

[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

Thursday, August 7, 2008

Mayor Kilpatrick jailed, files appeal

Doug Guthrie and David Josar / The Detroit News

DETROIT -- A judge on Thursday ordered Mayor Kwame Kilpatrick to jail, shocking the city and plunging the leadership of the nation's 11th-largest city into uncertainty.

Despite a plea from Kilpatrick that invoked his sons, his respect for the judicial process and his love of the city, 36th District Judge Ronald Giles was unmoved. He revoked Kilpatrick's bond, ordering him to jail on a bond violation for a July 23 trip to Windsor.

As Kilpatrick's lips quivered, Giles ended a short speech by concluding: "If it was not Kwame Kilpatrick sitting in that seat, if it was John Six-Pack sitting in the seat, what would I do? That answers something. So I go back to my original, 'Keep it simple.'

"That's what I have to do ... the court is revoking your bond, that all travel be suspended, and two, that you to be remanded to Wayne County Jail."

Wayne County sheriff's deputies took Kilpatrick from 36th District Court at 12:55 p.m. and transported him to the main jail on St. Antoine, said John Roach, a spokesman for Sheriff Warren Evans.

Kilpatrick will spend the night in jail. His attorneys immediately appealed to Wayne Circuit Judge Thomas E. Jackson, who said he will hear the appeal at 9 a.m. Friday.

The order from Giles came after Kilpatrick threw himself at the court's mercy, acknowledging he violated the terms of his bond with the trip.

He said he instructed his sons to watch the proceedings because he respects the process so much. Appearing contrite, he said he is under "tremendous strain and scrutiny" but traveled to Windsor to revive a sagging deal to sell the city's share of the Detroit-Windsor Tunnel and avert 2,000 layoffs looming in September without the \$65 million deal.

"I respect this process more than I've respected any process in my life and I'm sorry," said Kilpatrick, who wore a gray suit.

"I did violate the conditions of this bond."

A lawyer, Kilpatrick said his life has been "revolutionarily transformed" by the criminal case and "transformed by a media that doesn't know me at all. I ask for your forgiveness. It will never happen

again."

Giles wasn't convinced. Earlier in the proceeding, he asked Kilpatrick's attorney, James C. Thomas, why he had to learn about the case from the media.

"Who was dying? Who was sick?" Giles asked.

"The city of Detroit," Thomas said.

In sending Kilpatrick to jail, Giles said:

"I don't in any way claim to have a good understanding of what your responsibilities are and what you do. I do understand you have to be under a tremendous amount of pressure and how that can affect you. But I have to look at how the system is run and is perceived by the public.

"I don't care what the media says about me. I really don't. I never have. I try to do what I think is right and fair..."

"In this case, in the beginning, you were given every privilege that could be given to you in regards to travel, totally unrestricted initially. (Later) I felt you were abusing the privilege, and I modified the bond."

The mayor's bottom lip stuck out, and he had his fingers to his mouth as Giles spoke.

Kilpatrick's lawyers walked directly from Giles' fifth-floor courtroom on Madison Avenue across Gratiot to Wayne County Circuit Court's Frank Murphy Hall of Justice on St. Antoine where they made an immediate appeal of Giles' action. They appeared only briefly before Circuit Judge Thomas E. Jackson during a break in a sex assault trial Jackson was overseeing. Jackson told them to come back at 9 a.m. Friday.

"I will give you a de novo (fresh or new) hearing. I want to hear the transcript. I want the report from the Defendant Screening Unit.," Jackson told Kilpatrick's lawyer James Thomas. "Get the transcript to me later today and I will hear this tomorrow morning at 9 o'clock."

Thomas asked, "Can we hear this today?"

"What," Jackson asked.

"Can we hear this today?"

"Nine o'clock tomorrow morning," Jackson repeated. "I just gave you a de novo hearing and I'm not hearing any more. I want the transcript tomorrow morning."

Assistant Wayne County Prosecutor Robert Moran had asked the judge to revoke the bail -- and at the very least restrict his travel -- because Kilpatrick "isn't taking responsibility" for violating his bond with the 45-minute trip to Windsor.

"He didn't notify anyone ... he left country, he left the state ...but we found out about it from the media," Moran said. "That is a flagrant violation of bond."

"This is just not serious to him," Moran said. "We want the travel cut off ... this court should be outraged."

An attorney for Kilpatrick, James Parkman, said Giles' order did not come as a surprise.

"There are some options that are less extreme," Parkman said, referring to tethering and restricted travel

The jailing came after Kilpatrick and his former chief of staff, Christine Beatty, waived their right to a preliminary hearing in multiple felonies and agreed to proceed directly to trial.

The July 23 trip also happened the day before Kilpatrick allegedly had a physical confrontation with a Wayne County sheriff's detective that resulted in Giles increasing the mayor's personal recognizance bond to 10 percent of \$75,000, tightening his travel restrictions and ordering random drug tests.

One of Kilpatrick's lawyers said Wednesday that he also expects the mayor will be charged soon by state Attorney General Mike Cox in connection with the July 24 incident in which Kilpatrick is alleged to have shoved Wayne County Detective Brian White, the chief criminal investigator on the case, on the front porch of the home of the mayor's sister, Ayanna.

White and prosecutor's investigator JoAnn Kinney testified at a bond hearing before Giles on July 25 that they were attempting to serve a subpoena on Bobby Ferguson, a city contractor and friend of Kilpatrick's who was expected to testify at the preliminary examination.

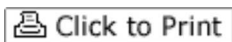
Also, Kilpatrick and Beatty are accused of lying under oath to cover an affair and the firing of a deputy police chief; and misleading the City Council into an \$8.4 million settlement with a secret side agreement to keep secret hide text messages that allegedly reveal the lies.

Both were charged March 24 with multiple crimes that carry a maximum of up to 15 years in prison. Although a preliminary examination where a judge decides if there is enough evidence to bind defendants over for trial in Wayne County Circuit Court usually happens within 14 days, battles over evidence in this case caused Giles to delay the probable cause hearing until Sept. 22.

You can reach Doug Guthrie at (313) 222-2548 or dguthrie@detnews.com.

Find this article at:

<http://www.detnews.com/apps/pbcs.dll/article?AID=/20080807/METRO/808070480>



[SAVE THIS](#) | [EMAIL THIS](#) | [Close](#)

Check the box to include the list of links referenced in the article.