forums

**Obituaries**

- Death notices

**Extras**

- Photos
- Videos
- Databases
- Digital Free Press
- Forums
- Lottery
- Comics
- Scores
- Contests

ADVERTISEMENT



Partners: Jobs: CareerBuilder.com Cars: Cars.com Apartments: Apartments.com Shopping: ShopLocal.com

Home | Local | Nation/World | Sports | Entertainment | Autos/Business | Life | Travel | Opinion | Obituaries | Extras | Site Map

Contact Us | Subscribe

Copyright ©2008 ... Use of this site signifies your agreement to the Terms of Service and Privacy Policy , updated March 2007.