



Prosecutor: Fieger ad campaign doesn't merit criminal charges

LANSING, Mich. (AP) A special prosecutor said Saturday that prominent lawyer Geoffrey Fieger's ad campaign against a state Supreme Court justice does not merit criminal charges but could warrant hefty civil fines.

Patrick Shannon, who took over the state's probe less than a month ago, said the secretary of state's office should review the case for possible civil penalties.

"It was my opinion that because of the substantial potential for fines, this is an appropriate way to handle this," Shannon told reporters at a news conference.

He said Secretary of State Terri Lynn Land could hold a hearing and impose up to \$457,000 in fines, the amount spent on TV ads bashing GOP-nominated Justice Stephen Markman in the 2004 election.

Attorney General Mike Cox's office began a criminal investigation in March after Land's office had trouble contacting a stealth political action committee listed on the ads. \

Fieger, a multimillionaire who is best known for defending assisted-suicide

advocate Jack Kevorkian and running for governor in 1998, later acknowledged paying for the ads.

Neil Rockind, a Fieger attorney, said the investigation never should have risen to the level of a criminal probe. "This result was inevitable, whether made by an independent

prosecutor or by a jury of our peers," he said. "In the onset, this was clearly a political persecution."

Cox, a Republican, appointed Shannon, a Democrat, as a special prosecutor after admitting an extramarital affair in November and accusing Fieger of blackmailing him over it unless he stopped the investigation.

No charges were filed against Fieger, who wants to face Cox in the 2006 attorney general's race.

But Oakland County Prosecutor David Gorcyca, a Republican, said Fieger and an associate committed "severe and reprehensible ethical violations."

Cox spokesman Rusty Hills said Shannon's decision ends the attorney general's involvement in the matter.

"He made the call, and we respect the call," he said. Shannon said that after reviewing evidence gathered by Cox's office, he thinks there were violations of the Michigan Campaign Finance Act.

"It's clear that a political committee was established with bogus names and bogus addresses in order to have an impact on a 2004 judicial campaign," Shannon said. "So it's really a whodunit."

When asked whether Fieger had set up the bogus committee, he said: "I won't answer that."

Shannon also refused to say what specific campaign spending violations may have been committed. He said the way he reads the law, it's not a violation to file false or misleading paperwork setting up a PAC.

Shannon said he may have considered recommending misdemeanor charges but noted the maximum penalty is \$1,000 and 90 days in jail. He said civil fines could be much higher. A Land spokeswoman said Saturday her office will review Shannon's recommendation.

Cox's office had been looking into whether Fieger illegally used corporate funds to finance the ads, a felony, and if he purposely set up a stealth PAC to conceal their true source at the time they ran.

After Shannon's appointment, Fieger's attorneys said Cox shouldn't have been able to pick a special prosecutor. They likened it to a wrestling match between Fieger and Cox, with Cox choosing the referee.

In a separate matter, federal investigators are looking into campaign contributions Fieger's staff made to Democratic presidential candidates John Edwards and John Kerry.

A lawyer fired from Fieger's law firm has said he was reimbursed by the firm for contributions he and his wife made to Edwards' 2004 campaign.

Shannon asked to be paid \$1 to review the state case. He had been authorized to spend up to

\$25,000 but said his only expenses were driving from Sault St. Marie and staying in a Lansing hotel.